

PARISH Old Bolsover

APPLICATION Residential Development comprising of a total of 212 homes comprising a mix of detached, semi-detached and terraced 2 & 2.5 storey houses with associated garaging, parking and infrastructure including the provision of public open spaces

LOCATION Land off Langwith Road And Mooracre Lane Bolsover

APPLICANT Mr R Hannan Regeneration House, Gorsey Ln, Coleshill, Birmingham B46 1JU

APPLICATION NO. 17/00234/FUL

CASE OFFICER Mr Steve Phillipson

DATE RECEIVED 15th May 2017

SITE



Approximately 10 hectares of land mainly in agricultural use (arable) to the east side of Bolsover. The arable land is one large open field to the south side of Mooracre Lane, west side of Rotherham Road and east of the Bolsover School. The majority of the field boundary

is hedgerow with only the occasional tree. There is additional agricultural / horse grazing land beyond the southern boundary of the site with a riding school, former kennels business, and Fourways Garage about 80m south of the site.

The northern part of the site is bounded by an attractive grouping of traditional buildings including Bolsover Moor Farm and Cottage, with a further two isolated properties situated opposite on Mooracre Lane. A small part of the site in this area is grassed and does not form part of the large field in arable use.

The landscape is generally open with large fields separated by closely cut hedgerows with far reaching views to the countryside to the east. The landform falls gently from the south west down to north east but is reasonably level overall.

Public footpath 46 crosses the site generally on an east-west line although the official definitive route of the path differs from that actually established on site.

PROPOSAL

Application for full planning permission for the erection of 212 homes comprising a mix of detached, semi-detached and terraced mainly 2 storey houses with some 2.5 storey and associated garaging, parking and infrastructure, including the provision of two surface water infiltration basins and public open spaces amounting to about 2 ha. The majority of dwellings would be three beds, with some 2 and 4 beds.

The Applicant states that the outline permission 13/00209/OUTMAJ granted by the Council for a 360 dwelling development on a wider site has been plagued with delivery problems. The current proposal is a full application to deliver housing on the northern side of the larger site only. The outline permission indicated that up to 195 dwellings could be provided on the current application site, but this has been increased to 212 to help to improve the viability and deliverability of the proposal (Density proposed is 33 dwellings per hectare). Nevertheless the proposed layout is based on the key principles set out at outline stage in respect of scheme master planning and technical matters. This includes a central green area, other open spaces and a new east west distributor road running through the site from Rotherham Road to Mooracre Lane near the school. Mooracre Lane will be diverted through the site such that the new distributor road and new safer junction will take precedence over the use of Mooracre Lane with its existing substandard junction with Rotherham Road.

Appropriate highway links will be provided to the southern boundary such that the proposal will not prejudice the future development of the southern half of the wider site which had outline consent.

Surface water disposal is to infiltration basins, and a pumping station is proposed for foul connection to the west of the site.



Section 106 Infrastructure Issues

The application proposes S106 contributions on a very similar basis to that previously agreed for the outline planning permission. This includes:-

- Affordable Housing 19 dwellings (70% Affordable rent: 30% shared ownership);
- Bus Service Contribution @ £176.36/dwelling (£37,388);
- Education Contribution @ £2,422.05/dwelling (£513,475);
- Public Open Space and SuDS areas provided as plans;
- Maintenance/management of POS and SuDS
- Road Network Contribution £441.96 per dwelling (£96,695);
- Traffic Monitoring @£13.62/dwelling (£2,887);
- Travel Plan @£34/dwelling;
- Play Area contribution of £53,120;
- No retention of ransom strips at potential highway links to the south; and
- Eastern SuDS area made available at no cost if needed in future to increase capacity to accommodate surface water from phase 2 development to the south.

The application is supported by the following reports:-

- Planning Statement
- Design and access Statement

Drainage Strategy
Flood Risk Statement
Ground Investigation
Transport Statement
Travel Plan

AMENDMENTS

Approved Plans:-

15/05/17 Location Plan 30597 00
15/05/17 Phasing Plan 30597 02 D
06/06/17 Ecological Appraisal March 2017
06/06/17 Floor level detail and external levels 21822-02-040-01
14/06/17 Flood route plan

31/07/17 Revised House type pack: 580, 651, 752, 764, 832, 842, 857BR1 and 2, 857SV1 and 2, 867, 955, 1028 BV1 and 2, 1054, 1178 BV1, 1178 SV1, 1216, 1224, 1253, 1297 BV1, 1297 SV1.

11/07/17:-

- Materials Plan 30597_05 Rev N
- Existing and Proposed Hedgerow Analysis 7161_01 A
- Travel Plan 21822.07-17/4991
- Updated Travel Pack
- Flood Risk Technical Note

17/07/17 Additional ecology information, pumping station details.

15/08/17 Revised Site Layout - 30597 01Q

15/08/17 Revised External Works – 30597 04C

17/08/17 S106 HOT's offer.

HISTORY (if relevant)

13/00209/OUTMAJ Outline planning permission for residential development comprising up to 360 dwellings with public open spaces, an area suitable for employment development (which could potentially include a 60 bed care home, a children's day nursery and Class B1 offices and/or light industrial units) and associated infrastructure. Demolition of two existing dwellings and partial realignment of Mooracre Lane. Reserved matters approve for the access junctions into the site from the highways (all other matters reserved to a later date). Approved 10.06.14.

