

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 31st January 2017

Dear Sir or Madam

You are hereby summoned to attend a meeting of the Planning Committee of Bolsover District Council to be held in the Council Chamber, The Arc, Clowne, on Wednesday 8th February 2017 at 1000 hours.

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

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


Yours faithfully



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

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PLANNING COMMITTEE

AGENDA

**Wednesday 8th February 2017 at 1000 hours in
the Council Chamber, The Arc, Clowne**

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	<u>Apologies for Absence</u>	
2.	<u>Urgent Items of Business</u>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972	
3.	<u>Declarations of Interest</u>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
4.	To approve the minutes of a meeting held on 11 th January 2017	4 to 15
5.	Notes of a Site Visit held on 9 th January 2017	16
6.	Applications to be determined under the Town & Country Planning Acts.	
	(i) 14/00188/FULMAJ - Change of use to an Open Storage Yard (B8) with access from Berristow Lane, siting of portable building and gatehouse, erection of boundary fences and formation of screen mounds and associated works including improvements along access road at Former Blackwell Tip 500M North East Of Amber Park, Berristow Lane, Berristow Lane Industrial Estate, South Normanton	17 to 36
	(ii) 16/00473/FUL - The demolition of existing buildings and the erection of a 10no. 1 bedroomed Complex Care & Autism Unit (Class C2) and the erection of a supported living block comprising 16no. 1 bedroomed apartments (Class C3) with associated access, car parking and landscaping at 16 High	37 to 61

Street, Clowne

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|-------|--|----------|
| (iii) | 16/00533/FUL - Application for permission to build 37 No. dwellings with associated parking and external works at Land To The North Of 76 Main Street, Shirebrook | 62 to 72 |
| (iv) | 16/00410/OUT - Outline application for the demolition of existing buildings and erection of 11. dwellings with access from Main Street and Back Lane at Land Between 11 And 19, Back Lane, Palterton | 73 to 83 |

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Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday 11th January 2017 at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, T. Connerton, M.G. Crane, M. Dooley, S.W. Fritchley, H.J. Gilmour, T. Munro, B.R. Murray-Carr, D.S. Watson and J. Wilson.

Officers:-

C. Fridlington (Planning Manager (Development Control)), J. Fieldsend (Team Leader (Solicitor)) and A. Brownsword (Senior Governance Officer)

0573. APOLOGIES

Apologies for absence were received from Councillors C.P. Cooper, M. Dooley, M.J. Ritchie, P. Smith and R. Turner.

0574. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0575. DECLARATIONS OF INTEREST

There were no declarations of interest.

0576. MINUTES – 7TH DECEMBER 2016

Moved by Councillor B.R. Murray-Carr and seconded by Councillor T. Munro
RESOLVED that the minutes of a meeting of the Planning Committee held on 7th December 2016 be approved as a true and correct record.

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0577. SITE VISIT NOTES – 2ND DECEMBER 2016

Moved by Councillor H.J. Gilmour and seconded by Councillor J. Wilson

RESOLVED that the notes of a Site Visit held on 2nd December 2016 be approved as a true and correct record.

0578. IMPLICATIONS OF HAVING A FIVE YEAR HOUSING SUPPLY

The Planning Manager (Development Control) presented the report which provided Members an update in respect of the Council's 5 year land supply and related issues.

It was noted that the Council had now achieved an 8 year supply of housing at the adopted rate of 240 dwellings per annum. An interim policy had been in place while the Council had not achieved its 5 year supply. The interim policy allowed the Council to suspend the requirement for residential development to provide a percentage of affordable housing subject to an undertaking to ensure that the site would be brought forward quickly.

As the Council now had a 5 year supply in place, the interim policy was no longer necessary and should be removed.

Moved by Councillor T. Munro and seconded by Councillor D. McGregor

RESOLVED that the Council formally bring to an end the Interim Affordable Housing Policy agreed on the 10th October 2012.

(Interim Planning Policy Manager)

0579. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

1. 16/00348/OUT - Residential development comprising up to 23 dwellings with associated physical infrastructure, access, parking, public realm and landscape proposals (renewal of previous planning permission) at Land To The East Of Pleasley Pit Trust And South Of Bank Villa, Pit Lane, Pleasley

The Planning Manager (Development Control) presented the report which gave details of the application and highlighted the key issues set out in the officer reports. It was noted that this was a renewal of a Planning Permission granted in 2013.

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The Committee considered the application having regard to the Bolsover District Local Plan, Emerging Local Plan for Bolsover District and the National Planning Policy Framework.

Members noted the need for any development to be sympathetic in character to the surrounding area.

Moved by Councillor D. McGregor and seconded by Councillor T. Munro

RESOLVED that Application No. 16/00348/OUT be APPROVED, subject to

1. Approval of the details of the layout, scale, appearance, access and landscaping (the 'Reserved Matters') 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 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters to be approved, whichever is the later. (*To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)
3. The Reserved Matters to be submitted in accordance with conditions 1 and 2 above, shall accord with the document "Land at Pleasley Pit: Design Principles" dated 15 August 2016 (ref 249952-00) by Arup submitted as part of the application documents. In addition The Reserved Matters to be submitted in accordance with conditions 1 and 2 above shall follow the principles of the Development Strategy and Vision Design Concept (as illustrated on P30 of the Design and Access Statement dated October 2012 as submitted with this outline planning application) and the Development Framework Plan (as illustrated on P32 of the Design and Access Statement dated October 2012 as submitted with this outline planning application). (*To ensure the development respects the setting of the adjacent heritage asset and represents good design in compliance with policies GEN2 (Impact of Development on the Environment) and CON10 (Development Affecting the Setting of Listed Buildings) of the Bolsover District Local Plan.*)
4. The existing trees and hedgerows shall not be removed, destroyed, or uprooted other than in accordance with plans and particulars submitted as part of the Reserved Matters required by condition 1 above. The Reserved Matters to be submitted in accordance with conditions 1 and 2 above shall include the following details:
 - a. Details of measures to protect the retained trees, hedgerows and other planting during construction works
 - b. Details of mitigation measures in response to the loss of hedgerows and planted areas as a result of the development. (*To retain these features of*

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ecological and visual interest and provide compensatory planting as necessary in compliance with policies GEN2 (Impact of Development on the Environment) and ENV5 (Nature Conservation Interests throughout the District) of the Bolsover District Local Plan.)

5. The Reserved Matters to be submitted in accordance with conditions 1 and 2 above shall include
 - a. the submission of the details of the findings of the excavations on site which located the fissures and details of the remedial works carried out on site, as indicated in the submitted Coal Mining Risk Assessment dated October 2012 by William Saunders Partnership Ltd;
 - b. the submission of a layout plan which identifies suitable 'no-build' zones in the area of the fissure. *(In accordance with the requirements of the Coal Authority to ensure the coalmining legacy of the site is fully considered in the interest of ground stability and the safety of the public and occupiers of the site and in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan.)*

6. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. *(Reason: Condition requested by STW to ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution 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.)*

7. The Reserved Matters to be submitted in accordance with conditions 1 and 2 above shall include a reptile mitigation strategy detailing how harm to reptiles would be avoided by the deployment of a survey/capture and exclusion exercise for the development site prior to any development works commencing and during the construction period. *(The site has the potential to be used by grass snakes a protected species and included on the list of Species of Principal Importance and in compliance with policies GEN2 (Impact of Development on the Environment) and ENV5 (Nature Conservation Interests throughout the District) of the Bolsover District Local Plan.)*

(Planning Manager (Development Control))

2. 16/00463/OUT - Residential development of approximately 250 dwellings including details of access (renewal of planning permission 10/00568/OUTMAJ) at Land Adjoining North Side of Blind Lane, Bolsover

Further details were included within the Supplementary Report.

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The Planning Manager (Development Control) presented the report which gave details of the application and highlighted the key issues set out in the officer reports. It was noted that the report was for renewal of an existing Planning Permission.

Mr. Wheeldon attended the Committee and asked for clarification regarding the type of access that would be possible on Blind Lane from Iron Cliff Road. The Planning Manager (Development Control) advised Mr. Wheeldon that only pedestrian access was intended but the reserved matters applications would be determined by the Planning Committee if this was to change in the future to allow vehicular access.

The Committee considered the application having regard to the Bolsover District Local Plan.

Moved by Councillor S.W. Fritchley and seconded by Councillor D. McGregor
RESOLVED that Application No. 16/00463/OUT be APPROVED subject to the completion of a Unilateral Undertaking made under s.106 of the Town and Country Planning Act 1990 containing the following obligations:

- Affordable housing contribution of £1,025,000;
- Sports/recreation £191,250;
- Education £179,618;
- Health £81,562;
- Play space (Improvements to Houghton Road Recreation Ground); and
- £80,000 towards maintenance of on-site leisure facilities (management company or 10 years maintenance);

And subject to the following conditions given in précis form to be formulated in full by the Assistant Director of Planning & Environmental Health and Planning Manager (Development Control) in conjunction with the Chair and Vice Chair of Planning Committee:-

1. Details of the layout, scale, appearance, and landscaping (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority in writing before any development begins and the development shall be carried out as approved
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of five 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.
3. The recommendations of the Arboricultural Implication Study (November 2010, Report Reference: 2371/DR.10) and as illustrated in its accompanying drawings and appendices, shall be followed unless otherwise agreed in

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writing with the Local Planning Authority. In this condition "retained tree" means an existing tree which is to be retained to comply with the approved plans and particulars and as identified on the Arboricultural Constraint Plans no. 1961.01.A by ACS Consulting; and paragraphs (a) and (b) below shall apply for five years after the occupation of the last building on the development:

- (a) No retained tree shall be cut down, uprooted or destroyed, or topped or lopped, other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.
 - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as approved in writing by the Local Planning Authority.
 - (c) Before any equipment, machinery or materials are brought on to the site fencing shall be erected to protect the retained trees, and the fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. The fencing shall be erected in accordance with BS 5837:2005, including, at least, a 1.2m high vertical and horizontal framework of scaffolding, strong enough to resist impacts, and supporting either chestnut pale fencing, chain link fencing or similar. The fencing shall be erected around the root protection area as shown on the Arboricultural Constraint Plans unless otherwise agreed in writing with the Local Planning Authority. Nothing shall be stored or placed within the fenced area around a retained tree and the ground levels within the fenced area shall not be altered, and no excavation shall take place, without the prior written consent of the Local Planning Authority.
4. No development shall take place within the site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) submitted by the applicant and approved in writing by the Local Planning Authority.
 5. No development shall take place within the site until a scheme to identify and control any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:
 - a. Desk based study/Phase 1:
A desk-top study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or

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controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/quantitative risk assessment (or state if none required). Three full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.

- b. Intrusive site investigation/phase 2:
If identified as being required following the completion of the desk-top study, an intrusive site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the site's existing status and proposed new use. Where samples are taken, they shall be analysed in a laboratory that is accredited under MCERTS Chemical Testing of Soil Scheme for all parameters requested (where available). Three full copies of the report shall be forwarded to the LPA.
- c. Remediation method statement/phase 3:
A written method statement detailing the remediation requirements for the site shall be submitted and approved by the LPA and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme without written approval from the LPA.
- d. If during development, any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the LPA for written approval. Any approved proposals shall thereafter form part of the Remediation Method statement.
- e. Validation report:
Prior to occupation of the development (or parts thereof) an independent validation report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved. The report shall be produced by a suitably qualified independent body (independent of the developer). The report shall provide verification that the remediation works have been carried out in accordance with the approved Method Statements. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met.

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- f. 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 that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters that have previously been agreed in writing with the LPA, the results of which shall be submitted to the LPA for consideration. Only the soil approved in writing by the LPA shall be used on site.
6. No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
7. Unless otherwise approved in writing by the Local Planning Authority, no more than 115 dwellings shall be occupied or brought into use prior to completion of an approved mechanism for disposal and treatment of foul water drainage in relation to addressing issues of capacity at the Bolsover Waste Water Treatment Works.
8. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewer, which crosses the site. *(In order to allow sufficient access for maintenance and repair work at all times)*
9. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details of how the scheme shall be maintained and managed after completion and will show a surface water run-off limitation to a rate of 5 litres/second/hectare.
10. No development shall take place until a Landscape and Ecology Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the Management Plan shall be implemented as approved. The Management Plan shall promote the appropriate management of the ecological interests including existing and new habitats and identify the body responsible for its implementation.
11. The layout to be submitted as one of the reserved matters in accordance with condition 1 above shall include precise details of a scheme of works, including drainage, retaining walls, and changes in ground levels that will be undertaken to ensure the structural integrity of the development. This scheme of works shall also include the undertaking of a scheme of intrusive site investigations within the are of the thick coal outcrop located at the north-western end of the site; the submission of a report of findings arising from the

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intrusive site investigations; the submission of a scheme of remedial works for approval if necessary; and Implementation of those remedial works if necessary. No development shall take place on site until these details have been submitted to and approved in writing by the local planning authority.

12. The Reserved Matters to be submitted in accordance with condition 1 above shall include schemes for highway improvements, as indicated on indicated on Drawing NTH/068/003 revP1, which demonstrate measures to reduce vehicle speeds and improved pedestrian provision at the Woodhouse Lane 'pinch point' (bridge to south of junction with Houghton Road). The approved schemes shall be implemented prior to the first occupation of a dwelling on the application site unless otherwise agreed in writing by the Local Planning Authority.
13. The Reserved Matters to be submitted in accordance with condition 1 above shall include a detailed scheme demonstrating pedestrian and cyclist access into the adjacent residential area and enhancements to Blind Lane following the principles established in the Design and Access Statement submitted as part of the application details.
14. Before the commencement of any engineering or building operations on the site the new street junction onto Woodhouse Lane including the relocated Blind Lane junction and related revisions to Blind Lane shall be designed laid out and constructed in accordance with the application drawings.
15. The outline Travel Plan Ref: CH/RE/NTH068 by BWB Consulting submitted with the application documents shall be implemented in accordance with its recommendations unless otherwise agreed in writing by the Local Planning Authority.
16. As part of any Reserved Matters submissions a Design Framework shall be submitted in writing to the Local Planning Authority for approval. The Design Framework shall:
 - (a) Be used to guide the development.
 - (b) Be in conformity with other conditions attached to this planning permission;
 - (c) Be generally in accordance with the approach detailed in the Design and Access Statement (November 2010) submitted with the application documents and the Sketch Masterplan Layout (Dwg. No.C9471.09.SK805 – Rev. D).
 - (d) Be based upon an assessment of the architectural character and distinctiveness of Bolsover which should identify areas, buildings and details which exhibit positive qualities, recognise locally distinctive materials and boundary treatments, and should explain how this assessment is used to inform the design, character, appearance and scale of each character area of the proposed development.
 - (e) Include guidance based on the assessment at (d) on the design of the development including layout, siting, massing, the design of buildings

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with typical details, materials and colours, boundary treatment and detailing of the public realm, landscaping and sustainable technologies as appropriate to each character area.

- (f) Develop the landscape concept plan submitted as appendix 6 of the Design and Access Statement (November 2010) to ensure a softening of the development in views to the site and green corridors within the site, particularly with increased tree planting along the main spine roads and within the Upper Woodhouse character area.
- (g) Include typical details of each street type to include typical plan and street sections, carriageway and pavement widths, proposed materials and details of hard and soft landscaping including kerb/edge details.
- (h) Include details of the location and design of the SUDS (Sustainable Urban Drainage System) to manage clean surface and roof water to include the design and location of any balancing ponds, swales or other features or structures that form part of the system including any associated landscape planting and the future maintenance of the SUDS.
- (i) Specify the Code for Sustainable Homes level which the homes on the development will achieve.
- (j) Include details of all enhancements, with a timetable of provision, to Blind Lane and the associated pedestrian and cycle connections to the Castle Estate to include proposed surface materials, kerb/edge treatments, measures for managing the existing stream, maintenance of the stone boundary walls, measures for the improvement of pedestrian and cycle connections to the Castle Estate, including any new structures required and proposals for the provision of street lighting. Proposals for the retention, management or removal of existing hedges and vegetation shall also be put forward. The enhancements must be sensitive to the rural character of Blind Lane.

(Planning Manager (Development Control))

- 3. 16/00391/FUL - Extension to Unit F to accommodate additional retail/training facilities, a coffee shop and gym with increased retail/training area to existing first floor at Unit F, Brook Park, East Road, Shirebrook

The Planning Manager presented the report which gave details of the application and highlighted the key issues set out in the officer reports.

The Committee considered the application having regard to the Bolsover District Local Plan, Consultation Draft Local Plan and the National Planning Policy Framework.

Members welcomed the development and the business development and growth it would bring to the area.

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Moved by Councillor D. McGregor and seconded by Councillor T. Munro

RESOLVED that Application No. 16/00391/FUL be APPROVED subject to the S106 Unilateral Undertaking being completed restricting the nature of goods sold as set out above. If the S106 has not been completed at the time of Planning Committee, delegated authority be given to the Assistant Director of Planning & Environmental Health and Planning Manager (Development Control) to issue the decision on completion of the S106.

And subject to the following conditions given in précis form to be formulated in full by the Assistant Director of Planning & Environmental Health and Planning Manager (Development Control) in conjunction with the Chair and Vice Chair of Planning Committee:-

Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. No development including any site preparation or clearance works shall be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority to achieve the following:-
 - * The undertaking of a scheme of gas monitoring;
 - * The submission of a report to the Local Planning Authority for written approval of the findings arising from the gas monitoring, detailing working practices and any mitigation measures necessary during construction to protect both on-site and off-site personnel; and
 - * The submission of a report to the Local Planning Authority for written approval of the findings arising from the gas monitoring detailing any gas protection measures necessary to be included within the building to protect public safety.
 - * Implementation of and compliance with the approved working practices and any mitigation measures identified as necessary during the construction process.
3. In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current guidance and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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4. The development hereby approved shall not be brought into use unless and until an assessment of sound, including amplified music emanating from the gym, has been undertaken and a scheme specifying any provisions to be made for the control of sound has been submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the rating level of the sound, corrected for acoustic features, measured at or calculated to, a position representing any residential boundary which may suffer a loss of aural amenity from sound associated with the development, will be no greater than the residual sound level between the hours of 8am and 8pm; and shall be at least 5 decibels below the residual sound level between the hours of 8pm and 8am. The scheme, as approved, shall be implemented in full and validated by a competent person. The scheme, as validated, shall be retained thereafter.

(The references in this condition to rating level and residual sound level have the same meaning as those defined in BS4142: 2014 Methods for rating and assessing industrial and commercial sound).

5. Prior to the extension being taken into use, the car parking and manoeuvring space shall be laid out in accordance with the approved application drawing and maintained throughout the life of the development free of any impediment to its designated use.
6. This permission shall relate to the application as amended by the revised first floor layout building plan NK018348 - RPS-F2-FF-DR-A-103 Rev P03 unless an alternative first floor layout for the gym area has been submitted to and approved in writing by the Local Planning Authority.

(Planning Manager (Development Control))

The meeting concluded at 1037 hours.

PLANNING SITE VISIT

Notes of a Planning Site Visit held on 9th January 2017 commencing at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, H.G. Gilmour, T. Munro, B.R. Murray-Carr, M.J. Ritchie, R. Turner, D.S. Watson and J. Wilson

Officers:-

Chris Fridlington (Planning Manager (Development Control))

1. APOLOGIES

Councillors: Brian Watson.

2. SITES VISITED

Applications for determination by Committee:

16/00348/OUT - Residential development comprising up to 23 dwellings with associated physical infrastructure, access, parking, public realm and landscape proposals (renewal of previous planning permission) land to the East Of Pleasley Pit Trust And South Of Bank Villa, Pit Lane.

16/00463/OUT - Residential development of approximately 250 dwellings including details of access (renewal of planning permission 10/00568/OUTMAJ) on land Adjoining North Side Of Blind Lane, Bolsover.

The meeting concluded at 1130 hours.

PARISH Blackwell

APPLICATION Change of use to an Open Storage Yard (B8) with access from Berristow Lane, siting of portable building and gatehouse, erection of boundary fences and formation of screen mounds and associated works including improvements along access road

LOCATION Former Blackwell Tip 500M North East Of Amber Park Berristow Lane Berristow Lane Industrial Estate South Normanton

APPLICANT Mr Paul Leverton

APPLICATION NO. 14/00188/FULMAJ **FILE NO.**

CASE OFFICER Mr Peter Sawdon

DATE RECEIVED 4th April 2014

This planning application was originally reported to the Planning Committee on the 14th January 2015 and recommended for refusal of planning permission. The matter was deferred by the Planning Committee pending exploration of access provisions to Berristow Lane, to include detailed surveyed drawings along the full length of the access road to the site and installation of the green route.

The original report is included in italics below, with details regarding additional submissions, additional publicity, and further assessment included below that, including the discussion of the planning considerations relating to the recently announced HS2 route that passes through this site.

