



Date: 14th August 2015

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Dear Sir or Madam

You are hereby summoned to attend a Special meeting of the Planning Committee of Bolsover District Council to be held in the Chamber Suites, The Arc, Clowne, on Wednesday 19th August 2015 at 1030 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.

Yours faithfully

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

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SPECIAL PLANNING COMMITTEE

AGENDA

**Wednesday 19th August 2015 at 1030 hours in
the Chamber Suites, The Arc, Clowne**

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	<u>Apologies for Absence</u>	
2.	<u>Declarations of Interest</u>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
3.	Applications to be determined under the Town & Country Planning Acts.	
	(i) 15/00006/OUT - Residential Development (Maximum 160 Dwellings) and Community Building (including details of access) at Land Approximately 300M To The West Of Hall Leys Farm, Broad Lane, Hodthorpe	3 to 19
	(ii) 14/00089/OUTEA - Outline application for General Industrial (B2 uses), Warehousing (B8 uses), energy centre, a transport hub, open storage and a museum/visitor centre with details of access (all other matters reserved) at Land Formerly Known As Coalite On North And South Side Of Buttermilk Lane, Bolsover	20 to 52
	(iii) 15/00124/OUT - Residential Development at Land Between Hill Top Farm And Allotment Gardens, Chesterfield Road, New Houghton	53 to 68

PARISH

Hodthorpe and Belph

APPLICATION

Residential Development (Maximum 160 Dwellings) and Community Building (including details of access)

LOCATION

Land Approximately 300M To The West Of Hall Leys Farm Broad Lane Hodthorpe

APPLICANT

Mr Richard Oddie c/o Agent United Kingdom

APPLICATION NO.

15/00006/OUT

FILE NO. PP-03899720

CASE OFFICER

Mr Steve Phillipson

DATE RECEIVED

9th January 2015

SITE

Approximately 6ha of arable farmland situated adjacent to the south east side of Hodthorpe, which is a small settlement covering about 11.5ha in area comprising approximately 292 dwellings. The site is relatively flat and is bounded to the north by the hedgerow lined Broad Lane and to the west by Green Lane. The site is part of a large open field with no boundaries or delineation to the east or south with sweeping views across the surrounding landscape beyond. Hall Leys Farm is situated on land beyond the east of the site and comprises an isolated complex of farm buildings and is partially screened by mature trees. There is an existing access to this farm from Green Lane which passes through the application site. Birks Farm lies approximately 250m to the north-east of the site. It is an 18th century farmhouse and is a Grade 2 Listed building.



PROPOSAL

Outline application for residential development with point of access detail submitted for approval. All other matters including layout and appearance etc are reserved.

An indicative layout plan has been provided showing up to 160 dwellings, a community building (max floor space 500sqm) with car park, and village green with play space.

In support of the application the Applicant states that:-

- The Council do not have a 5 year supply of housing so in accordance with the NPPF there is a presumption in favour of sustainable development.
- The development of this site can provide a considered a logical rounding off of the village.
- The application constitutes sustainable development, when assessed against the requirements of the NPPF and will provide a range of social, economic and environmental benefits.
- The application also proposes further benefits comprising of a village green, car park and community facility.
- The site is achievable, deliverable and available as required by the NPPF.
- A suite of technical reports have been undertaken which demonstrate that there are no technical issues which would prevent the development of this site for housing.

The following reports have been submitted in support of the application:-

Planning Statement

Design and Access Statement

Statement of Community Involvement

Flood Risk Assessment

Transport Assessment

Travel Plan

Site Investigation Report and Coal Risk Assessment

Noise Assessment

Archaeology Geophysical Survey

Ecology

Heritage Assessment

The Applicant is offering the following elements of planning gain to be secured through a Section 106 obligation:-

- Affordable Housing: Waived in accordance with interim policy or 10% affordable housing on site if deliver targets are not met.
- On-site Recreation Open Space: On site Children's play area equipped at £755 per dwelling.
- Adult Recreation: Commuted Sum Payment in Lieu of on-site at £898 per dwelling.
- Education Contribution: £79,793 towards 7 primary school places at Hodthorpe Primary School.
- Public Art: at 1% development costs.
- Community Building: maximum of 500 sqm area (£1100 sqm build cost)

AMENDMENTS

Additional information provided on access detail and highway issues, archaeology, ecology, heritage impacts, a revised indicative masterplan. 16.06.15.

HISTORY (if relevant)

None on the current application site.

14/00518/OUT Outline application for 101 dwellings to the north side of Hodthorpe was considered by Planning Committee on 22.7.15. The application was deferred pending consideration by the Executive Committee of whether access can be provided over BDC land for a pedestrian link and for completion of S106 agreement.

Two other applications for residential development currently on hand.

CONSULTATIONS

BDC Planning Policy

Concludes that given the out-of-date nature of the adopted Bolsover District Local Plan and the absence of any new emerging policy the policy case is heavily governed by the NPPF and its presumption in favour of sustainable development and in particular given the published lack of a five-year supply.

However, from an assessment of this proposal, it is considered that the proposal is yet to demonstrate that it would represent sustainable development. Unsustainable development is contrary to the principles and policies of the NPPF and should not be supported unless other material considerations indicate otherwise. A decision to approve the application would not be supported from a policy perspective at this stage.

The Council only has a supply of approximately 2.5 years. The Planning Committee at its meeting on the 11th February 2015 set out its guidelines that will be used in the assessment of new applications for residential development in situations when we do not have a five year supply of housing. These guidelines are a relevant material consideration to this proposal and are used below to assess:

- i) Whether the development is achievable and will actually contribute to the five year supply; and
- ii) Whether the site is suitable and will actually deliver sustainable development.

1. Is it achievable (summary of key issues):

There is no development partner at this stage;

The application is not accompanied by a viability appraisal to prove that development on the site is viable, although as a greenfield site with no obvious abnormal costs it is expected that this site should be able to financially contribute to the necessary improvements to infrastructure in the village;

The site is adjacent to the eastern edge of Hodthorpe and would represent a substantial extension of the village in this direction. Considers that growth of the village in the eastern

direction would relate better to the existing village structure than to the north but less well than to the south.

Based on the submitted information, whilst the potential rounding off nature of the proposed site is noted, it is not yet demonstrated that the development would form a well connected extension to the settlement framework.

The submitted information does not indicate that any outstanding issues exist (However, previous plan making work identified that capacity was limited at Hodthorpe waste water treatment works (wwtw) and that major investment works to improve the wwtw would be critical to enable growth to be accommodated in the village. Furthermore, this situation is complicated by the water quality requirements associated with discharging into water courses that feed into SSSIs downstream around Welbeck Abbey in Bassetlaw District);

There are no obvious physical /environmental / marketability constraints;

There is support from the landowner;

Access for footpath connections on the southern boundary would be required but the necessary land is in the ownership of the Council and so ought to be achievable.

Based on this initial assessment it is considered that the proposal cannot yet demonstrate that it is achievable.

2. Is the site suitable and will it actually deliver sustainable development (summary of key issues):

The site is adjacent to the existing settlement framework;

The 77 bus service to Worksop and to Chesterfield stops along Queens Road approximately 100 metres from the Broad Lane site entrance so is within the recommended walking distance.

Hodthorpe Primary School is within recommended walking distance approximately 200 metres away from the site entrances and approximately 300 metres from the mid-point of the site.

The Heritage School (Secondary) is not within the recommended 2000 metres walking distance. It is approximately 5,600 metres away.

The guidelines seek a town or local centre within 800m walking distance.

Beyond the primary school, Hodthorpe has very few facilities, the only town / local centre facility is the Hodthorpe Club (A4 use).

The nearest local centre is in Whitwell, approximately 1,500 metres walking distance of the site. The nearest town centres are in Worksop and Clowne, which are approximately 5,500 metres away.

In terms of proximity to key employment sites or local jobs the guidelines seek a distance within 2,000 metres walking distance of a major employment site or area of employment i.e. over 100 jobs. Worksop and Clowne town centres are approximately 5,500 metres distance of the site. Barlborough Links is approximately 6,500 metres away.

Based on this assessment the Planning Policy Team conclude that the site is not in a generally sustainable location given its distance from most of the social infrastructure needed such as the high school, shops and centres of employment. Furthermore, they advise that the situation regarding the capacity of the Hodthorpe Water Works could provide a significant barrier to the delivery of the site.

20.05.15. A policy response from the County Council has been received. It is a combined response to two planning applications (due to the close proximity of the application sites and their similar scale and nature). This application 15/00006/OUT and the application on land to the west side of Green Lane 15/00137/OUT.

DCC Planning Policy concludes that the NPPF makes it clear that at its heart there should be a presumption in favour of sustainable development. They consider that the planning applications would provide for a range of beneficial social, economic and environmental sustainability impacts including:-

- The provision of two reasonably sustainable urban housing extensions to the existing built up area of Hodthorpe, and the provision of up to 255 houses, which could help meet some of the five year housing land supply needs of the District, for which there is currently a significant shortfall;
- The provision of a two large-scale housing developments in reasonably accessible locations to a variety of modes of transport, the local and strategic road network, and to a range of services and facilities and employment opportunities in the Sub-Regional Centres of Chesterfield and Worksop and other smaller settlement in the wider area;
- The creation of significant numbers of jobs in the construction phases of the developments and subsequent direct and indirect multiplier beneficial impacts for the local economy. The proposed development west of Green Lane would have particular benefits in providing new employment units on the site and creating up to 58 new jobs; and
- Although both application sites are greenfield sites, they do not have any important environmental designations or constraints that would otherwise preclude their development.

However, it is of significant concern that the totality of the proposed housing developments, to provide for up to 255 new dwellings, would be disproportionately large in comparison with the scale, role and function of the settlement of Hodthorpe. The settlement is limited in scale and extent with a relatively small population and has very few existing services and facilities, which would be available to serve the sizeable number of new residents who would occupy the residential units on the sites. This would be unlikely to provide for a sustainable pattern of development.

In this context, the planning application for 95 dwellings to the west side of Green Lane would be more in keeping with the existing scale, role and function of Hodthorpe. The application would also have the sustainability benefits of providing for new employment units and creating up to 58 new jobs, new amenity space for Hodthorpe Primary School and a new area of public open space, which would provide a key focal point for the settlement.

If either or both of the housing schemes are approved, the District Council is requested to consider seeking amendments to the schemes to secure the inclusion of small-scale shop and / or service facilities within them, which would help improve both the sustainability merits of the schemes and provide much needed new facilities to serve the wider settlement.

Archaeologist

05.02.15 Advised that it will be necessary for the applicants to undertake and submit the results of archaeological field evaluation, which should comprise geophysical survey and trial trenching/fieldwalking.

22.06.15. Following submission of the additional work requested the Archaeologist advises that there is no clear indicator of archaeological activity. The fieldwalking produced a light

scatter of material. This is unremarkable and does not suggest the presence of an archaeological site. He recommends that the application meets the information requirements of NPPF para' 128 and that there is no need to place a further archaeological requirement upon the applicant.

DCC Highways

27.02.15. Concerns regarding sustainability and states that it is considered inevitable that future residents of the development would be heavily dependent on the private car to travel to wider destinations for shopping, employment and secondary schools.

Seeks more information on accident data.

The junction of Green Lane with Queens Road is substandard in terms of visibility towards the west and DCC seeks an assessment in respect of the additional vehicle movements at this junction and the feasibility of any mitigation.

Notes that there is a significant level difference between the site and the Broad Lane highway and seeks further design details of the access thereto.

Similarly additional detail is required in respect of the proposed footway along the frontage where there may also be implications for retention of the roadside hedge.

DCC were reconsulted on additional highways information submitted on 17.6.15. Response awaited.

Environment Agency

05.02.15. No objections subject to condition requiring approval of drainage details based on sustainable drainage principles.

DCC Flood Risk Team

11.02.15. Surface water modelling suggests the site is unlikely to be subject to surface water flooding during a 1 in 100 year return period.

DCC encourages that site surface water drainage is designed in line with the current draft National SuDS Standards, including restricting developed discharge of surface water to greenfield runoff rates making suitable allowances for climate change and urban creep, managing surface water as close to the surface as possible and prioritising infiltration as a means of surface water disposal where possible. Prior to designing the site surface water drainage, a full ground investigation should be implemented to fully explore the option of ground infiltration to manage the surface water. There have been no incidences of historical flooding and within a close proximity to the proposed site. Should a SuDS solution be proposed for this development, it should be confirmed prior to commencement of works who the responsible organisation for SuDS maintenance will be once the development is complete.

Severn Trent Water

1.4.15. No objections subject to a condition requiring approval of surface and foul drainage details.

EHO (Contamination)

02.03.15. Requests a contaminated land survey by condition.

Bassetlaw DC

20.02.15. Recommends that Nott's County Highways be consulted.

Draws attention to heritage assets within Bassetlaw that could be affected by the proposal, notably Welbeck Park which is a Grade II Registered Park and Garden and Worksop Manor Park, an unregistered park and garden; both of these assets lie within 1.5km of the proposal. The submitted scheme does not, include a Heritage Impact Assessment as required in the NPPF. Given the scale of the development and its location, the scheme is capable of affecting the countryside setting of Welbeck Park, a Registered Park and Garden. Nevertheless, it is acknowledged that the separation distance and intervening woodland blocks provide a significant visual buffer between the development proposal and Welbeck Park. Assuming that development might be restricted to 2 storey buildings, it is probable that the scheme would have a limited impact on the setting of Welbeck Park and other relevant heritage assets within Bassetlaw.

Natural England

12.02.15. Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. NE standing advice should be applied.

Derbyshire Wildlife Trust

04.08.15. We concur with the conclusion reached in the report by Peak Ecology that the site is considered unlikely to support any protected species that would require any further survey work and, as such, we would advise that sufficient ecological information has been submitted to enable the local planning authority to make an informed planning decision on ecological grounds. Overall, we advise that provided the boundary hedgerows are retained, as far as practicable, with any loss adequately compensated by new planting, there are unlikely to be any ecological impacts associated with the proposal.

We fully support the mitigation/avoidance measures detailed in section 5.2 of the report which should be implemented in full as a condition of any consent.

We would also advise that a scheme of ecological enhancement in line with the measures provided in section 5.3 of the report should be submitted for approval as a condition of any consent either as part of a subsequent reserved matters application or prior to the commencement of any work on the site.

Parish Council

06.02.15. No objections.

Crime Prevention Design Advisor

No comments

Urban Design Officer

Comments are made in response to the indicative layout. He recognises some commendable design aspects but ultimately advises that the proposals would be unacceptable in terms of a number of urban design considerations (as set out in his response). Any future reserved matters applications would need to address the issues identified to accord with the NPPF, NPPG and Successful Places Interim SPD (2013).

Of particular note:-

- The extent of the development beyond the existing built edge of the village is arbitrary.
- A more considered approach to the density and settlement edge treatment is required.

- The relationship with the adjoining landscape is inappropriate and should be reviewed in terms of layout, orientation and density.
- The standardised highway layout and limited evidence of place hierarchy within the scheme.
- Urbanising impact of the proposals on the character of Broad Lane and Green Lane.
- The potential to create a more permeable layout internally.
- The amount of development would need to be reduced to address the above concerns.
- Failure to identify and understand nearby heritage assets and how this might influence the extent of the development and layout of the scheme. A heritage impact assessment would be required to inform the design response.

DCC Education

9.02.15. Seeks the following:

Access to high speed broadband services for future residents;

£79,793.07 towards 7 primary school places (classroom project A at Hodthorpe Primary School); and

New homes designed to Lifetime Homes standards.

NHS

28.01.15. The proposal would trigger the need to provide health related section 106 funding of £551 per dwelling based on 2.3 person occupancy. A development of this nature would result in increased service demand which would not be easily accommodated within existing primary care resources. The health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices.

The local practices are in the process of assessing the options available to them due to the significant amount of houses being proposed in the area. As the GP practices are independent contractors we must work to support them to identify a solution that does not destabilise the local health economy. Until all the options have been explored we are unable to give a definitive answer where the contribution will be spent however we will ensure that the solution provides the best value for money for all parties.

22.06.15. The NHS advised they were not concerned about capacity issues in relation to a nearby planning application in Hodthorpe for a similar number of dwellings.

Awaited

Leisure Services Officer

Arts Officer

Housing Strategy

PUBLICITY

Advertised in the press, site notice posted, 13 properties consulted, 3 objections received all from other land owners in Hodthorpe on the following grounds:-

Unsustainable development.

One of three large sites outside the settlement framework identified in the SHLAA.

Determination now will have a prejudicial impact on the future development of another site HODT-001 already identified as deliverable in the SHLAA. The alternative is more sustainable.

The proposal does not meet all of the sustainability criteria identified in the Council's

Guidelines in terms of: proximity to public transport; secondary school; town or local centre; key employment sites. May not contribute positively to carbon reduction. The development will necessitate the development of a new water treatment works but does not include such works and so it does not mitigate the environmental harm to downstream SSSI from reduced water quality.

Policies do not envisage such a large number of new houses in a rural settlement as this will prejudice the implementation of other policies designed to regenerate more urban areas. Not compatible with landscape character and settlement pattern and will create an abrupt settlement edge.

Insufficient evidence to show that this scale of development in Hodthorpe is deliverable and realistic.

Not supported by the local community.

Increased traffic detrimental to highway safety and residential amenity.

Capacity of local highway infrastructure.

The application should be considered along with the other proposals.

Green Lane is single lane and would require widening.

No footpaths from the site entrance to the village (along Green Lane)

Danger to pedestrians from coaches.

Not adjacent to the village and would be a separate development, would not integrate with the village.

Area affected by mining subsidence, high levels of methane and radon gas.

Area prone to flooding.

A level of development disproportionate to the size of settlement

Prejudicial to the plan making process

Scale would be unsustainable in this location, since the service provision within the village is limited.

An incongruous extension to the village within a landscape that is already flat and open, while the site would be extremely visible upon approach to the village.

Not a large enough settlement to accommodate one or more greenfield sites of this particular scale, while the District Council must be in a position to provide a suitable range of deliverable sites over the course of the plan period.

A substantial and illogical addition to the village.