Permissions relating to the land adjacent to the south:

09/00008/FUL Erection of dog kennel to accommodate two dogs (adjacent land)

07/00501/FUL Erection of extension of kennel building comprising of 5 pens (adjacent land).

04/00674/FUL Change of use to retail sales, preparation and maintenance of motor vehicles (excluding HGV's) and HGV parking (Fourways Garage). Includes conditions inter-alia:

Preventing vehicle repairs anywhere on the site except within the buildings;

A restriction on the area used for parking of vehicles;

The control of external lighting;

The maintenance and preparation of vehicles being limited to the vehicles kept at the site for

sale and not a general vehicle repair garage.
03/00662/FUL Kennel block
02/00163/FUL Erection of a cattery building.

CONSULTATIONS

County Highways

19/6/17 Advice given on ways to improve the Travel Plan given.

21/06/17 Initial comments requesting a few design revisions.

10/08/17 It is understood that the Section 106 contributions towards network monitoring and off-site highway mitigation works, the Traffic Regulation Order to reduce the speed limit on Rotherham Road, Travel Plan monitoring and public transport will all be in line with those previously agreed for application 13/00209/OUTMAJ.

In the event that the applicant has demonstrated control of the hedge on Rotherham Road and has provided additional drawings which show that the visibility splays can be provided within controlled land, there are no objections subject to conditions:-

Construction management plan;

Provision of temporary access;

Provision of new distributor road link before 100 dwellings occupied with 2.4m x 120m splays at the Rotherham Road junction;

Scheme to be approved for stopping up of the section of Mooracre Lane between the new estate street and the spur adjacent to plot 173;

Scheme for temporary traffic management measures on the approaches to the Mooracre Lane/Rotherham Road junction in order to mitigate the increase in traffic at the junction;

Provision of the estate roads;

Each dwelling shall be set back at least 450mm from the highway boundary (*more appropriate as an advisory note*);

Access gradient (*not considered necessary on a fairly flat site*);

Drive gradient (*not considered necessary on a fairly flat site*);

Gates set back 5m (*not considered reasonable*)

Provision and maintenance of parking spaces;

Provision of bin stores as plan;

Implementation of the Travel Plan, monitored and reviewed.

Plus advisory notes including that a footpath diversion order is required.

24/07/17 Comments on revised Travel Plan including that consideration should be given to:-

- Secure and accessible cycle storage.
- Infrastructure to enable high speed broadband connection at each residence.
- Electric vehicle charging points (nb. At either all or a proportion of the residences, subject to negotiation).

The diverted 82 bus service through the development should be provided as soon as reasonably possible once suitable infrastructure is in place, and prior to 50% residential occupation of the development. The developer is encouraged to negotiate any revised service

direct with the operator, which in this case is Stagecoach.

Urban Design Officer

23/6/17 Recommends made to improve design including:-

Reorientation of some plots

Reuse of natural stone from the old barn within the development

Introduction of pedestrian paths through POS

Inclusion of additional side windows to some plots to deter crime

Boundary treatments to POS areas and plot frontages to the main roads

Replacement of close board fence with brick walls in prominent locations

Relocation of a swale

A greater concentration of taller buildings focussed around the central open space and the Avenue.

Landscaping details be conditioned.

Material distribution Ok. Specific type/detail to be conditioned.

Porches and bay window roofs to be small plain tiled not GRP

21/7/17 Revisions suggested to revised house types received. Additional design advice given on the revised plans.

28/7/17 Landscaping revisions sought fronting plots 120 -124

Crime Prevention Design Officer

08/06/17 The great majority of the site looks fine from a community safety perspective.

The addition of some side facing windows on some corner plots is recommended, and lockable gates should be added to ginnels. Boundary rail or fencing should be provided between houses and public open spaces.

Derbyshire Wildlife Trust

21/6/17 At the current time the Trust is concerned that the proposed development has not considered the ecological impacts in sufficient depth and has not presented a set of measures aimed at reducing these impacts through avoiding, minimizing, mitigating or compensating for those impacts. As a result the development threatens a net loss of biodiversity in this area. Consideration to ground nesting birds are also required.

27/7/17 Following the submission of further information regarding the extent of habitat loss and creation further advice received recognising that hedgerow loss will be 165 linear m, and retained hedgerows equate to 687 linear m and proposed native hedgerow planting is 456 linear m. DWT welcome the minimal loss of hedgerow and the proposed new planting. They recommend that any new native hedgerow planting uses a wide variety of native species to ensure that the new hedgerows are species-rich. Appropriate management should be implemented in the short and long-term for retained and newly created hedgerows to ensure that they are appropriately managed for their wildlife benefit.

DC Archaeologist

06/06/17 A condition was attached to the outline consent requiring archaeological evaluation trenching to be carried out and reported on prior to a reserved matters application. The evaluation trenching was carried out earlier this year to an agreed specification but the report

has not yet been made available, and this should be submitted as part of the current full application. I feel however that I have sufficient information to comment on the site and make recommendations as follows:

The features in general are much truncated, although they retain potential to provide significant archaeological information. Prehistoric field systems would be the first such field system from Derbyshire, and is of regional importance in extending the known sequence and pattern much further south than previously thought. The double-ditched square enclosure is almost certainly of prehistoric date; a ritual or funerary purpose seems likely. An area of Romano-British activity was identified in the central part of the site which may delineate a settlement area.