SITE *The site area of the planning application extends to approximately 3.6hectares in size, including the access track. The site rises gently in an easterly direction; from its lowest point at the access the site rises by approx. 4m.*

The Application Site sits within a former railway clinker and ballast tip, which is bounded by open fields to the north and south, with existing industrial developments generally to the south west and east. The nearest residential development is 500m to the northwest. A Trail/Cycle path (former railway line), runs to the north west of the Application Site. The northern section of the main part of the application site is bordered largely by woodland and scrub.

The site is generally a plateau of unmade ground formed by discarded railway materials. Along the plateau's northern, southern and western boundaries are steep slopes down to surrounding agricultural land. The eastern boundary of the Application Site is drawn along the Bolsover and Ashfield District Council's administrative boundary.

There is an existing rough access track that leads to the main site from Berristow Lane to the west. This is currently closed with a low metal gate.

The application indicates that the site is located on the non-statutory designated Cambro Tip and Lane Potential Wildlife Site (PWS). The New Hucknall Disused Railway Site of Interest for Nature Conservation (SINC) is located to the east of the application site. The proposed development will not extend over the area of the New Hucknall SINC. The sites are designated for their grassland, woodland, scrub and wetland habitats. Adjacent to the eastern

boundary is New Hucknall Sidings (SINC). This area has also been designated for its grassland communities and watercourse (brook) and is separated from the Application Site by a large bank. The Brierly Forest Park site is the closest statutory designated site. The site is a designated Local Nature Reserve (LNR) and is designated for its habitat and wildlife value and is located 1.8 Km to the north of the Application Site.

PROPOSAL This is full planning application for the change of use of land from former railway tip to a (B8) open storage area. It is stated that the site would only be used for the storage of caravans and also 'lock and leave' style storage, in shipping style containers, that would have a permanent security presence. The application form also refers to the site being used for the storage of goods similar to new vehicles and products manufactured in the local area; the only machinery on site being a forklift truck. Whilst security would be present 24hours general operating times would be 8am to 6pm (Planning Statement) or 6am to 10pm (application form)

The proposed development primarily consists of the re-grading of the existing material on the site, the provision of a parking area, gatehouse and portacabin erection of secure boundary treatment (2.5m high), CCTV, low level LED lighting and drainage. A concrete area would be provided at the point where the main site is entered from the access track.

The surface is proposed to be re-graded so that appropriate drainage infrastructure and a level storage surface can be provided. The surface would be laid with the recovered hardcore material, which will be subject to screening and washing.

The LED lighting would be movement activated (by the breaking of a beam). The low-level and zonal manner of the lighting is stated to prevent light spill onto the surrounding area.

It is stated that the site will be separated from the surrounding land with ecological interest by a perimeter bund to be constructed around the northern and western boundaries. It will minimise visual impact of the development. The bund will be constructed from surplus material obtained after the re-grading of the surface, and will be 3m in height. The bund will be landscaped once constructed.

It is stated that it is anticipated that the majority of caravans will be delivered to the site by individual users. The estimated capacity is 700-800 caravans.

The 'lock and leave style' storage would comprise adapted steel shipping-style containers measuring 12m long by 3.5m wide by 3.75 m tall. It is stated that 100 containers would be transported to the site during set up operations for the proposed storage use that would be laid out around the perimeter of the site. It is stated that the side by side positioning of the containers will provide additional security as they, in conjunction with a mix of bunding, planting and security fencing, will form the Application Site boundary.

This application is the resubmission of planning application 13/00147/FULMAJ, which was withdrawn on 23rd July 2013. It is stated that the application now solely relates to the area within the administrative boundary of Bolsover District Council; the earlier withdrawn planning application formed part of a larger scheme that included land within Ashfield District Council.

It is stated that there are no plans to develop the area of land that sits in Ashfield and that the reduced site area will enable valued biodiversity assets to be retained.

The access road will be retained as existing, in terms of its location and its junction with the B6406 Berristow Lane. The existing junction will be concreted for a 10m section along the access track in order to provide a durable surface to withstand HGV movements. The track will then be surfaced with grade 1 hardcore material along the remainder of its length to the concreted entrance point. The access track is shared with the existing bridleway. The track will be extended (widened) to the south through filling the adjacent ditch, to be provided with drainage and to provide space for segregation of traffic and bridleway users; to create this separation, railway sleepers will be laid along the length of the track.

It is indicated that ecological enhancements would be provided as follows: -

- The development will incorporate ecological enhancements in the form of a Great Crested Newt pond, and a planted earth bund to be located to the north of the development area.*
- There will also be 10 Great Crested Newt hibernacula provided within the wider land ownership area.*
- The development will also enable the retention and management of the ecological assets at Blackwell Tip outside the Application Site.*

AMENDMENTS

- Highway Impact Statement Addendum submitted on 23rd June 2014;*
- Further Biodiversity information submitted on 14th July 2014;*
- Response to Highway Authority and Derbyshire Wildlife Trust comments submitted on 13th August 2014; and*
- Response to planning issues dated 25th November 2014.*

For information, Members may wish to note that the applicants in their submission on the 14th July has indicated that “In the event that the site is sterilised due to its wildlife interest, the applicant will have no alternative but to serve a Purchase Notice under the Town and Country Planning Act 1990 on the basis that ‘the land is incapable of reasonably beneficial use’.”

The Purchase Notice regime is contained within the Town and Country Planning Act 1990 (As Amended), but is considered to be a separate process to the consideration of this planning application. For the Council to have to accept the notice, then the applicant would have to demonstrate that the land is incapable of beneficial use.

HISTORY

- 13/00147/FULMAJ – This similar planning application for change of use to an Open Storage Yard (B8) was withdrawn on 22nd July 2014.*
- An associated planning application to 13/00147/FULMAJ within the adjacent Ashfield District Council (ADC Ref. (ref V/2013/0197) on the area to the east was refused planning permission by that Council on the basis of the development being contrary to policy EV2 ‘The Countryside, policy EV6 ‘Local Nature Reserves’ and general impact upon biodiversity.*
- 06/00622/DCCON4 – Bolsover District Council was consulted by the Mineral Planning Authority (Derbyshire County Council) on a proposal to change the use of a former railway tip to provide facility for the storage and shredding of biodegradable waste and storage and chipping timber waste, including the erection of a building (DCC reference CW5/1006/109).*

This application was not progressed through to a decision.

- 97/00131/DCCCON – Derbyshire County Council granted itself planning permission on 21st August 1997 to reclaim and change the use of the former mineral branch railway and sidings to enable the creation of a recreation route for pedestrian, pedal cycle, equestrian and disabled use by members of the public. Part of that approved line runs along the line of the proposed access that forms part of this planning application.

- There is no other apparent planning history relating to this site prior to this date, although it is understood that the land had been used as a landfill tip by British Railways from 1959-1986 where deposits of waste comprising of inert waste from construction/demolition operations was tipped.

CONSULTATIONS Natural England – No objection in respect of statutory nature conservation sites based on submitted information. Refers to its standing advice in respect of protected species and discusses consideration of the potential for biodiversity and landscape enhancements. 25/4 (N.B. Had previously stated on earlier withdrawn planning application that the development is likely to affect Great Crested Newts, but were satisfied that avoidance or mitigation measures proposed would be sufficient to maintain the favourable conservation status of the species and requested a condition)

Crime Prevention Design Advisor – Recommends amendments in the interests of crime prevention along with a condition requiring a security measures 8/5

Coal Authority – No objections subject to the imposition of a condition to locate a mine entry and its resultant zone of influence and to fence off that area to prevent encroachment and works within that area. 9/5

Archaeologist - Satisfied that the proposals will have no archaeological impact. 28/4

Environment Agency – No objections subject to conditions 23/5

Environmental Health Officer – Some concerns over the extent of the submitted information in respect of contamination, but raised no objections subject to conditions 7/7

Environmental Health Officer (Noise) – No objections in principle to the proposal in relation to noise issues 27/6

DCC (Highways) – Re-iterates its previous comments and again recommends refusal of planning permission 16/5 and 22/7; confirmation that the highway position hasn't changed as a result of further submissions made 30/9 Re-confirmation that the highway position hasn't changed as a result of further submissions made 27/11

Derbyshire County Council (Flood Risk Management Team) – Have not provided specific comments on this proposal but provide general advice on flood risk issues 12/5

Derbyshire County Council (Countryside Section) – Affects strategic link in the County's Greenway Network that connects the Blackwell Train with the Trail network in Nottinghamshire. Doesn't make provision for a safeguarded route for the development of the Greenway (segregated route). Would prevent future development of the Greenway network. 2/6

Blackwell Parish Council – Refused – Traffic issues – more HGV's on Berristow Lane

Ashfield District Council – Objects on the grounds of unacceptable encroachment into an important open break that is not considered to be outweighed by any economic benefits of the scheme, and harm to biodiversity interests. No consideration of ecological impact from surface water run-off. Greenfield run-off rate should be secured. Further detail on HGV routing should be provided. 2/6

Derbyshire Wildlife Trust – Object. Site supports substantive nature conservation interest, including at least 9 UK BAP priority species. Some areas of survey work are either limited or

have not been carried out. Loss of UK BAP priority habitat, impacts on priority species and ecology network have not been sufficiently resolved. Consider application should be refused as it does not accord with NPPF paras 109 and 117-118, as there will be a net loss of biodiversity and adverse impacts to the proposed ecological network. Applicant has not presented evidence that alternative sites have been considered. 2/6 & 22/7

PUBLICITY *By press advert, site notice and 2 neighbour letters. A letter of representation has been received from a nearby business, along with several letters that have been received from the owners of land adjoining the site to the north. These letters raise the following issues: -*

The existing access road would seem inadequate to both the HGV's, required to develop the land, and also for any movements of caravans on and off the site. The writer would need assurances that any improvement to the access road would not have an impact on their property which lie on both sides of this road. The applicant suggests that there would be no need to straddle the centre of the road except during the development phase. The writer would suggest that the movement of caravans would also require the full width as they negotiate the entrance to the access road. The entrance is almost adjacent to the existing entry to the writer's site on Berristow Lane and they have concerns that this development could cause congestion on Berristow Lane.

Concerns regard the items to be stored on the site given the sensitive nature of the goods stored within writer's existing warehouses. Any suggestion that pollutants, either water or air borne, could spread to those premises would be catastrophic to the business. Concerns that the site could become any area where toxic goods are stored and then subsequently incinerated.

Access to the new storage yard would mean removal of security barriers at the end of the private track on to Berristow Lane; this could encourage fly tipping, access by travellers & general nuisance by motorised vehicles. Would Mr. Leverton take responsibility for any clean up or legal actions required?

It is our belief the land we own is grade 5 agricultural & only fit for grazing purposes, which is why the previous owner had cattle in the field & why we have put horses on it, so comments made by Mr. Leverton about increased pedestrians, horses etc. are quite tenuous as cattle have been moved up & down the lane since this change of use. Surely the most sensible option for Mr. Leverton would be to access his site from Export Drive at the Huthwaite end of his property, as the roadways are already in place from an industrial estate.

Two of the proposed "Passing Bays" look like they cross the boundary to the adjacent property that is owned by the writer who requires unobstructed access at all times; feel the position of this bay would interfere with this, along with the pedestrian & equestrian traffic which uses the trail. (Following confirmation that the land is owned by that writer and formal notice being served on them) the owner of that land has indicated that they do not give consent as landowners to the applicant to use their land for the purposes of the development and passing bays.

POLICY

Bolsover District Local Plan (BDLP): Policies GEN1 (Minimum Requirements for

Development); GEN2 (Impact of Development on the Environment); GEN4 (Development on Contaminated Land); GEN5 (Land Drainage); GEN6 (Sewerage and Sewage Disposal); GEN8 (Settlement Frameworks); GEN11 (Development Adjoining the Settlement Framework Boundary); TRA1 (Location of New Development); TRA10 (Traffic Management); TRA12 (Protection Of Existing Footpaths and Bridleways); Policies CON13 (Archaeological Sites and Ancient Monuments); ENV3 (Development in the Countryside); ENV5 (Nature Conservation Interests throughout the District) and ENV8 (Development Affecting Trees and Hedgerows).

National Planning Policy Framework Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development that for decision-taking where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: -

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or specific policies in the framework indicated development should be restricted.

Paragraph 17 lists several core planning principles, including that planning should: Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Contribute to conserving and enhancing the natural environment and reducing pollution.

Encourage the effective use of land by reusing land that has been previously development (brownfield land), provided that it is not of high environmental value.

ASSESSMENT

The main considerations regarding this planning application are the principle of development outside of the defined settlement framework, the impacts on the character and appearance of the area, highway safety, ecology and amenity considerations.

In accordance with the National Planning Policy Framework paragraph 215, due weight can be given to relevant policies of the Bolsover District Local Plan, according to their degree of consistency with the National Planning Policy Framework. (The closer the policies in the Plan are to the policies in the Framework, the greater the weight that may be given).

The site is outside of the defined settlement framework where in accordance with policy GEN8 (Settlement Frameworks), general open countryside control policies will apply.

PRINCIPLE OF DEVELOPMENT

Policy ENV3 states:

“Outside planning permission will only be granted for development which:

1. Is necessary in such a location; or
2. Is reused for the exploitation of sources of renewable energy; or
3. Would result in a significant improvement to the rural environment; or
4. Would benefit the local community through the reclamation of re-use of land.

Permission will only be granted in such cases provided it is demonstrated that:

- A. The location of the development outside of the settlement framework is environmentally sustainable; and
- B. The proposed development, either individually or cumulatively with recently completed developments and outstanding planning permissions, would not seriously undermine the

- vitality and viability of existing town and local centres; and
- C. *The proposed development would not materially harm the rural landscape and avoid unnecessary urbanisation and sprawl;*
 - D. *the proposed development would avoid the coalescence of district settlements.*

In respect of policy ENV3, the development:

- *Is not considered to require a countryside location, such that it is not necessary to develop for this use in such a location.*
- *Is not for the exploitation of sources of renewable energy*
- *Whilst on brownfield land, has partially naturalised such that it does not form a particularly unsightly feature in the landscape, such that its development for business purposes will not result in a significant improvement to the rural environment*
- *Would result in the re-use of land, although with only limited employment created and no demonstrable need for additional industrial land in the immediate locality, it is not considered to be of any substantive benefit to the local community.*
- *Harm to biodiversity (see later assessment) would weight against environmental sustainability,*
- *Would clearly harm rural landscape by the introduction of built development that is not considered to be of a high quality visual appearance and would urbanise countryside and add to urban sprawl.*
- *Would erode open areas maintained between settlements and does not therefore avoid the coalescence of settlements across District and County Council boundaries.*

For these reasons the development is considered to be contrary to policy ENV3. However, given the out of date nature of the Bolsover District Local Plan, it needs to be considered whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

In terms of the impacts on the countryside, the site has partly naturalised and in longer views of the site, it blends in to the overall countryside setting and appearance as a result. The NPPF at para.12, discusses recognising the intrinsic character and beauty of the countryside (and supporting thriving rural communities within it). Whilst the proposed boundary bunds and landscaping would mitigate the visual impacts to some extent, the nature of the proposal (storage containers, caravans, works to the driveway and bunds and security fencing and security lighting) would materially alter the character and appearance of this site that would still be visible in the wider landscape, especially from longer views from elevated positions generally to the north. In those views the development would form an isolated and intrusive feature in the landscape contrary to the requirements of policy GEN1 and GEN2. Bunds of sufficient size to adequately screen the size of items stored on the site would in themselves form an unnatural feature in the landscape. Whilst the applicants state that they consider that existing woodland will screen views of the site, this is not considered to be the case and views of the site exist. The applicant also indicates that the perimeter of storage containers could be painted Juniper Green that would contribute to screening the caravans. However, given the extent of the site and the views of it from elevated positions, it is not considered that these features of the scheme would sufficiently mitigate the proposal. Whilst acknowledging the backdrop of industrial developments referred to in the applicants submissions, these do not

relate comfortably with the application site and form distinctively separate features in their own right, clearly separated by intervening land that visually and physically separate those industrial areas, and thereby the settlements and district areas that the edges of those industrial areas demarcate.

It should also be noted that the proposal is for the use of the land for an open storage yard. As such there would be no limitation on what goods can be stored and the manner in which the site operated. The visual impact could be significantly different from the currently indicated storage units and caravans as could the traffic generated.

The nature of the proposals is not considered to demonstrate good design as advocated in planning policy and the NPPF.

Whilst the application documents indicate that the site is bounded by industrial developments, this is only the case to the south of the line of the proposed access track. Whilst land to the south of part of the main body of the site was included as a site for large scale industrial developments in the Bolsover District Local Plan, that policy (EMP9 – Employment Site for Large Firms) is not a saved policy. The land is therefore outside of the settlement framework and is open countryside protected from development except farming and forestry. As such, the development of the application site would in fact, form an isolated piece of development that would not relate well to the built form of the nearby industrial development.

Even assuming that development were to go ahead on that land formerly allocated for large scale industry, it should also be noted that alongside part of the southern boundary of the site is an area that is allocated as an important open break, designed to maintain an open area between the adjoining settlements to maintain their identities, and also maintain in this case a definable break between settlements adjacent to the County boundary as well. Given that the land on this application site is within open countryside in planning policy terms, there would have been no need to extend that open break designation at the time that the Bolsover District Local Plan was drafted and adopted. The need to retain settlement separation and identity is considered important and it is considered that this proposed scheme would not sufficiently achieve this given the amount of land proposed to be developed.

Whilst noting the proactive nature of the NPPF in terms of supporting sustainable economic growth, the proposal would not generate large employment levels and as such, the economic benefits of the scheme are limited. Given the large amount of consented land in the vicinity of the planning application site, most notably on the Castlewood Business area that is within both Bolsover and Ashfield District areas, the weight that can be attributed to any economic activities associated with this proposal are considered to be limited.

ECOLOGY/BIODIVERSITY

The application includes an Arboricultural and Ecological Assessment and the Derbyshire Wildlife Trust has provided advice in respect of those documents and has advised that in its opinion, planning permission should be refused in respect of this issue.

The Trust concludes that the site supports substantive nature conservation interest and supports sufficient habitat diversity and floristic diversity to meet at least two selection guidelines (post-industrial grassland and open mosaic habitat). This has to some extent been

recognised by the ecological report as they have also concluded that the site meets Local Wildlife Site (LWS) selection guidelines.

*The site supports populations of at least nine UK BAP priority species including great crested newt, grass snake, dingy skipper, small heath, cinnabar, yellowhammer, linnet, song thrush and reed bunting. Other notable features include a significant population of narrow-leaved everlasting pea (*Lathyrus sylvestris*) a Derbyshire Red List plant classed as Locally Scarce. There are only two other possible sites in Derbyshire where this plant has been found since 1986. Whilst the ecological report has identified some of these species features (notably great crested newt and grass snake) it has not fully evaluated the value of the site for birds and invertebrates and as such the impact on these groups has not been fully assessed. These species features may also be a sound basis for LWS designation.*

Much of the ecological focus at this site has been on great crested newt and the reports indicate that the mitigation strategy proposed for this species is acceptable to Natural England. The applicant will need to apply for a licence from Natural England to proceed with the work.

However, the outstanding issue that has not been fully resolved is the loss of 3.5 ha of UK BAP priority habitat (open mosaic habitat on previously developed land), impacts on the associated priority UK BAP and Red List bird species and impacts on the proposed ecological network in this part of Bolsover comprising an important green corridor and connection with Nottinghamshire.

Assumptions made in the ecological assessment and Biodiversity Planning Statement regarding impacts on other species including dingy skipper and birds are not substantiated by any data and in Derbyshire Wildlife Trust's view under-estimate the impacts.

The Trust do not consider that the semi-natural habitats in Nottinghamshire or the habitats found along the Blackwell Trail will support the same assemblage of species as the area that will be lost by the development. The Nottinghamshire habitats include areas of wetland, rough grassland and marsh and only small areas of open mosaic habitat.

The Trust note that on the Nottinghamshire side both of the Sites of Importance for Nature Conservation (equivalent to Local Wildlife Site in Derbyshire) have been reduced in size due to development in the past 10 years or so. New Hucknall Disused Railways has lost 5.29 ha (38%) and New Hucknall Sidings Grasslands has lost 10.69 ha (78%) respectively. Collectively almost 60% of these two sites have already been lost to development.

The additional loss of 4 ha of some of the best remaining habitat will severely reduce the overall value and linkages between these sites.

In conclusion The Trust advise that the application should be refused as it does not accord with NPPF (para 109, 117 – 118) as there will be a net loss of biodiversity and adverse impacts to the proposed ecological network including across local authority boundaries. In addition the applicant has not presented any evidence that alternative sites have been considered.

OTHER AMENITY IMPACTS

The nature of the proposal and proximity of the site to nearby residential properties is such that no harmful impacts are likely to result to the amenities of residents from the proposals. No objections have been raised by the Environmental Health Officer.