Together with the other major residential developments that have been put forward in the village, these create a cumulative harm upon the village, the local landscape and the countryside and go far beyond the untested levels of growth previously considered (in the now withdrawn Local Plan) in Hodthorpe.

Applicant's publicity undertaken

Statement of Community Involvement submitted. Notification sent to all residents in Hodthorpe and the immediate surroundings. This was approximately 370 mailings.

Approximately 40 people attended. Comments reported by the Applicant:-

“Seems more appropriate than current alternative (180 dwellings) site.

Traffic problems may not be as bad as alternative site, i.e. bridge at top end of Hodthorpe cannot be widened for increased volume of traffic but access on Broad Lane means 50/50 chance of taking Station Road rather than Queens Road.

Schools needs more pupils, which development will provide, but GP surgery needed to cater for increased population.

Increased bus service (rush hour currently takes almost two hours to get to Chesterfield.)
“No objections whatsoever. It’s time we had more houses in the right place. Keeping plugging for it.”

“A car park at the top of Green Lane for Hodthorpe Club and the new Community Centre to use would be a big advantage. The volume of traffic going through Hodthorpe will be a problem. The school will need more classrooms to accommodate the children. A doctor’s surgery would also be an advantage.”

“Preferred the plan. Main worry is traffic.”

“This development would be better than the one proposed at the North of Broad Lane. It fits in a lot better although there may be concerns regarding the traffic which will be further away from the children’s play area which is better.”

Suggestions were made for locating the proposed community facilities and car park nearer to Broad Lane so that it related better to the existing Working Men’s Club and the village.

Concerns were raised about the potential individual drive accesses onto Broad Lane. This has been removed from the indicative scheme, which now proposes that all dwellings which front Broad Lane are served from directly within the site by private drive.

POLICY

Bolsover District Local Plan (BDLP)

GEN 1 – Minimum Requirements for Development

GEN 2 – Impact of Development on the Environment

GEN 5 – Land Drainage

GEN 6 – Sewerage and Sewage Disposal

GEN 8 – Settlement Frameworks

GEN 17 – Public Art

HOU 5 – Outdoor Recreation and Play Space Provision for New Housing Development

HOU 6 – Affordable Housing. Also interim policy on Affordable.

HOU9 - Essential New Dwellings in the Countryside

TRA 1 – Location of New Development

TRA 10 – Traffic Management

TRA 13 – Provision for Cyclists

ENV 2 – Protection of the best and most versatile agricultural land

ENV 3 – Development in the Countryside

ENV5 - Nature Conservation Interests

ENV 8 – Development Affecting Trees and Hedgerows

National Planning Policy Framework

Paragraph 14 – advises that permission should be granted for sustainable development.

Where the development plan policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework.

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

Paragraph 34 states that:- *“Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”*

Paragraph 112 should take account of economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is found to be necessary, should seek to use lower grade areas in preference.

Paragraph 128 requires applicants to establish the significance of heritage assets within the site.

Paragraph 134 *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

Other (specify)

Guidelines to be used for assessment of applications for residential development when the Council does not have a five year supply of deliverable sites (approved in February 2015)

The adopted Green Space Strategy states that each settlement should have 2.4 ha of Formal Green Space and 1.2 hectares of Semi Natural space per 1000 population. Hodthorpe is under provided in terms of formal green space with 1.7 ha per 1,000 population and no provision at all of semi-natural green space.

ASSESSMENT

The Principle of Development

The applicant makes reference to the former proposed policy of major growth in Hodthorpe. This was contained within the now withdrawn Local Plan Strategy. This former positive policy steer towards growth in Hodthorpe is not a material planning consideration and it may not represent the direction the Council chooses to pursue within the Local Plan for Bolsover District. Therefore, at this stage in the plan making process, the Council has no emerging spatial strategy or emerging policy documents to point to or give weight to in decision taking. The first available emerging document will be the Council's Preferred Options and Reasonable Alternatives for the Local Plan for Bolsover District in October 2015.

With regard to relevant policy which must be taken into account, the site lies outside the settlement framework as defined in the now aging Bolsover District Local Plan (2000). Therefore saved countryside protection policies ENV3 and HOU9 apply which do not normally allow residential development except in special circumstances. HOU9 can permit dwellings for agricultural workers but this is not relevant here. To accord with policy ENV3 development outside the settlement framework must be necessary (for example to house an agricultural worker), or it must result in a significant improvement to the rural environment, or it must benefit the local community through the reclamation or reuse of land. Notwithstanding the proposed community building (the merits of which are considered later in this report), it is considered that the proposal does not meet these criteria and the proposal is contrary to these policies and approval would be a departure to the development plan.

Despite the policy conflict, Bolsover District Council is currently experiencing a shortfall in its 5 year supply of housing. Government guidance in the National Planning Policy Framework (NPPF) advises that in such circumstances, where the development plan is absent, silent or relevant policies are out of date (as is the case for the Bolsover District Local Plan), planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF (Para.14).

Therefore significant weight in favour of sustainable housing development arises from the NPPF policy provided that proposals are deliverable and will contribute to the 5 year supply. The application is not accompanied by a viability appraisal to prove that development on the site is viable, although as a greenfield site with no obvious abnormal costs it is expected that this site should be able to financially contribute to the necessary improvements to infrastructure in the village. Hence there is no reason at this stage to conclude that the site will not be deliverable.

However the main issue to consider in this case is whether or not the proposal would result in sustainable development. Unsustainable development is contrary to the principles and policies of the NPPF and should not be supported unless other material considerations indicate otherwise.

Sustainability

The Council's Planning Policy Team's assessment of sustainability is set out above (in Consultations). The Policy Team concludes that site is not in a generally sustainable location given its distance from most of the social infrastructure needed such as the high school, shops and centres of employment. This conclusion can be applied to all large scale development proposals for residential in Hodthorpe.

The County Highway Authority has also questioned the sustainability of the location, noting that few facilities exist and that residents of the proposed dwellings would be reliant on the private car for employment, shopping, recreation and education.

However the County Planning Authority takes a different view. They refer to the proposal as being reasonably sustainable in itself. However they would not support approval of both of the large development proposals they refer to in their response - combined 255 dwellings including 95 dwellings proposed west of Green Lane 15/00137/OUT and this site. Also Committee Members should note that DCC's response did not take account of the 101 dwellings proposed north of Hodthorpe 14/00518/OUT or the 36 dwellings proposed in the recent application 15/00354/OUT on the allotment site adjacent to the west of this site. County Planning consider 255 dwellings would be a disproportionately large expansion in comparison with the scale, role and function of the settlement of Hodthorpe.

A further material consideration is the Planning Committee's recent decision on application 14/00518/OUT for 101 dwellings proposed North of Hodthorpe. Since that application was not refused, Planning Committee has taken the view that a large urban extension elsewhere in Hodthorpe can be "sustainable development". It follows that the Council does not consider Hodthorpe, as a settlement, to be unsustainable as such. However as was reported for that

application that the sustainability of Hodthorpe as a location for major expansion is marginal and this is reflected in the various consultee responses (above) where different conclusions have been reached on the sustainability of the site.

One of the arguments in favour of approving some residential development in Hodthorpe is to help support the remaining local facilities. In particular the primary school which has suffered from low patronage over recent years. It has capacity to deal with approximately 140 new dwellings in total and the more efficient use of that school is a material consideration in favour in the balance of sustainability issues.

However the current proposal is for 160 dwellings. Capacity at the primary school would therefore be exceeded and the justification for this scale of development is weaker than for a scheme which does not exceed capacity.

Now that an initial decision has been made on 14/00518/OUT - land north of Hodthorpe, Members will also need to have regard to the cumulative effects of approving more than one proposal. If the 101 dwelling scheme (14/00518/OUT) is approved following its deferral and this 160 dwelling scheme is also approved a total of 261 dwellings could be provided. This is 121 more than the primary school has capacity for. There are 2 issues to note here. Firstly that the school efficiency argument in favour does not exist for approving both of these large schemes; and secondly if the Committee is minded to approve both applications a S106 obligation to increase school capacity would be required (this would require the deferral of both applications to negotiate a school contribution from each site).

Given the marginal acceptability of Hodthorpe as a settlement in terms of sustainability and the removal of the school efficiency argument in favour, it is considered that it would not be appropriate to approve both of these applications.

Whether a Logical Settlement Extension

The site area would represent a major expansion to the physical size of the village and would change the nature of the settlement considerably. It is questionable whether a development of this scale, is appropriate or proportionate relative to the size of the Hodthorpe and its sustainability.

In addition the current agricultural use and appearance of the site clearly reads visually as part of the open countryside landscape beyond the established village boundary formed by Green Lane and Broad Lane and it is considered that development here to the east side of Hodthorpe would not be a logical settlement extension.

The site currently comprises a very large open field. The field contains no natural internal boundaries or features on the ground to define the extent of the application site and there are sweeping views across the landscape into the distance. As such, the extent and edges of the development, as drawn, are arbitrary and follow no logical reasoning. The development extends well beyond the existing easternmost part of the village at Birks Close and it does not reasonably relate to Hodthorpe along its eastern side.

Whilst it would not be possible to overcome the issue of extending beyond the existing clear and logical settlement edge formed by Green Lane and Broad Lane, the Applicant has been

asked to consider revisions reducing the size and shape of the application site to try to better address some of these concerns. In response a minor revision has been made to the illustrative masterplan in the very north east corner of the site to create an entrance feature (small pond in the corner with outward facing development beyond). However it is considered that this change does not address the fundamental concerns raised above and that the proposal would not be a logical settlement extension.

Development on Agricultural Land

A further issue of principle is that this site, indeed all land around Hodthorpe is on higher grade agricultural land (grade 2). Policy ENV 2 of the local plan will not allow development which involves the loss of grades 1, 2 and 3 agricultural land unless there is a strong need to develop the particular site which overrides the national need to protect such land. The NPPF presumption in favour of sustainable housing applications where the Council does not have a five year supply of deliverable housing is capable of being a material consideration which overrides this policy. This requires a balanced judgement, which will be influenced by whether the site is considered to be sustainable development.

The NPPF advises at para' 112 that "Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

It is considered that development on this site could only be deemed to be necessary (as required in the NPPF) provided that: the development is deemed to be sustainable, deliverable, it would contribute to the 5 year supply and provided that the Council is satisfied that a proportion of the housing land it needs to obtain a 5 year supply must be developed on grade 2 land owing to a lack of available brownfield and other lower grade agricultural land. Whilst the local plan preferred options and sites allocations are yet to be established, it is likely that some of the allocations (e.g. the strategic Bolsover North site) will be on grade 2 land given the extensive areas that achieve this grade on the Farmlands Plateau land. The Council currently does not have a five year supply of deliverable housing and so considerable weight must be given to granting consent on a site if it is considered to be sustainable. The sustainability of this site is considered to be poor.

Summary of Issues of Principle

The site is outside the settlement framework and contrary to countryside protection policies of the local plan. Approval would be a departure to the plan. Sustainable development is permitted by the NPPF outside the settlement framework in the absence of a 5 year supply of housing. However the sustainability of this site is considered to be marginal and reduced to poor because the site is not considered to be a logical extension to the settlement framework and in this case the amount of development which is proposed exceeds what might be justified by taking up the spare capacity at the local primary school. In addition the proposal involves the loss of high grade agricultural land.

The Potential Impacts:

Visual and Landscape Impacts

See “Whether a Logical Settlement Extension” above.

Access and Highway Safety

The Highway Authority’s advice is set out above. They raised concerns including substandard visibility towards the west at the junction of Green Lane with Queens Road. Additional information was also sought. Additional information has now been provided and the Highway Authority reconsulted. A response from them was awaited at the time of writing this report and the Committee will be updated if a response is received before Committee. If the Highway Authority are not satisfied that it has been demonstrated that the highway safety impacts will be acceptable it is possible that it may constitute a reason to refuse permission.

Heritage Issues

Below ground archaeology has been investigated and the DC Archaeologist no longer has any objections to the proposal.

The main issue for above ground heritage impact is harm to the significance of the rural setting of Birks Farm (grade 2 listed building). There would be some setting impact, bringing urban development closer to the access to Birks farm so affecting its rural setting. However Birks Farm is set back from the north side of Broad Lane across the highway and it would be very difficult for an observer on public land to view both the development and the listed building at the same time. So whilst there would be some setting impact, it is not considered to be significant or material in this case. The Conservation officer has not objected.

Drainage

No significant constraints or issues have been raised by consultees in terms of disposal of surface or foul water. Flooding is unlikely to be a constraint to development. Severn Trent Water has now confirmed that the capacity at the sewage works at Hodthorpe and Whitwell is sufficient to deal with the additional load and that STW will meet their obligations on water quality at the receiving watercourse and will bear the cost of works to increase capacity if it becomes necessary.

Ecology

There is little ecological interest on this site. There is a Hawthorn hedge along the north and west highway boundaries. These are likely to be adversely affected by new accesses punching through in four places and potentially also through the removal of a large section of it to open out the “village green” shown on the proposed masterplan. However additional countryside edge planting shown would appear to compensate for this loss. As a result it is considered that there are no ecology issues such as to preclude development.

Amenity Impacts and issues raised

Concern about traffic impacts raised. However the level of additional traffic generated would not justify refusal on amenity grounds alone. Significant impacts on residential amenity are considered unlikely with a notably low level of public objections to the proposal.

Infrastructure Issues and S106 matters

The Applicant has agreed to all policy requirements and social infrastructure requirements sought by consultees. This is set out above in the Proposals section of the report. Therefore the proposal should deal with the additional capacity load that it will create on local services.

The Applicant is also offering to build a new community building of 500 sqm in area. Whilst on the face of it this may seem to be a benefit in favour of the proposal, The Council does not have a policy to require this, neither has it been established that there is a need for such a building nor is it necessary to make the application acceptable in planning terms and there is no indication that it would be a viable facility for the short to medium term. As such it fails the tests for planning obligations and no weight can be given to this element of an agreement. Furthermore, whilst the Applicant may have every intention of delivering this building at this moment in time, in the event that a future developer were to seek to remove this obligation from a S106 undertaking the Council would have to agree to it. As such we cannot be certain whether this facility would ever be provided.

Other Sites

The Council must determine this application on its merits and it should not refuse permission solely on the basis that potentially more acceptable sites exist. However the Council should have regard to the cumulative impacts of approving more than one proposal as set out above in the section of this report on "Sustainability". If this application and 14/00518 are both approved the cumulative total would be 261 dwellings.

Of particular note if members are minded to approve both applications it would be necessary to further defer application 14/00518/OUT (Planning Committee's recent decision on application 14/00518/OUT for 101 dwellings proposed North of Hodthorpe to defer to investigate footpath connection options and S106) and this application to negotiate further contributions for expanding the primary school. Also the NHS should be reconsulted to see if the local Doctors Practice has capacity to deal with both applications. If not a S106 contribution for expansion of capacity should also be sought.

However it is considered that this level of expansion of Hodthorpe (i.e. both applications) ought not to be permitted since it would result in a disproportionately large expansion in comparison with the scale, role and function of the settlement of Hodthorpe, which is not justified on sustainability grounds going way beyond the capacity currently available at the primary school.

Applications 15/00137/OUT and 15/00354/OUT are not yet ready to report.

Other Matters

Listed Building: See above

Conservation Area: N/A

Crime and Disorder: No specific issues. Can be considered at reserved matters stage.

Equalities: No specific issues

Access for Disabled: No specific issues

Trees (Preservation and Planting): See above

SSSI Impacts: Should not be adversely affected.

Biodiversity: See above

Human Rights: No specific issues.

RECOMMENDATION

REFUSE

1. The site lies outside the settlement framework as defined in the Bolsover District Local Plan (2000). Therefore saved countryside protection policies ENV3 and HOU9 apply which do not normally allow residential development in the countryside except in special circumstances which do not apply in this case. Approval would be a departure to the plan. Whilst the National Planning Policy Framework (NPPF) does allow sustainable development in the absence of a 5 year supply of housing and the Council does not have a five year supply, the proposal would not result in sustainable development and it would not be a logical extension to the settlement framework. The site is also on grade 2 agricultural land further reducing the sustainability of the site and it has not been demonstrated that there is a need to develop this particular site which overrides the national need to protect such land. Approval would therefore be contrary to saved policy ENV 2 of the Bolsover District Local Plan and to paragraph 112 of the NPPF.

PARISH Old Bolsover

APPLICATION Outline application for General Industrial (B2 uses), Warehousing (B8 uses), energy centre, a transport hub, open storage and a museum/visitor centre with details of access (all other matters reserved).
LOCATION Land Formerly Known As Coalite On North And South Side Of Buttermilk Lane Bolsover
APPLICANT Bolsover Land Limited
APPLICATION NO. 14/00089/OUTEA **FILE NO.**
CASE OFFICER Mr T Ball
DATE RECEIVED 14th February 2014

SITE

Disused and partially cleared former smokeless fuels and chemical works to the west of Bolsover. The site is divided roughly east/west by Buttermilk Lane and north/south by the now disused and dismantled railway to Bolsover. The River Doe Lea forms the southern boundary of the site being the District Boundary with North East Derbyshire District Council (NEDDC).

The application site encompasses 31ha of mainly brownfield land.

The former chemical works are on the north-western side of Buttermilk Lane where various tanks and plant remain together with various disused buildings. Adjoining to the north and north-eastern sides is agricultural land and the partially restored colliery spoil north tip of Markham colliery. To the south-western side across the river is the restored south tip of Markham Colliery (currently undergoing further restoration works as part of the Markham Vale development).

The former smokeless fuels site is on the south-eastern side of Buttermilk Lane much of which has been cleared and left derelict. The area of the proposed development between the railway and river adjoins to the south the former Bolsover Colliery (now Bolsover Business Park) and Snipe Bog (a wildlife site), with agricultural land on the south-western side of the river Doe Lea. To the north-east, across the now disused railway to Bolsover, is agricultural land and the reclaimed Bolsover northern pit tip.

The application site also includes a small area of agricultural land on the south-western side of the river where the District boundary follows an old route of the River, just to the north of the A632 bridge over the River Doe Lea.