Further work is required to investigate and record the archaeological features before they are destroyed by the proposed development. I do not however feel that any of the features are worthy of preservation in situ, because of their level of truncation; there is consequently no need for the layout of the development to take account of archaeological preservation.

Conditions are recommended requiring No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed.

Environmental Health - Noise

Some concerns as no noise assessment has been submitted with this application. There is an animal boarding business at the south of the site which, although is not currently operating, could resume once they have been granted a license. In addition, I understand that there are plans to have a commercial development on an adjacent part of this site which could impact on some of the proposed dwellings. There are also dwellings in close proximity to some of the outdoor areas for the adjacent secondary school which I understand are used during weekends and evenings. Therefore recommends a condition requiring noise monitoring and the submission of a scheme of sound insulation to include potential sound from the animal boarding establishment be approved before development commences.

Also requests a condition requiring a construction management plan be submitted for approval including details how noise, dust and vibration will be managed and mitigated throughout the course of the development.

Environmental Health - Contamination

27/07/17 Some concerns raised about the level and method of sampling undertaken. The ground investigation itself is not specific to this application and it is difficult to determine how many of the samples taken are actually within the boundary of this application site due to the scale of the drawings. Therefore, a significant amount of the analysis considered within this document is outside the development boundary.

Recommends a condition requiring further investigation into potential ground contamination and remedial measures if necessary.

11/08/17 For clarification, the original planning application included a noise assessment that considered the noise from the garage and old kennels but assumed that there would be a

commercial development in between that would provide some attenuation of the existing noise sources. It is important that all noise sources are considered for the houses that will be developed including during any interim period where there won't be any buildings between the existing noise sources and the proposed houses.

Scarcliffe Parish Council

Object strongly to this application on the following material planning considerations: Highways issues, the roads in and around this development are not adequate and the increased traffic through Scarcliffe and Hillstown will cause severe congestion and safety issues.

Bolsover Town Council

Awaited.

BDC Drainage Engineers

Subject to acceptance of the SuDS design by DCC (LLFA), we must ensure the developer submits an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details.

The developer must ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

DCC Flood Risk Management

5/7/17 Additional information requested on soakaway testing and request the applicant provides a statement indicated what other options could be viable to dispose of surface water off site, in Line with the runoff destination hierarchy as described in Document Part H of the Building Regulations 2000.

31/05/17 The LLFA welcomes the applicant's proposals to utilise infiltration as a means to dispose of surface water.

The LLFA would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments.

There are no details regarding the adoption, maintenance and essential management of the drainage system.

Conditions are requested regarding the approval of further drainage details.

17/08/17 No further comments on the removal of the swales from the surface water drainage proposals.

Severn Trent Water

17/08/17 No objections

Economic Development Officer

12/06/2017 Requests a condition requiring an Employment Scheme to enhance and maximise employment and training opportunities during the construction phase of the project.

Leisure Services Officer

Given that this is a resubmission of a previous application for the same site, it may be the case that previous agreements / commitments will be taken forward.

However for a development of this size (approx 212 dwellings) we would normally expect to see on-site provision of informal open space, including play facilities, with a total area of at least 4,240m² (0.4ha) (based on 20m² / property). It is noted that it is proposed to provide approximately 2.5ha of public open space within the proposed development, which is significantly in excess of the minimum requirement and, as such, is welcomed, as is the commitment to “provide attractive and accessible areas of maintained open space and new opportunities for children’s play and formalising the provision of new amenity open space”.

For a development of this size, particularly as the nearest existing equipped play area is over 400m away, we would expect an on-site NEAP standard children’s play area with an area of at least 1,000m² and at least 8 pieces of equipment and suitable for children up to 12 years of age to be provided as well as some form of ball sports area (multi-use games area) or wheeled sports area (skate park / BMX track). Maintenance should be provided for.

If the open space / play provision were off-site, the equivalent s106 commuted sum would be £166,420 at 2017 prices, so any on-site open space / play provision should be of an equivalent value.

Our preference would be for the on-site play provision to be located on the central open space, which would benefit from a high level of natural surveillance and, due to its central location, would also be equally accessible from all parts of the proposed development.

For adult sports/recreation the Leisure Officer also seeks a commuted sum of £198,008 to be invested in upgrading built and outdoor sport and recreation facilities within the parish.

He notes that it is proposed to retain and enhance the existing Public Right of Way (Bolsover FP46) and that it is proposed to widen this to 3m which is welcomed.

The leisure Officer also requests a contribution for public art in line with policy at 1% of development costs.

Housing Strategy Officer

14/06/17 There is a need for affordable housing in the district. In the Bolsover sub market area alone the estimated figure is 184 affordable units each year. 10% of the total site capacity will be given to affordable housing provision. Will accept 70/30 split being thirteen rented and six shared ownership houses. The mix of house types being 2 and 3 bed houses is in line with housing need. Arrangements should be made with a Registered Provider to purchase the units, or alternatively an agreement showing arrangements as to how the units will be let as affordable housing now and in the future.

27/07/17 Confirmation that the affordable housing s106 offer is reasonable.

County Education Authority

20/06/17 The proposed development of 212 dwellings would generate the need to provide for an additional would generate the need to provide for an additional 18 infant, 24 junior pupils and 32 secondary pupils.