HIGHWAY ISSUES

The Highway Authority has objected to the proposal. It refers to its objection to the previous withdrawn application and state that the current application involves a smaller area of land and the applicant encloses a letter referring to a previous use on the site. However, the land currently has no planning use, being described in the application as vacant on the application form and, as such, the Highway Authority consider that it would not generate any significant level of traffic movements. Approval of the proposal would result in the introduction of vehicular movements at the junction of the access track and Berristow Lane and an increase in the use of the track itself, all the detriment of highway safety. Therefore, for the reasons contained in the earlier letter dated 24 June 2013, refusal of the application is recommended. Those reasons included:

- the intensification in use of a junction, the geometry of which would result in inappropriate turning manoeuvres whereby left-turning vehicles entering or leaving the site would regularly cross the centre-line into the opposing carriageway on Berristow Lane and the bell mouth of High View Road prejudicial to the safe and free flow of traffic on a busy classified road and industrial estate road junction and the applicant is not in control of land at the junction on which to make the required improvements.*
- The access is gated and vehicles would be forced to wait on the adjacent busy classified road causing an obstruction for overlong periods of time whilst awaiting the gates to be opened prejudicial to the safe and free flow of traffic on a busy classified road. The applicant is not in sole control of the gates (and the suggestion that they will be relocated back from the highway cannot be guaranteed- although in the Planning Statement para 3.6.18 it is stated that the applicant does have full control over the gates).*
- The track is not wide enough for two-way traffic and a segregated route for pedestrian/cyclist/equestrian traffic along its entire length and the proposed passing places are too far apart leading to potential sudden braking manoeuvres within the public highway, vehicles reversing out onto Berristow Lane and/or overlong reversing manoeuvres within the track prejudicial to the safe and free flow of traffic on a busy classified road and leading to pedestrian/cyclist/equestrian and vehicular conflict within the track. The applicant is not in control of land at the junction or adjacent to the track on which to make the required improvements.*

On the latter point it is worth noting the comments of the owner of the land over which consent would be needed to provide the proposed passing bays, who have stated that they are not prepared to agree to such a use of their land. Consideration could be given to a "Grampian" style condition to address this issue. In this case, however, it is considered that there appears to be little chance of the applicant being able to secure compliance and therefore such a condition would not be effective in delivering an acceptable scheme.

The supporting information (Planning Statement para 1.3.13) also states that an existing ditch would need to be culverted to form the segregated route; this appears to be outside of the application site (detailed plans of the whole length of the roadway and segregated path have

not been requested in view of the other issues being raised).

Given the Highway Authority's concerns it is considered that the proposal would be harmful to highway safety interests, contrary to the requirements of policies GEN1 and GEN2 insofar as they relate to highway matters.

The Highway Authority has also drawn attention to the fact that the site is affected by the initial preferred route of the Birmingham to Leeds section of HS2. However, this has no weight in planning terms at the present time and is not therefore a material planning consideration in the determination of this planning application.

Derbyshire County Council Countryside section has raised comments in respect of the access track, including comments about that Council's ownership and its use by the public, despite it not being a designated right of way. It states that the proposal affect a Strategic Link in the County's Greenway Network that connects the Blackwell Trail with the Trail network in Nottinghamshire and that the proposed route of the link utilises the majority of the existing access track and through the applicant's landholding. It states that the application makes no provision for safeguarding the green way route. Notwithstanding this comment, the proposed Greenway has no planning policy basis and as such cannot be afforded any significant weight in the consideration of this application. An alternative route is currently available approximately 150m to the north of the application site track that links Berristow Lane to the industrial areas in Nottinghamshire. Also Derbyshire County Council has not secured any rights over the main body of the application site that is in the ownership and control of the applicant's, who have clearly indicated an unwillingness to permit such an access. On this basis it is not considered that this issue raises any material planning issues of weight in this case.

CRIME AND DISORDER

The Crime Prevention Design Advisor has advised that having reviewed the above application and noted the comments made in the previous application 13/00147, he would support as earlier recommended security measures in relation to CCTV, lighting and a security plan which I would ask is made a condition if approval is granted. His one concern is that the site layout drawing shows the containers positioned against the boundary fence which not only provides cover for anyone attacking the site but also aids in breaching the boundary fences integrity by creating a natural ladder. He therefore recommends that the containers are positioned at least 5 metres away from the boundary to prevent security being breached. As this is a remote location he also recommends that the security fencing is at least to a standard of LPS 1175 level 3. The applicant indicated a willingness to comply with the requirements of the Crime Prevention Design Advisor and had indicated that a revised plan would be submitted, however, this has not been received. Notwithstanding that point, it is considered that if permission were to be given, conditions could be included to address this point, such that there are no objections to the proposal from a crime prevention perspective.

Other issues

As the site is included in the Derbyshire Historic Environment Record, the Archaeological Advisor has been consulted who has stated that he is satisfied that the proposals will have no archaeological impact. The proposal is therefore considered to comply with the requirements of policy CON13 (Archaeological Sites and Ancient Monuments) in this respect.

Based on a Coal Mining Risk Assessment submitted with the planning application, The Coal Authority has recommend the inclusion of a planning condition on any consent granted requiring the location of the mine entry on the northern edge of the site to be plotted and its resultant zone of influence identified. The mine entry zone of influence as it extends into the application site should be required to be fenced to prevent any encroachment into this area and no works, including storage or bunds, should be carried out and the fencing retained for the life of the development.

The Environment Agency has raised no objections to the proposal subject to conditions and advisory notes relating to the contamination identification and control where necessary.

Also in respect of contamination, the Environmental Health Officer has advised that additional survey work is required over that already undertaken, but has raised no objection subject to the inclusion of a condition to require such additional work and any necessary mitigation in respect of any contamination identified.

CONCLUSION

On balance there are considered to be substantive reasons in terms of countryside impact, ecology impact and highway safety impact why this proposal fails to comply with policies of the adopted Bolsover District Local Plan and for the same reasons it is not considered to represent sustainable development in terms of national planning policy contained in the NPPF. In considering the NPPF regard has been had to the potential economic benefits of the scheme, but these are considered to be minor and do not outweigh the likely harm arising from this development. In view of this it is recommended that planning permission be refused.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: See assessment

Equalities: No significant issues arise

Access for Disabled: No significant issues arise

Trees (Preservation and Planting): See assessment

SSSI Impacts: N/A

Biodiversity: See assessment

Human Rights: No significant issues arise

RECOMMENDATION *REFUSE permission for the following reasons:*

1. *The proposal is contrary to adopted Bolsover District Local Plan Policy ENV3 (Development in the Countryside) which identifies that permission will only be given for appropriate development in the countryside and the proposal that are the subject of this planning application are not considered to satisfy those criteria.*

2. *The proposal would form an isolated and intrusive feature that would adversely affect the landscape, character and openness of the countryside and would not integrate with existing development forms and the form of the development is not considered to be good*

design, contrary to the requirements of policy GEN1(4) and GEN2(1) of the Bolsover District Local Plan and the National Planning Policy Framework Part 7 'Requiring Good Design', paragraph 58. It would also impact on the open area between settlements in both Derbyshire and Nottinghamshire, eroding their separate identities.

3. The proposal is contrary to be contrary to Bolsover District Local Plan Policy ENV 5 in that there will be a net loss of biodiversity and adverse impacts to the proposed ecological network including across local authority boundaries. Insufficient survey information has been submitted to fully determine all impacts on biodiversity and the application does not demonstrate that alternative sites have been considered. Whilst some mitigation measures are proposed these do not address all the possible impacts identified. This is also considered to be contrary to Part 11 of the NPPF: 'Conserving and Enhancing the Natural Environment' paragraphs 109 & 118) by virtue of the failure to minimise impact on biodiversity.

4. Approval of the proposals would result in the intensification in use of a junction with the public highway (Berristow Lane), the geometry of which would result in inappropriate turning manoeuvres whereby left-turning vehicles entering or leaving the site would regularly cross the centre-line into the opposing carriageway on Berristow Lane and the bell mouth of High View Road prejudicial to the safe and free flow of traffic on a busy classified road and industrial estate road junction. The applicant is not in control of land at the junction on which to make the required improvements.

5. The access is gated and vehicles would be forced to wait on the adjacent busy classified road causing an obstruction for overlong periods of time whilst awaiting the gates to be opened prejudicial to the safe and free flow of traffic on a busy classified road. The applicant is not in sole control of the gates and therefore cannot guarantee that they could be set back sufficiently to address this issue or that they can be left open at all times the site is in operation.

6. Additionally the track is not wide enough for two-way traffic and a segregated route pedestrian/cyclist/equestrian traffic along its entire length and the proposed passing places are too far apart leading to potential sudden braking manoeuvres within the public highway, vehicles reversing out onto Berristow Lane and/or overlong reversing manoeuvres within the track prejudicial to the safe and free flow of traffic on a busy classified road and leading to pedestrian/cyclist/equestrian and vehicular conflict within the track. The applicant is not in control of land at the junction or adjacent to the track on which to make the required improvements.

Statement of Decision Process

The Council has maintained a dialogue with the applicants and enabled the submission of additional information to seek to address concerns raised. Detailed plans of the access road alterations have not been sought in view of the likely concerns arising in relation to the proposal. The Council has considered the status of the Bolsover District Local Plan and considered whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in the Framework indicated development should be restricted. However, it was concluded that insufficient benefits arose to outweigh the concerns contained in the reasons for refusal.

ADDITIONAL INFORMATION RECEIVED SINCE THE CONSIDERATION OF THE PLANNING APPLICATION BY PLANNING COMMITTEE IN 2015:

- E-mail dated 13th March 2015 showing measurements along the access track.
- E-mail dated 9th May 2016 and accompanying documents including: junction improvement plan; plans to demonstrate that the improvements are included on land either in the planning application site or within the public highway; and copies of deeds and conveyance to show that the applicant has a right to make the improvements on the Derbyshire County Council owned land.
- E-mail dated 4th July 2016 with an updated plan showing two proposed passing bays along the access track “of sufficient size to accommodate the HGV vehicles that will deliver the containers to the site and thus appropriate to service all aspects/phases of the development.”
- E-mail dated 10th November 2016 with revised site location plan; updated ownership certificate (including confirmation that land not owned by Derbyshire County Council had been omitted from the application site boundary); and access and track plan showing proposed widening and passing bays. Also confirmed that the applicant was declining a request to submit additional ecology information.

CONSULTATIONS

Derbyshire Wildlife Trust - The additional information does not alter our earlier comments on this application and the Trust still maintains an objection to the proposal due to the adverse impact it will have on wildlife and biodiversity as detailed in earlier correspondence 3/1/17

Parish Council – Object to this planning application citing increased traffic on an already crowded Berristow Lane, South Normanton 13/12/16

HS2 Ltd. – Site is in the safeguarding area for HS2 and HS2 Ltd believes it would be inappropriate in planning terms for permission to be granted for this application on a permanent basis, but given that the land would not be required until at least 2023, recommend that permission could be granted on a temporary basis until that time. 21/12/16

DCC (Highways) – Revisions to the proposed access are considered to be acceptable and provided that these can be achieved and controlled by appropriate conditions, raises no objections to the scheme as revised. Conditions and advisory notes are recommended. 12/01/2017

DCC Countryside Officer – The Estate Valuers have asked their property lawyer whether the deeds give the successors in title (the current applicant) the right to undertake the improvements or alterations to this track, as they do not believe that the applicant has that right; Countryside Officer would also like such a legal opinion. 20/12/2016

No further comments had been received at the time of preparing this report. Should any comments be received, these will be reported to the Planning Committee when it meets.

ADDITIONAL PUBLICITY

Additional publicity, including a further site notice and letters to the original neighbours notified, along with letters to those that had made representations on the original planning application has been carried out.

A further 4 letters of objection have been received since this matter was last considered by Planning Committee, 3 of which were received prior to re-publicity with the one further letter being received in response to that publicity; these raise the following issues:

Will mean even more heavy goods vehicles using our Parish as a rat-run. Blackwell, Hilcote, Westhouses and Newton are already dangerous, groaning under the weight of HGV's which are ruining our communities by causing pollution to air quality, destroying road surfaces, having a detrimental effects to listed buildings in Conservation Areas, causing a hazard to pedestrians by mounting the curb on pavement corners not suitable for vast vehicles and litter which seems to be tossed out by some drivers (not all HGV it must be said) which is not only ugly but presents a hazard to farm and wild animals and field crops. It is well known that many facilities are built for their ease of access to M1 J28 but that stretch of the M1 is notorious for slow traffic issues so drivers use the Blackwell, Hilcote, Westhouse and Newton as rat-runs to avoid it.

High volume of traffic, including large lorries, at each hour, including at night.

The village is already subjected to the lorries and other traffic coming through from Fordbridge Lane, a situation the village is not designed to sustain. Trying to leave the village in the direction of the A38 can at times be extremely difficult as Berristow Lane becomes a bottle neck. To consider adding to this by another ten vehicles per hour in the vicinity of the High View Road junction is madness.

Understand the site is an anti-social behaviour black spot so some kind of development such as, for instance, offices would eradicate that. A constraint on HGV users travelling through Hilcote, as you mentioned, would very likely be flouted. Can see that some form of development could control this problem. Indeed if done with all due consideration it may have no further impact on the villagers and the site itself has already been spoilt from the wildlife haven it used to be.

Our Parish has a long history of agricultural and mining traditions; it would be heart-rending to see it destroyed by commerce with no history or connection to the place we call home. This is even more poignant when we read about the young men of our Parish who perished in the The Great War as detailed in Tony Mellors article in the Spring 2015 edition of the Blackwell Parish magazine.

Our views haven't changed on this application. We will not give permission to use our access point for a pull in bay and also lorries going up and down the lane would ruin our grazing from dust created by this. Not to mention the noise pollution and effects and wild life.

POLICY UPDATE

Emerging Replacement Local Plan

Although the emerging Local Plan only carries limited weight prior to publication, examination in public and subsequent adoption, it is relevant and material to the determination of this application. The site remains outside of the settlement framework limits and is not allocated as a development site. Draft policies of that plan are proposed to continue to protect open countryside from unnecessary developments not requiring a countryside location.

Of note is that land to the south west that was historically covered by a policy for large farms (Policy EMP9), a policy that was unsaved in the local plan and so carried no weight, is proposed to be replaced as a general industrial allocation in the replacement local plan.

Safeguarding the HS2 route

On 15th November 2016 the government formally announced the preferred route for Phase 2b of High Speed 2 (HS2) and simultaneously issued Safeguarding Directions in order to protect the preferred Phase 2b route of HS2 from conflicting development that and aims to ensure that new developments along the route do not impact on the ability to build or operate HS2 or lead to excessive additional costs. Under this direction, the Council is not bound by the advice of HS2 Ltd, but if the Council resolves to go against the advice received from HS2 Ltd, then the Council has to provide details of the application to the Department for Transport. On receipt of the requisite information, the Department for Transport will, within 21 days of that date, either notify authorities that there are no objections to permission being granted, or issue Directions restricting the granting of permission specifically for those applications.

FURTHER ASSESSMENT

The change in the further submissions relates primarily to the access details, in response to the reasons for deferral, although mention of ecology is made in response to questions raised of the applicants by officers in this respect given the amended details and issues about the age of the ecology reports given the lengthy delays in submission of suitable information to address the Committees deferral reason; in this respect it was confirmed that no further information is to be submitted in respect of ecology/biodiversity considerations.

The revised details now clearly demonstrate the extent of alterations to the junction and access track, including widening of the first 200m of the track, tapering from 10m at the junction down to 8.7m 200m into the site, reverting to the existing track after that. Two passing bays are proposed approximately 300m and 475m along the track.

No further updated information has been submitted, including no updated ecology information that has been requested.

It can be seen from the summary of consultation responses that the additional access information has satisfied the concerns of the Highway Authority that has withdrawn its earlier objections and has recommended conditions accordingly.

It is noted that no resolution has been found to the difference of opinion between the applicant and Derbyshire County Council as landowner in respect of the rights of the applicant to undertake the improvement works. Whilst it has been indicated that further submissions in this respect may be made by Derbyshire County Council's Countryside Officer and/or Property Services, ultimately this is a private property matter to which little weight can be given in planning terms. If this was the only outstanding matter, it would be possible to include a 'Grampian' style condition that would prevent any development being undertaken until the highway improvements have been delivered.

In terms of the countryside impacts of the proposal, these remain unchanged from the assessment in the original report. Of note however, is that there is a proposed change in policy on land to the south west as an industrial allocation, as well as the current development of a solar farm on land to the north of the planning application site that will impact on the openness and character of the countryside in this location.

Notwithstanding the construction of the solar farm, of note is the materially different requirements for the erection of a solar farm compared to that of other development types and the general policy thrust of facilitating green energy supply, such that the policy, such that the existence of the permission for that development does not change the general policy considerations that relate to the protection of the countryside for its intrinsic value, as advocated in paragraph 17 of the NPPF.

Additionally, the proposed policy change to allocate nearby land for industry still does not include this land in such an industrial allocation, proposing that it remains outside of the settlement frameworks where development would not normally be permitted without overriding justification; furthermore development does not currently exist on the site and whether the policy is ultimately adopted and/or the site developed remain unknown, such that it is considered that little weight can be afforded to that proposed policy amendment. The site also still extends east beyond the adjoining line of the area allocated as a protected open space that would erode the principle of maintaining settlement identities and still fails to relate well to settlement form.

On this basis, despite the acknowledged changes in circumstances, the amended application is still considered to result in harm to the countryside and conflict with the relevant policies in this regard.

Officers are aware from the original Planning Committee meeting that there have been issues relating to anti-social behaviour on this site. Whilst it is acknowledged that an alternative and active use for the site is likely to diminish or even remove such activity, it is not considered that this issue should be provided significant weight in the overall consideration of the planning application.

ECOLOGY/BIODIVERSITY

Nothing further has been submitted in terms of addressing the earlier identified concerns of the Derbyshire Wildlife Trust in respect of ecology considerations. In this respect, the applicants were requested to update the submitted information to reflect the amendments to the application site boundary, but also to ensure that the survey data and associated reports are up to date given the length of time that has passed since the initial preparation; this is as the transitory nature of wildlife means that the content of such surveys will require update and amendment (the original survey was completed in February 2013) as the Council needs to ensure that the information it bases any decision on is suitably up to date to ensure that any decision is suitably robust.

Notwithstanding that request, the applicant has specifically declined to submit any additional information stating the following: -

“The applicant, at this point, will not be submitting any further ecological information in relation to the application. It is considered that there is sufficient information to show that the development will not have an adverse impact upon ecological species and habitats and that the ecological assets present at the site do not prevent the delivery of the development. Sufficient mitigation measures have been incorporated into the scheme and amount to the delivery of a substantial amount of ecological protection and management. The extent of the ecological provision is set out below:

- The safeguarding and management of over 9.5 hectares of land with diverse habitat and ecological value (application site is 3.6 hectares). The development site is roughly 27.5% of the overall area of the Blackwell Tip.
- The provision of other ecological enhancements in the form of a Great Crested Newt pond, construction of a planted earth bund and 10 Great Crested Newt hibernacula
- The client has also committed to pre-construction surveys in relation to Badgers, Bats, reptiles and nesting birds to make sure that adverse impacts are avoided.

The potential impact of the additional passing bays, and their construction, on ecological assets should be considered in the context of the wider scheme and its delivery of the stated ecological provision. As stated, the ecological information submitted to date identifies that ecology is not a fundamental constraint to the delivery of the development as sufficient ecological management and mitigation can be provided to offset potential harm. Further to this, a pre-commencement condition can be included on any planning permission to require an Ecological Management Plan to be produced prior to the commencement of development and the clearance of the site to ensure that ecological assets are managed appropriately. The management plan can be written so that further survey work is carried so that construction operations are informed by the most recent ecological information. The development will also be subject to ecological licensing by Natural England due to the presence of protected species. This further raft of regulation will see that the development will not generate harm in this regard.”

Whilst noting the above comments, the Derbyshire Wildlife Trust as the Council’s advisor on such issues does not agree with this conclusion and considers that this “does not alter our earlier comments on this application and the Trust still maintains an objection to the proposal due to the adverse impact it will have on wildlife and biodiversity as detailed in earlier correspondence.”

The offer of a pre-commencement condition to further consider the nature conservation impacts and mitigation is noted, this does not however provide any certainty as to the nature of the impacts of the development, nor over the extent and nature of any potential mitigation, such that it cannot be properly considered whether this is considered to appropriately mitigate the impacts in question.

For these reasons it is not considered that the amended submission provides any additional information to address nature consideration considerations identified in the original report. Furthermore, The absence of up to date information also means that the Council is unable to demonstrate that it has adequate information on European Protected Species (i.e. Great Crested Newt) such that the Council would be unable to discharge its duties in respect of Regulation 5(9) of the Habitat Regulations that requires the impacts on such species to be understood in reaching its decisions.