Large parts of the site are visible from Bolsover Castle (Grade 1 Listed Building, Ancient Monument and Garden of Historic interest). Also from the western slopes of Bolsover town (in particular the Castle Estate) and Hill Top. The site is also visible in distant views from Sutton Scarsdale Hall (Grade 1 Listed Building and Ancient Monument). North-east of the site, close to the site of the former Headquarters offices, is Woodhouse Farm a grade II Listed Building facing the site in an elevated position.

The area of the former Coalite Works to the southern side of the River Doe Lea, comprising

the former vehicle maintenance workshops, sewage works and fuel stocking yard together with the agricultural land between the A632 and the River Doe Lea is the subject of a separate planning application to NEDDC for residential development (up to 795 dwellings with a local centre).

PROPOSAL

Outline application for General Industrial (B2 uses), Warehousing (B8 uses), energy centre, a transport hub, open storage and a museum/visitor centre with details of access (all other matters reserved).

Application form indicates that there will be 93,600 sq. m. B2/B8 floorspace with 1,095 sq m for the Museum/Visitor Centre. Total floorspace proposed 94,695 sq m. A range of units is proposed to provide for smaller start-up and incubator type units to larger manufacturing and distribution facilities.

Number of jobs, hours of working unknown at this stage.

Submitted with the application are:

- Design and Access Statement;
- Illustrative Masterplan;
- Phasing and parameters Plan;
- Environmental Statement (ES);
- Non-Technical Summary of the ES;
- Transport Assessment
- Site Investigation and Risk Assessment;
- Statement of Community Involvement.

The Illustrative Masterplan (which is attached to the end of this report) covers both the Bolsover District Council area and that of North East Derbyshire. The north-western area shows a mix of industrial units (of various sizes) and open storage areas (1.94ha) with a visitor centre at the northern end and the transport hub (showing 141 trailer spaces) in the area between the former railway line and the River Doe Lea. The area on the south-eastern side of Buttermilk Lane (former Smokeless Fuels area) is shown with larger industrial units and adjacent to the Bolsover Business Park an energy centre. A new roundabout is shown to serve this area and the transport hub opposite, while the remaining sites off Buttermilk Lane are served by new junctions.

[The NEDDC area is shown as residential development with the illustrative layout including a local centre, landscaped areas, public open space areas, great crested newt habitat and some provision for sustainable urban drainage. Access to the residential area is provided by roundabouts on Chesterfield Road (A632) and Buttermilk Lane.]

The following summary of the proposal and its aims is taken from the Design and Access Statement:

“There is a legacy of contamination on the site due to its former use. The northern site area (plots 5-8) contains a number of large storage tanks, the majority of which have been cut open and these contained a range of hydrocarbon wastes that include coal oil, crude tyre oil, tar acid and phenolic wastes. All loose drums of chemicals and the contents of the above ground storage tanks were removed from the site during 2013. However, there remains significant contamination of the soils and groundwater at the site that represents a significant

risk to human health and the aquatic environment.

The site soils are contaminated with a range of complex hydrocarbons that include chlorinated phenols and phenolic compounds, fuels and oils, coal tars and pitch and locally dioxins. These compounds can emit odours and site sensitive receptors have been identified. A specialist consultant undertook odour surveys in 2008 and latterly in 2013—a comparison of these demonstrates a reduced odour nuisance associated with the site due to the removal of loose chemicals. Results of this can be read in the 'Odour Assessment' report accompanying this application. An odour management plan has been developed to provide a framework for managing the remediation and construction processes to reduce the risk of odour impacts at off-site locations.

The development proposals are for demolition, clearance and remediation of the former Coalite chemical works to allow the site to deliver the scope of accommodation outlined in the masterplan proposals.”

There are significant ecological habitats adjacent to the river and the presence of Great Crested Newts in the NEDDC area. The former railway and river provide habitat corridors which bisect the site. A masterplan objective is to retain, enhance and open these areas to the public realm.

The document contains a brief summary of relevant planning policy.

A Flood Risk Assessment has been carried out, various improvements to the River Doe Lea (improvements to the water course channel and the existing flood plain and the removal of various structures along the river and the replacement of the Buttermilk Lane road bridge (which is restricted and contributes to flooding in that area) are proposed.

A drainage strategy has also been prepared. This proposes that in the commercial areas the use of SuDS should be investigated, however it is anticipated that due to the former site uses and known levels of contamination present in the site soils, groundwater infiltration drainage is unlikely to be feasible. The use of underground storage tanks would be the best solution, and would offer a degree of protection against cross-contamination of clean surface water with contaminated ground water present within the site soils. A new foul drainage network is proposed which will require either a pumping station with restricted discharge rates to Staveley Treatment Works (until the operating capacity at the works is improved, although the capacity at the works takes account of the strategic employment site, i.e. there is no allowance for the residential development). Temporary package on-site treatment works is proposed until the main foul drainage infrastructure is installed.

Design Principles for the development are set out: buildings to address principle access roads and pathways, office accommodation on prominent corners, significant landscaping to the northern and southern boundaries to enhance the landscape and wildlife corridors which bisect the site, service yards central facing, opportunity to introduce substantial landscape corridors in a north-south configuration between buildings which will help mitigate visual impact from Bolsover Castle.

The open storage areas are those areas of the site where contamination is the highest.

The proposed energy centre would generate 11.25 MW together with the same output in thermal energy. A gasification process is proposed involving heating biomass. A flue stack of 16m would be required.

The proposals seek to introduce ecological corridors to the river and disused railway. The existing habitat areas along the Doe Lea will be retained and enhanced. The majority of existing vegetation within and around the site is to be retained where possible.

Sustainability target for the industrial units would be a score of very good under the BREEAM method of assessment.

The Environmental Statement deals with the following topics and provides these conclusions:

- Ecology – impacts will only be neutral or slight, but with significant benefits being delivered by the creation of new habitats which will deliver positive impacts.
- Cultural Heritage – impacts on heritage assets is considered as being less than substantial harm, and any impact is outweighed by the public benefits of the proposal (land remediation, environmental enhancements, new jobs and new homes).
- Noise – mitigation measures will ensure noise from the employment uses will not impact on residential amenity of nearby and future occupants.
- Flood Risk & Drainage – the site is within flood zone one but proposals to rebuild Buttermilk Bridge will lead to further enhancements and reduced risk of impacts, a drainage strategy is also recommended to ensure surface water and foul water are discharged with minimum impacts on the existing treatment and sewer systems.
- Contamination – extensive site investigations has led to a detailed remediation methodology and risk assessment being prepared to ensure minimum impacts (e.g. odour, air quality) on the amenity of nearby residents during the construction phases and also that land is made suitable for redevelopment.
- Air Quality – a reduction of baseline odour levels is expected upon completion of works as no odour emissions are anticipated from the application site following the remediation strategy.
- Landscape & Visual Impact Assessment – the development will deliver significant positive impacts due to the reclamation and redevelopment of the derelict site.
- Transport – the development will result in potential increases in traffic, but at junctions where the increase is above a 5% increase further investigations have been undertaken to identify junctions in need of improvements.

These topics are discussed in more detail in the assessment section of this report.

Phasing of the development is discussed in the Environmental Statement. It is anticipated that the development will take approximately 15+ years to complete in its entirety, with changes dictated by market forces. The residential and commercial aspects of the overall development are split into individual phases however no specific order or timing of those phases in relation to each other is given. Habitat mitigation will be delivered before development work commences.

AMENDMENTS

Various revisions have been made to the application in terms of responses to issues raised by consultees and discussions with the planning officers; this comprises additional information as well as amendments to the original submission. The latest position in relation to submitted documents is as follows:

Masterplan revision B which added information about the energy centre (use of Refuse

Derived Fuel omitted), and revised access arrangements in NEDDC area. (22.01.15)
Response to comments of DWT with information about where OMHPDL could be provided.
(03.02.15)

Proposed Remediation and Phasing Strategy including revised phasing (no residential development within NEDDC area until completion of the remediation strategy in BDC and removing reference to the remediation only being viable if residential development is released for occupation after phase 2 of the remediation), principles of the remediation scheme to be undertaken and of its phasing, odour assessment, plan showing remediation phasing in relation to development phasing, and phasing and parameters plan (showing the phases of development construction). (07.07.15 and 29.07.15)

Revised Transport Assessment (31.03.15)

It has been confirmed (07.07.15) that phase 1 of the Remediation Strategy involves the clearance of materials above ground which may include tanks, buildings, retaining walls, and some raised concrete slabs; phase 4 (the treatment of 'hot spots' in the area north of the former railway and west of Buttermilk Lane) involves the removal of material below ground (which includes the removal of slabs and hardstandings). Phase 5 involves the remediation of the treatment area used for the rest of the site; the hardstanding will be broken up and crushed, chemically tested if visually contaminated; any contaminated soils below the concrete slab will be excavated and treated by bioremediation (as with the rest of the site) on an impermeable liner, or if quantities are small transported off-site to a treatment facility. Landscape Masterplan at scale with key (as depicted in illustrations in various documents). (22.07.15)

HISTORY

02/00614/LAWEX: Application for Lawful Development Certificate approved November 2003 for various uses, principally B2 (General Industrial Use) but also including elements of B1 (Business Use – headquarters office), C3 (Dwelling houses – caretakers bungalow), agricultural use – land to rear of headquarters office complex) and woodland and marshland.

08/00755/OUTEA: Outline application for Industrial (Class B1 and B2) and Distribution Park (Class B8) Application disposed of (withdrawn) by the Local Planning Authorities (BDC and NEDDC) as various remediation issues needed resolution before determination of the application in October 2010.

13/00157/DETDEM Demolition of remaining buildings, structures and tanks by current applicant; approved July 2013.

CONSULTATIONS

Infrastructure

Local Highway Authority (DCC):

Discussions have been held with the applicant resulting in a revised Transport Assessment. There is no evidence to support a reason for refusal on the basis that the development would result in severe harm on the highway network in accordance with policy 32 of the National Planning Policy Framework, subject to implementation of the identified mitigation measures. Therefore no highway objections subject to conditions, S106 contributions and measures. It is noted that the Transport Assessment considers the highways and transport implications of the traffic generated by the overall development (i.e. industrial/commercial development in BDC and residential in NEDDC).

There are various highway network improvements required (including the access points into

the site) and Buttermilk Lane improvements, implementation being dependant upon the progress and phasing of the development. A condition requiring a site wide phasing programme prior to submission of any Reserved Matters is recommended to help manage the timescale for implementation of the highway works. The access details submitted as part of the application are considered to be satisfactory in principle. The TA sets out the basis for a phased approach to bus service provision to cater for both residential and employment elements. Arrangements will need to be co-ordinated between the developer and the bus operator to be provided for in a S106 Planning Obligation.

Recommends following conditions:

Site wide phasing programme prior to or concurrent with first Reserved Matters application (content of programme suggested); no development until phasing programme approved; construction management plan prior to each phase of development; Framework Travel Plan prior to or concurrent with the first Reserved Matters application to be approved individual Travel Plan for each reserve Matters application; Reserved Matters to include detail design for employee and visitor parking, manoeuvring etc. space. S106 to include provision for off-site highway works in Bolsover (Hilltop/Station Road junction, Town End), public transport provision, removal of unnecessary signage. 09.07.15

Highways Agency:

Notes that the outline application 14/00089/0UTEA specifies a larger amount of development than has been evaluated by the Highways Agency's Consultants at the pre-application stage. Consequently, there is a strong possibility that the mitigation proposed by the applicant for M1 J29a may no longer accommodate the increase in traffic associated with the proposed employment development and, as such, further modelling work is likely to be required. Since there are still unresolved transportation issues, the application, as it stands, has insufficient information to warrant a substantive response from the Highways Agency. Issues a direction preventing the granting of planning permission for 3 months to allow the concerns of the Highway Agency to be addressed or overcome. 14.03.14

Further comments following further discussions with applicants consultants; confirm the principle of development is acceptable; the improvement scheme, shown on a submitted drawing, at M1 J29a southbound off-slip is required to accommodate the additional traffic from the development. Directs a condition that no occupation of any part of the development until the improvement scheme to J29a is complete and open to traffic. 05.08.15

Flood Risk Management Team (DCC):

Surface Water Model indicates that the site is likely to be subject to surface water flooding during a 1 in 200 year event in its current state. Encourage use of permeable hardstanding or use of SUDs; surface water discharge regardless of the sites status as brownfield should be as close to greenfield rate as practical. Responsibility for future maintenance of SUDS features should be clarified.

Site may fall within Environment Agency flood zones 2 and 3 from the Main River which crosses the site.

Groundwater may be vulnerable to contamination, infiltrating water should be free from contaminants. Increased infiltration is likely to result in ground instability. Site specific ground investigation should be undertaken for the site.

Has records of two incidents of historical flooding within the site but no information relating to pathway or receptor recorded.

River Doe Lea which intersects the site is currently assessed as being of poor ecological status; no activity or works should deteriorate the status of the watercourse, all water bodies

should reach good ecological status by 2015 according to the Water Framework Directive 2000. 17.03.14

Environment Agency:

Flood Risk

Object to this application in the absence of sufficient evidence to demonstrate that the flood risk Sequential Test has been applied. Part of the application site lies within Flood Zones 3a/2 as having a high/medium probability of flooding. Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. In this instance the Applicant has proposed to modify the floodplain to accommodate the development outside these Flood Zones, but has not provided sufficient detailed topographical information to determine what the proposed Flood Zones 3a / 2 would be. For the purpose of this application we could agree in principle with the LPA that the Flood Zones may be modified provided sufficient information is submitted to demonstrate that flood risk will not be increased elsewhere, and also if flood risk will be further reduced to contribute towards wider sustainability benefits. With regard to phasing of the development, the hydraulic improvements to the floodplain, such as replacement of the road bridge and removal of other structures must precede the phases of development shown in Flood Zones 3a / 2 on our current Flood Map.

We advise there should be a further reduction in surface water runoff from the brownfield site to that proposed. The FRA (Environmental Statement) proposes that surface water runoff will be reduced by 20%, whereas the Chesterfield, Bolsover and North East Derbyshire Strategic Flood Risk Assessment recommends that the minimum reduction should be to greenfield runoff rate, or at least 30% reduction to existing points of discharge. The FRA (Environmental Statement) does not make any recommendation for the minimum floor levels for non-residential development.

Biodiversity

The ES Chapter outlines a comprehensive mitigation plan for ecological receptors and the illustrative masterplan shows that the river Doe Lea will be adequately buffered from the proposed development. However we would like to see improvements to the river itself in order to help improve its WFD status.

The WFD Ecological Status of this waterbody is currently poor, and it is failing for fish, invertebrates and phytobenthos. The river itself is straightened for the majority of its length, including 900m that is in contact with the site. These channel realignments have created conditions which exacerbate the deposit of sediment and reduce habitat diversity (sediment is confirmed as a reason for failure for fish due to impact on fish spawning sites).

The normal mitigation proposed for historic river straightening is achieved via channel alteration (e.g. re-meandering) or by increasing the in-channel morphological diversity of the watercourse (e.g. by removing hard banks and replacing with soft engineering, or introducing flow deflectors)

Groundwater & Contaminated Land

There have been extensive investigations undertaken across the site. The investigations undertaken to date have not identified any gross contamination, however given the historic land use we would anticipate that pockets of gross contamination may be present and identified during development.

Should the objection set out above be resolved to the satisfaction of the Environment Agency, the following conditions are recommended

Standard contaminated land investigation and remediation condition

However the site is subject to wide spread contamination and would expect to see a full remediation for the land for any development to take place, this will require an Environmental Permit.

We will have concerns regarding how odour from such a remediation activity will be managed.

This is because:

- The contamination of the existing site is known to be odorous, and when disturbed is likely to be detectable resulting in possible amenity issues
- There are residential properties and workplaces existing and proposed (as part of this application) within 250m of the development

Will therefore require a comprehensive Odour Management Plan. 11.04.14

Further comments following review of amended Remedial Strategy:

No additional comments to make. Confirm that the remedial techniques and mitigation of pollution arising from these will be managed by within the deployment of any mobile permit.

In terms of flood alleviation it is feasible that the use of soakaways could increase the migration potential of any residual contamination of soils. As the site is not within source protection zone 1 do not object to the use of soakaways or below ground storage of surface water run-off with controlled release. 23.07.15

Yorkshire Water:

Recommends condition that the development should accord with chapter 12 (Flood Risk Assessment and Drainage Strategy) of the Environmental Statement. This chapter indicates: Foul water to Staveley Waste Water Treatment Works, at a restricted discharge of 6 l/s via new Pumping station for Phase 1.

Sub-soil conditions do not support the use of soakaways.

A watercourse exists near to and through the site - connection subject to EA / Local Land Drainage Authority/ IDB requirements.

Surface water to River Doe Lea via storage with restricted discharge to be agreed with EA.

No surface water to be discharged to public sewer network. 11.04.14

Heritage Assets

Development Control Archaeologist (DCC): The information provided by the applicant establishes that the area of the proposed development within Bolsover District has been almost entirely impacted by the footprint of the former Coalite Works and its associated infrastructure. I recommend that the part of the site within Bolsover District retains no potential for below-ground archaeology.

The proposals may pose significant setting impacts to designated heritage assets within the viewshed of the development. The statutory consultees in this matter are English Heritage, and the local planning authority's conservation officer, the application should be determined in line with the advice of these consultees. 20.03.14

English Heritage:

Development of the application site will affect the setting of Bolsover Castle, which was designed to capture wide and framed views across the Doe Lea Valley from the Terrace Range and Little Castle. It will be essential to carefully develop the details of the scheme under reserved matters to ensure that the scale, height and appearance of the proposed

industrial units and associated energy centre do not harm the setting of Bolsover Castle, in light of the draft policy your authority has developed to guide development on the site. The statutory requirement to have special regard to the desirability of preserving listed buildings, their setting and any features of special interest must be taken into account by your authority in determining this application (ss.16, 62, 1990 Act).