The primary level schools are currently up to capacity. Although a slight drop in pupils is predicted over the next 5 years, accounting for new planning permissions granted the infant and junior schools would not have capacity to accommodate the new pupils arising from the development.

The Bolsover School has a net capacity of 850 pupils and currently has 782 pupils on roll. The latest projections are indicating the number of pupils on roll to be 857 during the next 5 years. Accounting for recent planning permission for 1,246 dwellings within the catchment the secondary school would not have capacity to accommodate the pupils from the development.

The following contributions are sought by S106:-

£205,182.18 towards the provision of 18 infant places at Bolsover Infant and Nursery School towards Project B: Provision of additional teaching spaces OR as a contribution towards larger replacement buildings provided for the Infant and Nursery School at a new site.

£273,576.24 towards the provision of 24 junior places at Bolsover C of E Junior School.

£549,637.44 is also required towards the provision of 32 secondary places at The Bolsover School.

Further justification for a contribution to secondary education has been sought since no contribution was required for the outline permission for a the larger site (360 dwellings). DCC have responded to say that:-

28/06/16 DCC have provided further information on which recent planning permissions they have counted in the 1,246 predicted new dwellings referred to above. Of these the largest is 795 dwellings in North East Derbyshire at the former Coalite site. However it is considered that the delivery of these dwellings is not certain (and the number consented was actually 660), other developments accounted for include outline permission for 250 at Blind Lane, 149 at Oxcroft Lane, 16 at Scarcliffe, and 35 at Duckmanton.

CCG (NHS)

08/06/17 There are a number of practices whose boundary covers the proposed housing development. The main practices affected will include Welbeck Road Health Centre which will require additional capacity to manage increased patient demand from the housing development and population increases. A contribution of £80,645 is requested to contribute towards the expansion of this practice.

PUBLICITY

Advertised in the press and on site. 36 properties consulted, 6 letters of objection received on grounds that:-

Green field site outside the settlement framework.

Brownfield land should be prioritised such as Coalite / Old Council site.

The Coalite site has permission for a significant number of dwellings.

There are several alternative brownfield sites which already have permission.

The Council has more than a five year supply of housing and so the policies of the 2000 local plan should be considered up to date.

The proposal is outside settlement and so is a departure to local plan policy ENV3. The lack of 5 year housing availability was the main reason why the initial planning permission was allowed to overrule the local plan.

The proposal is premature to the planning making process and requires a decision that should be properly considered through the selection process for residential allocations that will take place during the preparation of the emerging new local plan.

The emerging plan has still not had the consultation required by the government and local people have not had the opportunity to make their views known comment on the extension of the settlement area.

The previous permission included use of some brownfield land and some employment development was proposed; the current application is just for housing on greenfield land and so the principles must be reconsidered.

Not sustainable location.

Poor service provision in Bolsover.

Services in Clowne not easily accessible.

Increased pressure on infrastructure which needs improving including schools, doctors, dentists, supermarkets.

Loss grade 2 agricultural land

Impact on wildlife, birds,

Loss of trees.

Loss of open land.

Loss of the Riding School.

Increased noise.

Light pollution.

Increased air pollution for school children.

Loss of view.

Increased traffic including construction vehicles on Mooracre Lane, a dangerous and fast road and dangerous junction with Rotherham Road.

Construction Traffic should access from Rotherham Road.

The new through road should have to be provided from the beginning rather than after 100 houses occupied as now proposed.

Mooracre Lane should be closed off and all traffic re-routed through the development.

No footpaths on Mooracre Lane; should be provided on one side.

The Transport Statement data used is out of date and does not include trip rates at school leaving times.

Increased congestion around the school.

Increased traffic and congestion through Bolsover Town which is at capacity.

Should be more use of stone instead of brick next to Bolsover Moor Farm.

Plot 203 is 2.5 to 3 storey and will look out of place and obtrusive.

Should be more trees planted to suck up more ground water

Queries maintenance plans for the SuDS

Queries whether mains gas and sewerage will be provided to existing dwellings.

Resident reports press articles alleging concerns about Keepmoat's build and contracts on other sites.

POLICY

Bolsover District Local Plan (BDLP)

GEN 1 - Minimum Requirements for Development

GEN 2 - Impact of Development on the Environment
 GEN 3 - Development affected by adverse environmental impacts from existing or permitted uses.
 GEN 4 - Development on Contaminated Land
 GEN 5 - Land Drainage
 GEN 6 - Sewerage and Sewage Disposal
 GEN 8 - Settlement Frameworks
 GEN 11 - Development adjoining the settlement framework boundary
 GEN 17 - Public Art
 HOU 5 - Outdoor Recreation and Play Space Provision for new housing developments
 HOU 6 - Affordable Housing
 HOU 9 - Essential New Dwellings in the Countryside
 TRA 1 - Location of new development
 TRA 7 - Design for accessibility by bus
 TRA 15 - Design of Roads and Paths to serve new Development
 ENV 2 - Protection of the best and most versatile agricultural land
 ENV 3 - Development in the Countryside.
 ENV 5 - Nature Conservation interests throughout the District
 ENV 8 - Development affecting trees and hedgerows
 CON13-Archaeological Sites

Consultation Draft Local Plan

The site is identified as a potential housing allocation (Policy LC1(b)) in the emerging Local Plan (Oct 2016), although the emerging Local Plan will be subject to an Examination in Public and as such the proposed allocation is not yet confirmed.