HS2

HS2 Ltd has advised that it would be inappropriate in planning terms for permission to be granted for this application on a permanent basis. However, as the part of the site within the

Safeguarded area may not be required until at least 2023 to deliver the proposed railway scheme in that location, HS2 Ltd proposes that only a temporary planning consent should be granted for the proposal and has requested the inclusion of a condition to require this in the event that planning permission is granted. HS2 Ltd considers that planning permission should be refused for the application in its present form if it is not granted for a temporary period.

As advised earlier, if the Council is minded to permanently approve the scheme against the advice of HS2, there is a formal notification procedure that must be followed.

From the overall assessment it is still considered that planning permission should be refused for this development, notwithstanding the advice of HS2.

However, if members are minded to approve the scheme, this raises the question as to whether it would be reasonable to make such consent temporary, given the necessary financial outlay to the applicants to implement the permission. Clearly the implementation of any development should planning permission be granted would necessitate a financial outlay in respect of the engineering operations to level the site, create bunds and necessary landscaping and ecology mitigation, to undertake the access improvements and to import the storage containers. Such costs are unlikely to be insignificant in respect of a planning permission that would last a little under 6 years. For this reason it is considered that the inclusion of such a condition would fail the test of reasonableness for the inclusion of such a condition, such that the issue of a temporary consent is not considered to be appropriate.

Where permission is refused due to a conflict with the HS2 project, the decision notice should include that conflict in the reasons for refusal.

CONCLUSIONS

Members deferred a decision on this planning application to enable the applicants to better demonstrate their ability to deliver access improvements.

There have been significant delays in the submission of this material to the Council and it has been necessary to also re-consider some material planning issues given that time delay where physical and policy matters have changed.

Considering those issues, whilst the concerns of the Highway Authority have been satisfactorily addressed, it is not considered that other issues of concern highlighted in the original report have been impacted by the amended details, policy updates and/or local change in the physical surroundings of the proposed scheme. Delays in submission of the information have also meant that the ecology information submitted with the original planning application is now out of date and the applicants have not agreed to make further submissions to address this. Finally, the site is also directly affected by the proposed routing of HS2 and is subject to the related Safeguarding Directions for this site.

Balancing all of the issues in the original report and the updates discussed above, it is considered that the proposal would result in material harm to issues of acknowledged importance.

Whilst this can be balanced against the social and economic benefits of the scheme, the economic benefits are considered to be limited and the social benefits of addressing the anti-social behaviour activities on the site are not considered sufficient to outweigh the objections in principle to carrying out this development in the open countryside and the ecology impacts that would also result from it. Additionally, the impacts of the HS2 safeguarding directions have also been considered and the development is proposed to conflict with the aims of safeguarding the proposed route for the new railway. On a balance of planning considerations, it is therefore considered that planning permission should be refused for this development.

RECOMMENDATION REFUSE permission for the following reasons:

1. The proposal is contrary to adopted Bolsover District Local Plan Policy ENV3 (Development in the Countryside) which identifies that permission will only be given for appropriate development in the countryside and the proposal that are the subject of this planning application are not considered to satisfy those criteria.
2. The proposal would form an isolated and intrusive feature that would adversely affect the landscape, character and openness of the countryside and would not integrate with existing development forms and the form of the development is not considered to be good design, contrary to the requirements of policy GEN1(4) and GEN2(1) of the Bolsover District Local Plan and the National Planning Policy Framework Part 7 'Requiring Good Design', paragraph 58. It would also impact on the open area between settlements in both Derbyshire and Nottinghamshire, eroding their separate identities.
3. The proposal is contrary to be contrary to Bolsover District Local Plan Policy ENV5 in that there will be a net loss of biodiversity and adverse impacts to the proposed ecological network including across local authority boundaries. Insufficient survey information has been submitted to fully determine all impacts on biodiversity and the application does not demonstrate that alternative sites have been considered. The information that was submitted is now also considered to be out of date. Whilst some mitigation measures are proposed these do not address all the possible impacts that have been identified and are not considered to be robust, in particular given the uncertainties over impact resulting from the inadequate and out of date nature of the studies that have been submitted. This is also considered to be contrary to Part 11 of the NPPF: 'Conserving and Enhancing the Natural Environment' paragraphs 109 & 118) by virtue of the failure to minimise impact on biodiversity.
4. The proposal is considered to conflict with the need to safeguard the proposed route for the Highspeed Two rail project on which the site lies. Whilst consideration has been given to the potential to grant a temporary consent for the development (notwithstanding reasons for refusal 1 – 3 above), it is not considered that the inclusion of such a condition restricting the development to 2023 would be reasonable, given the necessary financial outlay necessary to enable the implementation of the proposed development.

PARISH Clowne

APPLICATION The demolition of existing buildings and the erection of a 10no. 1 bedroomed Complex Care & Autism Unit (Class C2) and the erection of a supported living block comprising 16no. 1 bedroomed apartments (Class C3) with associated access, car parking and landscaping.

LOCATION 16 High Street, Clowne

APPLICANT Mr Dan Buchan (Lifeways Community Care Ltd)

APPLICATION NO. 16/00473/FUL

CASE OFFICERS Steve Phillipson/Chris Fridlington

DATE RECEIVED

Committee Decision: The officer recommendation of approval is contrary to policy CLT6 of the Bolsover District Local Plan.

SITE

The former Miners Welfare occupies a prominent position and is a well known local landmark that fronts on to High Street on the approach to Clowne town centre. The application site includes the former Miners Welfare building, which is currently vacant, a second building that is currently boarded up, the parking area to the front of the building and the bowling greens and pavilion to the rear (north) of the building, which are also currently not in use. Notably, there is a significant change in level (about 4m) between the lower front part of the site adjacent to High Street and the higher ground to the rear, which is occupied by the two bowling greens. A number of houses and bungalows on Romeley Crescent (Nos. 13- 33) also back onto the site along its western boundary, together with Nos. 20-22 High Street. The majority of these dwellings have short rear gardens against the side boundary and sit slightly elevated above the site.

The service road for the neighbouring Tesco supermarket runs along the northeast boundary of the site beyond a densely vegetated embankment. The pub garden to The Anchor public house, together with an area of open ground which separates the pub garden from the supermarket service yard lies to the south east of the site and a public footpath passes through this space. This part of the site abuts the Clowne Conservation Area where The Anchor public house and its beer garden back onto the site boundary. Beyond the northern boundary of the site, is an area of semi-vegetated undeveloped ground, which is currently enclosed with fencing but does not appear to be in any active use.

PROPOSAL

The current application proposes the demolition of the former Miners Welfare building and the erection of two residential buildings comprising a 10 bed complex care and autism unit and a 16 bed supported living block. The smaller building would be sited towards the rear (northern) boundary of the site and the larger building within the centre of the site (see plan on following page). Vehicle access from High Street is proposed at the south-westerly corner of the site and the access drive would run parallel to the western boundary of the site and parallel to the rear of the properties along Romeley Crescent that back on to the site. There would be a

turning area between the two residential blocks, 22 off-road parking spaces sited along the western boundary of the site and a further eight spaces are shown at the front of the site between High Street and the new buildings, as shown on the site layout plan, below.



Alongside the plans showing the proposed layout of the site, and the external appearance of the proposed buildings, the submitted application included the following supporting documents:

- Extended Phase 1 Habitat Survey;
- Nocturnal Bat Survey;
- Design and Access Statement;
- Heritage Statement;
- Planning Statement;
- Demolition and Asbestos Survey Reports;
- Topographical Surveys;
- Landscaping Schedule and Specifications;
- Noise Assessment and Revised Acoustic Report;
- Phase 1 and Phase 2 Ground Investigation Reports; and
- Arboriculture Report

AMENDMENTS

Following consultation on the original application, the following amended plans were submitted:

- Boundaries Treatment Plan;
- Sketch Plan (showing location of buildings with alternative access provision);
- Site Layout Plan (showing amended parking bays); and
- Visibility Splays and Vehicle Tracking Plans.

Following consultation on the original application, the following additional information and supplementary documents were also submitted:

- Drainage Strategy;
- Written Scheme of Investigation;
- Construction Phase Method Statement; and
- Development Costs Appraisal.

All consultees were re-consulted on the amended plans and additional information listed above, and neighbours previously notified of the application were re-notified and further comments were invited on the revised application.

HISTORY

Records held by the Council indicate the Miners Welfare closed in 2010. There is no other planning history held on file for the site that is relevant to this application other than the current proposals were subject to detailed pre-application discussions.

CONSULTATIONS

Derby and Derbyshire Development Control Archaeologist – No objections subject to conditions.

Derbyshire Wildlife Trust – No objections subject to conditions

Economic Development (Bolsover District Council) - The planning application offers the opportunity to grow the local business base and create employment opportunities and as such is supported by Economic Development.

Environmental Health (Bolsover District Council) – No objections subject to conditions.

Flood Risk Management (Derbyshire County Council) - Recommended a holding objection when commenting on the original application but have not provided any further informed comment since being re-consulted on the further information submitted by the applicant on the drainage strategy for the proposed development.

Highway Authority (Derbyshire County Council) – No objections subject to conditions

Leisure Services (Bolsover District Council) - Where a development costs or is likely to cost £1million or more which this one will, including infrastructure then the Council has a percent for art policy which states that the Developer should contribute 1% of the total costs to Public Art.

Severn Trent Water - No objections to the proposals subject to conditions.

Sports England - Based on the information provided with the original application, Sport England raised a non-statutory objection as it considers that the application conflicts with its planning objectives and Paragraph 74 of the National Planning Policy Framework. To date, Sport England have not commented further or reviewed this position since being re-consulted on the amended information provided by the applicant seeking to address their concerns.

Urban Designer (Bolsover District Council) – No overriding objections to the proposals but recommends that the proposals are amended to improve the detailed design of the proposed building.

PUBLICITY

The application was advertised in press, a site notice was posted, 23 neighbours were notified about the original application and re-notified following the submission of amended plans and additional information.

Three letters from local residents were received in response to consultation on the original application. One letter is from a resident who lives adjacent to the bowling greens, and whilst this resident has no objection to the removal of the bowling pavilion, an appropriate boundary treatment is requested to prevent strangers entering the rear garden and to help keep the garden tidy. The two other letters set out objections to the proposals primarily with regard to the potential for increased noise and disturbance from the proposed development with some reference to pre-existing problems arising from the nearby care home that is already in operation.

These two letters also raise concerns about additional demand for parking, loss of privacy, potential impacts of lighting schemes, asbestos removal, and the potential impacts of the proposals on wildlife. In addition, it is mentioned in one of these letters that the proposals are not for the NHS raising the question of what would happen to the building if the current applicants were not able to maintain the site.

Following re-consultation, a further letter was received stating that the occupants of a neighbouring property remained concerned about the proposals for the reasons set out above and therefore continue to object to the proposals. This letter also suggests that many of the occupants of the nearest neighbouring properties are 'OAP's and therefore do not have access to the internet and will not know what is going on.

Finally, a fifth letter was received from a local resident following re-notification of this application supporting the proposals because the building is a 'hideous eyesore' and in this resident's view; a range of anti-social behaviours take place on the site, which would be likely

to continue whilst it remains in its current state.

POLICY POSITION

Policy CLT 1 of the Bolsover District Plan says that planning permission will only be granted for the change of use or redevelopment of buildings, which have functions serving the community, if either 1) appropriate alternative provision is made; or 2) it can be demonstrated that the facility is no longer required or no longer economically viable. In this case, the former Miners Welfare would have been regarded as a 'community facility' in policy terms but it is now demonstrably no longer economically viable. Therefore, redevelopment of the site would not conflict with policy CLT1 and the provision of specialist accommodation such as the sheltered accommodation and care facility proposed in this application is supported in local and national policies.

The National Planning Policy Framework ('the Framework') says that the social dimension of sustainable development includes supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

The Bolsover District Local Plan says that within settlement frameworks, planning permission will be granted for the specialist type of residential accommodation proposed in this application provided that the development would result in an acceptable living environment for residents and will not detract from the character of the surrounding locality, amongst other things.

The emerging Local Plan says the Council will support the provision of housing for older people and specialist housing provision across all tenures, including level access flats, houses, bungalows, and sheltered housing or extra care schemes, in appropriate locations, close to services and facilities. The Council will also support the provision of specialist housing, including nursing homes and residential facilities, in appropriate locations and where there is an identified need and where proposals accord with other Policies of the Plan.

FIRST PRINCIPLES

In this case, the scheme proposed on the site of the former Miners Welfare scheme will offer two forms of accommodation, 16 purpose-built individual apartments developed to meet the individual needs of the tenant, and a 10 bed residential home to offer care to people in need of daily support. The services will collectively provide a 24 hour community based setting for vulnerable adults with learning disabilities and autism to live safely at the heart of the local community.

The design and specification of the scheme has been driven by local needs to ensure current gaps in affordable provision can be met. The scheme will be offered to residents local to Clowne and the surrounding areas of Derbyshire to meet the needs identified by the County Council and other relevant local authorities. Meetings between the applicant and commissioners have identified a shortage of such community based services in Derbyshire, and have supported the need for the Clowne scheme.

Therefore, there is a clearly established need for the development proposals and the site lies within the settlement framework for Clowne. The site is located close to the town centre and is within easy walking distance of local shops and amenities. As such, the site is considered to be a sustainable location that would be suited to residential development. Consequently, there are no overriding objections to the principle of the proposed development, which is clearly supported in local and national planning policies.

However, any approval of the current application would rest on a fuller assessment of the issues raised in representations with regard to the potential impact of the scheme on the residential amenities of the nearest neighbouring houses and with regard to Sports England's objections to the loss of the bowling greens and associated facilities to the rear of the site.

ASSESSMENT

The application is a detailed proposal for residential development of land incorporating the former Miners Welfare building, two bowling greens and ancillary facilities. Although it is noted by Sport England that the bowling greens have not been in use for several years, it remains Sport England's view that they still constitute existing sports facilities and land in the context of Sport England's planning objectives, and Paragraph 74 of the Framework, which says existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The Planning Statement submitted in support of the application does not directly respond to the above national policy, but it does make reference to Policy CLT 6 of the Bolsover District Local Plan, along with discussions held with the Council about the need or otherwise for the existing facilities and potential options for alternative/replacement provision in the area. Sport England object to the proposals in the absence of an 'up to date' assessment of need and in the absence of any financial contribution towards an alternative provision of recreation facilities. Whilst the Council's own Leisure Services have not made any formal comment on this aspect of this application, prior to the formal submission of this application, Leisure Services advised that the bowling greens are no longer required but indicated they would wish to see a financial contribution towards alternative provision.

In summary, it is considered that there is adequate provision of bowling greens within the District and some concerns that re-opening the bowling greens in Clowne would undermine the vitality and viability of other bowling greens in the District. Although this does not amount to a full assessment of the needs of the District, the evidence provided by Leisure Services, to date, is that the existing bowling greens and associated facilities are surplus to requirements and their loss would not conflict with Paragraph 74 of the Framework or Sport England's

statutory objectives. In these respects, it should also be kept in mind that Sport England raises a non-statutory objection to the proposals. Nonetheless, there would still be some degree of conflict with Policy CLT6 of the Local Plan, which indicates the bowling greens should be retained as open space for recreation, or the developer should make a contribution towards an alternative sports facility in the locality if the recreation facility were to be built on. In this case, the developer is unable to make a financial contribution to alternative provision taking into account the viability of the scheme. Equally, a contribution cannot be made to public art for the same reasons.

In the first instance, it should be noted that policy CLT6 of the Local Plan is not consistent with Paragraph 74 of the Framework because national policy does not require a financial contribution to be made for alternative provision where recreational facilities are found to be surplus to requirements. Policy CLT6 does however make some provision for other uses of the site where recreation facilities are no longer required. Policy ITCR6: Protection of Green Space and Sports and Recreation Buildings in the emerging Local Plan adds further detail to appropriate alternative uses of these types of redundant recreational spaces saying: proposals resulting in a loss will need to provide a satisfactory replacement facility, unless the proposal was of greater overall benefit to the local community than existing or realistic potential uses of the greenspace.

The emerging policy ITCR6 therefore indicates that it is appropriate to consider whether the current proposals offer particular benefits to the community that offset the loss of the bowling greens before requiring a financial contribution towards alternative provision. In this respect, although the emerging policy would not normally carry significant weight until the new Local Plan is adopted, the approach in ITCR6 is more responsive to local circumstances and is closer to the approach taken in national policy than the saved policy CLT6, which means that CLT6 is effectively 'out of date' and therefore should carry less weight.

In this case, it is clear that there is no realistic prospect of the bowling greens being taken back into use and, as noted above, retaining the bowling greens would not provide any form of community benefit. The current status of the bowling greens also seems to be inextricably linked to the closure of the Miners Welfare and there is no realistic prospect of this building being brought back into use as a community facility. The building has been vacant for some time and the current condition of the vacant building means that it does detract from the character of the local area. The modern additions to the building have also spoilt its original character. Therefore, it is appropriate to consider the benefits of redevelopment the site, as a whole, for a different type of community facility taking into account this could achieve some enhancement to the overall environmental quality of the local area through the appropriate re-development of the site. There is also a clearly identified need for the type of residential development proposed on the site.

Currently, there is a shortage of community based services in Derbyshire, for the type of assisted living in the two blocks proposed in this application and, on balance, the provision of 10 bed complex care and autism unit and a 16 bed supported living block on the site would provide greater overall benefit to the local community than retention of the bowling greens. With regard to paragraph 74 in the Framework and with due regard to ITCR6 policy in the emerging Local Plan, this would mean that contributions for alternative recreation provision should not be required to offset the loss of the bowling greens because the loss of the bowling

greens would be deemed to be acceptable in planning terms in any event because of the enhanced community benefits arising from the provision of sheltered accommodation and specialised housing.

Visual Amenity

Notwithstanding the conclusion that the loss of the bowling greens would be offset by the provision of an alternative facility that would be of greater benefit to the local community, it is also important to note that a contribution towards alternative recreation provision cannot be made without compromising the viability of the scheme. In this respect, and in the absence of any alternative scheme to re-develop the site, the wider benefits of the proposals in terms of enabling an enhancement to the visual amenities of the local area should also be afforded weight when considering the loss of the bowling greens and associated facilities.

In its current condition, there is no doubt that the former Miners Welfare detracts from the character of the local area. The building is in a poor state of repair and further modern additions to the building detract from original character of this building. Therefore, replacing this building with a more appropriate development would significantly improve the character and appearance of the local area especially when taking into account the existing building occupies such a prominent position at the entrance to Clowne's town centre. In these terms, it is important that any replacement building is of high quality of design to ensure re-development of the site results in a meaningful and long term enhancement to the character and appearance of the local area.

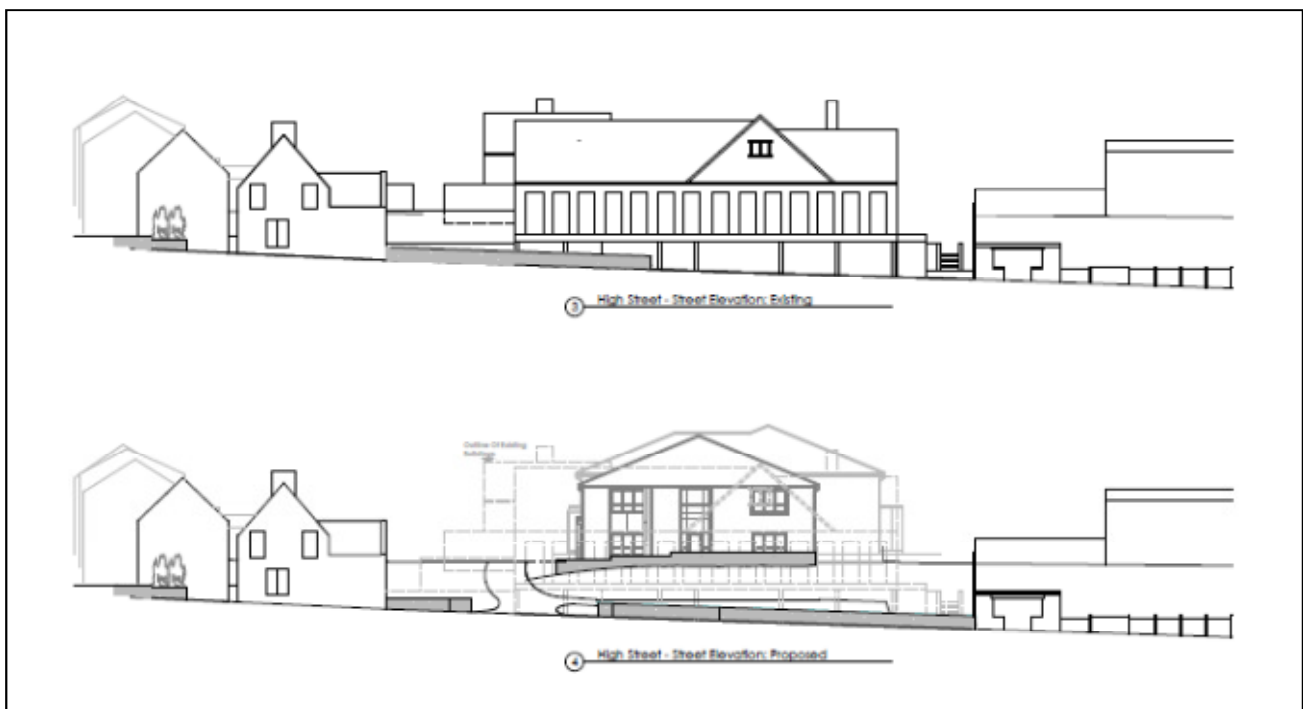


Overall, the Council's Urban Designer is reasonably satisfied that the buildings proposed in this application, as shown on the above plans, would achieve this type of enhancement of the site. The Council's Urban Designer comments that the proposed buildings would have a relatively bulky form and mass compared to the grain of the adjacent residential properties but they would provide something of a transition between these houses and the nearby Tesco supermarket. The Council's Urban Designer goes on to say that although their relatively large scale is exaggerated by the virtue of their elevated location, to a degree this is offset by the hipped nature of the roofs. Red brick is proposed for the external walls with some cladding to accentuate design features such as the main entrances to the buildings and window openings and tiles would be used for the roof of the building, all of which would be acceptable in principle, and would generally allow the new buildings to harmonise with their surroundings. In conclusion, the Council's Urban Designer has suggested some amendments to the scheme seeking to improve the external appearance of the building particularly where the building faces on to High Street but there are no substantial objections to the design of the new building.