We welcome the principle of mixed use development of this site and the move away from very large distribution 'sheds', as was previously mooted. As this is an outline application it is difficult to assess if the development will harm the setting of Bolsover Castle - clearly development on the site has the potential to have a visually harmful impact through scale, height and design. We thus believe that careful design of the employment elements of the scheme is essential in order to avoid causing harm to the setting of Bolsover Castle; a design framework could be a useful way of securing this.

The response describes the history and significance of Bolsover Castle, and discusses the impact of the scheme.

We welcome the proposed mix use development of the Coalite site in light of the wider public benefits it offers for the decontamination of this site and the potential for well designed development which will make a positive contribution to Bolsover's economy and community. Previous development schemes for the Coalite site have focussed on very large distribution sheds which would, in our view, have a substantial visual impact on Bolsover Castle. The smaller sized units indicated in the masterplan are thus an improvement upon this. However we would welcome involvement in the detailed design of the scheme to ensure that scale, height and design respond positively to both Bolsover Castle and the distinctive local character of Bolsover as a settlement. This is because of the potential to cause harm to the setting of the Castle through poorly considered development.

Our letter to North East Derbyshire District Council on the twin application for this site highlights the harm caused to the setting of Bolsover Castle by that development, whilst accepting that, on balance, we believe it is justified in light of the public benefits associated with this scheme. However it will be essential to ensure that de-contamination and re-development of the Coalite site is legally secured as part of any permission granted - i.e. that residential development of the current site cannot occur and the Coalite site then left in its current state.

Our advice has focussed on the impact of the development on the setting of Bolsover Castle. This reflects our statutory focus on highly designated heritage assets but we also agree with the assessment made in the Cultural Heritage Baseline Study that the primary impacts of the development will be on the setting of Bolsover Castle, rather than the other heritage assets identified.

We recognise the wider public benefits associated with the decontamination and redevelopment of the Coalite site and welcome the principle of the mixed use scheme proposed. We urge your authority to ensure that adequate opportunity is given to develop the detailed design of development on the site in order to avoid harm to the setting of Bolsover Castle, presumably under reserved matters.

We have identified harm to the setting of Bolsover Castle through development of the Greenfield site but believe that, on balance, the harm can be justified by the wider public benefits. We understand that this scheme is not financially viable without the residential development. In light of the important link between the justification for this development and the wider redevelopment of the Coalite site we believe it is essential that a robust legal agreement is attached to any consent given ensuring that one cannot be developed without the other. We do not believe that development of the Greenfield site could be justified without the wider redevelopment of the Coalite site. 26.03.14

Environmental issues

Environmental Protection Officer (BDC Environmental Health):

Contaminated Land:

Interim response, further information and clarifications being requested, detailed response to follow.

Ambiguity in submitted documents regarding phasing, would not support an application that includes development prior to remediation being completed.

If the remediation is not specifically intended and fully costed as being carried out prior to any construction of the residential properties, our position remains as we have stated previously and we will be strongly advising a refusal of the overall planning application due to the extreme difficulties of securing appropriate remediation on the proposed commercial site within Bolsover District Council while there are potentially sensitive residential receptors within the area of land within North East Derbyshire District Council. The odour assessment also clearly states that it is based on no new sensitive receptors within the NEDDC land so that would need to be reviewed.

The remediation options appraisal has some interesting suggestions, in particular, the use of in-situ thermal desorption techniques to deal with some of the contamination. However, there are no details as to the potential cost of such techniques and the remediation options appraisal does make clear the need for the costs to be assessed as they could be prohibitive. We are conscious that whilst the previous trials of the bioremediation treatment were successful in that levels of contamination decreased, there was certainly an amount of contamination and odour remaining within the treated materials. We also had concerns regarding the scaling up of the remediation this could lead to a significant increase in the potential for odour generation.

The remediation options appraisal provides a good summary of the technologies that have been considered with respect to this redevelopment. However, whilst there is so much uncertainty in the final remediation strategy, it is difficult to assess the overall environmental impact of the assessment and the viability of the project as a whole.

The length of time of the proposed remediation has also not been mentioned within the report. It is difficult to assess the overall environmental impact if no estimates are made of the length of time proposed for remediation.

At this stage, we are not in a position to state whether or not we support this application and would appreciate some further clarification. We are also reviewing the site investigation and associated risk assessment in more detail so will be responding again shortly with a more detailed, technical response.

Noise

The following is an interim assessment of the information provided although more time and some clarification of information will be required before a final response can be made.

The noise levels measured and calculated within the noise report are reasonable and indicate that there will need to be attenuation provided to many areas of the development should the application be approved. This attenuation, it is suggested will take the form of acoustic screening, coupled with building design and operation in respect of the industrial units.

No significant assessment has been made of noise that will be generated during the construction and remediation phase of the development, which it has been suggested, may be over a fifteen year period.

The proposed screening, particularly in relation to traffic, is significant and relates to the

provision of 2.5m high acoustic barriers in many areas for example the north western and south western boundaries of the application site, and a 3.0m high acoustic barrier for example along the southern boundary of the commercial aspect of the site.

The report has considered noise generated by external activities/working at the proposed industrial units and suggested that conditions attached to any approval could control the operations at these industrial units and ensure that 'noisy' operations are confined to internal working with 'roller shutter doors' closed. It also suggests that hours of operation can be controlled by appropriate planning conditions and that the units themselves are constructed in a manner that additional/increased acoustic insulation is incorporated into the design.

The noise generated by the industrial part of the proposed development has been shown to have a potential impact on the existing adjacent farm, whereas the dwellings proposed as part of the development will be affected by noise from the existing highways (with increased traffic as a result of the proposed development), the new road infrastructure, the existing recycling centre and scaffold hire business and the industrial operations of the new development.

Whilst it is accepted that a new development may have some impact on existing properties and mitigation should be introduced to minimise that impact, a development that creates new industrial units which will then have a potential impact on dwellings proposed as part of that same development is more of a concern, particularly when the size of the development is as significant as this application.

Any mitigation measures will need to be maintained for the life of the development. This includes the maintenance of acoustic screens, the control of working hours/operation of new business or industry and the control and maintenance of any design features, for example when windows are replaced or industrial units expanded or adapted.

I have some concerns that any conditions attached to an approval will prove problematic, although I am aware that all the development will still be subject to Statutory Nuisance legislation.

Air Quality

From a brief review of the application documentation it would appear that the concerns raised in response to the Scoping Request have not been addressed in sufficient detail that would enable support of the application to be given at this time. These concerns include cumulative impact of other committed development in the area, in particular at Town End Bolsover; impact on existing AQMA's; and the release of odours which likely to be significant. Further consideration of the air quality aspects will be made. 23.04.14

Derbyshire Wildlife Trust:

The Ecology Chapter of the ES has been informed by a comprehensive suite of surveys undertaken during 2013 which has considered all relevant species groups.

The habitat survey identifies 15ha of Open Mosaic Habitat on Previously Developed Land (OMHPDL), a UK Biodiversity Action Plan priority habitat and of County level of importance.

The Environmental Statement states that none of the habitats within the site were found to be of high value in their own right and none supported notable or important flora. This is incorrect. The site was identified to support the nationally threatened plant Common Cudweed native to Derbyshire. This makes the site to be of County level of nature conservation importance.

The Lowland Derbyshire Biodiversity Action Plan states that the presence of open mosaic habitat is important within the Rother and Doe Lea Valleys Area Action Plan area and that it should be maintained in situ wherever possible especially where it contributes to a wider network linking key habitats.

A Greenprint for Bolsover District adopted May 2006 recognises the importance of Post Industrial Habitats as a priority habitat. One of the objectives/actions of the Plan is to ensure that restoration or development proposals for post industrial sites maintain and enhance their biodiversity value. This objective and action is not met by the current proposals.

No net loss of priority habitat is included in the Government's Biodiversity 2020 mission which is considered in the Natural Environment section of the online Planning Practice Guidance. Whilst the ES states that the value of the habitat is somewhat compromised by the fact that in all likely scenarios it would be lost from the site in the future we would suggest that the development should be seen as an opportunity to secure the retention and appropriate management of this habitat type within the layout.

It is essential the site is assessed against the definition for the priority habitat so that the exact extent of Open Mosaic Habitat on Previously Developed Land is accurately determined in order that an appropriate level of mitigation and/or compensation is provided as part of the development to ensure there is no net loss of priority habitat in line with the principles of the National Planning Policy Framework (NPPF).

We would not support the creation of Open Mosaic Habitat on Previously Developed Land through the sowing of a seed mix and advise that any replacement of this habitat should be achieved by the collection and spreading of topsoil containing the seedbank on to the proposed receptor sites. It is also important that this approach is adopted to maintain the population of Common Cudweed and to transfer populations of Common Bird's-foot-trefoil with associated pupal stages of the Dingy Skipper butterfly. We also recommend that the individual areas of replacement OMHPDL should be a minimum size of 0.25ha in order to maintain the functionality and integrity of the habitat.

UK BAP priority butterfly Dingy Skipper was considered to be widespread in the areas of Open Mosaic Habitat across the site.

A significant amount of bird interest was identified on the site including ground nesting UK BAP priority species Skylark and Grey Partridge which are again associated with the areas of OMHPDL. It is acknowledged within the ES that it is not possible to provide on-site mitigation for these species and for this reason it is understood that a contribution to off-site mitigation through enhancement of adjacent land will be provided. However, further details and a firmer commitment to this approach is required before we would consider it acceptable.

The Design and Access Statement states that the design proposals consider the ecological environment and habitats and retain and enhance the biodiverse habitats that are established. In the absence of more detailed information in respect of Open Mosaic Habitat and mitigation for the bird interest we are of the view that these objectives have not been reflected in the submitted Masterplan.

We are satisfied that sufficient consideration has been given to the presence of great crested newts, bats and water vole and that suitable mitigation is proposed to maintain the population of great crested newt that has been identified on the site. We advise that the mitigation package as set out in the Great Crested Newt Survey and Mitigation Plan should be implemented in full as a condition of any permission.

The site has been identified to support a medium population of grass snake. Whilst the proposed mitigation package outlined in the ES includes the capture and removal of grass snakes from within the development site we would advise that insufficient information has been submitted with regard to the provision and enhancement of any receptor sites for the translocated reptiles.

We support the recommendation that if any works are required within the river corridor a specific pre-construction survey for riparian mammals should be undertaken which should be secured by a planning condition.

Other recommended conditions cover a requirement for a Biodiversity Method Statement for each phase of development before development commences; the submission of a Landscape and Ecological Management Plan for each phase of development; submission of a construction environmental management plan.

In summary, whilst we would advise that the general principle of development of the site is broadly acceptable we have concerns over the evaluation of the OMHPDL and the subsequent level of mitigation and compensation proposed for this habitat type as part of the development.

In the absence of further information in respect of the extent of Open Mosaic Habitat on Previously Developed Land and off-site compensation for the impact upon bird species including skylark and grey partridge, it is not possible to accurately assess the ecological impacts associated with the proposed development. It is therefore not possible for the Council to be confident that the proposal as currently submitted accords with the objectives of the NPPF, policies ENV5 and ENV6 of the Bolsover District Local Plan, the Lowland Derbyshire Biodiversity Action Plan, A Greenprint for Bolsover District and the Government's Biodiversity 2020 mission. 13.05.14

(Also see comments of Environment Agency in relation to biodiversity issues above)

Other

Arts Development Officer (BDC):

This site would lend itself well to a substantial piece of public art under the per cent for arts policy which would make a great statement on the entry into Bolsover District. I would work with the locally elected members, community, schools etc to determine what would be appropriate as a work of art and also work within the new strategy framework about to be adopted. The Council is currently preparing a new Arts Strategy which will consider more strategically what would be considered an appropriate approach for Public Art in this locality. 08.04.14

Crime Prevention Design Adviser:

At this stage in the application process has no comments to make; reference is made in the Design & Access Statement to designing out crime. Request consultation when further details are submitted. 29.04.14

Regeneration (BDC):

The proposals to bring forward employment led development are strongly supported in principle from an Economic Development and Investment perspective and should allow new employment opportunities to be brought forward at this key employment site.

The site is one of a limited number in the area which can be rail served (given previous rail connection). The new proposals do not appear to mention the sites capability to be rail served. The ability for the site to be rail served could help increase the sites ability to attract future investment.

No mention is made at this stage of the number or types of job opportunities that could be created. No detailed information appears to be provided in terms of the size/scale of future plots/uses/buildings

It is important to ensure that any future employment development can sit comfortably within landscape and not to be to detriment of the setting of the nearby Key visitor attraction (namely

Bolsover Castle).

Overall, the principle of the redevelopment is strongly supported on land within the Bolsover District Council administrative area. 26.03.14

North East Derbyshire District Council:

Supports the principle of the remediation of the former Coalite site and wishes to see appropriate remediation take place in full at the earliest possible opportunity. Details of remediation must be agreed and monitored by the Councils Joint Environmental Health Service. No objection to the proposed redevelopment scheme. 12.01.15

No responses received from:

Leisure Services,
Severn Trent Water,
Garden History Society,
Heritage and Conservation Manager,

Urban Design,
Chesterfield Borough Council;
Old Bolsover Town Council.

PUBLICITY

Advertised in press. 6 Site notices posted. 36 Neighbours notified. Further site notice posted and press advert published in April 2015 following receipt of remediation and phasing strategy with revised Transport Assessment.

Responses from 7 people received:

This brownfield development would be more beneficial to Bolsover than destroying green areas (Sherwood Green). The Avenue has shown that these developments are possible.

Supports regeneration of this site; will address the industrial legacy; supports Masterplan, sustainable development; support the landscaping proposals, of prime importance that wildlife habitats are maintained and improved; Also of prime importance, the development should improve the setting of Bolsover Castle and views from it, large industrial units to be designed not to impact on views from Bolsover Castle, may need to be individually designed to suit, not generic 'metal sheds', suggests living roofs, local stone and timber cladding, scale of development relates well to its surroundings design of buildings and green spaces should be of the highest quality. Further comments that supports revised masterplan and agrees with comments of English Heritage.

Support for clean up and redevelopment. Will benefit the area, any effort to improve this depressing patch can only be good, green space with walkways and cycle paths will be a welcome facility. Refreshing to have some 'clean industry' in our area in the form of the modern waste to energy plant. Local road improvements also most welcome.

Woodthorpe Village Community Group strongly supports this imaginative proposal to tackle the chronic problems of the site. Directly relevant to village which continues to be subject to noxious smells from Coalite. Comprehensive clean up operation is long overdue and warmly welcomed.

The sooner it is implemented the better as the site is an eyesore.

Provided the clean-up is carried out in a correct manner has my full support.

Letter of objection:

Not mixed use, does not provide a balanced development of workplaces, homes and services; therefore likely to increase the need to travel contrary to sustainable development principles of the NPPF. Concerned that deliverability depends on housing on the adjacent site; also then the most severely contaminated parts of the site will not be addressed.

POLICY

National Planning Policy Framework (NPPF):

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

Core principles include securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings, supporting sustainable economic development, and encouraging the reuse of land that has previously been developed, all within a presumption in favour of sustainable development.

Bolsover District Local Plan (BDLP)

GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), GEN4 (Development on Contaminated Land), GEN5 (Land Drainage), GEN6 (Sewerage and Sewage Disposal), GEN11 (Development Adjoining the Settlement Framework Boundary), GEN17 (Public Art);
EMP15 (Coalite Chemicals, Bolsover; Area of Existing Operations);
TRA4 (Protection of Existing Railway Sidings), TRA5 (Safeguarding Potential Railway Sidings), TRA7 (Design for Accessibility by Bus), TRA13 (Provision for Cyclists);
CON10 (Development Affecting the Setting of Listed Buildings);
ENV5 (Nature Conservation Interests Throughout the District).

It is considered that the general aims of these policies have a degree of consistency with the principles and policies of the National Planning Policy Framework.

ASSESSMENT

Principle of development

Within BDC the site is within the settlement framework defined by the Bolsover District Local Plan where general urban area control policies apply, development is generally acceptable subject to compliance with the policies of the Local Plan.

Policy EMP15 relates to the area of the chemical works and states that if the works cease operation as a major hazard site favourable consideration will be given to redevelopment which secures the permanent cessation of the major hazard use and incorporates significant environmental improvements and provides employment diversification. Use as a Major Hazard Site ceased sometime ago, the related Hazard Substances Consents were revoked in 2012. The proposal meets the requirements of the policy.

The proposed development area of the application site has the benefit of Certificates of Lawful Existing Use, primarily for B2 General Industrial use, but also including areas of B1 offices, agriculture and C3 residential uses. In broad land use terms the principle of the development of the application site for the proposed uses is therefore acceptable. The proposal will result in the remediation and redevelopment of a contaminated brownfield site and the removal of a derelict eyesore. Buttermilk Lane which in recent years has become an accident blackspot, will be improved.

The principle of the development therefore accords with the policies of the Bolsover District Local Plan and the principles of the National Planning Policy Framework as they relate to the supporting economic development and the reuse of previously developed land.

The main consideration relates to detailed aspects of the proposal, which are covered by the Environmental Statement and its subsequent updates.

Ecological Impacts

The ecological impacts of the development are considered to generally be acceptable subject to the proposed mitigation measures proposed in the Environmental Statement, including habitat protection, creation and management. Appropriate conditions can control these aspects.

The concerns of DWT are set out in the consultation section above.

In response the applicant has stated an intention to retain OMHPDL on site to the extent that it is commercially viable and submits a plan showing parts of the site where there is the opportunity to retain or create OMHPDL, which could be up to 5ha. This includes significant landscape corridors along the River, an area proposed for Open Storage and key landscaped area at entrances into the site off Buttermilk Lane. In the interests of the visual impact of the development such a landscape at key locations may not be the most appropriate treatment. It is stated in the ES that although this habitat is relatively resilient it is a temporal habitat and will be lost in time without management. Over time, without management, such habitat 'grows' and develops. DWT suggest that the development should be seen as an opportunity to secure the retention and appropriate management of this habitat type within the layout.

In determining the application a balance in the decision will need to be made between the benefits of the development (remediation of the contaminated land, redevelopment of brownfield land and provision of employment land) against the impacts on ecological interests in particular the substantial loss of OMHPDL habitat and its implications for wildlife and plants. It is proposed that some of the habitat is retained within the site. Other habitats will be protected, developed and created, particularly along the river corridor.