National Planning Policy Framework (NPPF)

Core Planning Principles para' 17 including that the planning system should:-

- *Be genuinely plan led*
- *Proactively drive and support sustainable economic development to deliver the homes...the country needs... Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth...;*
- *Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- *Take account of the different roles and character of different areas; promoting the vitality of our main urban areas; - Contribute to conserving and enhancing the natural environment and reducing pollution...allocations of land for development should prefer land of lesser environmental value;*
- *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 49 of the NPPF states that *"Housing applications should be considered in the context of the presumption in favour of sustainable development.*

Paragraph 34 states that:- *"Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of*

sustainable transport modes can be maximised.”

Other (specify)

National Planning Practice Guidance (NPPG) – Design (ID: 26)

Supplementary Planning Document - Successful Places: A Guide to Sustainable Housing Layout and Design (2013)

ASSESSMENT

The Principle of Development

The site lies outside the settlement framework for Bolsover as defined in the current Bolsover District Local Plan (2000). Therefore countryside protection policies ENV3 and HOU9 apply which do not normally allow residential development except in certain circumstances such as where necessary for an established rural business. None of these exception criteria are relevant in this case. The proposal is therefore contrary to these policies and approval would be a departure from the development plan.

Policy ENV2 of the Bolsover District Local Plan aims to protect the best grades of agricultural land. The site is classed as grade 2 agricultural land in the agricultural land classification survey (2010) and as such planning permission might not be appropriate unless there is a strong need that overrides national need to protect this land. This policy is compatible with the NPPF which states that local authorities should direct development towards the poorest grade of agricultural land.

The grade of agricultural land is a factor considered by The Council's Planning Policy Team in the Sustainability Appraisal and the Land Availability Assessment when selecting sites for allocation and this site has been allocated in the Consultation Draft Local Plan. There is a tension between safeguarding good quality agricultural land and the wider objective of delivering sustainable development as required by the NPPF. If the Council were to rigorously enforce the protection of good quality agricultural land above all other factors, the results would be less satisfactory in terms of overall sustainability. There is so much grade 2 agricultural land around Bolsover that the loss of areas of some good agricultural land will be necessary in order to achieve development in the most sustainable locations. Hence given the need to maintain a 5 year housing supply in the district it is considered that the weight which can be given to the agricultural land protection policies is limited and that this should not be an overriding concern. Effectively the national need to protect good agricultural land is balanced against the national need to supply more sustainable housing.

It is considered that the Council does now have a five year supply of housing and so the housing supply policies of the 2000 local plan do have weight. However, in relation to this site, it is considered that the policy position in the 2000 local plan has been superseded by events. Outline planning permission has already been granted for this site in June 2014 (13/00209/OUTMAJ) because the site and development proposed were considered to be sustainable and the Council did not have a five year supply of housing at that time. Hence the presumption in favour of granting planning permission set out in para' 14 of the NPPF applied.

The Applicant has since had pre-application discussions with the Council to discuss the nature of a detailed application on this site. The Applicant could have submitted an application for approval of reserved matters for the layout, scale, appearance and landscaping of the site. Had this option been pursued the principle of residential development on this site could not have been reconsidered. Only the acceptability of the particular designs and layouts submitted for approval. However the Applicant was struggling to devise a financially viable proposal with the set number of dwellings approved for this part of the site (up to 195 dwellings) and it was agreed that to assist with the delivery of housing on this site a full planning application could be submitted for consideration which would allow an increase the number of dwellings slightly to 212 dwellings.

In addition the site has been allocated for housing in the Consultation Draft Local Plan Oct 2016 (including some additional land to the south). Whilst this allocation has not yet been confirmed and so and can only be given limited weight, in allocating the site the Council has assessed this site against other options and has reached the view that it is a sustainable site which performs better than other alternatives which were not allocated. The Council considers the site to be available, suitable and deliverable. This site now counts towards the 8 year housing supply which has been identified to deliver the housing land requirement set out in policy SS2 of the Draft Local Plan. Hence if Committee is minded to refuse this application the identified housing land supply will be reduced. The existence of a 5 year supply of housing allows the Council to give weight to local plan housing supply policies and where necessary to justify refusal and defend appeals relating to less sustainable alternative sites which come forward.

It is noted in representations that there are objections on the grounds that an approval would be premature to the plan making process however it is considered that prematurity is not a defensible reason for refusal. Equally, if prematurity were to be considered a significant objection, the majority of the sites allocated in the draft local plan would be open to the same objection. Subsequently, applying a prematurity objection to the current application would give rise to an irreconcilable conflict between the decision making and plan making processes within the District.

In summary, whilst approval would be contrary to the policies of the Bolsover District Local Plan, outline planning permission has already been granted for this site and the Applicant could have submitted an application for approval of reserved matters such that the principle of development could not be questioned. This “full” application has been submitted for consideration with the agreement of Planning Officers as a proactive means of improving viability and deliverability of housing development. Under these circumstances it may be deemed unreasonable to give the 2000 local plan policies their full weight. The site has also been allocated for residential development in the Consultation Draft Local Plan because it is a sustainable site which performs better than alternative site not allocated and it currently contributes to the Council’s identified housing supply. It is considered therefore that residential development remains acceptable in principle on this site.