It is therefore considered that the proposed buildings would offer an appropriate replacement for the former Miners Welfare building that would improve the streetscene and generally enhance the character of the local area in compliance with policies GEN1 and GEN2 in the Bolsover District Local Plan and national planning policies in the Framework. The development proposals would also offer some enhancement to the character and appearance of the setting of the adjacent Conservation Area not least by improving the approach into the town centre. Consequently, a significant enhancement to the character and appearance of the local area could be achieved by granting permission for the proposed development that would significantly improve the visual amenities of the local area compared to the existing situation, subject to planning conditions securing design details and the use of appropriate materials for external finishes. However, these benefits would have to be balanced against the potential for the buildings and associated uses to be unneighbourly.

Neighbourliness

The residential properties that would be most directly affected by the proposed development include no.s 13- 33 Romeley Crescent, which back onto the site along its western boundary, together with no.s 19 and 20-22 High Street. Two letters of objection were received following consultation on the original application from occupants of the neighbouring properties; a third letter of objection was received following re-consultation on the amended plans and additional information submitted by the application, which made it clear that the revisions had not addressed the previous concerns of the authors of this letter. The authors of this letter also suggest that despite being notified of the application by letter, many of the residents along Romeley Crescent might not fully understand the nature of the potential impact of the development on their properties and may not have objected to the proposals because of this.



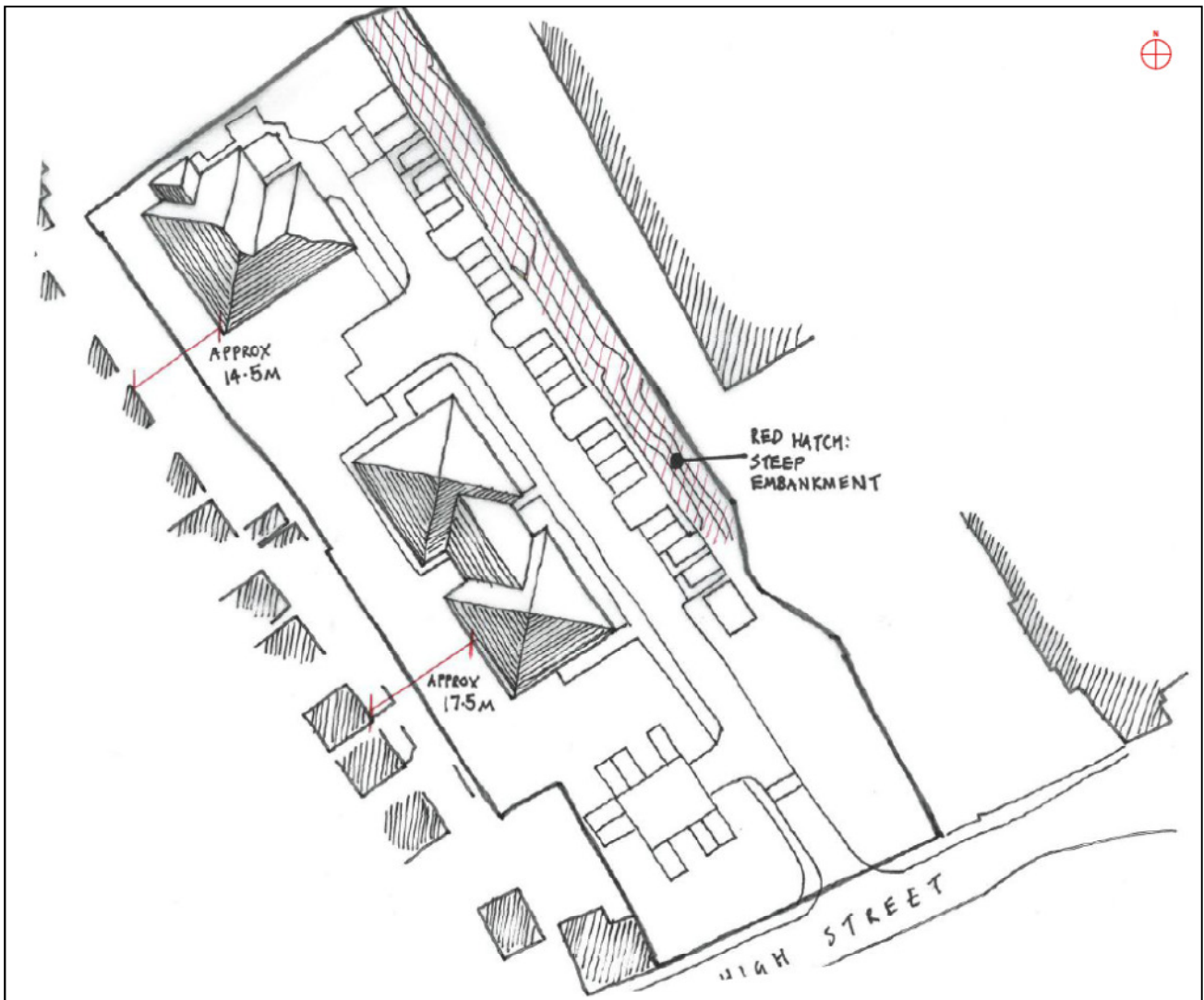
In terms of the potential impact of the two residential buildings proposed in this application, site layout plans and sectional drawings (see extract above) have been submitted, which demonstrate that there is adequate separation distance between the proposed buildings and the nearest neighbouring residential properties and show that the height of building would be a similar height to the former Miners Welfare building and not 'tower over' the nearest houses and bungalows any more than the existing building. There would be at least 21 metres between the buildings and taken together with the difference in levels between the site and Romeley Crescent, the proposed development would not be unduly overbearing. With reference to the Supplementary Planning Document - *Successful Places: A Guide to Sustainable Housing Layout and Design*, the proposed separation distance means that facing windows in the proposed buildings and the existing houses would be far enough apart to avoid any unacceptable loss of light and/or loss of privacy (in planning terms) and would be far enough apart to prevent an unacceptable degree of intervisibility and/or overlooking. In these respects, the proposed buildings would not be unneighbourly.

It is acknowledged that increased noise and disturbance is also a concern raised in representations made by local residents but, in principle, the proposed uses of the site for a 'care home' and supported living accommodation should not give rise to any greater levels of noise and disturbance compared to what might be experienced if the building and the bowling greens were to be brought back into use. There is also some degree of betterment to be achieved if planning permission were granted for the current application taking into account the site in its current condition appears to be attracting some degree of anti-social behaviour. Furthermore, the Council's own policies state that the type of residential development proposed in this application would normally be acceptable within a settlement close to other forms of housing. Therefore, the more general impacts of the proposed use of the site are unlikely to be so substantial that the proposed development and the existing houses would not be able to co-exist and it is not considered that the proposed use of the site would be unneighbourly in its own right.

Notably, the proposals would bring parked cars closer to the properties along Romeley Crescent that back onto the site and this has been a particular area of concern for the occupants of some of the nearest neighbouring properties. This concern is not so much about looking out over a car park because the parking spaces would be screened by a 1.8m high fence and the parking would be at a slightly lower level compared to the houses on Romeley Crescent. The concerns raised by local residents appear to be more about the potential for noise and disturbance, and disturbance from headlights shining into their properties. However, the Council's Environmental Health Protection Officers do not consider the proposed development would be unneighbourly because of this and have not raised any concerns that the proposed use of the site would result in any nuisance from noise and disturbance arising from activities taking place on site subject to conditions relating to restrictions on external lighting. The proposed fencing supplemented with parking should adequately deal with glare from headlights when vehicles are parking and a restriction on delivery hours would prevent larger vehicles disturbing residents later in the evening or early in the morning.

The applicant has also been asked to re-consider the site layout and to assess whether it is practicable to site the parking and access on the opposite side of the new buildings from the existing properties along Romeley Crescent. This approach might have helped to alleviate the

concerns raised in representations but the levels on the site are such that to relocate the access away from the neighbouring residential properties would mean the new buildings would be closer to them. In particular, the steep banking on the Tesco side of the site would 'push' the proposed development back towards the properties backing onto the western edge of the site and minimum separation distances between the proposed buildings and the existing houses would not be achieved. The sketch plan, on the following page, helps to illustrate how the buildings would become unneighbourly if the site layout was 'handed' to locate the parking spaces further away from the nearest neighbouring residential property.



Therefore, a fundamental re-design of the entire scheme would be required to balance the need for two buildings of the size and scale proposed, to avoid those buildings being unneighbourly in their own right, and to meet any requirement to relocate the access and parking away from existing residential properties. However, for the reasons set out above, the parking and access arrangements 'as proposed' cannot be considered to be so unneighbourly that this type of re-design can be reasonably required or that a refusal of planning permission could be justified on amenity grounds despite the concerns raised by local residents that live adjacent to the development proposals.

Preliminary Conclusions

It is therefore considered that a recommendation of approval of this application would not be an unacceptable departure from the Local Plan also taking into account the key issues raised in representations in respects of these proposals can be addressed.

In policy terms, the proposed development is acceptable in principle because of the nature of the accommodation that would be provided and the location of the site close to other services within the settlement framework with a range of nearby facilities. The main objections to the proposals raised in representations relate to the loss of the bowling greens to the rear of the former Miners Welfare and associated facilities and the potential for the proposed development to detract from the residential amenities of neighbouring properties.

The conclusion reached in the above sections of the report is that the bowling greens are surplus to requirements and therefore, their loss would not conflict with national planning policies. The absence of a contribution towards alternative provision would conflict with current Local Plan policy but this policy is not 'up to date' because it is inconsistent with national planning policies and so would carry limited weight in any event. Nonetheless, the overall benefits of redevelopment of the site to meet an identified need for the accommodation proposed in this application and the subsequent enhancement to the character and appearance of the local area that would result from granting planning permission for this application, when taken together, are considered to outweigh this conflict with the Local Plan and offset Sport England's objections to the proposals.

The above sections of this report also set out why it is not considered that the proposed building would be unneighbourly in planning terms, and this conclusion is mostly based on the separation distances between the proposed buildings and the existing houses. In planning terms, there would be no reason to otherwise consider that the residential accommodation cannot co-exist with the nearby houses or that the activities associated with the proposed use of the site would give rise to unacceptable levels of noise and disturbance subject to the imposition of planning conditions to secure boundary treatments and control external lighting.

Clearly, it would be desirable to move the parking and access away from the existing houses backing on to the site but this cannot be achieved without fundamentally changing the development proposals. However, it is not considered that the parking and access arrangements would detract from the living conditions of the nearest neighbouring properties to justify refusing planning permission for the proposals also taking into account the Council's Environmental Health Officers have not raised any objections to the proposals on this basis.

It is therefore considered that a recommendation of approval for this application would be appropriate providing that the proposed development would be acceptable, or could be made acceptable in all other respects. The following sections of this report will provide a further assessment of the relevant planning considerations.

Archaeology

Further to the County Archaeologist's objections to the original application, the applicant has now submitted the results of archaeological desk-based assessment, and also a proposed

Written Scheme of Investigation for post-consent works to investigate and record archaeological remains on the site.

The desk-based assessment establishes that the site has potential for below-ground archaeology of medieval and early post-medieval date, based upon the medieval remains on the nearby Tesco site, the site's location within the later medieval core of Clowne, and the presence on historic maps of possible early buildings. This archaeological potential is somewhat mediated by the likely disturbance arising from 20th century use of the site, particularly within the footprint of existing buildings but also to a lesser extent within the area of the bowling greens. The proposed Written Scheme of Investigation (WSI) makes provision for trial trench evaluation of the site to assess archaeological significance, and if justified by the evaluation results, a further scheme of mitigation excavation to record any significant archaeological remains in line with paragraph 141 of the Framework.

Having assessed the WSI, the County Archaeologist is able to advise that the scope of works is suitable and no longer objects to the proposals subject to planning conditions securing a post-consent scheme of archaeological recording as proposed in the submitted WSI.

Contamination

The current application is supported by two reports relating to remediation of potential contamination on site. However, these reports indicate that further gas monitoring is ongoing and further intrusive work will be required following demolition of the building. Therefore, the Council's Environmental Protection Officer is recommending a pre-commencement condition to deal with the outstanding issues. It is considered this type of condition and its timing would be fundamental to the acceptability of the proposed development taking into account national policy in paragraphs 120 and 121 of the Framework and relevant policies in the Local Plan including policies GEN4 and GEN7, which define how the Council should address land stability and contaminated land issues to allow development to go ahead.

Drainage

Severn Trent Water do not have any objections to the current application provided that drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Council prior to the commencement of the proposed development. The County Council Flood Risk Management Team 'recommended' a holding objection until the applicant had submitted further information on drainage of surface water. The details required by both consultees have now been submitted by the applicant but no further comment has been received by either consultee despite being re-consulted.

From an officer perspective, the drainage strategy proposed by the applicant appears to be appropriate because it is intended to make use of the existing connections to the mains sewer and surface water drains. In these respects, the proposals would comply with policies GEN5 and GEN6 in the Local Plan provided the development is carried out in accordance with the submitted drainage strategy.

Ecology

Some concerns have been raised in representations about the potential impacts of the proposed development on wildlife but the Derbyshire Wildlife Trust have assessed the information submitted by the applicant, including bat surveys and a phase one habitat survey and have no objections to the proposals subject to a number of suggested conditions. However, the conditions suggested by the Trust are not entirely appropriate. For example, the Trust require the submission of a landscape and environmental management plan, which appears to be unnecessary given the limited size of the site and the very limited nature conservation value of the proposed landscaping. In this case, the landscaping needs to be appropriate to the local area but is required for amenity value rather than to achieve habitat creation or any other wider nature conservation objective.

Similarly, it is not appropriate to bar any development taking place until a qualified ecologist has checked the site for the presence of nesting birds. Wildlife legislation adequately safeguards nesting birds because under this legislation disturbing nesting birds is a criminal offence subject to prosecution. Therefore, it is unnecessary to duplicate the provisions of legislation by imposing this type of planning condition suggested by the Trust. Equally, bats would be adequately protected by the same legislation provided the development is carried out in accordance with the recommendations made in the submitted bat survey report.

However, it would be appropriate to secure details of external lighting to avoid any adverse impact on bat populations within the local area and controls on external lighting are required more generally in the interests of protecting the amenities of the local area. In addition, it would be reasonable to consider amending the species mix, as suggested by the Trust, to replace the box hedge with species of more interest and ecological value.

It is also considered that the submission of details on how Japanese knotweed on site will be dealt with would be reasonable and necessary. This is because spoil and waste containing Japanese knotweed is considered to have the potential to cause ecological harm and nuisance to other landowners if is not disposed of correctly. The treatment of Japanese knotweed is not otherwise particularly well covered by existing legislation. Therefore, it is considered that there are no overriding objections to the proposals on ecological grounds subject to prior approval of any external lighting, minor amendments to the proposed planting scheme, and prior approval of the proposed treatment of Japanese knotweed on site.

Employment Opportunities

The applicant has submitted a detailed summary of the potential employment opportunities that would follow from the proposed development. The Council's officers in Economic Development say this planning application offers the opportunity to grow the local business base and create employment opportunities and as such support the application. However, further details of local employment opportunities and training has been requested by Economic Development prior to the commencement of the proposed development.

From a planning perspective, given the detail already provided by the applicant, this suggested condition is not considered to be reasonable or necessary even though it may help to achieve the Council's wider objectives for the District. In this respect, it is considered that it would be better to encourage pro-active and positive engagement between the Council's officers and the applicant/developer to promote the Council's skills and employment agenda

rather than impose a planning condition requiring submission of details on any permission for the current application.

Highway Safety

The County Council do not have any overriding objections to the proposals on highway safety grounds but would prefer to see the access to the site in a more central position and still have concerns about the adequacy of on-site parking provision. The potential for the proposed development to create additional pressure for on-street parking has also been raised in representations. However, the conditions suggested by the County Council, in their capacity as the local highway authority, are difficult to consider 'lawful' (in planning terms) because they have the potential to require substantial alterations to the proposed layout of the site.

From an officer perspective, the relocation of the access requested by the County Council is not strictly necessary to ensure the proposed development would be provided with a safe and suitable access. The County Council's own parking standards otherwise suggest that 2 parking spaces plus 1 space per 3 residential units would be required for residents, visitors and staff in respect of sheltered accommodation. This indicates that eleven off-road parking spaces would 'normally' be required to provide adequate parking provision for the proposed development but 30 are proposed in the current application. The County Council do not provide any additional justification for requiring additional spaces. Therefore, officers remain unconvinced these suggested conditions are reasonable and necessary and would not recommend that they are imposed on any permission for the current application. Nonetheless, further information has been requested from the applicant to address these particular concerns.

Additional conditions suggested by the County Council include a request for details of a construction compound to be submitted but these details have already been provided and there is a condition requiring a maximum gradient for the access from the highway but, as noted in this report, there is level access onto the site from the highway. Therefore, neither of these suggested conditions would be considered reasonable or necessary but the provision of the construction compound proposed by the applicant should be secured by a condition in the interests of amenity and highway safety.

The County Council also require the parking provision to be provided prior to the proposed building being taken into use and the access from the frontage of the site to be restricted to the proposed access, which are both reasonable requirements. Therefore, subject to these particular conditions and the provision of a construction compound, it is considered there are no overriding objections to the current proposals on highway safety grounds. In these respects, it is considered the proposed development would be provided with a safe and suitable access and would not have a severe impact on the local road network as required by policies GEN1 and GEN2 of the adopted Local Plan and national planning policies set out in paragraph 32 of the Framework.

Landscaping

The proposals are supported by a detailed plan showing a planting scheme that includes the provision of hedgerows and shrubbery along the rear boundaries of the adjacent properties.

Notably, this planting will help to soften the impact of the development proposals but it is the provision of the 1.8m high close boarded fence proposed on this plan that will screen the parking spaces from the residential properties and prevent disturbance from car headlights, for example, in the immediate short term whilst the planting becomes established. The fence is also required to mitigate noise impacts from the service road and delivery yard serving the nearby Tesco supermarket. Therefore, a planning condition should be used to ensure that this fence is installed prior to the proposed units being taken into use if permission were to be granted for the current application.

Noise

Aside from the impact of potential noise on the amenities of neighbouring properties, it is also important to consider whether the proposed residential development would be adversely affected by noise and disturbance taking into the location of the site adjacent to a busy road and close to the town centre. The Council's Environmental Protection Officers have reviewed the Hepworth Acoustics report submitted to assess noise impacts, and make the following comments:

The report identifies a number of potential noise sources in the vicinity of the proposed development site including the adjacent Tesco superstore, a nearby public house and road traffic. The planning permissions for the Tesco store contain a number of sound related conditions including a limit on the number of deliveries allowed during night time hours, compliance with a night-time deliveries noise management plan and an overall rating level for the site. The report concludes sound mitigation measures are required for one of the proposed buildings i.e. the supported living block which has been identified as the building most exposed to road traffic and delivery noise. There are no objections the proposals for the sound insulation scheme comprising higher specification glazing and mechanical ventilation for the parts of this building highlighted in Figure 2 of the Hepworth report.

Although there are no private gardens proposed for the development there are communal areas laid to turf and the report recommends the installation of a timber noise barrier along the northern site boundary in order to reduce noise from deliveries to the Tesco store. Although the report does not specify a barrier height, Drawing No. 16-025-116 shows a 1.8m high fence, which would be appropriate.