It is considered on balance that the benefits of the development outweigh the impacts on OMHPDL habitat subject to the mitigation measures as proposed. The development in ecological impact terms therefore generally accords with the relevant policies of the Bolsover District Local Plan (including policy ENV5 Nature Conservation Interests throughout the District) and the National Planning Policy Framework as they relate to the conservation and enhancement of the natural environment.

The Water Framework Directive classifies the River Doe Lea as poor, it is failing for fish, invertebrates and phytobenthos (microscopic plants that live attached to substrates such as rock/stone or large plants). The Environment Agency would like to see improvements to the river by introducing meandering where it has been straightened and other modifications to the banking to improve the river conditions including water quality and biodiversity. A scheme of morphological improvements to the course of the river could be required by condition.

Heritage Impacts including Archaeological Impacts

The impacts on heritage assets relate primarily to two assets, Bolsover Castle and Woodhouse Farmhouse.

The Castle is of exceptional national significance, which is reflected in its multiple designations as a Grade 1 Listed Building, Scheduled Ancient Monument, Grade 1 Registered Park and Garden and being within a Conservation Area; it is one of the top 2% of listed buildings in England (English Heritage response).

The former Coalite works site, particularly the closer, former smokeless fuels area is prominent in views from The Terrace, the designed viewing platform at the northern end of The Terrace, and from the windows of the main rooms in the Little Castle, all of which are designed to exploit the views across the Doe Lea valley. The Castle was designed to take advantage of these westwards facing views and to dominate the vale. The Coalite works were a significant detracting feature to the setting of the Castle with its tanks, structures and batteries being prominent. The derelict contaminated site, now with many of its structures removed, is still a significant detraction from its setting. The clearance of the site and its remediation is therefore welcomed but any development must ensure that the scale, height and appearance of the industrial units and energy centre do not harm the setting of the Castle. The proposal which provides for a mixture of different size industrial units with scope for careful design and layout (including landscaping to create an 'openness' and greening to the site) can, as such, mitigate the impact of new development on this site on the setting of the Castle. These elements of detail can be controlled at the Reserved Matters stage but would benefit from a Design Framework (similar to that used at Markham Vale) which should be established before any Reserved Matters are designed and submitted. This can be required by condition.

Thus, taking the significance of the Castle into account, other development already present in the vale, in particular Bolsover Business Park (former Bolsover Colliery), and Markham Vale (based on the former Markham Colliery), provided the new development is carefully considered in terms of scale, height, design and appearance it is considered that harm to the setting of Bolsover Castle is less than substantial and that the benefits from the development (remediation and redevelopment of contaminated land for employment purposes) outweighs the adverse impacts.

The impacts are similar for Woodhouse Farm, a grade II Listed Building situated to the north-east of the Former Coalite Works. The farmhouse faces the site (previously looking onto the offices and caretakers bungalow). Currently the setting to this heritage asset comprises derelict land with various structures, tanks and buildings in poor condition. The benefits of the development through remediation of the contaminated site, provided its development is

carefully considered in terms of scale, height, design and appearance, will it is considered outweigh the impacts of the new development on the setting of this heritage asset.

In terms of the Bolsover District Local Plan policy GEN10 (Development Affecting the Setting of Listed Buildings) which requires development that affects the setting of a Listed Building to preserve or enhance that setting, the proposal will at least preserve those settings and, subject to detailed design and layout, etc potentially enhance those settings.

The Council has a duty under S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering planning applications which affect a Listed Building or its setting to have special regard to the desirability of preserving the building, or its setting. A recent Court of Appeal decision (“Barnwell”) made it clear that the statutory test must be given great weight when dealing with impacts on listed buildings and their settings. The judgement also indicated that where impacts result in less than substantial harm these still need to be given considerable weight. The judgement also re-iterated that ‘preserving’ means to do no harm. It is noted that Historic England (formerly English Heritage) do not object to the proposal on impacts on the setting of the Castle or other listed buildings; and, subject to a condition on design, support the proposal.

Accordingly given this strong presumption against development which harms the setting of a Listed Building; that ‘less than substantial harm’ is considered to arise from the proposal to the setting of Bolsover Castle and Woodhouse Farm; and the public benefits from the development (the remediation and redevelopment of the former Coalite Works with employment development) it is considered that the benefits from the development do outweigh the presumption to preserve the setting of Listed Buildings, as it is felt that the development (subject to a design framework etc) will be an improvement on the current and past position in terms of impact on the setting of these heritage assets.

Archaeological evidence is likely to have been truncated as a result both of industrial development from the 1950’s and due to medieval or later agricultural activity. In particular the development of the Coalite Works will have removed the archaeological potential across the vast majority of the site. The County Development Control Archaeologist is satisfied that there is no potential for below-ground archaeology.

Subject to appropriate mitigation measures in particular a condition requiring the preparation of a Design Framework it is considered that the development while causing less than substantial harm to the setting of heritage assets is justified as a result of the public benefits from the remediation and redevelopment of the former Coalite Works, with its resultant environmental, economic and employment benefits. The proposal is therefore generally in accordance policy GEN10 (Development Affecting the Setting of Listed Buildings) and with the heritage policies of the National Planning Policy Framework.

Noise

The relevant section of the ES and the related Noise Impact Assessment identify various mitigation measures to make the noise impacts acceptable.

Some of the measures proposed relate to the impact of the commercial elements of the

development upon the proposed residential elements of the development, as well as impacts on existing residential properties nearby. For instance between the industrial area on the northern side of the River and the proposed residential area to the southern side a 3m high barrier (close boarded fence) is proposed along the length of the access road servicing the industrial units. This would be alongside the landscaped corridor to be developed alongside the River. This is considered to be an unacceptable solution in visual amenity terms. The ES recommends, in addition, mitigation measures to protect the new residential area: restrictions on 24 hour working e.g. high noise generating activities only to take place within buildings with door closed, reversing alarms restricted, and the external facade of industrial units constructed to attenuate sound.

The application is an outline planning application; the noise assessment has been carried out using the indicative masterplan submitted with the application. While the masterplan shows a layout for the commercial and residential elements of the development, it is only indicative, the masterplan should only be used for the general proposed land uses. A major concern is that the commercial elements of the development may be constrained by the proposed residential elements. However the residential aspect of the development is within North East Derbyshire, which, while it is the subject of an application for planning permission is currently undetermined. It would not be reasonable to impose restrictions on behalf of hypothetical dwellings. It would become incumbent on the housing developer and NEDDC to ensure a suitable noise environment is present for prospective occupiers and/or for the developer of the Coalite Works to impose necessary restrictions on 'commercial' uses as land owners, should such residential development go ahead.

Appropriate conditions requiring a noise management strategy as suggested by Environmental Health to take account of the impacts of the remediation and construction phase and of the completed development upon existing residential properties (principally Nether Woodhouse Farm) would help control this aspect of the development.

The proposal, subject to appropriate mitigation measures, is therefore considered to generally accord with policies GEN2 (Impact of Development on the Environment) and GEN3 (Development Affected by Adverse Environmental Impacts from Existing or Permitted Uses) of the Bolsover District Local Plan in relation to noise impacts and with the noise policies of the National Planning Policy Framework.

Flood Risk and Drainage

The Environment Agency expressed objection to the application as part of the development lies within flood zones 2 and 3 where there is a medium to high probability of flooding. No sequential test has been applied (to identify preferable alternative available sites avoiding development in the flood plain) although the proposal includes modifications to the flood plain to accommodate the development outside such areas. However insufficient information to determine where the proposed Flood Zones 2 and 3 would be has been provided (insufficient detailed topographical information).

Information is provided on the principles of flood plain modification, including replacement road bridge at Buttermilk Lane, removal of other flood plain structures, and construction of a flood corridor along the whole of the river within the application site to ensure that the flood

flows remain within a designated area allowing built development as indicated.

It is considered, as the principles of flood management are established and appear practicable, that the exact details of the bridge and flood corridor, to include detailed topographical information can be required by conditions to be approved before the commencement of any development within the flood zone areas (existing and proposed). Details should also include minimum floor levels for buildings and a reduction in surface water runoff from the proposed 20% reduction to a minimum of greenfield run-off rate or a 30% reduction to accord with the North East Derbyshire Strategic Flood Risk Assessment. Future maintenance responsibilities should also be established through a condition.

In these respects, subject to conditions, the proposal generally complies with policy GEN5 (Land Drainage) of the Bolsover District Local Plan and with the policies of the National Planning Policy Framework as they relate to flooding issues.

The surface water drainage strategy identifies 3 catchment areas for surface water drainage. The area west of Buttermilk Lane and north of the former railway line (Development Plots 6 – 8) outfalls to the river via an on-site treatment works in the west corner. There are cut-off valves and storage tanks within the existing drainage network in case of chemical spillage to divert and hold potentially contaminated run-off. Water quality from this catchment is known to have been contaminated in the past and it is possible that the pipe network could still have the potential to contain contaminants. There is a large storage lagoon to the western corner which is used for storage of attenuated flows when the existing discharge limit is reached.

The second area (Plot 5) is that between the railway and the river, west of Buttermilk Lane which drains to a sump in the south-west corner where the surface water is pumped to the treatment area in the first area.

The third area (Plot 4) on the eastern side of Buttermilk Lane (Smokeless Fuels Batteries Area) has an impermeable area which drains unrestricted into the river and a further greenfield element which discharges overland into the river. There is a network of underground pipes and overland drainage channels which convey surface water from the impermeable areas to a settlement tank adjacent to the river into which it discharges unrestricted.

The proposed drainage strategy is to maintain the existing catchment areas and outfall locations where possible. For plots 6 – 8 a new drainage network would be constructed as it is expected that the existing system would be removed or abandoned or grouted up which will help prevent the migration of contaminated groundwater across the site. The use of SuDS is unlikely due to the former use and known levels of contamination present in the site soils and groundwater. Similarly with the creation of new open storage ponds and lagoons it is likely that the disturbance of contaminated soils will occur. The existing lagoon is therefore to be retained to attenuate flows.

For plot 5 (proposed transport hub and main treatment area during the remediation process) a new drainage network would be constructed with an underground storage tank and outfall into the River. Due to previous site uses and contamination the existing drainage network would be removed, abandoned and grouted up to prevent the migration of contaminated ground

water across the site. The use of SuDS is unlikely due to the former use and known levels of contamination present in the site soils and groundwater. Similarly with the creation of new open storage ponds and lagoons it is likely that the disturbance of contaminated soils will occur, however an underground tank is proposed which is better suited to commercial development and could offer a degree of protection from cross contamination of clean surface water run-off with contaminated groundwater present within the site soils.

For plot 4 a new drainage network would be constructed and the existing outfall into the river utilised. Due to previous site uses and contamination the existing drainage network would be removed, abandoned and grouted up to prevent the migration of contaminated ground water across the site. The existing settlement tanks will be broken up and removed to allow for the new access road. Each unit developed within this area would have its own attenuation system, which due to the former use and known levels of contamination present in the site soils and groundwater, would comprise underground tanks.

Foul sewerage is to be pumped to sewers located within Markham Vale although a temporary package treatment plant would be used for the initial phase of development.

A suitable drainage strategy is proposed for the development subject to the agreement of details as requested by the Environment Agency and Water Company. The risk of mobilisation of contaminated groundwater below ground areas to be remediated is a concern but subject to appropriate details should be manageable by condition. In these respects, subject to conditions, the proposal generally complies with policies GEN5 (Land Drainage) and GEN6 (Sewerage and Sewage Disposal) of the Bolsover District Local Plan and with the policies of the National Planning Policy Framework as they relate to drainage issues.

Contamination

Environmental Health have strong concerns due to the extreme difficulties of securing appropriate remediation on the proposed commercial site within Bolsover District Council while there are potentially sensitive residential receptors within the area of land to be developed within North East Derbyshire District Council. Discussions have been continuing for some time and further detail and information has been provided in a revised remediation strategy to try to address concerns raised. In addition changes to the phasing of the development have now been submitted which requires completion of the remediation phases before the commencement of any residential development (were that element of the development to be approved by NEDDC).

The ES and supporting documents describe the remediation options considered.

The Site Investigation and Risk Assessment report, a supporting document to the ES prepared by SKM Enviro, in considering remediation options (chapter 13.1) states:

“The chapter does not set out to produce a detailed remedial strategy for the site as it should be noted that at this stage development proposals are at outline stage only. In order to develop a detailed strategy for the site it will be necessary to:

- Establish detailed development proposals and phasing plans for individual development plots;

- Engage with specialist contractors experienced in the implementation of identified remedial techniques; and,
- Agree clean-up thresholds and validation criteria with key environmental regulators including the Local Authority and the Environment Agency.

In overall terms contamination sources have been identified at the site, which are consistent with the known history of activities. Each development area (A, B, C and D) possesses its own characteristics in terms of contamination source type and attendant risks and therefore there is no single remedial solution which can be applied across the entire development. In our opinion, remediation of the site to deal with identified pollutant linkages to allow for development to proceed will require the application of a range of techniques which can be applied to the types of contaminants identified.”

In assessing the various options the report states that:

- selective excavation and sorting would be feasible in limited parts of the site due to the potential for odour issues (could be used as part of an overall treatment process);
- bioremediation with forced biopiles (as used in the 'Goodman' trials) would be feasible subject to management of odours during treatment;
- bioremediation with turned windrows would not be feasible due to the high potential for the generation of odours during windrow turning;
- stabilisation, off-site disposal and soil washing are all considered as not feasible being unsuitable for the contaminants or having limited practicality due to the locally high contamination concentrations with implications for odour issues;
- Thermal desorption could be deployed to treat heavier areas of contamination in some areas;
- Capping would be suitable when used in combination with other methods to treat contaminants and deal with any residual odours.

The report concludes that:

- The site has been the subject of several rounds of extensive baseline intrusive investigation including sampling of soils, groundwater and surface water.
- There is no evidence of impact on the quality of surface waters in the River Doe Lea from site derived contamination, there is potential for contamination in shallow made ground soils and groundwater in proximity to the River to impact on future surface water quality if the site remains un-remediated.
- Dioxin concentrations in soil in all areas of the site were below site specific assessment criteria (SSAC) for long term risks to human health.
- Risks to deep groundwater have been classified as low due to the limited resource value of the underlying strata and overlying clay soils of the weathered Coal Measures.
- Much of the contamination found in Areas B (eastern side of Buttermilk Lane) and also Area A (western side of Buttermilk Lane) north of the proposed Transport Hub is present in the form of hotspots rather than as widespread zones.
- In Areas A and B, the presence of extensive hardstanding incorporated into future site layouts will serve to limit potential risks to future users of the site.
- Whilst not strictly a health risk and more of a perception issue, odours will be an important consideration for the development, particularly during the development construction phase.

This Site Investigation and Risk Assessment report recommends that:

- Each development area has different characteristics and a range of remedial techniques will need to be applied to deal with identified pollutant linkages. It is anticipated that remediation can be undertaken in conjunction with groundworks particularly as much of the identified contamination is present at relatively shallow depths in Made Ground deposits.
- For many of the soil borne hydrocarbon contaminants identified at the site ex-situ bioremediation through the use of forced bio-piles is likely to be a cost effective and sustainable form of treatment. For more recalcitrant contamination, or areas where impact is heaviest such as Zone 5 of Area A additional measures can be implemented.
- Other more conventional techniques can also be applied across all areas of the site, such as use of capping or barrier layers
- Further site investigation would be required in contamination hotspots (and for example beneath relic tanks/structures in Area A; it is not anticipated that any contamination (if present) will differ significantly from that already identified.
- A remediation strategy setting out detailed proposals for dealing with identified contamination for each of the four Areas can be worked up once detailed site development plans are finalised. This can then form the basis of a detailed Remediation Method Statement.

The revised updated Remediation Strategy submitted in March 2015 (with phasing amendments July 2015) details bioremediation with turned windrows as the preferred option using other techniques of controlled excavation, segregation, and screening to identify the contaminated soils. The ES indicates that this method (bioremediation with turned windrows) was considered as not suitable based purely on the potential generation of odours rather than the technical capability to remediate the contaminants in the soils. The applicants remediation specialist considers that the short-term odour effects of a more aggressive bioremediation treatment involving regular (i.e. monthly to bimonthly) turning exercises (as proposed) would be less than the longer term odour effects of a more passive traditional biopile. As the applicant states "In simple terms it smells a bit more for short periods, rather than just continuing to have a pervasive smell for a longer period continuing to impact on the local area". In order to assess the actual effects of this revised treatment method, the revised odour assessment was undertaken which ascertained that the likely impacts on the local vicinity prior to, during and after proposed treatment were acceptable. There may be stronger short term impacts rather than a prolonged on-going impact. Mitigation measures can be put in place which are specified in the Odour Management Plan, although this needs to be updated to reflect the revised Remediation Strategy and Odour Assessment.

Subject to agreement on assessment criteria for the remediation process, submission of a revised Odour Management Plan to take account of the revised Remediation Strategy and Odour Assessment, and production of a verification report by an independent consultant (as proposed in the Remediation Strategy), it is considered that a reasonable way forward for the preparation of the site for its intended use has been identified which accords with the policies of the development plan (policies GEN1 (Minimum Requirements for Development), and GEN4 (Development on Contaminated Land) of the Bolsover District Local Plan) and with the policies of the National Planning Policy Framework as they relate to development on contaminated land.

Air Quality (Including odour Issues)

The ES concludes that with an appropriate Odour Management Plan and Environmental Management Plan emissions to air and odours can be mitigated to an acceptable level during the construction phases. On completion of the development there will be a negligible impact on air quality mainly as a result of increased traffic on the local road network. No odour emissions are anticipated following the remediation phase. The ES contained as an appendix an Odour Assessment which included an Odour Management Plan.

Following discussions in relation to the remediation strategy a revised odour assessment has been submitted. The revision is to take account of the remediation strategy which had not been finalised at the time of the original odour assessment but refers back to the original Odour Management Plan. However the applicant has indicated that this is to be revised to take account of the revised remediation strategy and odour assessment.