Layout and Design

The layout of roads, number and layout of dwellings, and the distribution and scale of open spaces and SuDS retention basins are all very similar to the indicative master plan submitted previously when outline planning permission was granted. The design concepts previously

agreed have largely been carried forward in to this full application.

A new tree lined east west distributor road will be provided which will take over from Mooracre Lane as the priority route to/from Rotherham Road. A central green square area will provide a focal place with some taller 2.5 storey dwellings around it and the main road through to emphasize its hierarchy. Elsewhere the development will be mainly 2 storey and includes the use of artificial stone for a grouping of the proposed dwellings around the Bolsover Moor Farm area which are traditional stone buildings. A large area of open space with SuDs Basins will soften the eastern edge of the development with countryside beyond. A more linear POS is also proposed as a buffer to the school to the west. Existing boundary hedges are largely retained and where removed for the visibility splays needed along Rotherham Road the hedge will be replanted behind the new junction splays.

Although the number of dwellings now proposed has increased from 195 (on this part of the site with outline permission) to 212, as amended the proposed layout complies with the Council's design guidance and the Urban Design Officer is generally happy with the proposed layout and designs. It is considered that the proposal complies with policy GEN2 in this regard.

Transport and Highway Issues

The junctions now proposed to Mooracre Lane and Rotherham Road are similar to those previously approved for the outline permission (which included approval of the reserved matters of access). The Highway Authority has no objections to the junctions currently proposed subject to conditions. The Highway Authority is also happy with the layout of the estate roads subject to conditions.

In terms of traffic impacts one of the main concerns that was also considered for the outline application was that until the new east- west distributor road is built and is open for public use there will be an increase in the volume of traffic using the existing sub-standard junction of Mooracre Lane and Rotherham Road. Once the new road is in place there should be a reduction in use of that junction because a new safer and more convenient alternative road will be available. Therefore a planning condition of the outline permission required the completion of the distributor road link at an early stage (before 50 of the 360 dwellings were occupied).

However the construction of main roads is expensive and for viability/cash flow reasons the Applicant is seeking a relaxation of the previous condition to allow up to 100 dwellings to be occupied before the new distributor link is open for public use. The Applicant has submitted a Transport Statement with the application which estimates that: the existing AM peak at the Rotherham Road/Mooracre Lane junction is 198 two way vehicle movements; a development of 50 dwellings would add a further 14 two way movements at the junction; a development of 100 dwellings would add a further 27 two way movements. A similar result is predicted for the PM peak hour; and 2 accidents had been recorded at the junction between 2011 and April 2016.

The County Highway Authority have reviewed this information and the level of the increase in the intensity of use of the substandard junction and have recommended that a condition requiring the provision of the link road before the 100th dwelling has been occupied is

acceptable. It is considered therefore that the temporary (perhaps 3 years from commencement) increase in intensity of use of the substandard junction is not so harmful to highway safety as to justify refusal. Once the new link is in there should be improvements to highway safety above the current situation.

Public concerns raised about increased traffic around the school are noted. There would be an increase due to the additional development. However it is not unusual that schools are surrounded by urban development rather than being on the edge of the countryside and it should be noted that the Highway Authority has not raised concern over this issue.

There are also other transport impacts because some of the other road junctions around Bolsover are close to capacity. These have been considered previously for the outline application which was accompanied by a Transport Assessment. A financial contribution was agreed and secured by S106 obligation requiring a sum of money towards future junction/highway improvements in proportion to the extra demand that the proposal is likely to make on the highway system. The current application includes the same commitment to contribute towards junction improvements in Bolsover as well as money to incentivise a bus service to run through the site. These are:-

- Road Network Contribution £441.96 per dwelling (£96,695);
- Traffic Monitoring @£13.62/dwelling (£2,887);
- Bus Service Contribution @ £176.36/dwelling (£37,388).

Subject to the completion of a S106 agreement to secure these obligations from the developer and subject to appropriate highway conditions it is considered that the means to address the potential impacts of the proposal on highway safety and on the capacity of the local highway system has been established and agreed and the proposal complies with policies GEN1, GEN2, TRA1, TRA7 and TRA15 of the Bolsover District Local Plan.

Ground Conditions

The vast majority of this site is in arable use for food production so it seems unlikely that ground contamination will be present on site. However on the advice of the Environmental Health Officer it considered appropriate to take a precautionary approach and include a condition to any consent granted to deal with the low risk of contamination.

Ground movements from past mining should have ceased and this site is in the lowest stability risk zone identified in the Councils Landslide Hazard Survey. The rock head has been encountered at relatively shallow depths hence construction noise could be material when penetrating the hard strata in places in order to achieve the necessary depths and falls for drainage systems and basins etc. Hence it will be necessary in this case to control the hours such noise making activity can be undertaken and to provide some temporary board fencing to suppress noise during the excavation of the basin closest to Bolsover Moor Farm to protect the amenity of neighbours (GEN2). This would form part of the construction management plan to be approved.

Noise

Noise from construction can be mitigated by means of a construction management condition to control hours of noise making activity, such as rock excavation, to a reasonable time and

could require temporary board fencing where necessary. Construction traffic routing via temporary access from Rotherham Road can also be required.

The Environmental Health Officer is also concerned that the consented animal boarding business to the south of the site (not currently in use) and noise from use of the school playing pitches (can be used after school hours) could potentially lead to complaints from new residents about those uses.