The report concludes no sound mitigation measures are required for the other proposed building i.e. the Complex Care and Autism Unit. This building would be less exposed to delivery noise but it is questioned whether the noise assessment takes adequate account of the potential for sound impacts due to vehicles using the access road to the service yard. The noise survey results for the night time would indicate that no deliveries were made during the survey period. The planning permission for the superstore allows 4 deliveries during the night time period (06/00526/VARMAJ) hence there could be up to 8 lorry movements along the access road. If this was the case there may be a need for acoustic glazing and ventilation but this has not been proposed. Pending the submission of further information from the applicant, it is considered this matter could be dealt with by a planning condition. In all other respects, it is not considered that the proposed development would be adversely affected by noise subject to the provision of the mitigation measures proposed in the acoustic report and the provision of a 1.8m high fence along the boundary of the site.

Conclusions

With regard to the above analysis, it is concluded that there are no constraints on the site that would prevent the development going ahead and the proposed development can be made acceptable in planning terms subject to appropriate planning conditions. Consequently, it is considered that the proposed development meets the requirements of the relevant policies in Bolsover District Local Plan and the relevant national planning policies in the Framework other than in respects of the identified conflict with Local Plan policy CLT6.

In this case, accepting the loss of the bowling greens and associated buildings in the absence of a financial contribution for alternative provision would be a potential departure from CLT6 albeit this policy can be considered to be 'out of date'. However, it is considered that the enhanced community benefits arising from the provision of sheltered accommodation and specialised housing offset the loss of the bowling greens and the potential enhancement to the visual amenities of the local area through the redevelopment also weigh heavily in favour of granting planning permission for the current application.

It is therefore concluded it would be appropriate to make an exception to the policy requirement for a financial contribution for alternative provision of recreational facilities also taking into account the marginal viability of the development proposals. In this respect, the identified need for the facilities proposed in this application is considered to be the determining factor, and therefore, it would be appropriate to restrict the future uses of the buildings by planning condition to sheltered living accommodation and Complex Care and Autism Unit as specified in the submitted application. It is considered that this approach would be reasonable and necessary to ensure that the proposed development would meet the identified need for the buildings that justifies making an exception to the Local Plan.

Finally, it would be in the interests of the proper planning of the local area to stipulate that the development commences within three years of the date of any permission granted for this application and to specify compliance with the approved plans to ensure a high quality development is achieved.

Other Matters

Listed Buildings:	n/a
Crime and Disorder:	The proposed development would lead to re-development of a site that has the potential to attract anti-social behaviour.
Equalities:	The proposed development would address an identified shortfall within the District for residential accommodation for vulnerable adults
Access for Disabled:	The proposed development includes design features to promote accessibility for people with disabilities.
SSSI Impacts:	n/a
Human Rights:	The human rights of individuals affected by the development proposals are taken into account in the above report through assessment of the potential impacts of the proposed development on the quiet enjoyment of private property.

RECOMMENDATION

The current application be **APPROVED** subject to the following conditions:

Statutory Time Limit

1. The development shall be begun before the expiration of three years from the date of this permission.

Approved Plans

2. Subject to the following conditions, the development shall be carried out in complete accordance with the recommendations set out in Section 5.2 of the submitted Bat Roost Potential and Nocturnal Bat Survey and the following approved plans and specifications:
 - Site Set-up Plan and Construction Method Statement
 - Drawing No. 16-025-110 Revision H: Site Plan
 - Drawing No. 16-025-160 Revision B: Site Sections & Street Elevations
 - Drawing No. 16-025-123 Revision A: GF & FF Plans (Supported Living Apartments)
 - Drawing No. 16-025-155 Revision B: Elevations (Supported Living Apartments)
 - Drawing No. 16-025-120 Revision F: GF & FF Plans (CC & A Unit)
 - Drawing No. 16-145-151 Revision B: Elevations (CC & A Unit)
 - Drawing No. 16-025-116 Revision C: Boundary Treatments Plan
 - Drawing No. L8555/02: Soft Landscaping Proposals
 - Drawing No. 16151/005 Revision P3: Drainage Strategy

Archaeology

3. No development shall take place until the archaeological fieldwork as set out in the submitted Written Scheme of Investigation (*ECUS Ltd Dec 2016: Former Clowne Miners Welfare Club, High Street Clowne, Derbyshire - Written Scheme of Investigation for Archaeological Excavation Planning Ref: 16/00473/FUL*) has been completed to the written satisfaction of the Local Planning Authority.
4. No development shall take place other than in accordance with the submitted archaeological Written Scheme of Investigation.
5. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the submitted archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Japanese Knotweed

6. No development shall take place, until an invasive non-native species protocol has been submitted to and approved in writing by the Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Remediation

7. Unless otherwise agreed by the Local Planning Authority, other than the demolition of the existing buildings, the completion of any works required under Conditions 3, 4, 5 and 6 (above) and/or that required to be carried out as part of an approved scheme of remediation, the development hereby permitted shall not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

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

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

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

B. Submission of Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

E. Importation of soil

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 that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the LPA for consideration. Only the soil approved in writing by the LPA shall be used on site.

Additional Noise Attenuation

8. Unless otherwise agreed in writing by the Local Planning Authority, the Complex Care

and Autism Unit shall be provided with a sound insulation scheme comprising higher specification glazing and mechanical ventilation for the parts of this building as highlighted in Figure 2 of the submitted Hepworth Acoustic Report.

Prior Approval of Facing Materials

9. Before construction commences on the erection of any building or wall, samples of external materials, including facing materials for walls and roofs, cladding, window and door frames, and rain water goods, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved specifications.

External Lighting

10. Prior to the development hereby permitted being brought in to use, and prior to the installation of any external lighting within the red-edged application site, precise details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall have regard to the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" produced by the Institution of Lighting Professionals. The approved lighting scheme shall be implemented in full before the lighting is first used, and shall be retained thereafter. Changes to any element of the lighting scheme shall be submitted to and approved in writing prior to any changes taking place.

Planting

11. Prior to the development hereby permitted being brought in to use, details of the size, species and positions of a hedgerow and/or hedges along the boundary of the site and to replace the box hedges shown on the approved landscaping plans and an accompanying schedule and/or programme for the proposed planting shown on the approved landscaping plans, subject to this revision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the planting shall be carried out in accordance with the revised plans, schedule and/or programme approved by the Local Planning Authority.

Boundary Fence

12. Prior to the development hereby permitted being brought in to use, the 1.8 close-boarded fencing shall be fully installed on site as specified on the approved Boundary Treatments Plan, Drawing no.16-025-116 revision C.

Parking and Access

13. Prior to the development hereby permitted being brought in to use, the whole of the vehicle parking and manoeuvring area and all service areas shown on the approved plans shall be formed, laid out, constructed and surfaced in accordance with specifications to be submitted to and approved in writing by the Local Planning Authority. Thereafter, all parking spaces shall be clearly and permanently delineated and shall be maintained free of any obstruction from their intended use at all times throughout the lifetime of the development hereby permitted.
14. Prior to the development hereby permitted being brought in to use, the proposed access shall be completed and the existing vehicular access across the remainder of the frontage of the site along High Street shall be permanently closed in accordance with the details and specifications shown on the approved plans.

Deliveries

15. No deliveries shall be taken at or despatched from the site nor shall there be any loading or unloading outside the hours of 9am until 5pm; nor at any time on Sundays, Bank and Public Holidays.

Restriction on Use

16. The supported living block hereby permitted shall be used for sheltered accommodation as specified in the submitted application and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
17. The Complex Care and Autism Unit hereby permitted shall be used for residential accommodation as specified in the submitted application and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Notes to Applicant:

1. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
2. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to

maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

3. There is a Public Right of Way (Footpath 24 on the Definitive Map for the area). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533262.
 - Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.
 - If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 08456 058 058 for further information and an application form.
4. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.
 - Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
5. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

Statement of Decision Process

The revised proposals are considered to comply with the policies and guidelines adopted by the Council other than in respects of policy CLT6 in the Bolsover District Local Plan and the above recommendation has been taken in accord with the guidelines of the National Planning Policy Framework with regard to all relevant planning considerations.

Site Location Plan



PARISH Shirebrook

APPLICATION Application for permission to build 37 No. dwellings with associated parking and external works.
LOCATION Land To The North Of 76 Main Street Shirebrook
APPLICANT Bolsover District Council The Arc High Street Clowne S43 4JY
APPLICATION NO. 16/00533/FUL **FILE NO.** PP-05589064
CASE OFFICER Mr Peter Sawdon
DATE RECEIVED 28th October 2016

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Assistant Director of Planning

REASON: Consideration of Viability and S106 contributions

SITE

The site is an irregular shape and occupies an area of sloping land situated between Main Street, Hill Top Avenue and Summit Drive. It measures 1.4 hectares in area. The north western part of the site is elevated and relatively level, but slopes in a south easterly direction with an increasing gradient towards the SE part of the site, which is too steep to develop.

The site is within the settlement framework and is surrounded by other residential development.

The majority of the southern and eastern boundaries are marked by a dense line of mature hedgerow. The northern western edges are defined by the rear and side fences of existing residential properties adjacent to the site.

The interior is laid to grass and is generally open. An informal path crosses the eastern part of the site, following a desire line that passes between the SE corner, which is open to the street, and the end of Summit Drive.

PROPOSAL This full planning application proposes the erection of 37 dwellings that are primarily 2-storey housing, but with an accessible bungalow and four flats. The scheme is intended to provide 100% affordable housing.

AMENDMENTS

Information regarding viability and financial contributions 5/12/16;
Flood Risk Assessment and Ecology Report submitted on 05/12/16;
Revised drawings, Revised Flood Risk Assessment, Archaeological Written Scheme of Investigation, Geo-Environmental Study and Site Investigation Report submitted by William Saunders Architecture on 16th December 2016;
Noise Assessment submitted on 10/01/17; and
Archaeological Written Scheme of Investigation submitted on 11/01/2017

HISTORY (if relevant)

BOL/1272/1 - Outline planning permission was granted on 28th June 1073 for residential

development on a larger area of land that included the site of this current planning application.

BOL/975/345 – Outline planning permission for residential development on a larger area of land that included the site of this current planning application was granted on 3/11/75.

BOL/1275/465 – full planning permission granted for 45 houses and 32 bungalows on a larger area of land that included the site of this current planning application.

BOL/778/429 – 22 dwellings granted full planning permission. The houses are outside of the current planning application site, but the planning permission includes highways that extend into the area of the current planning application.

BOL/487/158 – Outline planning permission granted for 4 houses on the frontage to Main Street (that forms part of the larger site to which this current planning application relates)

CONSULTATIONS

NHS Hardwick Clinical Commissioning Group - £14,151 contribution to health care provision is sought. The local practice (Shires Health Care) is fully utilised and does not have sufficient spare capacity to manage increased patient demand. The practice has applied for national funding for a substantial extension, this has been approved, however funding is not available until 2017, section 106 funding would contribute to this development. 2/11/16

Derbyshire County Council (Flood Risk Management) – Holding objection pending the submission of Flood Risk Assessment and further information to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage. 03/11/16. More information still required 6/12/16.

Has sufficient information, other than a management and maintenance plan – Option to submit either more details or a condition can be recommended 4/1/17. Recommended condition for maintenance and management of the drainage scheme 10/1/17

Archaeology advisor – potential for prehistoric remains and recommends a conditioned scheme of archaeological works 8/11/16; Agrees that the submitted Written Scheme of Investigation is acceptable and provides comments on condition wording 12/1/17

DCC (Highways) - A number of minor issues that need to be addressed before conditions can be provided 9/11/16 Conditions and advisory notes recommended 16/1/17

Arts Officer – Seeking a public art contribution 10/11/16

Drainage Engineer - Advice regarding management of any agreed SUDS scheme and temporary drainage arrangements during the construction period 15/11/16

Strategic Housing Officer – Fully support the provision of 37 units of affordable housing for social rent through this scheme. Raising the access standard above the mandatory level to 'Lifetime Homes' and the inclusion of a 3 bedroom wheelchair standard bungalow will ensure that the properties provide for a wide range of housing needs. 15/11/16

Derbyshire Wildlife Trust – No information included with the planning application to properly consider the impact of the development on protected species and further survey work is required. Known to be Japanese Knotweed present on the site, as well as records of bats in the wider area 21/11/16. Further comments on receipt of Ecology Survey – No objections subject to conditions and advisory notes 13/12/16

Shirebrook Town Council – No objections 29/11/16

Environmental Health Officer – No objection in principle. Recommends conditions relating to contamination investigation and, if required, mitigation, along with controls over noise protection in view of potential noise from an adjoining general store and approved hot food takeaway 30/11. Not satisfied that submitted reports have adequately fully resolved issues relating to contamination and noise impacts and recommend conditions to deal with these

25/1/17

PUBLICITY By site notice, press advert and 52 neighbour consultations. 5 letters of representation has been received raising the following issues: -

Highway Safety - Not objecting to the building of most the houses proposed in this development, but with the lack of regard to the health and safety of the existing residents of Hilltop Avenue and Summit Drive, regarding the means of access being proposed within the application, for this development. Access is unsafe. It is an established cul-de-sac that struggles to cope with existing traffic. Very narrow streets with high incidence of on-street parking with high car ownership levels, including dangerous parking around junctions that lead to this site. Young children live and play in the area – development would cause unsafe conditions. Treacherous conditions in the winter due to roads being on hills [Photographs provided]. Development should be built with its own individual access not using Hilltop Avenue. An access road could be built off of Carter Lane near to the top of Summit Hill by purchasing some of the existing car park that was once the Summit Public House or off Main Street; would be favourable/safer access points. Hill Top Avenue and Summit Drive roads are not wide enough for 2 lanes of traffic. The 5 houses built onto Summit Drive at present struggle to park due to not enough parking spaces and the width of the road. The drives to our homes are too steep to park on. On average, there are 2 cars to each home. Furthermore, Hill Top Avenue has 9 houses built which also have the same problem. When cars are parked, the road is only suitable for one lane of traffic. Both of the streets have bends in the roads which reduces the available road width to the detriment of road safety. It is impossible to have two lanes of traffic, with cars parked either side of the road without causing chaos on the roads and creates a safety hazard to the children and pedestrians.

Principle - Would destroy the character of the village. The application has to prove very special circumstances in order to be approved. Summit Field is a vital piece of greenery to the Shirebrook Community throughout the year. Dog walkers use this piece of land daily, mostly a few times a day. The children play on the field throughout the year even in the snow. The small greenery Shirebrook has left brings the community together. There is so much unused, abandoned land in Shirebrook which could be built on, creating new homes and new lives for the community. It is an inappropriate and unsympathetic design for this part of the village to the character of the local environment.

Amenity - Disturbance during construction. We believe building more houses on the greenery will demolish the peacefulness of the cul-de-sac. This will cause noise pollution and dust levels to increase rapidly at all times of the day and night. The apartment block will overlook our neighbour's property; this will lead to a loss of privacy and will certainly impact on the peaceful enjoyment of their home and garden. The estate that is in preparation of being built will be visually overbearing. 99% of the families living in these homes for many years, there is a friendly yet peaceful atmosphere throughout the cul-de-sac. We respect the homes of each other's and consider the noise levels to our neighbours. The privacy of our home may be compromised; we have a bungalow and feel that our living area which is mainly facing the rear of the property will be overlooked by the new flats/houses that are proposed. I would like to request that if the development is approved the trees, albeit small saplings at the moment remain as a green boarder to our property.

Trees - Can the trees opposite 89 Main Street be trimmed as they are dangerous and

uncomfortable for residents in view of close proximity? They block the street light and tangle with the telephone wires.

Flood Risk - Adding 37 houses to a small rural village that already suffers from flooding problems would make flooding problems severe, especially how the running water would fall straight onto our homes.

Other

Question who is responsible for the erection of the new fence to the rear of 4 Summit Drive? I choose the style of my fence to surround and contain my property; specifically that it is uniform and consistent around all three sides of my property. Strongly object to only part of fence being changed when plans show properties also to be constructed to the side of my property.

The hedgerow shown to be retained at the rear of 2 Summit Drive has already been removed and replaced with fencing that is uniform to that at the rear of 4 Summit Drive.

POLICY

Bolsover District Local Plan (BDLP) Policies

GEN1 (Minimum Requirements for Development)

GEN2 (Impact of Development on the Environment)

GEN3 (Development Affected By Adverse Environmental Impacts From Existing Or Permitted Uses)

GEN4 (Development on Contaminated Land)

GEN5 (Land Drainage)

GEN6 (Sewerage and Sewage Disposal)

GEN8 (Settlement Frameworks)

GEN17 (Public Art)

HOU2 (Location of Housing Sites)

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

HOU6 (Affordable Housing)

TRA1 (Location of New Development)

TRA10 (Traffic Management)

TRA13 (Provision For Cyclists)

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

CON13 (Archaeological Sites and Ancient Monuments)

Emerging Replacement Local Plan

Although the emerging Local Plan only carries limited weight prior to publication, examination in public and subsequent adoption, it is relevant and material to the determination of this application. The site remains within settlement framework limits although it is not specifically allocated.

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.

Core principles para 17...planning should...."encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value";

"take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;"

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

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

Para' 117 "To minimise impacts on biodiversity and geodiversity, planning policies Should.....promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan"

Para' 118 "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles.....

If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

Opportunities to incorporate biodiversity in and around developments should be encouraged."

Other (specify)

- Supplementary Planning Document Successful Places: A Guide to Sustainable Housing Layout and Design (2013).
- A Building for Life 12 (BfL12) - The sign of a good place to live.

ASSESSMENT

The main issues associated with this proposal are the principle of the development of this site for residential purposes, the effects of the development on the character and appearance of the area, impacts on the amenities of neighbouring residents, impact on biodiversity interests and impact on public safety. Also whether the viability information submitted is sufficient to override normal requirements for S106 contributions.

Principle

Whilst noting the objections received in respect of this proposal, the site is located well within the identified settlement framework of Shirebrook in close proximity to the town centre. The site has no specific policy designation within the adopted or emerging Local Plans. This very sustainable location means that the developing of this site for residential purposes is appropriate in principle and is in general compliance with policies HOU2 (Location of Housing Sites) and TRA1 (Location of New Development) in this respect and those contained in the

NPPF. Whilst previously undeveloped, the site has a history of planning permission being granted on it dating back to 1972, but these have not been implemented.

Design

The layout is generally appropriate. The buildings are aligned to take advantage of the site contours although some cut and fill will be required together with some sections of embankment and retaining wall. This will create a series of three platforms and give an impression of the buildings stepping up the hillside. The retaining structures are significant but will be partially obscured from wider view by the intervening houses.

The Urban Design Officer is happy that for the most part the scheme is appropriately designed with appropriately discreet parking and suitable boundary treatments. Amendments have been sought in terms of improving the design of the bungalow and the location and colouring of meter boxes; this is as the meter boxes are for the most part shown on the front of the dwellings and have the potential to be a poor dominant feature in the overall appearance of the scheme, especially if coloured white. There has been a verbal undertaking that amendments for the bungalow are proposed but that there is cost implications in respect of re-locating meter boxes, such that these would be moved if practicable and cost effective, but would look to colour boxes closely to the colour of the dwellings. Formal confirmation and amendments had not been received at the time of preparing this report and an update will be provided for the Planning Committee date. A condition can be included in respect of the finishes for the meter boxes.

An opening is retained to accommodate the existing pedestrian desire line to Main Street. Additional tree planting and areas of soft landscape are indicated on the Site Plan, although detailed landscaping is not provided at this stage. Such details can be made subject to a condition. Whilst frontage boundary treatments would normally be sought, it is noted that the existing development that this site would effectively extend is of an 'open plan' style, such that the omission of boundaries to frontages would be acceptable to integrate with those adjacent streets.

The dwellings comprise red brick (two types) under concrete tiles (Grey and Peat Brown) units with contrasting fibre cement weatherboard panels which provide an element of colour. This palette of materials would be consistent with the overall characteristics of Shirebrook and the locale, whilst adding some distinguishing elements.

The proposals are generally considered to comply with the Council's published guidelines and provides for satisfactory levels of privacy and amenity for occupants of existing and the proposed dwellings with the exception of the proposed block of four flats. At a minimum of 6.5m distance, the rear amenity space to the apartment block fails to provide the normally required 10.5m separation distance between windows in the rear of those apartments and the gardens to the rear and only 19m is proposed to the nearest window in the dwellings to the rear. This is not an issue at ground floor as this is easily screened by existing boundary treatments, but is not considered to be acceptable for the proposed first floor windows, due to the harmful degree of overlooking that would occur. Side windows also have the potential to overlook, but it is stated on the plans that these would be obscure glazed. It is recommended that a condition should be included to require obscured glazing and high level window openings to secure privacy of the neighbours from overlooking from the side and rear

facing windows in the first floor flats (flats 2 and 3). Two of the windows in each flat are to dining and kitchen areas where obscured glazing would not normally be considered as ideal, but given these form part of larger open plan spaces with an additional window to the front it is considered that a reasonable level of amenity would still be provided for occupants of the flats whilst securing privacy for the existing neighbours.