Generally odour emissions are likely to continue if remediation does not occur, it is very likely that the activities of remediation will increase the levels of odour in the short term. Once the remediation works are complete there will be an overall benefit due to the proposed development as the sources of odour will have been removed. There may be some residual odour from the treated materials but the remediation strategy places these materials at depth (below 1m) with non-odorous materials above where they can be capped with a hard surface (hardstanding, road).

The odour impacts of the proposed remediation strategy are discussed in the preceding section.

Subject to conditions requiring the implementation of the mitigation measures outlined in the Odour Assessment and submission of an updated Odour Management Plan, the proposal generally complies with policy GEN 2 (2) Impact of Development upon the Environment and with the policies of the National Planning Policy Framework as they relate to air quality issues.

Landscape and Visual Impacts

A Landscape and Visual Impact Assessment has been undertaken by the applicant. The existing derelict character across the site would be replaced with new industrial buildings and infrastructure with a structural and ornamental landscape scheme to screen and enhance the landscape setting within the industrial landscape. Mitigation measures to reduce the landscape and visual impacts rely on perimeter and internal planting of the development plots to screen and filter views of the development.

The submitted Masterplan and the Design & Access Statement, together with the recently submitted Landscape Masterplan to clarify the illustrations within those documents, indicatively imply the retention of peripheral tree and other vegetation to the site edges plus new planting within the site to help mitigate the development visual impacts. The Design and Access Statement states that the majority of existing vegetation within and around the site will be retained. However there is some contradiction with the Remediation Strategy which states that the site clearance works will also involve the clearing and removal of the existing trees, shrubbery and scrub to ground level within the current works area. A condition requiring retention of trees etc along the river corridor and to other site boundaries unless their removal

is required to allow full remediation of the land, should be possible.

It is considered that the redevelopment of the Coalite Works will represent an improvement to the current derelict landscape and the past landscape of various structures towers and chimneys. However there will be a certain level of cumulative impact when viewed from Bolsover and the Castle where the proposal may be construed as an extension of Markham Vale and Bolsover Business Park. The mitigation measures proposed in the supporting documents will help break up the mass of development, however the stated principles are not well illustrated on the masterplan. In particular the former area of the Smokeless Fuel Works ('the batteries area') needs wider areas of landscape planting to give effect to the principles and careful positioning of buildings to maximise these principles.

As with the Markham Vale development it would be appropriate, to address issues of landscape and visual impact and impact on heritage assets, to require by condition a Design Framework which contains a full assessment of the context of the site including views into it and sets out design parameters including landscape corridors, layout, design of buildings, maximum heights of buildings and materials (colours) of construction. This should be submitted prior to any Reserved Matters applications.

Subject to such a condition it is considered that overall the development will improve the current landscape and be in general compliance with policies GEN1 (Minimum Requirements for Development) (4) and GEN2 (Impact of Development on the Environment) and the policies of the National Planning Policy Framework as expressed in its core planning principles.

Transport

Following discussions with the local highway authority (DCC) and the Highways Agency (Highways England) a revised Transport Assessment (TA) has been submitted. This TA is for the whole development site (BDC commercial and NEDDC Residential). Subject to agreement of details (which can be required by conditions or through the Highways Act procedures) and amounts for off-site improvements to be achieved through a S106 Planning Obligation (amounts not specified) the conclusions of the TA are agreed by DCC and Highways England (as it relates to their interests).

The TA identifies the following highway improvements and mitigation measures:

- Improvements to Buttermilk Lane (involving widening, resurfacing, alterations to vertical alignment, replacement of culvert and provision of footways / cycle facilities along the development site frontage);
- Introduction of shuttle signals arrangement on the narrow section of Buttermilk Lane over the disused railway line (allowing provision of separate footway/cycleway);
- Improvements to:
 - M1 J29A southbound off-slip roundabout
 - Markham Lane roundabout (east of Junction 29A)
 - A632 / Buttermilk Lane roundabout
 - A632 / Intake Road roundabout
 - A632 / Staveley Road signals (Duckmanton)
 - Hilltop/Station Road Bolsover
 - Town End/Welbeck Road/Moor Lane Bolsover.

The access points for the various parts of the development off the highway network are considered satisfactory by DCC subject to future detailed design as part of the Highways Act 1980 S278 Agreement process.

A Framework Travel Plan has been included with the application which sets out measures to encourage less reliance on single occupancy of the private car. Individual Detailed Travel Plans for each parcel of land as it is developed are recommended and can be required by condition as part of the submission of Reserved Matters for each plot (as recommended by the local highway authority).

A phased approach to the provision of public transport to serve both the commercial and residential elements of the development is proposed in the Transport Assessment, although this is dependent on the overall phasing of the development. The local highway authority suggests that this should form part of a S106 Planning Obligation, although it should be required through a revised FTP or the individual Travel Plans or condition (scheme for provision of public transport).

The policies and Proposals Map of the Bolsover District Local Plan show the railway line and the sidings serving the Coalite Site to be protected. The railway line has been closed for sometime and the track removed. The route remains and technically it could be possible to provide a private siding from the Markham Vale site to the north-west to serve the former Coalite site which would be in general compliance with policies TRA2 (Protection of Rail Routes) and TRA4 (Protection of Existing Railway Sidings) of the Bolsover District Local Plan.

A core planning principle of the National Planning Policy Framework is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. Subject to the provision of the appropriate highway improvements, including access into the site, footways, footpath and cycleway connections and provision for bus services, the proposal is considered to comply with the National Planning Policy Framework in respect of transport issues. In addition, subject to conditions the proposal as supported by the ES and revised TA generally complies with local (Bolsover District Local Plan policies).

Other Matters

The application originally contained a proposal for a 'CHP (Combined Heat and Power) Energy Centre' which would use refuse derived fuel (RDF). If such fuel is to be used this element of the proposal would be a 'County Matter' as it involves the disposal of waste. Reference to the type of fuel to be used has therefore been removed from the application as at this outline stage no detail is known. The proposal for an energy centre is however retained but with no reference to fuel. When details are known and submitted for approval if RDF is to be used then the energy centre would become a County Matter. There are no objections in principal to such a power station subject to design and flue height considerations, particularly in relation to impacts on Bolsover Castle and Bolsover generally.

The proposal includes a Museum/Visitor Centre, which would be an appropriate location for a work of art as requested by the Councils Arts Development Officer. No specific comments

have been made in relation to the Museum/Visitor Centre during the consideration of the application, it is in general compliance with the policies of the local plan other than its location in relation to public transport routes (a location for such a facility in the centre of Bolsover would be more appropriate).

Listed Building:	Discussed above.
Conservation Area:	Considered in relation to the setting of Bolsover Castle
Crime and Disorder:	Would see the remediation and development of a site with security concerns
Equalities:	No specific issues raised
Access for Disabled:	No specific issues raised
Trees (Preservation and Planting):	Various trees impacted by the development, overall significant improvement with additional landscaping to remediated site.
SSSI Impacts:	n/a
Biodiversity:	See ecological issues discussed above.
Human Rights:	No specific issues raised

Conclusions

Subject to appropriate conditions to mitigate the impacts of remediation, construction and operation of the proposal, the application is a very welcome proposal to clean up the derelict former Coalite Works and reuse this brownfield land for industrial, warehousing and other associated purposes. The proposal is considered to be sustainable development in the terms of the National Planning Policy Framework and generally accords with the policies of the Bolsover District Local Plan.

RECOMMENDATION:

APPROVE
subject to conditions
given below to be formulated in full by the Development Control Manager:

Conditions:

- 1 Approval of the details of the layout, scale, appearance and landscaping shall be obtained from the Local Planning Authority in writing before any development is commenced. (*To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)
- 2 Application for approval of the reserved matters for any phase of the development shall be made to the Local Planning Authority before the expiration of seven years from the date of compliance with condition 6 of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. (*To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)
- 3 The site shall be remediated in accordance with the Remediation and Phasing Strategy (dated July 2015), including the phasing as set out in the table at Section 2 on pages 5 & 6, the St Francis Group Remediation Outline Technical Proposal as amended and

dated July 2015 (as received 29th July 2015), the Odour Assessment dated January 2015 by Jacobs and the Odour Management Plan by SKM dated XX July 2015 except as varied by other conditions on this permission. No development other than remedial works shall take place until the remediation works are completed in accordance with condition 6. Only material from the former Coalite complex shall be remediated at the site. In the event of conflict during the remediation works between the Remediation Methodology and Odour Management, odour mitigation shall prevail.

- 4 Prior to the commencement of any remediation works site specific remediation targets shall be submitted to and approved in writing by the Local Planning Authority which shall include:
 - remedial criteria derived from detailed human health and controlled waters risk assessments which will be used to assess materials that require treatment, require further investigation or are suitable for direct re-use;
 - risk based targets for validating excavations and assessing the suitability of materials for re-use following treatment;
 - a qualitative assessment of odour to ascertain the most suitable potential disposition position and location for treated material.
- 5 Any material variation to the Remediation and Phasing Strategy including the importation of any materials to accelerate the bioremediation process or any change to the process to be used, shall have the prior approval in writing of the Local Planning Authority. Any such variation shall not to go beyond the overall assessment contained within the submitted Environmental Statement and Odour Assessment. In the event that any other contaminant 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 and where remediation is necessary the remediation scheme must be revised in accordance with details to be approved in writing by the Local Planning Authority.
- 6 Prior to the commencement of any construction works in accordance with any approved Reserved Matters submitted in accordance with conditions 1 & 2 above, an independent assessment (to be undertaken by an independent assessor jointly agreed by the applicant and local planning authority prior to any remediation works taking place) shall take place to verify that the remediation works have been completed in accordance with the assessment criteria approved in accordance with condition 4 above. The Verification Report shall include the information specified in section 4 of the St Francis Group Remediation Outline Technical Proposal dated July 2015 (received 29th July 2015) and information with relevant data to demonstrate that the previously agreed remediation targets have been achieved both in relation to contamination and odour.
- 7 Notwithstanding the specific noise mitigation measures recommended in the Noise Impact Assessment submitted as part of the Environmental Assessment the Reserved Matters for development on plots 7 & 8 shall include a noise management strategy to take account of the impacts of the construction phase and of the completed development upon existing nearby residential properties (including Nether Woodhouse Farm and Woodhouse Farm). Noise from completed developments on plots 7 & 8 shall

not exceed [to be specified by Environmental Health] .

8 Prior to the commencement of any remediation works an Environmental Management Strategy shall be submitted to and approved in writing by the Local Planning Authority which shall include:

- Remediation Implementation Plan and Method Statements;
- Monitoring details for dust, odour, vibration and noise including locations, frequency and assessment criteria during remediation, construction and operational phases as relevant;
- Ecological Management Plan to protect the existing biodiversity within and adjoining the site as identified in the submitted Environmental Statement.

The Environmental Management Strategy shall be implemented as so approved.

9 Prior to the occupation of any unit constructed in accordance with any approved Reserved Matters submitted in accordance with conditions 1 & 2 above, the improvements to Buttermilk Lane and the access junctions into the site shall have been constructed in accordance with the plans approved hereby.

10 Prior to the occupation of any unit constructed in accordance with any approved Reserved Matters submitted in accordance with conditions 1 & 2 above, a revised Framework Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority which includes addressing public transport provision, identifying a programme of provision of any off-site road improvements identified as necessary by the local highway authority for this development and setting out footpath/cycleway linkages to the surrounding network and settlements with a timetable of provision. Individual Travel Plans for each development plot shall be submitted with the Reserved Matters for such plots showing their relationship to the approved Framework Travel Plan in addition to specific measures in relation to the development on that plot.

11 No part of the development hereby permitted shall be occupied until the improvement scheme at M1 J29a, as shown on Opus drawing number J-B0502.00/03/R3, including any subsequent revisions resulting from the implementation of the Road Safety Audit or detailed design, are complete and open to traffic. *(By direction of the Highways Agency to ensure that the M1 Motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highway Act 1980 and in the interests of road safety, efficiency, sustainability, and amenity in accordance with the National Planning Policy Framework (NPPF)).*

12 Before the commencement of any development within the flood zone areas (existing and proposed), being within plots 4 and 5, details of the Buttermilk Lane road bridge (watercourse/flood capacity) over the River Doe Lea and the remodelled flood corridor shall be submitted to and approved in writing by the Local Planning Authority. The details shall include detailed topographical information, minimum floor levels for buildings, a scheme for improvements to the River Doe Lea by channel alteration or in-channel morphological diversity, information to demonstrate that flood risk will not be increased elsewhere, and details of agreed future maintenance responsibilities for the flood plain area. The approved details shall be implemented as so approved prior to

the construction of any buildings on plots 4 and 5 or in accordance with an alternative programme of operations previously submitted to and approved in writing by the Local Planning Authority. *(On the advice of the Environment Agency to ensure that the overall capacity of the flood plain, taking account of the development proposal, is not compromised, to improve the water quality of the river which currently has poor WFD ecological status, and in compliance with policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), GEN5 (Land Drainage) and ENV5 (Nature Conservation Interests throughout the District) of the Bolsover District Local Plan. NOTE: This condition will require works on land within the applicants control but within the area covered by North East Derbyshire District Council, i.e. generally land on the south-western side of the river Doe Lea.)*

- 13 Notwithstanding the submitted Flood Risk Assessment included as part of the submitted Environmental Statement the surface water run-off rate shall be to greenfield runoff rate or at least 30% reduction to existing points of discharge. *(On the advice of the Environment Agency to accord with the North East Derbyshire Strategic Flood Risk Assessment and in compliance with policies GEN2 (Impact of Development on the Environment) and GEN5 (Land Drainage) of the Bolsover District Local Plan.)*
- 14 Drainage of the development shall be in accordance with the Flood Risk Assessment and Drainage Strategy contained within chapter 12 of the Environmental Statement which provides for a foul water pumping station with discharge to Staveley Water Treatment Works with surface water to the River Doe Lea with restricted discharge rates in accordance with condition 13 above. *(On the advice of Yorkshire Water to ensure satisfactory and sustainable drainage and in compliance with policies GEN2 (Impact of Development on the Environment,) GEN5 (Land Drainage) and GEN6 (Sewerage and Sewage Disposal) of the Bolsover District Local Plan.)*
- 15 No later than the submission of any reserved matters in accordance with conditions 1 & 2 a Design Framework shall be prepared submitted to and approved in writing by the local planning authority. *(To ensure that layout, scale, height and design respond positively to Bolsover Castle and other heritage assets, and the distinctive local character of Bolsover and local landscape as the proposals have the potential to cause harm to the setting of Bolsover Castle and other heritage assets and in compliance with policies GEN1 (Minimum Requirements for Development) GEN2 (Impact of Development on the Environment) CON10 (Development Affecting the Setting of Listed Buildings) of the Bolsover District Local Plan.)*
- 16 The Reserved Matters submitted in accordance with conditions 1 and 2 above shall be accompanied by a Design Statement demonstrating how the proposal takes account of the Design Framework approved in accordance with condition 15. *(To minimise the impact of the development on the settings of nearby heritage assets the landscape generally and in compliance with policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment) and CON10 (Development Affecting the Setting of Listed Buildings) of the Bolsover District Local Plan.)*
- 17 The Reserved Matters submitted in accordance with conditions 1 and 2 above shall be accompanied by an Ecological Enhancement and Management Plan to include the mitigation measures outlined in the submitted Environmental Statement (Chapter 9)

- 18 The existing trees along the Doe Lea river corridor and along the site edges as shown on the 'Landscape Masterplan' (dwg. No. N227-GA-0011 Rev A) shall be retained and protected from the development works in accordance with details submitted as part of the Ecological Management Plan approved in accordance with condition 8 above. In the event that a retained tree has to be removed to resolve contamination issues details of the tree(s) to be removed shall be submitted to the Local Planning Authority and suitable replacement tree(s) shall be included within the Landscaping Reserved Matters to be submitted in accordance with conditions 1 and 2 above. *(To retain mature landscaping and setting to the development site in the interests of visual amenity and the retention of biodiversity and in compliance with policiesof the Bolsover District Local Plan.)*
- 19 An asbestos in soil risk assessment must be carried out for the entire site and agreed in writing with the Local Planning Authority. Any subsequent recommendations or controls must then be implemented to the satisfaction of the Local Planning Authority and verification of the measures undertaken included within the Verification report required in Condition 6.
- 20 In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory using MCERTS Chemical testing of Soil Scheme, where accreditation exists. The results shall be submitted to the Local Planning Authority for consideration in advance of the soil being imported to site. Only the soil approved in writing by the Local Planning Authority shall be used on site.
- 21 Prior to the occupation of any unit constructed in accordance with any approved Reserved Matters submitted in accordance with conditions 1 & 2 above, a Management Plan for all public areas detailing management aims and objectives, typical maintenance regimes, and responsibility for maintenance and management shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include all public areas, landscape zones, ecological zones; and the River Doe Lea corridor through the site.

Notes for applicant:

- 1) For information in relation to the interpretation of the above conditions:
"development" relates to the whole project: remediation of the site, site preparation and building works);
"remediation" relates to clearance and treatment of contamination to render the site fit for development including the creation of development plateaus);
"construction" relates to works following and in accordance with the approved Reserved Matters, including formation of hardstandings, roadways, landscaping, erection of buildings, etc.
- 2) In connection with condition 6 as it relates to issues of odour:
as a minimum they should ensure that there is not a statutory nuisance with respect to odour after remediation.
In relation to this condition more generally the Local Planning Authority and its Environmental Health Department would wish to be involved in phased assessments of the remediated land at an early stage.

- 3) The Design Framework required by condition 15 will need to contain a full assessment of the context of the site including views into and out of it and set out design parameters including strategic landscape corridors and guidance on the design of buildings including siting, layout, massing, materials and colours, the setting of buildings (including landscaping, layout of car parking and boundary treatment), lighting, signage and the use of sustainable technologies.
- 4) The Highways Agency (now known as Highways England) provide the following advice:
 - a. The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. The Highway Agency therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Highway Agency's Section 278 Business Manager Chris Holton to discuss these matters on david.steventon@highways.gsi.gov.uk
 - b. The applicant should be made aware that any works undertaken to the Highway Agency network are carried out under the Network Occupancy Management policy, in accordance with HA procedures, which currently requires notification/booking 12 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The Area 7 MAC's contact details for these matters is area7.roadspace@aone.uk.com
- 5) To support the Ecological Enhancement and Management Plan required by condition 18 the following information should be included:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Ongoing monitoring and remedial measures.