Given the 80m distance to the boarding kennels to the south and 50m to the school playing fields to the west it is considered that noise and disturbance from these sources is unlikely to be a significant problem, and that where windows are shut standard double glazing is likely to be adequate. However ventilation is required in summer and so as a precautionary measure it is recommended to apply the noise survey and mitigation condition advised.

Impacts on Residential Amenity

The proposal complies with the Council's guidelines regarding privacy and overlooking and impacts on daylight at neighbouring property. There are some privacy/security concerns relating to the adequacy of existing boundary treatments at neighbouring property but this can be enhanced by means of a planning condition.

Noise from construction is dealt with above. Noise created by the occupation of the new dwellings is not a material concern.

Light pollution to the sky is not considered to be a significant impact from this proposal.

Air quality is unlikely to be materially affected given the nature and scale of development.

Loss of view is not a material planning consideration.

Flood Risk and Drainage

The site is at low risk of flooding. Surface water is to be disposed of via soakaways for roof water and 2 infiltration basins for highway water. These are classed as Sustainable Drainage Systems which are preferred over disposal to the public sewerage system in order to reduce the risk of flooding elsewhere. The area of open space to the north east of the site where the basins are proposed is to be bordered with post and rail fence and this area is not proposed as a public open space.

Further details on the design of the basins was awaited at the time of writing this report but it is understood that the sides of the basin should be no steeper than 1 in 4 and they will be about 2m deep. It is considered necessary to require the precise details of the extent, depth, and sections of the basins and the maintenance arrangements to be provided for approval by condition (GEN1, GEN2, GEN5).

Originally the proposal included the use of swales as well as basins because run-off from roads and parking areas should have a minimum of two treatments but unfortunately the applicant has now removed the swales from the proposal because they say that swales proved to be inappropriate because: the majority of gradients onsite are found to be steeper

than the recommended gradients for swales; there is limited space throughout the site to incorporate swales effectively; and if swales were introduced to the POS areas, swales at the end of the drainage runs would be deep (>2.0m) which could pose safety concerns and would require more land/POS space.

The Lead Local Flood Authority has no objections subject to conditions.

Foul sewage is to be pumped to the public sewer. A pumping station is proposed within the eastern open space. The equipment will be in a fenced compound. There are no objections from consultees to these proposals however a condition will be required to control the details of the facility proposed (GEN6). In addition the landscaping scheme will need to include planting to screen the compound to soften its appearance given the prominent location at the eastern approach to the development.

Archaeology

There is some archaeological interest on site which has been identified (see Consultation Section above) however it is not so important as to require preserving in situ and so does not present a constraint to development. Investigation and recording of findings can be required by condition (CON13). Further phases of archaeological investigation on site are currently underway.

Trees and Hedgerows and Ecology

An ecology report has been submitted with the application.

There are very few trees on site given that it is mainly one large open field. It is bordered mainly by hedgerow with the occasional tree. The proposal includes some hedgerow/tree removal for visibility splays and access points but these will be replanted and overall there will be a net gain in the length of hedgerow habitat and the number of trees on site compared to what is on site now. The ecological value of ploughed arable land is considered to be low and less than that offered by the proposed garden areas, POS with tree planting and SuDS open space area.

The ecology report states that Great crested newts are not considered receptors for the proposed development, due to the absence of onsite ponds and the sub-optimal nature of ponds within 500 m for supporting this species.

There are no buildings or trees displaying greater than negligible bat roost features, roosting bats are not considered a receptor to the proposed development.

There are no badger sets on site however the ecology report advises that badgers have potential to access the site, a best practice approach to works is recommended i.e. all deep excavations should be covered overnight unless completely fenced off and any unfenced/uncovered shallow excavations should have a scaffold board or equivalent placed in them to act as a ramp to allow any badgers to exit should they fall in.

The boundary trees and hedgerow have potential to support nesting birds. Where removal of these features is required, the ecologist recommends that this be scheduled outside of the bird nesting season, which runs from March-August inclusive. Should this not be possible,

trees/hedgerow sections to be removed should be checked for nesting birds by an experienced ecologist no more than 48 hours prior to removal.

It is considered that the ecologists recommendations regarding protection of badgers and birds can be dealt with by means of an advisor note because they are protected by other legislation and Planning should not duplicate these controls.

Overall it is considered that there will be a net gain to biodiversity subject to the implementation of an appropriate landscaping scheme. The proposal complies with policy GEN2 and ENV5.

S106 Matters

The heads of terms of planning obligations offered to deal with the additional demands on local infra-structure as a result of the proposal are set out above in the proposals section of the report. In brief the main obligations include funding for expanding primary school capacity, providing 19 affordable housing on site, on-site recreation space and play equipment, off-site transport improvements and incentives to set up a new bus route through the site.

The offer per dwelling is very similar to that previously negotiated and accepted by the Council for the outline planning permission although the overall sums are less because the outline application was for 360 dwellings rather than 212.

There are a few differences however. The proportion of affordable houses is slightly less than previous at 9% rather than 10%. Also no contribution for art is included whereas £83 per dwelling equivalent (£30,000 for 360 dwellings) was agreed previously. However the Housing Strategy Officer is satisfied with affordable housing offer as complying with policy HOU6 and whilst policy GEN17 seeks to negotiate a contribution for public art it does not require one. Neither is an art contribution necessary to make the application acceptable in planning terms and it fails the CIL Regulations and cannot be insisted upon.