A neighbour has commented regarding the detailing of any fence to the rear of 4 Summit Drive that the occupant would like to match the existing fence at that dwelling. Full details of means of enclosure are not included and it is proposed to include a condition requiring final approval of such details. However, it is not considered that consent could be withheld if the detail were not to match the writer's existing fence, as long as it were of a reasonable design. Who will be responsible for such a fence is a private property matter that is not material to the consideration of the planning application.

Highways and Transportation

The issue of traffic generation from the housing development has been raised in representations made by local residents, living close to the application site. Whilst noting these, other than requiring some minor revisions to address some issues initially raised, no objections have been made by the Highway Authority, which has recommended conditions and advisory notes.

The Highway Authority has sought conditions requiring the provision of an on-site compound, highway cleaning, compliance with the Highway Authority's guidance and a restriction on gates on individual driveways. Notwithstanding these requested conditions, highway cleanliness is covered under the Highways Act and should not be duplicated through any planning permission condition. Compliance with the Highway Authority's guidelines is a requirement of any adoption process, so this condition would be unnecessary duplication. A compound is 'permitted development' and there is not considered to be an overriding highway safety or amenity need to require this provision by condition. Additional advisory notes relating to these issues can be included. Given that there will be no control over the addition of gates to any existing nearby dwellings and no overriding need for such a control over what is otherwise a general 'permitted development' right has been provided, it is not considered that such a condition to control the installation of gates is justified or reasonably necessary.

Open Space

Policy HOU 5 states that housing developments of this scale should provide for outdoor recreation and play space, unless adequate provision already exists.

The Green Space Strategy (approved in April 2012) states in relation to Shirebrook that the central location of Shirebrook Town Park means that accessibility targets for level 2 multi-functional green space are met across the whole settlement. Accessibility to neighbourhood and local green spaces is also good with only a few residential properties outside of requisite distances. The Strategy does identify that play areas are in need of improvement to meet quality standards such that financial contributions to those areas would normally be sought. No such contributions are offered due the viability of the scheme that is discussed later in the report.

Similarly no provision is made to contribute towards sports playing pitches. Within the overall

green space provision, the Council does not currently have evidence of the need for sports playing pitches within the District. To address this, a Playing Pitches Strategy has been commissioned and is due to be published early in 2017. This Strategy will among other things identify whether the need for sports playing pitches exceeds the current provision and whether new sports pitches will be required in light of planned growth through the Local Plan for Bolsover District. In the absence of any evidence to demonstrate any need for provision, this should not be sought under the tests that should be applied to S106 contribution requests.

Affordable Housing

As a 100% affordable housing scheme, the proposal exceeds the requirements of policy HOU6 (Affordable Housing). The Strategic Housing Office has stated full support for the proposal.

Archaeology

The Archaeologist has advised the site is immediately adjacent to a possible site of prehistory activity, and the edge formed by 'The Rocks' may once have passed through the site before perhaps being obscured by later landscaping. There is consequently some potential for prehistoric remains within the proposal site.

A conditioned scheme of archaeological work in line with NPPF paragraph 141, to include an initial evaluation of the potential of the site by trial trenching and/or test pitting, with further excavation in the event that significant remains are present. Conditions to require this are recommended. This approach would be in line with NPPF paragraph 141 and with Policy CON13 (Archaeological Sites and Ancient Monuments) of the Bolsover District Local Plan.

Environmental Health (Noise)

The Environmental Health Officer initially recommended the submission of a noise assessment to consider potential impacts from noise from the adjoining retail site to the north. This was undertaken and whilst finding a minor impact from the retail use to the north, this identified a greater noise impact from noise from the adjacent road to the south. Such impacts can be resolved through mitigation, including the use of acoustic fencing to gardens and acoustic double glazing, although the Environmental Health Officer does not consider the submitted scheme to be satisfactory. A revised detail can be required by condition.

Environmental Health (Contamination)

Given the site's location adjacent to a former quarry and is approximately 170m north of a former landfill site the Environmental Health Officer initially advised the inclusion of a condition relating to the identification of potential contamination and mitigation to address such contamination if it exists. Further to this, the applicant's have submitted additional investigative information to seek to deal with the identification of contamination. The Environmental Health Officer has advised that there are some issues with the methods undertaken to compile this information that does not include any details (method or results) of gas monitoring that has been identified as a requirement. Whilst it is clear that this issue is resolvable in planning terms through a suitably worded condition, the applicant is keen to avoid any pre-commencement conditions to assist in making a prompt start on site and as such, looking resolve this issue further if possible. On this basis this issue is not fully resolved and an update on this matter will be provided to the committee when it meets.

Ecology/Biodiversity

The Derbyshire Wildlife Trust has reviewed the submitted Phase 1 Habitat Survey which included an assessment of the site to support bats and birds. The site was found to support semi-improved amenity grassland, hedgerows, mature trees, scrub and garden boundaries and states that there are no buildings on site that could support roosting bats and none of the trees are assessed as supporting suitable features for roosting bats. The site is assessed as having moderate foraging and commuting potential. A range of birds were recorded on site including house sparrow which is a red list species of high conservation concern. The report makes recommendations for bat box provision, bird box provision and measures for hedgehog. The development will retain the existing boundary vegetation including hedgerows which is welcomed and the majority of the hedgerows will be within areas of public open space. An area of grassland in the south east of the site is to be retained which is also welcomed. The Trust advise that adequate survey work has been undertaken in support of this planning application for it to be determined and recommend conditions relating to lighting design, hedgerow removal, ecological mitigation and protection of retained habitats. With the exception of the condition regarding hedgerow removal, which is covered under more specific legislation; an advisory note can be included.

Flood Risk/Drainage

In terms of flood risk, the site is not in a Flood Zone but the proposals are for major development and it is therefore necessary to consider how surface water runoff would be dealt with. The sloping nature of the site also means it is important to consider how drainage will be dealt with not least to prevent any risk to properties at a lower level.

Derbyshire County Council's Flood Risk Management Team has assessed the submitted Flood Risk Assessment and associated drainage proposals and is satisfied with the proposed details, subject to the inclusion of a condition relating to the future management and maintenance of the drainage for the lifetime of the development. The Council's Drainage Engineer has provided advice regarding management of any agreed SUDS scheme and temporary drainage arrangements during the construction period.

Healthcare provision.

It will be noted from the summary of consultation responses above that the NHS is seeking S106 contributions. There is no agreement to make such contributions and this is to be discussed in respect of the development viability generally with other contribution requests later in the report.

Public Art

It will be noted from the summary of consultation responses above that the Arts Officer is also seeking S106 contributions. Again, there is no agreement to make such contributions for reasons that are discussed later in the report.

Neighbour comments.

Whilst most issues raised in representations are covered in the above assessment, one writer is asking for trees on the site boundary to be trimmed. However, no development is proposed on this part of the site and no removal of trees is proposed; this issue does not therefore directly relate to the development proposal and is not material to the consideration as to whether planning permission is granted for the development proposal.

The comment that a neighbour's hedgerow at No. 2 Summit Drive has been removed and replaced by a fence is noted, but this does not affect any material planning considerations relating to this planning application.

Viability

As highlighted in the above report, there have been several requests in respect of S106 contributions in respect of recreation, education, public art and health. In this respect, a valuation report, which assesses the residual valuation of the scheme on a commercial basis has been submitted that shows that the scheme has a negative value of @£400,000. The Council's Commercial Property and Developments Manager has stated that "Whilst as a Local Authority we fully understand and support the need for developer contributions to public service, on this occasion, due to the nature of the scheme, those contributions are not affordable, as the scheme being developed is unviable...The negative commercial viability is not a surprise to the Council. The aim of the development is not to generate profit. The scheme is designed to provide 37 (100% of the development) new, high quality and affordable council houses in an area with significant housing needs. In addition to a high energy efficiency and lifetime homes standards, the development includes a fully wheelchair adapted bungalow to meet the immediate need of a local family. It is on this basis that Bolsover District Council are not proposing to make any [S106] contributions as part of this development."

With most commercial housing proposals, S106 contributions would form a proportionate contribution to infrastructure, whilst maintaining commercial viability of a scheme and this would potentially include a smaller proportion (normally 10%) of affordable housing amongst other contributions; these contributions are funded through the profit from the private house sales. As a scheme specifically for the provision of 100% (affordable) Council Houses, the proportion of affordable housing provision is significantly higher than would normally be expected and is considered to provide sufficient mitigation against any request for contributions to other areas where contributions may be sought; it is accepted that as there are no private property sales there can be no profit from which to fund any additional S106 contributions. Additionally it is worth noting that, due to the generally depressed nature of the housing market in recent years, coupled with a temporary waiver of the normal requirements for affordable housing in some circumstances, very little affordable housing has been secured nor delivered, despite an ongoing need for such provision and this scheme will assist in meeting this underlying need for affordable housing provision. On balance therefore, considering the above issues, it is considered that this scheme should be accepted without any additional contributions in respect of recreation, education, public art and health.

Conclusions

This is considered to be a generally sustainable form of development within an existing settlement that is in general compliance with adopted planning policy. There are expected amendments to address outstanding issues and conditions can be included to satisfactorily mitigate identified issues; updates on some issues are proposed for the Planning Committee when it meets, but these are considered to relate to minor resolution of outstanding issues that are unlikely to change the overall planning balance relating to this proposal.

It is acknowledged that the normally required S106 contributions are for the most part not

being provided for. Nevertheless, the nature of the proposal, for 100% affordable dwellings, is considered to outweigh the normal requirements for other contributions that may otherwise be sought from a housing scheme of this scale and the planning balance in this case is considered to be appropriate in terms of the ability to grant permission for the development proposed.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No significant issues arise

Equalities: No known issues

Access for Disabled: No known issues

Trees (Preservation and Planting): See assessment

SSSI Impacts: N/A

Biodiversity: See assessment

Human Rights: No known issues

RECOMMENDATION: GRANT planning permission subject to conditions deemed necessary, including those set out below in précis form to be formulated in full by the Assistant Director of Planning/Planning Manager in consultation with the chair and vice chair of the Planning Committee:

1. Std Full
2. Landscaping
3. Obscured glazing in the side and rear facing windows of flats 3 and 4.
4. Hard and Soft Landscaping
5. Archaeology
6. Car parking provision in accordance with approved plans
7. Pedestrian visibility splays to all accesses.
8. Vehicle accesses shall be no steeper than 1 in 20 for the first 5 metres.
9. Surface water drainage prioritising SUDS.
10. Maintenance and management of the sustainable drainage scheme
11. Detailed lighting design strategy.
12. Detailed scheme for ecological mitigation, compensation and enhancement.
13. Meter box details.
14. Environmental Health (Noise)
15. Environmental Health Officer (Contamination)

Advisory Notes

Protection of Wildlife

Highway matters

PARISH Scarcliffe

APPLICATION Outline application for the demolition of existing buildings and erection of 11 dwellings with access from Main Street and Back Lane
LOCATION Land Between 11 And 19 Back Lane Palterton
APPLICANT Mr Will Kemp The Estate Office Bakewell Derbyshire DE45 1PJ
APPLICATION NO. 16/00410/OUT **FILE NO.**
CASE OFFICER Mr Steve Phillipson
DATE RECEIVED 18th August 2016

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Cllr Crane
REASON: Concerns regarding highway safety

SITE

Highfield Farm Yard site set between Back Lane and Main Street, Palterton and within the Conservation Area. The site is approximately 0.6Ha in area. Buildings on the west side of site include the farmhouse (artificial stone and slate) and some more traditional stone barns. To the eastern side of the site is a range of more modern agricultural buildings of no architectural value.

The site is within the settlement but is adjacent to countryside edge and on the top of the limestone escarpment with long distance views over the countryside to the west. To the south west is Palterton Hall (grade 2 listed building), to the south east is Hall Farm Yard and associated agricultural buildings. There are existing dwellings adjacent to the north and on the opposite side of Back Lane to the east.



PROPOSAL

Outline application for demolition of the existing dwelling and the majority of the farm buildings on site (excluding two of the stone barns) and erection of 11 dwellings. All matters are reserved for later approval except for access detail. Two main access positions are shown, one from Main Street which is expected to serve 5 dwellings and one from Back Lane which is expected to serve 4 dwellings. A second minor shared drive access is also proposed to Back Lane which is expected to serve 2 dwellings.

An indicative layout plan provided suggesting an agricultural courtyard style layout to the west side including barn conversions and the use of natural stone. To the east side a more suburban layout is suggested in brick for the 6 dwellings to be accessed from Back Lane. Roofs are to clad in slate or pantiles. Indicative elevations show 2 storey development.



Documents submitted include:-

- Planning Statement.
- Design and Access Statement.
- Heritage Statement – Concludes that the development alters the setting of Palterton Hall but any visual impacts are either neutral or slight; the development enhances the character of the conservation area; on balance the development would be a positive enhancement to the historic environment.
- Structural Surveys for retained stone buildings and wall to Main Street. This indicates that the southern barn will need works including rebuilding its northern section and replacement of the roof.
- Phase 1 site investigation – recommends phase 2 report including mining report and asbestos survey.
- Phase 1 Habitat Survey – indicates potential for roosting bats and nesting birds to be

present. A bat survey indicated presence of foraging bats but a low probability of bats roosting on site. Mitigation measures are suggested to deal with the low-moderate potential. Bird survey recommends mitigation measures.

- Transport Statement. – Concludes that the site is accessible in a rural context having a bus service, and the traffic generated would be unlikely to have a material impact on the operation or safety of the surrounding roads. Having regard to the existing farmyard use it is argued that there would not be a material intensification of use of either main street or Back Lane access.

AMENDMENTS

18/01/17

Revised indicative site layout Rev S

Revised indicative elevations Rev R

Extent of demolition plan (05)001

13/1/17

Revised access detail 5058 SK001 004 Rev D, and 003 D

Revised indicative site layout

Revised indicative elevations

02/12/16 Archaeological desk based assessment.

23/11/16 Additional Drainage Information

HISTORY (if relevant)

07/00179/FUL Widening of a vehicular access on Back Lane approved 2007.

CONSULTATIONS

Conservation Officer

30/9/16 Comments on initial scheme: The site lies within the conservation area of Palterton and is adjacent to Palterton Hall (Grade II Listed), I would also suggest that the site lies within the setting of Palterton Hall.

I do not have objections in principle to the demolition of the later modern farm buildings and farm house and the conversion of the historic farm buildings. I also do not object in principle to the introduction of some new dwellings on the site. The Elm Tree Farm site in Palterton, was successfully developed quite recently. This site is successful because it does not have a uniform layout and it has dwellings that echo the previous farm buildings and barns on the site in terms of massing and plan form.

I have some concerns about the proposed layout and house types shown. The layout should be more reflective of the existing farm, blocks of dwellings rather than a predominance of detached individual dwellings would be more appropriate. I would prefer to see the proposed detached house adjacent to Palterton hall replaced by a layout reflecting the previous (19th century O/S maps) farm buildings that were in a courtyard layout (*now shown on amended version of the indicative layout plan*). This would retain a solid stone boundary as existing (this is a strong feature in the conservation area) and enable a higher stone wall than is suggested in the structural survey as it would be part of a building. This would be more appropriate as it

sits next to the hall and it would retain this strong and dominant feature. It would also create a more organic and less uniform layout to the scheme.

26/10/16 Happier with the amended layout and building amendments.

8/12/16 Consideration of the impact on the trees necessary in front of Palterton Hall, due to close proximity to the new development. The trees contribute positively to the character of the conservation area. I feel that the individual access points proposed for the units facing back lane are too suburban, also the stone wall running along the existing farm boundary is an important feature in the conservation area and should have minimal intervention. One shared access would be more appropriate (*now dealt with on amended plans*).

DC Archaeologist

4/1/17 The submitted WSI along with the updated desk-based assessment is acceptable, and I recommend that the local planning authority has sufficient comfort to determine the application in line with NPPF para 128, requiring further archaeological work through a planning condition in line with NPPF para 141, as set out in the submitted archaeological WSI.

DCC Highways

19/12/16 No objections in principle subject to conditions requiring access visibility improvements, approval of a construction management plan, provision and maintenance of parking and manoeuvring space. Advisory notes also requested.

Parish Council

7/10/16 Scarcliffe Parish Council objects to this application on the grounds that the highways (including roads and pavements) in and around it are not adequate for the proposed increase in traffic and subsequent parking. The Parish Council has already recognised the difficulty to local residents (regarding parking issues) and have offered the use of their car park for the parents of local school children. We also feel the visibility splays at the Main Street entrance/exit to be inadequate.

DCC Flood Risk Team

14/12/16 No objections in principle subject to conditions and advisory notes re:-
No development until submission and approval of surface water drainage details in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems. To include a hierarchy for means of disposal of sw.

Severn Trent Water

3/11/16 No objections subject to approval of foul and sw drainage details.

Consulting Engineers

22/9/16 The Zonation Plans produced with the Landslide Hazard Survey Report show the site to straddle Zones 3, 4 and 5 with approximately one third in each zone. For developments in zones 3 and 4 the standard requirement is that the applicant should submit a slope stability report, with an assessment of whether slopes on the site can be considered to be stable and, if not, the measures that are planned to make them so. A slope stability report has not yet been provided.

It is noted from the site survey, however, that the site itself is relatively flat and that the actual slopes are unlikely to be steeper than 1 in 10. Existing overall slopes between Main Street and Back Lane and across the site are in the order of 1 in 40 and locally the slopes are about 1 in 16. With gradients of this magnitude, the site could reasonably be classified as within zone 5, for which no planning constraints would be required.

In consideration of the above, we see no reason to object to the development on the basis of slope instability.

Environmental Health Officer

15/11/16 We have reviewed the Phase 1 land contamination report that has been submitted as part of this application and would agree with the findings of the report that a further intrusive Phase 2 investigation is required including a ground gas investigation. The site is a agricultural farm that has a number of potential contamination sources and due to the proposed sensitive end use, we would recommend that a condition requires further survey work and implementation of any remedial works.

Derbyshire Wildlife Trust

Recommends conditions if planning permission is granted:-

The development shall be carried out in full accordance with the Preliminary Ecological Appraisal with regards to the protection of retained habitats and all ecological enhancements Proposed; a detailed lighting strategy; an invasive non-native species protocol; No works to or demolition of buildings or structures or removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site; a construction environmental management plan.

If works have not been undertaken by June 2017 further surveys for bats will be required.

Advisory note: If works have not been undertaken by June 2017 further surveys for bats will be required.

PUBLICITY

Advertised in the press and on site, 13 properties consulted. 3 representations received:-

One letter states no objections provided we still get peace and quiet and no trouble makers.

One resident requests that the properties be constructed from local stone, that one unit be single storey or sited further away from Palterton Hall and no windows facing into the Hall garden. Consideration should be given to the visual impacts on the Listed Hall.

One objection on grounds:-

Additional traffic congestion particularly at peak periods on an already busy road.

The number of parked cars around the proposed additional access points due to parents taking and retrieving their young children to/from Palterton Primary School.

Loss of access visibility due to parked cars.

Should have one single point of access from Back Lane - We suggest that the front elevations be turned to face inwards into the cul-de-sac with driveways leading off from the cul-de-sac to reduce traffic impact and maintain privacy to facing properties on Back Lane (*officer*

comment: inward facing development is generally considered to be poor in terms of urban

design).

POLICY

Bolsover District Local Plan (BDLP)

As the Bolsover Local Plan was prepared and adopted prior to 2004, 'due weight' rather than 'full weight' should be attached to its policies dependent upon the degree of consistency with the NPPF.

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)
GEN7 (Land Stability)
GEN8 (Settlement Frameworks)
HOU2 (Location of Housing Sites)
TRA1 (Location of New Development)
CON 1 (Development in Conservation Areas)
CON10 (Development Affecting the Setting of Listed Buildings)
ENV5 (Nature Conservation Interests Throughout the District)
ENV8 (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 17 states that:- *“A set of core planning principles should underpin both plan-making and decision-taking, including being genuinely plan-led..., always seek to secure high quality design..., contribute to conserving and enhancing the natural environment..., 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.”*

Paragraph 132 *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

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.”

Paragraph 137 *“Local Planning Authorities should look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance.”*

Other

Historic Environment SPD
Successful Places Guidance

Statutory Duties

Planning applications affecting conservation areas and listed buildings:

Section 66 creates a duty with respect to planning applications affecting a Listed Building or its setting in that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990: In considering planning applications “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.”

ASSESSMENT

Residential development is acceptable in principle within the settlement framework hence the proposal complies with policies HOU2 and GEN8 and TRA1.

Whilst an indicative layout and elevations have been provided to illustrate how 11 dwellings might be accommodated on site, it should be noted that permission is sought in outline and that only point of access detail is to be considered for approval at this time. So whilst representations have been made about layout and privacy and the scale/height of development these are matters which can only be fully considered at reserved matters stage.

The main issues to consider for this application are impacts on highways safety, heritage assets, ecology and potential technical constraints.