The Ecological Enhancement and Management Plan should also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan should also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

General Notes
 All the dimensions shall be verified by the Contractors site prior to commencing any works.
 Do not scale from this drawing.
 Only work to written dimensions.
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INDICATIVE ONLY

PROF 1.1.18 - Residential Neighbourhood Phase 1	Area	sqft	sqm
Neighbourhood Phase 1	1,110	11,048	795
PROF 1.1.18 - Residential Neighbourhood Phase 2	Area	sqft	sqm
Neighbourhood Phase 2	22,390	213,870	15,629
PROF 1.1.18 - Residential Neighbourhood Phase 3	Area	sqft	sqm
Neighbourhood Phase 3	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 4	Area	sqft	sqm
Neighbourhood Phase 4	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 5	Area	sqft	sqm
Neighbourhood Phase 5	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 6	Area	sqft	sqm
Neighbourhood Phase 6	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 7	Area	sqft	sqm
Neighbourhood Phase 7	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 8	Area	sqft	sqm
Neighbourhood Phase 8	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 9	Area	sqft	sqm
Neighbourhood Phase 9	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 10	Area	sqft	sqm
Neighbourhood Phase 10	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 11	Area	sqft	sqm
Neighbourhood Phase 11	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 12	Area	sqft	sqm
Neighbourhood Phase 12	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 13	Area	sqft	sqm
Neighbourhood Phase 13	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 14	Area	sqft	sqm
Neighbourhood Phase 14	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 15	Area	sqft	sqm
Neighbourhood Phase 15	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 16	Area	sqft	sqm
Neighbourhood Phase 16	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 17	Area	sqft	sqm
Neighbourhood Phase 17	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 18	Area	sqft	sqm
Neighbourhood Phase 18	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 19	Area	sqft	sqm
Neighbourhood Phase 19	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 20	Area	sqft	sqm
Neighbourhood Phase 20	1,020	10,140	735

PROF 1.1.18 - Residential Neighbourhood Phase 21 Area | sqft | sqm || Neighbourhood Phase 21 | 1,020 | 10,140 | 735 |
PROF 1.1.18 - Residential Neighbourhood Phase 22	Area	sqft	sqm
Neighbourhood Phase 22	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 23	Area	sqft	sqm
Neighbourhood Phase 23	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 24	Area	sqft	sqm
Neighbourhood Phase 24	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 25	Area	sqft	sqm
Neighbourhood Phase 25	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 26	Area	sqft	sqm
Neighbourhood Phase 26	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 27	Area	sqft	sqm
Neighbourhood Phase 27	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 28	Area	sqft	sqm
Neighbourhood Phase 28	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 29	Area	sqft	sqm
Neighbourhood Phase 29	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 30	Area	sqft	sqm
Neighbourhood Phase 30	1,020	10,140	735

PROF 1.1.18 - Residential Neighbourhood Phase 31 Area | sqft | sqm || Neighbourhood Phase 31 | 1,020 | 10,140 | 735 |
PROF 1.1.18 - Residential Neighbourhood Phase 32	Area	sqft	sqm
Neighbourhood Phase 32	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 33	Area	sqft	sqm
Neighbourhood Phase 33	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 34	Area	sqft	sqm
Neighbourhood Phase 34	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 35	Area	sqft	sqm
Neighbourhood Phase 35	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 36	Area	sqft	sqm
Neighbourhood Phase 36	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 37	Area	sqft	sqm
Neighbourhood Phase 37	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 38	Area	sqft	sqm
Neighbourhood Phase 38	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 39	Area	sqft	sqm
Neighbourhood Phase 39	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 40	Area	sqft	sqm
Neighbourhood Phase 40	1,020	10,140	735

PROF 1.1.18 - Residential Neighbourhood Phase 41 Area | sqft | sqm || Neighbourhood Phase 41 | 1,020 | 10,140 | 735 |
PROF 1.1.18 - Residential Neighbourhood Phase 42	Area	sqft	sqm
Neighbourhood Phase 42	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 43	Area	sqft	sqm
Neighbourhood Phase 43	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 44	Area	sqft	sqm
Neighbourhood Phase 44	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 45	Area	sqft	sqm
Neighbourhood Phase 45	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 46	Area	sqft	sqm
Neighbourhood Phase 46	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 47	Area	sqft	sqm
Neighbourhood Phase 47	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 48	Area	sqft	sqm
Neighbourhood Phase 48	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 49	Area	sqft	sqm
Neighbourhood Phase 49	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 50	Area	sqft	sqm
Neighbourhood Phase 50	1,020	10,140	735

PROF 1.1.18 - Residential Neighbourhood Phase 51 Area | sqft | sqm || Neighbourhood Phase 51 | 1,020 | 10,140 | 735 |
PROF 1.1.18 - Residential Neighbourhood Phase 52	Area	sqft	sqm
Neighbourhood Phase 52	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 53	Area	sqft	sqm
Neighbourhood Phase 53	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 54	Area	sqft	sqm
Neighbourhood Phase 54	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 55	Area	sqft	sqm
Neighbourhood Phase 55	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 56	Area	sqft	sqm
Neighbourhood Phase 56	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 57	Area	sqft	sqm
Neighbourhood Phase 57	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 58	Area	sqft	sqm
Neighbourhood Phase 58	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 59	Area	sqft	sqm
Neighbourhood Phase 59	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 60	Area	sqft	sqm
Neighbourhood Phase 60	1,020	10,140	735

PROF 1.1.18 - Residential Neighbourhood Phase 61 Area | sqft | sqm || Neighbourhood Phase 61 | 1,020 | 10,140 | 735 |
PROF 1.1.18 - Residential Neighbourhood Phase 62	Area	sqft	sqm
Neighbourhood Phase 62	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 63	Area	sqft	sqm
Neighbourhood Phase 63	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 64	Area	sqft	sqm
Neighbourhood Phase 64	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 65	Area	sqft	sqm
Neighbourhood Phase 65	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 66	Area	sqft	sqm
Neighbourhood Phase 66	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 67	Area	sqft	sqm
Neighbourhood Phase 67	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 68	Area	sqft	sqm
Neighbourhood Phase 68	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 69	Area	sqft	sqm
Neighbourhood Phase 69	1,020	10,140	735
PROF 1.1.18 - Residential Neighbourhood Phase 70	Area	sqft	sqm
Neighbourhood Phase 70	1,020	10,140	735



Client
 Bolsover Land Limited

Project
 Former Caselle Works, Bolsover
 Illustrative Masterplan

Drawing No. 11078_PL03 **Rev.** B

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PARISH Pleasley

APPLICATION Residential Development
LOCATION Land Between Hill Top Farm And Allotment Gardens Chesterfield Road
New Houghton
APPLICANT Mrs K Jephson Bleakhills House Bleakhills Lane Mansfield
APPLICATION NO. 15/00124/OUT **FILE NO.** PP-04046677
CASE OFFICER Mr T Ball
DATE RECEIVED 14th March 2015

SITE

The site occupies a 7.8ha of arable farmland situated on the northwest side of New Houghton bounded between the A617 to the southwest and the existing settlement to the south and east. Properties along Pavilion Gardens, Recreation Road and Hardwick View Close bound the site along its eastern and southern edges. In addition, allotment gardens adjoin much of the south eastern boundary.

Hedges bound a large proportion of the site edges although the north western boundary is open and appears to follow an undefined line through the middle of the field.

The site affords sweeping views across the surrounding landscape. The western part of the site is elevated, although much of its topography slopes down in an easterly direction towards the existing village. Alongside the A617 the field lies slightly below the level of the road.

The former Hill top Farm with its own separate access track is situated just north of the site, although these appear to be derelict.

The land is classified as mainly grade 2 agricultural land with part of the south eastern corner grade 3.

PROPOSAL

The application seeks outline planning permission for up to 180 dwellings. Approval of access details are sought at this stage. All other matters are reserved for subsequent consideration. The application proposes a new three arm roundabout on the A617 in order to gain access into the site, together with a link into the village via Garden Avenue and Recreation Road to the east. Additional access roads are indicated on the 'Proposed Site Masterplan' providing access into adjacent areas of land (that lie outside the application site); the Planning Statement indicates that these could be to additional employment land and residential development.

Although the application is in outline and no design details are sought at this stage, the proposal is supported by a design and access statement and a Proposed Site Masterplan.

The following documents/reports have been submitted to support the application:

- Confidential Viability study – examines three options:
 - 10% Affordable housing;
 - no Affordable Housing but 10% development completed within 3 years, 50% within 5 years;
 - applicants preferred option of 5% Affordable Housing. £300,000 is set aside for

other S106 contributions.

- Ecological Survey (Extended Phase 1 Habitat Survey).
- Non-intrusive Environmental and Geotechnical Assessment.
- Ground Investigation Summary Report.
- Coal Mining Risk Assessment.
- Transport Assessment.
- Framework Residential Travel Plan.
- Landscape and Visual Impact Assessment and Landscape Strategy.
- Statement of Public Consultation.
- Planning Statement.
- Design & Access Statement.

AMENDMENTS

The following additional Information has been received:

- Flood Risk Assessment (08.04.15).
- Archaeological Geophysical Survey (18.05.15).
- Heritage Impact Assessment (02.06.15).
- Highway Safety Audit for new roundabout and response (10.06.15).
- Responses to Objectors and Professional Objectors (11.06.15).
- Response to policy issues (16.07.15)

HISTORY

None

CONSULTATIONS

Environment Agency: No objections in principle; recommends detailed condition requiring detailed surface water drainage scheme with various advisory notes. 09.04.15

Pleasley Parish Council: Object on the following grounds: 1) the effects of making an extra through route from the A617 into New Houghton; 2) Increased incidence of flooding at the lower end of the site and in Recreation Road; 3) close proximity to a nature reserve; 4) Density of housing and pressure on local services and amenities. 14.04.15

National Trust: No information to assess impacts on historic environment, in particular upon the setting of Hardwick Hall, Registered Park and Garden and Conservation Area, therefore object. Details concerns relating to strategic planning, conformity with National Planning Policy Framework and Bolsover District Local Plan, landscape and visual impacts, and impacts on agricultural land. Proposal is located around 2000m north-east of the remarkable assemblage of heritage assets at Hardwick. The development is likely to fall within the setting of Hardwick, western part of the site will be visible from the roof platform of Hardwick New Hall. May also be visible from areas of the Upper Park. No evidence provided by the applicant to assess the potential impacts as required by the National Planning Policy Framework. Expect an assessment of the likely impacts of the development on the setting of Hardwick. Photomontage visualisations of the proposed development would assist the assessment of landscape, visual and heritage impacts in accordance with industry standard guidance, those submitted within the LVIA are rudimentary photomontages of the current

landscape. Viewpoints from Pleasley Pit Country Park should be included. 20.04.15

Conservation Officer (BDC): Agrees with National Trust that in order to evaluate the potential impact of the development upon Hardwick Hall that it will necessary to submit a photomontage visualisation concentrating on views from the Hardwick Estate. This will allow further detailed comment. 24.04.15

Following receipt of the Heritage Impact assessment and a visit to Hardwick Hall with National Trust Planning Adviser satisfied that the development would not be seen from the Hall roof or from within the grounds. The development will be screened to a large extent by a hillside and extensive tree coverage. 17.07.15

Crime Prevention Design Adviser: No comments. 21.04.15

Local Highway Authority (DCC): Concerns regarding the sustainability of the location, few facilities at New Houghton and little opportunity for employment which is confirmed by the submitted Transport Assessment. While there are some public transport services it will still be necessary for residents to rely on the private car. However, the principle of a suitably designed roundabout junction to serve the development off the A617 is acceptable. On the basis that access is not a reserved matter it is necessary for a detailed drawing of the roundabout supported by a Safety Audit to be submitted before making any further comment. 30.04.15 Provides detail comments on the submitted Travel Plan mainly relating to issues which could be developed or included. 23.04.15 There has been no response following submission of the safety audit.

Environmental Protection Officer (Contamination): No objections in principle, agrees with phase1 report that further intrusive investigation is required due to the previous uses of the site and the infilled quarries in close proximity. Require a full gas risk assessment. Recommends condition requiring further investigation, assessment and remediation as appropriate. 06.05.15

Environmental Protection Officer (Noise): No noise assessment has been undertaken. Due to close proximity of the A617 recommend conditions requiring a noise assessment. 06.05.15

Derbyshire Wildlife Trust: Extended Phase 1 Habitat Survey with an additional walkover survey identify the site to be dominated by arable land with hedgerows. The hedgerows meet the definition of UK BAP priority habitat and, as such, we support their retention and enhancement. Support the recommendation that these should be adequately protected during works in accordance with details to be required by condition. The Masterplan shows drainage by Suds and a balancing pond, these should be designed to provide maximum benefit to biodiversity. Following a site visit notes the presence of a landscaped buffer adjacent to Hardwick View Close; this is now getting well established and the UK BAP priority butterfly Small Heath was recorded in association with the grassy element of the buffer. Strongly recommend that the buffer and the well established native hedgerow along the south-east boundary are retained within the development and enhanced to provide maximum biodiversity benefit. The Masterplan does not respect or retain these features. Any Reserved Matters application should be accompanied by an Ecological Mitigation and Enhancement

Plan for all areas retained and for all created habitats to include biodiversity enhancement, and a programme of long term management. 11.06.15

Further comments that now in possession of information regarding the presence of reptiles (slow worm and grass snake) which are Species of Principal Importance, therefore essential that the presence or otherwise of reptiles on the site and the extent that they may be affected is established prior to the determination of the application. Acknowledge that arable fields are generally regarded as providing sub-optimal habitat for reptiles; have no reason to dispute the recently received local information. Of the view that the field margins, especially the tall ruderal habitat strip between the two fields and along the northern boundary of the site adjacent to Pavilion Gardens, together with the habitats around Hilltop Farm and the adjacent allotments provide suitable habitat for reptiles. Detailed reptile survey required and any required mitigation provided for consideration prior to the determination of the application. 02.07.15

Arts Development Officer: Refers to Local Plan Policy which requires % for art. 02.04.15

Coal Authority: Site does not fall within the defined High Risk Area, refer applicant to standing advice. 02.04.15

Development Control Archaeologist: Potential for archaeological remains of prehistoric date. NPPF requires that the applicant establish the significance of any archaeological remains within the site, and in the absence of any archaeological information within the application this requirement has not been met. The applicant should submit the results of archaeological field evaluation. Holding objection on grounds of non-compliance with National Planning Policy Framework. 08.04.15

The applicant has now submitted the results of a geophysical survey of the site. Although geophysics is not a foolproof technique it appears on the balance of probabilities that the archaeological potential of the site is very low. Therefore recommend on balance that there is no need to place any further archaeological requirement upon the applicant. 22.06.15

Flood Risk Management Team (DCC): Proposed site is unlikely to be subject to surface water flooding during the critical storm duration; no records of historical flooding within the site boundaries or within close proximity of the site; due to the historic mining and mineral extraction operations in Derbyshire, networks of old stone soughs (drainage channels, sometimes known as adits) may exist beneath the ground surface, potential for hidden watercourses should be investigated. 08.04.15

Strategic Infrastructure (DCC): No requirements for S106 Planning obligation contributions, advice notes regarding access to high speed broadband and designing new homes to 'Lifetime Homes' standards. Proposed development would generate 36 primary pupils, 27 secondary pupils and 11 post-16 pupils. Anthony Bek Primary School capacity is 210, 163 on role projected to increase but remain incapacity in the next 5 years. Shirebrook Academy capacity 960, 745 on role projected to increase to 844 in the next 5 years. This analysis indicates that the normal area primary and secondary schools could accommodate the additional pupils from the development, therefore no contribution required. 14.04.15

Severn Trent Water: No objection subject to a condition requiring drainage plans for surface water and foul sewage disposal. Advise that there is a public sewer located within the site. 11.05.15

Leisure Services: Would normally expect to see on-site provision including LEAP standard play area for toddlers and young children and due to proximity to existing play area (Rotherham Road) and to Millennium Green (informal open space) would like to see commuted sum invested in enhancing and improving these community facilities with additional play and recreational opportunities for older children and adults. The level of commuted sum allocated to enhancing and improving off-site facilities would need to be negotiated and will depend upon the cost of providing an on-site play area. Also request commuted sum for formal built and outdoor sports facilities of £898 per dwelling which would be invested in enhancing and improving existing facilities within Pleasley, principally the football pitch at Rotherham Road. Also requests maintenance payment for any land etc adopted by the district council.

Suggests a dedicated cycleway along A617 from Green Lane to footbridge across A617 into Pleasley which would significantly improve cycling opportunities. 01.07.15

Urban Design: Considers the site has poor connectivity with village and primary school following examination of routes, shortest route (avoiding narrow alleyway) from centre of site is 1200m to primary school; nearest bus stops over 400m along a busy road which represents a hostile environment for pedestrians. Successful Places SPD considers up to 1000m maximum acceptable for walk to primary school, applicant appears to have based their assessment on straight distance from the site, not walking routes. Given the location of the site its limited connectivity to the village and the poor quality of some of those links it is uncertain that the development would achieve sufficiently good connections to New Houghton to encourage active travel, reduce reliance on the car and deliver a sustainable location for residential development. Submitted masterplan is unacceptable in terms of urban design, at least 13 issues identified at this stage which would require attention; fails to comply with the National Planning Policy Framework and guidance contained within the NPPG and the Council's SPD 'Successful Places'. Access into site on A617 with a three arm roundabout considered an inappropriate urbanising feature in an otherwise rural landscape. Access from Garden Avenue is along a road where most properties do not have off-street parking with resultant on-street parking and effective narrowing of carriageway restricting its ability to function as an effective bus route. This connection would also serve to redirect traffic avoiding the Pleasley roundabout.