Highway Safety

The proposal would result in additional traffic generated by 6 dwellings accessed from Back Lane and 5 dwellings accessed from Main Street. The indicative plan shows no link through the site (note although an alternative future layout could include a link it could be prevented by condition if deemed necessary). In terms of traffic generated by the small number of dwellings proposed it not considered to be significant nor a material increase over the existing farm and residential use; particularly if traffic is split between Main Street and Back Lane. A condition can also be used to require at least 2 off-street car parking spaces per dwelling such that on-street parking should not occur. The concerns of the resident and the Parish Council are noted regarding the traffic and parking problems associated with busy school drop-off/pick-up times but the proposal will not materially affect the existing situation and is temporary in nature. Both highways are otherwise very lightly trafficked.

As amended by setting the highway walls back and rebuilding them the development is able to achieve the required visibility splays 2.4m x 43m at both accesses. This would be an improvement to visibility over the existing situation. Therefore it is considered that there are no material adverse highway safety impacts and the proposal complies with policy GEN1 and GEN2 in this regard.

It is considered that a construction management plan as requested by County Highways is not a necessary condition for this scale of development.

Heritage Impacts

Subject to a condition requiring an archaeological field evaluation following demolition to slab level there should be no reason to refuse in terms of impacts on below ground heritage interests.

The site is adjacent to and is within the setting of Palterton Hall (Grade II Listed). The proposal will result in changes to the context of the setting of the listed building. However the Conservation Officer does not object to the application in principle and therefore, subject to a well designed reserved matters submission and appropriate conditions it is considered that the proposal should not have an adverse impact on setting. The existing stone walls along the shared boundary and mature trees on the Hall side should not be affected.

The proposal will also result in changes to the character of the conservation area. The more modern farm buildings will be demolished as will the artificial stone farmhouse. These buildings are not of particular architectural or historic interest and their loss should not adversely affect the character or appearance of the conservation area provided that the replacement buildings are of an appropriate design, layout and materials. Use of natural stone will be required by condition especially at the Main Street side.

The indicative layout submitted with the application has been revised to show a more acceptable form of development, although it should be noted that further design improvements will be required especially at the Back Lane side in order to achieve an acceptable form of development. However for the purposes of this outline application it is considered that the site is able to accommodate 11 dwellings in an acceptable form.

Ecology

The demolition of existing buildings open to birds and bats may potentially affect nesting and roosting. It is considered that the impacts can be adequately mitigated and compensated for by following the recommendations of the submitted habitat survey. This can be required by condition in accordance with policy ENV5.

Some of the conditions sought by the Wildlife Trust can be adequately dealt with by means of advisory notes to the applicant in order to avoid the duplication of control of matters already covered by other legislation. This includes additional survey work and pre-commencement checks for nesting birds and roosting bats and an invasive non-native species protocol.

Drainage and Ground

The Council's Consulting Engineers advise that ground stability is not an obstacle to

development on this site. Although further information on means of disposal of surface water and potential ground contamination/remediation is required to reduce the risk of flooding and from potential ground contamination this can be obtained by means of planning conditions.

Other Matters

The proposal is for a relatively small development of a size which would not normally generate S106 obligations.

Crime and Disorder: No significant issues

Equalities: No significant issues

Access for Disabled: No significant issues

Trees (Preservation and Planting): See above

SSSI Impacts: N/A

Biodiversity: See above

Human Rights: No significant issues

Conclusion

Residential development is acceptable in principle within the settlement framework. The proposal will result in changes to the appearance of the conservation area and also to the setting of the grade 2 listed Palterton Hall. However the site is capable of accommodating the amount of development sought and subject to appropriate quality layout and designs (to be determined at reserved matters stage) the proposal should not have a negative impact on the conservation area or the setting of the listed Hall. Subject to conditions no impacts have arisen that would justify the refusal of planning permission.

RECOMMENDATION

The current application be APPROVED subject to the following conditions provided in précis form to be formulated in full by Assistant Director of Planning/Planning Manager in consultation with the Chair and Vice Chair of the Planning Committee

Conditions

1. Approval of the details of the layout, scale, appearance, and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

3. Application for approval of reserved matters shall be accompanied by detailed drawings and plans clearly showing the extent of demolition and the manner of rebuilding of any natural stone buildings and stone boundary walls. The reason for any demolition shall be stated.

4a) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation (FAS Heritage, WSI v.3 1216) submitted as part of the planning

application. In particular, following demolition to slab level only, no further development shall take place until the archaeological fieldwork on site has been completed to the satisfaction of the local planning authority.

4b) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

5.No below ground development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Nonstatutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.

6.Submission of a survey for potential ground contamination and implementation of any remediation necessary.

7.The development shall be carried out in accordance with the submitted Preliminary Ecological Appraisal with regards to the protection of retained habitats and the ecological enhancements proposed.

8. Notwithstanding the detail submitted with this application a revised design and access statement shall accompany application for approval of reserved matters. The proposal shall include the use of natural magnesian limestone, slate and red clay pantiles and some use of red brick. Vernacular design and detailing will also be needed to preserve the character of the conservation area and the setting of the adjacent listed building. Existing stone buildings and boundary walls should be retained where practicable and rebuilt where not in horizontal coursing using magnesian limestone. The passage of traffic between Main Street and Back Lane should be prevented.

9.Provision of the new accesses to Main Street and Back Lane in accordance with the revised drawings site layout Rev S and visibility splays in accordance with revised access detail 5058 SK001 004 Rev D, and 003 D.

10.Provision and maintenance of at least 2 off-street parking spaces per dwelling and turning space.

11. The plans and particulars submitted in accordance with the reserved matters application shall include details of existing and finished ground levels and the proposed ground floor level(s) of the buildings.

Advisory Notes including inter alia:-

The applicant is advised that the layout plan and elevations submitted with the application are indicative only and are not hereby approved. Further amendments and details will be required at reserved matters stage to reach an acceptable design solution.

Further to condition XXX above the proposed destination for surface water needs to accord with the hierarchy in Part H of the Building Regulations 2000 i.e. :-

I. into the ground (infiltration);

II. to a surface water body;

III. to a surface water sewer, highway drain, or another drainage system;

IV. to a combined sewer.

Further information is available in the consultation response 14/12/16 provided by DCC Flood Risk Management Team.

An invasive non-native species protocol should be devised and followed detailing the containment, control and removal of invasive weeds on site.

No works to or demolition of buildings or structures or removal of vegetation that may be used by breeding birds should take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period. Nesting Birds are protected under the Wildlife and Countryside Act 1981. Bats are also a protected species and if works have not been undertaken by June 2017 further surveys for bats are advised.

COMMITTEE UPDATE SHEET
SUPPLEMENTARY REPORT OF THE ASSISTANT DIRECTOR OF PLANNING

This sheet is to be read in conjunction with the main report.

Agenda Item No 6: Planning Applications to be determined

Planning Site Visits held on 3rd February 2017 commencing at 10:00hours.

PRESENT:-

Members:

Councillors: Hilary Gilmour; Pauline Bowmer; Mary Dooley; Jen Wilson; Tom Alexander; Jim Clifton; Deborah Watson; Brian Murray-Carr; Rita Turner; and Duncan McGregor.

Officers: Chris Fridlington (Planning Manager)

Apologies:

Councillors: John Ritchie and Tom Munro

SITE VISITED

Applications for determination by Committee:

16/00410/OUT - Outline application for the demolition of existing buildings and erection of 11no. dwellings with access from Main Street and Back Lane on Land Between 11 And 19 Back Lane
Palterton

16/00473/FUL - The demolition of existing buildings and the erection of a 10no. 1 bedroomed Complex Care & Autism Unit (Class C2) and the erection of a supported living block comprising 16no. 1 bedroomed apartments (Class C3) with associated access, car parking and landscaping at 16 High Street, Clowne.

The meeting concluded at 10:45am.

Summary of representations received after the preparation of the main Committee Report and any recommendation based thereon.

Item 6(i): Former Blackwell Tip (14/00188/FULMAJ)

No further representations have been received on this application since publication of the officer report.

Item 6(ii): Former Miner's Welfare, Clowne (16/00473/FUL)

No further representations have been received on this application from any of the nearest neighbours since publication of the officer report.

However, the Council's Environmental Protection Officer has since advised that it is now considered unlikely sound from deliveries will exceed the indoor ambient noise levels

contained in good practice guidance (including BS8233:2014 Guidance on sound insulation and noise reduction for buildings) in respects of the Complex Care and Autism Unit. Nonetheless, in order to protect the aural amenity of any future occupants and to ensure the sound mitigation measures detailed in the Hepworth Acoustic report for other buildings and areas on site are implemented a revised condition has been suggested. Consequently, Condition 8, below, now replaces Condition 8 in the original report on the basis of this advice.

The applicant has also advised that the schedule of approved plans needed to be amended to ensure the list referred to the most recent revisions. Condition 2, below, now contains the correct list.

Accordingly, the original recommendation is revised to a recommendation of APPROVAL subject to the following conditions:

Statutory Time Limit

1. The development shall be begun before the expiration of three years from the date of this permission.

Approved Plans

2. Subject to the following conditions (3-17), the development shall be carried out in complete accordance with the recommendations set out in Section 5.2 of the submitted Bat Roost Potential and Nocturnal Bat Survey and the following approved plans and specifications:
 - Site Set-up Plan and Construction Method Statement
 - Drawing No. 16-025-110 Revision H: Site Plan
 - Drawing No. 16-025-160 Revision B: Site Sections & Street Elevations
 - Drawing No. 16-025-123 Revision A: GF & FF Plans (Supported Living Apartments)
 - Drawing No. 16-025-155 Revision B: Elevations (Supported Living Apartments)
 - Drawing No. 16-025-120 Revision E: GF & FF Plans (CC & A Unit)
 - Drawing No. 16-145-151 Revision B: Elevations (CC & A Unit)
 - Drawing No. 16-025-116 Revision C: Boundary Treatments Plan
 - Drawing No. L8555/02 Revision C: Soft Landscaping Proposals
 - Drawing No. 16151/005 Revision P3: Drainage Strategy
 - Drawing No. 16-025- 157: Bin Store – Plans & Elevations

Archaeology

3. No development shall take place until the archaeological fieldwork as set out in the submitted Written Scheme of Investigation (*ECUS Ltd Dec 2016: Former Clowne Miners Welfare Club, High Street Clowne, Derbyshire - Written Scheme of Investigation for Archaeological Excavation Planning Ref: 16/00473/FUL*) has been completed to the written satisfaction of the Local Planning Authority.
4. No development shall take place other than in accordance with the submitted archaeological Written Scheme of Investigation.
5. The development shall not be occupied until the site investigation and post

investigation assessment has been completed in accordance with the programme set out in the submitted archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Japanese Knotweed

6. No development shall take place, until an invasive non-native species protocol has been submitted to and approved in writing by the Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Remediation

7. Unless otherwise agreed by the Local Planning Authority, other than the demolition of the existing buildings, the completion of any works required under Conditions 3, 4, 5 and 6 (above) and/or that required to be carried out as part of an approved scheme of remediation, the development hereby permitted shall not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

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

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

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

B. Submission of Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

E. Importation of soil

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 that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the LPA for consideration. Only the soil approved in writing by the LPA shall be used on site.

Noise Attenuation

8. Before the development hereby approved is occupied, the sound insulation scheme detailed in the Hepworth Acoustics report: *Proposed Residential Development at Former Clowne Miners Welfare Club, High Street, Clowne - Noise Assessment on behalf of Strategic Team Maintenance Co. Ltd (Report No. P16-212-R01v1; dated August 2016)* shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be validated by a competent person and the validation report submitted to and approved in writing by the Local Planning Authority prior to the buildings first being brought into use.

Prior Approval of Facing Materials

9. Before construction commences on the erection of any building or wall, samples of external materials, including facing materials for walls and roofs, cladding, window and door frames, and rain water goods, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved specifications.

External Lighting

10. Prior to the development hereby permitted being brought in to use, and prior to the installation of any external lighting within the red-edged application site, precise details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall have regard to the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" produced by the Institution of Lighting Professionals. The approved lighting scheme shall be implemented in full before the lighting is first used, and shall be retained thereafter. Changes to any element of the lighting scheme shall be submitted to and approved in writing prior to any changes taking place.

Planting

11. Prior to the development hereby permitted being brought in to use, details of the size, species and positions of a hedgerow and/or hedges along the boundary of the site and to replace the box hedges shown on the approved landscaping plans and an accompanying schedule and/or programme for the proposed planting shown on the approved landscaping plans, subject to this revision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the planting shall be carried out in accordance with the revised plans, schedule and/or programme approved by the Local Planning Authority.

Boundary Fence

12. Prior to the development hereby permitted being brought in to use, the 1.8 close-boarded fencing shall be fully installed on site as specified on the approved Boundary Treatments Plan, Drawing no.16-025-116 revision C.

Parking and Access

13. Prior to the development hereby permitted being brought in to use, the whole of the vehicle parking and manoeuvring area and all service areas shown on the approved plans shall be formed, laid out, constructed and surfaced in accordance with specifications to be submitted to and approved in writing by the Local Planning Authority. Thereafter, all parking spaces shall be clearly and permanently delineated and shall be maintained free of any obstruction from their intended use at all times throughout the lifetime of the development hereby permitted.

14. Prior to the development hereby permitted being brought in to use, the proposed access shall be completed and the existing vehicular access across the remainder of the frontage of the site along High Street shall be permanently closed in accordance with the details and specifications shown on the approved plans.

Deliveries

15. No deliveries shall be taken at or despatched from the site nor shall there be any loading or unloading outside the hours of 9am until 5pm; nor at any time on Sundays, Bank and Public Holidays.

Restriction on Use

16. The supported living block hereby permitted shall be used for sheltered accommodation as specified in the submitted application and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

17. The Complex Care and Autism Unit hereby permitted shall be used for residential accommodation as specified in the submitted application and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Notes to Applicant:

1. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
2. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

3. There is a Public Right of Way (Footpath 24 on the Definitive Map for the area). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533262.
 - Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.
 - If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 08456 058 058 for further information and an application form.
4. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.
 - Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
5. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

Statement of Decision Process

The revised proposals are considered to comply with the policies and guidelines adopted by the Council other than in respects of policy CLT6 in the Bolsover District Local Plan and the above recommendation has been taken in accord with the guidelines of the National Planning Policy Framework with regard to all relevant planning considerations.

Item 6(iii): Hilltop, Shirebrook (16/00533/FUL)

FURTHER AMENDMENTS

- Nature conservation protection details submitted on 1st November 2017; and
- Revised elevation drawings submitted on 2nd February 2017

FURTHER ASSESSMENT

The revised elevation drawings have appropriately responded to the outstanding issues relating to the issues raised by the Urban Designer. This has added additional detailing to the proposed bungalow, to better reflect the detailing on the dwellings in the remainder of the development. These have also re-located meter boxes onto the side of dwellings as far as practicable. Whilst this is not possible in all instances, it has reduced the impacts of this otherwise dominant feature of the dwellings. The applicant is also in agreement to colour the boxes to closely reflect the adjoining brickwork to minimise the impacts further. The drawings also show the ability to comply with the recommended condition relating to the use of fixed obscured windows to ensure privacy of neighbours to the side and rear of the apartment block. The Urban Design Officer has verbally confirmed that he is content with the revisions. The applicants have indicated that it would be difficult to comply with the Highway Authority's requirement for driveways not to exceed a 1:20 gradient due to the land levels of the site. The County Council has agreed, in line with its guidance document the '6c's', to accept a gradient of 1:12 that the applicants consider to be achievable. A revised condition is therefore proposed to reflect this.

Further discussions have been held with the Environmental Health Officer in respect of the outstanding issues on both contamination and noise controls. It has been agreed that further work is necessary to fully resolve these issues and that this can be controlled through conditions. The wording of these has been agreed with the applicant and Environmental Health Officer in order to facilitate an early start on site.

The applicants have submitted additional details to address a potential condition that had been recommended by the Derbyshire Wildlife Trust in respect of protection for identified nature conservation habitats on site. The Trust has confirmed that it is content with the degree of protection now proposed for those areas and a condition is proposed requiring compliance with that detail for the duration of the works. It has re-iterated its request for a condition relating to protection for birds during any vegetation removal works, but for the reasons given in the original report; this condition is still considered to be unnecessary. An advisory note is proposed to provide advice on the need to comply with other (non-planning) statutory wildlife protection that deals with this issue.

RECOMMENDATION: GRANT planning permission subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. No building shall be occupied until full details of both hard and soft landscape works including a programme for implementation have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved.

3. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.
4. Before the development is commenced and before any equipment, machinery or materials are brought on to the site to implement this planning permission fencing shall be erected to protect the retained nature conservation habitats in accordance with the details submitted by e-mail on the 2nd February 2017, nothing shall be stored or placed within the fenced area and the ground levels within the fenced area shall not be altered, and no any excavation shall take place, without the written consent of the Local Planning Authority. No further vegetation removal, other than that shown in the submitted information included in and with the e-mail referred to shall be undertaken without the prior written consent of the Local Planning Authority.
5. All windows in the side and rear facing elevations of flats 3 and 4 (located at first floor level of the block of flats hereby approved) shall be glazed with obscure glass and be non-opening unless the parts of the window that are not obscured or which can be opened are more than 1.7m above the floor of the room in which the window is installed, which shall thereafter be retained in this manner at all times unless planning permission has first been granted by the Local Planning Authority.
6. The development hereby approved shall only be implemented in accordance with the archaeological Written Scheme of Investigation for archaeological work dated 6th January 2017 by J Greaves of Trent and Peak Archaeology and as submitted to the Local Planning Authority on the 11th January 2017.
7. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological Written Scheme of Investigation referred to in condition 6 above and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
8. No dwelling shall be occupied until its associated car parking spaces have been provided in accordance with the approved drawings that shall be maintained throughout the life of the development free from any impediment to its designated use.
9. All accesses within the development shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 1m in height relative to footway level.
10. Vehicle accesses shall be no steeper than 1 in 12 for the first 5 metres from the nearside highway boundary.
11. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of

PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- * Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- * Include a timetable for its implementation; and
- * Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

12. No building hereby permitted shall be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to approved in writing by the Local Planning Authority. The scheme shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
13. Prior to the installation of any external lighting, including any street lighting, a detailed lighting design strategy shall have been submitted to and approved in writing by the Local Planning Authority. Such approved measures must be implemented in full and maintained thereafter for the lifetime of the development.
14. Prior to the occupation of any dwelling, a detailed scheme for ecological mitigation, compensation and enhancement, including details of management, based upon the recommendations within the April 2016 Ecology Survey Report produced by Scarborough Nixon Associates shall have been submitted to and approved in writing by the Local Planning Authority. This document should include details of bat roosting measures, bird nesting measures, enhancements for hedgehog, details of how the retained hedgerows will be managed for their wildlife interest in the long-term and details of how the retained grassland will be improved for its botanical interest and managed in the long-term.
15. All external meter boxes shall be coloured in a finish that tonally matches the brickwork immediately adjoining that meter box.
16. Unless otherwise approved in writing by the Local Planning Authority, development other than that required to be carried out as part of the archaeological Written Scheme of Investigation, as part of any groundworks (to include any highway construction and services, but excluding any works to form foundations, other than digging out), or as part of an approved scheme of remediation must not commence until parts A to C below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section D has been complied with in relation to that contamination.

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

D. Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 'A' above, and where remediation is necessary a remediation scheme

must be prepared in accordance with the requirements of 'B' above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with 'C' above.

E. Importation of soils - 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 that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

17. Notwithstanding the submitted detail, prior to occupation of any dwelling, a revised scheme of sound insulation shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to take account of the need to provide adequate ventilation, which may need to be by mechanical means where an open window scenario is not sufficient, and shall be designed to achieve the following criteria with the ventilation operating:

- Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs)
- Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
- All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
- All Habitable Rooms 45 dB LAmax to occur no more than 6 times per hour
- Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs - 2300 hrs)

For the avoidance of doubt testing to demonstrate compliance with this condition shall be performed over a representative time period for a minimum of 15 Minutes for bedrooms and habitable rooms. For outdoor amenity areas testing to demonstrate compliance with this condition shall be performed over a representative time period for a minimum of 1 hour.

Before any dwelling is first occupied the scheme shall be validated by a competent person and a validation report shall have been submitted to and approved in writing by the local planning authority.

Item 6(iv): Highfield Farm, Back Lane, Palterton (16/00410/FUL)

02/02/17 A further response has been received from the County Highway Authority following re-consultation on the revised plans. No objections are raised subject to revised conditions similar to those previously reported but now relating to Revision S of the layout, also seeking an additional condition such that the accesses shall be laid out as a standard vehicular crossing.

Recommendation

An additional condition 12 be added to the précis list given in the main report:-

Notwithstanding the submitted details, the accesses shall be laid out as a standard vehicular crossing in accordance with revised drawings which beforehand have been submitted to the

Local Planning Authority for consideration and approval (in consultation with the County Highway Authority). The approved drawings shall be implemented before any of the dwellings have been occupied.