The Site Masterplan represents a poor layout that would fail to comply with design policy and guidance. As such, this is not considered to form a suitable template on which to base subsequent reserved matters proposals. Any future detailed proposals should have regard to the detail comments and the design amended to achieve a satisfactory development in terms of its urban design to secure an appropriate amount and form of development that is sensitive to its context. Based upon the Proposed Site Layout drawing, the applicant should be advised that the proposals would be unacceptable in terms of urban design considerations. Any future reserved matters applications would need to address the issues identified above in accordance with the NPPF, NPPG and Successful Places Interim SPD (2013). 22.05.15

No responses from: Environmental Health (Air Quality); Strategic Housing; NHS North Derbyshire Clinical Commissioning Group.

PUBLICITY

Advertised in press. Site notice posted, 72 neighbours notified, 52 responses.

The main issues raised can be summarised as:

Traffic/transport (raised by 40 respondents) – the new roundabout and connection onto Garden Avenue will become a new through route into and out of the village, avoiding the Pleasley roundabout; Garden Avenue /Recreation Drive are unsuitable to function as such a link comprising old persons bungalows and properties with no off-street parking, use of road for parking by nearby repair garage all effectively reducing the width of the carriageway, health implications of additional traffic.

Environmental impact (raised by 40 respondents) – loss of countryside, habitat, views and pollution issues (including additional noise and disturbance and problem of Radon), loss of landscaped area adjacent Hardwick View Close, loss of productive agricultural land.

Pressure on local services and amenities (raised by 36 respondents) – New Houghton has one small shop and post office, overcrowded doctors surgery at Pleasley, school at capacity (pupils recently turned away) poor bus service (one every 2 hours) and implied future development of adjoining allotments.

Flooding (raised by 25 respondents) - Properties backing on to the site on Pavilion Gardens and Garden Avenue have suffered flooding from run-off from the fields, concerns about the infiltration pond at a higher level than Garden Avenue properties.

Loss of privacy from overlooking, loss of sunlight (raised by 22 respondents) – Ground levels of the application site are higher than ground levels of properties adjoining several of which are bungalows along Pavilion Gardens and Garden Avenue.

Other comments made by individuals: the site as countryside is complimentary to the beauty of Hardwick Park; there is brownfield land available elsewhere, the new housing on the redevelopment site on Medan Avenue is not selling well; the size of the development is out of proportion to the village with a clear hint of future expansion, changing the character of the village; the village has successfully transformed its character from a mining settlement to a country village.

A petition raising many of the above issues in objection to the application has also been submitted with 34 signatures.

There have been detailed planning objections from planning agents acting for a land owner interested in another site at New Houghton and from planning agents acting on behalf of 60 households from New Houghton. These detail relevant policy from the National Planning Policy Framework and the Bolsover District Local Plan and explain how the proposal is contrary to those policies in respect of the principle of the development, traffic considerations,

village infrastructure, and layout and design finishing with a table outlining the planning balance weighing against the proposal.

Residents on Hardwick View Close have written separately to request a Tree Preservation Order on the north-western side of this small development. The tree belt was planted as part of the planning permission and related S106 Planning Obligation to provide a softer settlement edge to New Houghton.

POLICY

Bolsover District Local Plan (BDLP)

Shows site as beyond the settlement framework for New Houghton and in the countryside where general open countryside control policies apply, in particular ENV3 (Development in the Countryside), GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment). The site is also shown as being within the important open break between New Houghton/Pleasley and Glapwell within which policy GEN10 (Important Open Areas) applies.

National Planning Policy Framework (NPPF):

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration with a presumption in favour of sustainable development. As the Bolsover District Local Plan was adopted prior to 2004 due weight should be given to its policies according to their degree of consistency with the NPPF. Local Planning Authorities should be able to demonstrate a 5 year supply of deliverable housing otherwise they should look to approve sustainable housing development.

Core principles include securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings, taking account of the different roles and character of different areas recognising the intrinsic character and beauty of the countryside, managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable, all within a presumption in favour of sustainable development with its three dimensions: economic, social and environmental.

Other (specify)

Interim Supplementary Planning Document: Sustainable 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 of development

The site is within the countryside but adjoins the settlement of New Houghton, directly adjoining the residential area of New Houghton on the north-eastern side of the site (principally Pavilion Gardens), allotments (part used) and a small newer housing development (Hardwick View Close) to the south eastern side. The current agricultural use and appearance read visually as part of the open countryside landscape beyond the established village. Policy ENV3 (Development in the Countryside) of the Bolsover District Local Plan

restricts development in the countryside, amongst other things, to that which is necessary in such a location or would result in a significant improvement to the rural landscape. Clearly the proposal does not comply with this policy.

In addition the site is within a protected open break between New Houghton and Glapwell which includes all the fields fronting, and on both sides of, the A617 between the two settlements. Policy GEN10 (Important Open Areas) allows development in such areas only if it does not detract from the objective of maintaining the open character of the 'break'. The intention of such breaks is to protect them from development which would reduce their effectiveness as open breaks between the settlements concerned. Such open breaks have been established because they provide the setting to the settlements which gives them their character and identity.

New Houghton is centred on Rotherham Road (not Chesterfield Road A617) off which the remaining village facilities are located and which provides access to the main built up areas. Development which extends close to Chesterfield Road is situated closer to the built up area of Pleasley and is set back with open areas and native hedging. An exception is the small development of Hardwick View Close of 12 houses. The village is then set back from the A617 as the countryside opens up on both sides of the road (after the reclaimed colliery tips which are now a Country park on the opposite side of the A617) revealing in the distance the towers of Hardwick Hall within its countryside setting. Development into the openness of this countryside area would significantly detract from this character and setting to the village of New Houghton and reduce the gap with Glapwell.

The proposal is clearly contrary to this development plan policy GEN10 (Important Open Areas) as it introduces a significant amount of built development into the open break, extending the settlement of New Houghton into this important area of countryside detrimental to the setting and character of the village and the openness of the countryside between New Houghton and Glapwell.

However the Bolsover District Local Plan in the terms of the National Planning Policy Framework is 'out of date' and due weight should only be given to its policies according to their degree of consistency with those of the National Planning Policy Framework. The Council does not currently have a five year supply of deliverable housing as required by the National Planning Policy Framework and the Framework has a presumption in favour of sustainable housing development.

The Bolsover District Local Plan Open Break policy has been held to be broadly consistent with the Framework by Inspectors in appeals for development within the Important Open Area between Pinxton and South Normanton. These have involved proposals for the siting of mobile homes, a gypsy residential site and recently residential development. As the adopted Bolsover District Local Plan has been through public consultation and Inquiry it broadly accords with policy 76 of the National Planning Policy Framework which indicates that Local Green Spaces should be capable of enduring beyond the end of the plan period allowing local communities to rule out development other than in very special circumstances.

The emerging Local Plan Strategy which was withdrawn in 2014 considered the expansion of New Houghton and at the next stage would have identified suitable sites or a site for such expansion, various sites were put forward including the application site, the other sites were not within the protected open break. While this shows that other sites for development which do not intrude into the protected open break, are possible at New Houghton this is not current policy. The withdrawal of the Local Plan Strategy means that the proposals for growth at New Houghton have also been removed and are no longer relevant. The new Bolsover Local Plan is under preparation which will review growth strategies and housing sites using an up dated evidence base. At this stage the Council has no emerging plan policies to point to or give weight to in its planning application decision taking.

The Council's Strategic Housing Land Availability Assessment (December 2013) (SHLAA) shows that the site as a whole or as two individual development plots as fields, is not in a sustainable location. It is not within 2000m of a town or local centre or within 800m of a primary school. In addition reference is made to impact on the landscape character.

Urbanisation of a designated green area of special protection will impact on the setting and character of New Houghton. The loss of countryside from the development will significantly narrow the gap with Glapwell and cause a wider intrusion into the appreciation of distant views and the open countryside setting of Hardwick Hall through the loss of the perception of openness on both sides of the road on this eastern approach to the Hardwick estate and to an extent diluting the visitor experience on the journey to the Hall.

The application site while at a slightly lower level in relation to the A617 is higher than the established development area to the north-east. Indeed the site enjoys views over the roofs of these (2 storey) dwellings. As a result development would be intrusive into the landscape extending the settlement onto higher land and relinquishing one of New Houghton's significant characteristics of not being particularly intrusive in the general countryside landscape. The Masterplan shows a potential access to land to the north-west for business units which would represent a further potential intrusion into the Important Open area (although not a specific proposal of this planning application).

The purpose of policy GEN10 (Important Open Areas) in protecting landscape areas is generally consistent with the National Planning Policy Framework. The Framework supports the designation of green areas of special protection. Policy GEN 10 of the Bolsover District Local Plan should therefore be given significant weight.

The poor sustainability credentials of the site is further illustrated by poor connectivity (see Urban Design comments) which is likely to increase reliance on the use of the car from poor active links with the village, encouraged by the new roundabout junction onto the A617.

Development of the site would also result in the loss of a significant area of grade 2 and grade 3 quality agricultural land. This would be contrary to policy ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings) of the Bolsover District Local Plan. This is supported by the National Planning Policy Framework which recognises the benefits of the best and most versatile agricultural land and seeks to encourage the use of

poorer quality land in preference to that of a higher quality. Both the local plan and the Framework identify the best and most versatile agricultural land as that being within grades 1, 2 and 3a of the Agricultural Land classification.

The development would have a significant detrimental effect on the character and appearance of the area and the openness of the countryside, it would result in the loss of high quality agricultural land and is not considered to be in a sustainable location which would be contrary to the National Planning Policy Framework and policies GEN10 (Important Open Areas), ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings). Significant weight should be given to this harm. It is not considered that there are very special circumstances to justify development of the site and that the intrusion into the Important Open Area overrules the presumption in favour of contributing to the supply of deliverable housing.

Other Issues

Many of the other issues raised by consultees can be addressed by condition if the application were to be approved. This would include matters relating to drainage, highway details, contamination, noise assessment and mitigation if required, wildlife (including the retention of tree buffer between Hardwick View Close and the site), and reptile survey. Conditions requiring implementation of the various recommendations contained within the reports submitted to support the application would also be appropriate.

Issues raised by objectors

There has been a substantial response from the public (mainly residents of New Houghton) objecting to the proposal.

While Recreation Road and Garden Avenue are of sufficient width, properties fronting these roads generally do not have off-street parking. The result is a high amount of on-street parking effectively narrowing the carriageway width. Reasonable concerns are raised that these roads and the new development would become a through route for traffic avoiding the Pleasley A617 roundabout with consequent noise, disturbance and safety issues. The applicant suggests in the application documents that they could be used by bus services diverting through New Houghton. However the Local Highway Authority (DCC) has not raised any objections to the proposal on highway safety grounds having studied the submitted Transport Assessment. Environmental Health have not raised any issues in relation to the additional noise from traffic related to the development, the main concern being noise from the A617, but has requested a noise assessment.

There are no records of flooding by the responsible bodies. It appears the issues recorded by occupiers of properties backing into the site relates to surface run-off from the fields particularly as the properties off Pavilion Gardens are at a lower level than the proposed development site. Development of the fields will change the drainage regime, with surface water from hard surface areas being directed to soakaways and 'infiltration basins' as shown on the masterplan and there being less 'soft' areas. Full drainage details have been requested by the Environment Agency and Severn Trent Water and can be required by condition to address such issues.

The County Council as Local Education Authority have advised in relation to this application that there are no capacity issues at the local schools.

From the responses received there are clearly issues in relation to local health service provision but there has been no response from the Local Clinical Commissioning Group. The applicant in the submitted viability study has allowed for various S106 contributions including for community facilities which could potentially include additional health service provision if justified.

Potentially the additional development could help local facilities viability (shops, post office, community facilities) from the additional residents although initially there would be increased pressures on the currently available restricted services. The application site does not include the allotments which are therefore retained. It may be that if permission were to be granted that a S106 Planning Obligation contribution could be negotiated to improve bus service provision to the site and village.

The loss of countryside and habitat is discussed elsewhere in this report. The loss of views is not considered a relevant planning issue. A noise assessment has been requested by Environmental Health. Issues relating to Radon will be dealt with by Building Regulations.

The impact of the development upon existing residential properties adjoining the proposed development site is a matter better related to the approval of Reserved Matters if Outline Planning Permission is granted. The layout and impacts would be guided by the Council's Interim Supplementary Planning Document: Sustainable Places, a Guide to Sustainable Housing Layout and Design (2013). However the impact upon these properties as a result of the different ground levels and the nature of the existing development is a concern and would need special attention.

Residents of Hardwick View Close wish to see the tree belt planted as a new settlement edge to soften their development from the north-western side retained whether or not the development proceeds.

Other issues raised have been considered but do not raise issues of a substantive nature to change the recommendation.

Other Matters

Listed Building: Potential impact on Hardwick Hall discussed above.

Conservation Area: n/a

Crime and Disorder: No issues raised.

Equalities: A mix of housing types is proposed indicatively in the Masterplan including a proportion of Affordable Housing (5%).

Access for Disabled: No issues raised.

Trees (Preservation and Planting): See biodiversity below.

SSSI Impacts: n/a

Biodiversity: Further detail required in relation to reptiles; Planted tree and shrub

buffer zone to be created along north-western boundary, existing hedge line to south-west along A617 to be strengthened. Masterplan implies that the existing area of trees to the side of Hardwick View Close (planted as a S106 Planning Obligation requirement to provide a new settlement edge to soften the new built development) will be lost, a condition (reinforced by a Tree Preservation Order) could require its retention in accordance with policy ENV8 (Development Affecting Trees and Hedgerows) of the Bolsover District Local Plan.

Human Rights: No issues raised.

Conclusion

The application appears to be made on the basis that the Council does not have a 5 year supply of deliverable housing and that New Houghton is a village designated for growth. The District Council does not currently have a growth policy for New Houghton, the Local Plan Strategy which put forward such a policy having been withdrawn. The whole aspect of the level of development and its allocation throughout the District will be subject to renewed consideration following the assessment of updated evidence and local opinion. However the Council does not have a 5 year supply of deliverable housing as required by the National Planning Policy Framework and they should therefore look to approve sustainable housing development.

The proposal involves a significant incursion into a defined Important Open Area (policy GEN10 (Important Open Areas) of the Bolsover District Local Plan). This policy is considered to broadly accord with the policies of the National Planning Policy Framework. The purpose of this policy is to protect the openness of areas which are important to the character of a place, provide a setting and separate them from other concentrations of development.

Significant weight should be given to the harm the proposal would cause to the character and appearance of the identified important area and to the open quality of the land outside the settlement framework and its conflict with the National Planning Policy Framework and policy GEN10 (Important Open Areas) of the Bolsover District Local Plan. As a result it is considered that the presumption in favour of sustainable housing development does not apply to this site.

Although the provision of a substantial amount of housing weighs heavily in support of the proposal it does not outweigh the significant harm identified to the character and countryside quality of the area. The loss of high quality agricultural land contrary to ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings) and the unsustainable location of the site which are supported by policies of the National Planning Policy Framework add further weight against the presumption in favour of sustainable housing development. In addition there is significant local opposition to the proposal.

RECOMMENDATION

REFUSE

The site is within the countryside adjoining the settlement of New Houghton; the current

agricultural use and appearance read visually as part of the open countryside landscape beyond the established village. The site is within a protected open break between New Houghton and Glapwell which includes all the fields fronting, and on both sides of, the A617 between the two settlements. Policy GEN10 (Important Open Areas) of the Bolsover District Local Plan allows development in such areas only if it does not detract from the objective of maintaining the open character of the 'break'. The intention of such breaks is to protect them from development which would reduce their effectiveness as open breaks and because they provide the setting to the settlements which gives them their character and identity

The application site is higher than the established development area to the north-east. As a result development would be intrusive into the landscape extending the settlement onto higher land and relinquishing one of New Houghton's significant characteristics of not being particularly intrusive in the general countryside landscape. In addition the higher ground level in relation to existing development adjoining the site potentially causes problems of overlooking, and could be of an overbearing nature particularly as some of the nearest dwellings are bungalows.

The loss of countryside from the development will significantly narrow the gap with Glapwell and cause a wider intrusion into the appreciation of distant views and the open countryside setting of Hardwick Hall through the loss of the perception of openness on both sides of the road on this eastern approach to the Hardwick estate.

The Bolsover District Local Plan in the terms of the National Planning Policy Framework is 'out of date' and due weight should only be given to its policies according to their degree of consistency with those of the National Planning Policy Framework. The Council does not currently have a five year supply of deliverable housing as required by the National Planning Policy Framework and the Framework has a presumption in favour of sustainable housing development.

It is considered that the development would have a significant detrimental effect on the character and appearance of the area, the setting and character of New Houghton and the openness of the countryside contrary to policy GEN10 (Important Open Areas) of the Bolsover District Local Plan . Significant weight should be given to this harm. The development of the site is not considered sustainable in the terms of the National Planning Policy Framework due, in particular, to its intrusion into a protected open break with the consequent impact on the openness of a designated green area of special protection which will impact on the setting and character of New Houghton and will harm the intrinsic character and beauty of the countryside but also because of the loss of high grade agricultural land the general unsustainable location of the site in relation to local services and facilities It is not considered that there are very special circumstances to justify development of the site and that the intrusion into the Important Open Area and other impacts overrule the presumption in favour of contributing to the supply of deliverable housing. The proposal is therefore not considered to be sustainable in the terms of the National Planning Policy Framework and is contrary to policies GEN10 (Important Open Areas) and ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings) of the Bolsover District Local Plan.

Statement of Decision Process

In compliance with the National Planning Policy Framework the Council has received additional information in response to issues raised during the consideration of the application and the decision is therefore made in accordance with policies 186 and 187 of the National Planning Policy Framework.



Existing Location Plan

LAND USE	Symbol/Color
Green Space	Light Green
Landmark	Light Blue
High Street	Light Yellow
Neighborhood Park	Light Green
Local Landmark	Light Blue
Neighborhood	Light Yellow
Neighborhood Park	Light Green
Neighborhood Landmark	Light Blue