A contribution for the expansion of the nearest GP practice has been requested by the CCG for this application but not agreed. There was previously no S106 request for the outline permission because one of the GP practices, on Castle Street, still had capacity and reported that it would welcome the extra patients. Clarification has been sought from the CCG as to whether there is still capacity at the Castle Street practice but no response has been received.

The main change in S106 requests from consultees comes from County Education. The education request made at outline stage was for money to expand the primary schools. There was no request for the secondary school because it had plenty of capacity. However a request of £549,637 has now been added by DCC for the current application towards the provision of 32 secondary places at The Bolsover School. It is not yet at capacity but is predicted to be up to capacity in 5 years time and they have factored in other large permissions granted most significantly they account for 795 dwellings to come forward at the Coalite site (where there is no s106 contribution for secondary education).

The Applicant has not agreed to this request and the education offer stands at the level previously agreed for the outline permission. The Applicant says that the scheme would not

be viable with these payments and DCC are including various sites with outline permission which are unlikely to come forward in the short to medium term unlike their proposal which is a detailed proposal for full permission.

The Officer view is that the application could have been submitted as a reserved matters application, in which case the S106 obligations would have been fixed as per the outline agreement and there would have been no possibility of renegotiating . The full application procedure was agreed in advance of submission as a means to up the numbers of dwellings on this part of the site to improve viability and delivery of housing. Although technically the Council can seek to now re-negotiate S106 terms (because of the “full” nature of the application) it may be unreasonable to do so under the circumstances. Furthermore it is considered that the Education Authorities case is weak. There is no current capacity problem and DCC should have been planning for pupils from this site on the basis of what was agreed for the outline permission. Delivery of dwellings on the Coalite site any time soon would appear to be uncertain.

In summary it is considered that the S106 terms offered, which are largely the same as those agreed for the outline permission are acceptable and deal adequately with the additional pressures on local infrastructure.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No significant issues. The advice the Crime Prevention Officer has largely been incorporated into the revised plans.

Equalities: No significant issues

Access for Disabled: No significant issues

SSSI Impacts: N/A

Conclusions

Whilst approval would be contrary to the policies of the 2000 Bolsover District Local Plan, outline planning permission has already been granted for this site and the Applicant could have submitted an application for approval of reserved matters such that the principle of development could not be questioned. Under these circumstances it is not considered appropriate to give the 2000 local plan policies their full weight. The site has been allocated for residential development in the Consultation Draft Local Plan because it is deemed to be a sustainable site which performs better than alternative sites which have not been so allocated and the development will deliver social and economic benefits associated with the supply of housing. It is considered therefore that residential development remains to be acceptable in principle on this site.

The layout and designs proposed are acceptable and no impacts have been identified which cannot be mitigated by conditions or would justify the refusal of planning permission. The Applicant is willing to enter into a S106 legal agreement with the Council to reasonably address the additional pressures resulting from the development on local infrastructure and to contribute to the provision of affordable housing.

RECOMMENDATION

Approve subject to the following conditions given 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 Planning) and upon completion of a S106 obligation requiring:-

- Affordable Housing 19 dwellings (70% Affordable rent: 30% shared ownership);
- Bus Service Contribution @ £176.36/dwelling (£37,388);
- Education Contribution @ £2,422.05/dwelling (£513,475);
- Public Open Space and SuDS areas provided as plans;
- Maintenance/management of POS and SuDS to be provided;
- Road Network Contribution £441.96 per dwelling (£96,695);
- Traffic Monitoring @£13.62/dwelling (£2,887);
- Travel Plan @£34/dwelling;
- Play Area contribution of £53,120;
- No retention of ransom strips at potential highway links to the south; and
- Eastern SuDS area made available at no cost if needed in future to increase capacity to accommodate surface water from phase 2 development to the south.

Conditions (in précis)

1. Start within 3 years.
2. List of approved plans.
3. Fencing off and protection of areas of retained hedgerow.
4. Archaeological investigation (pending further results may not be needed).
5. Further investigation into potential ground contamination.
6. The production and submission of a scheme design demonstrating full compliance with DEFRA's Non-statutory technical standards for sustainable drainage systems, to include details of location and design of the infiltration basins designed to have sides no steeper than 1 in 4.
7. Information to indicate that the surface water can, in principle, be disposed of sustainably (in compliance with Approved Document H of the Building Regulations 2000).
8. Submission and approval of foul drainage details to include pumping station.
9. Noise survey and recommendations to be approved regarding businesses to the south and the school to the west and any remedial measures necessary to be implemented.
10. Construction management plan be submitted for approval including: details how noise, dust and vibration will be managed and mitigated throughout the course of the development; to include hours such noise making activity can be undertaken and to provide temporary board fencing to suppress noise during the excavation of at least the northern basin closest to adjacent dwellings; construction traffic routing to be via temporary access from Rotherham Road.
11. Provision of temporary access to Rotherham Road in accordance with details to be approved.

- 12. Provision of new distributor road link and to be open for public use before 100 dwellings occupied with 2.4m x 120m splays at the Rotherham Road junction and right turn harbourage as per plan.**
 - 13. Scheme to be approved for stopping up of the section of Mooracre Lane between the new estate street and the spur adjacent to plot 173.**
 - 14. Scheme for temporary traffic management measures on the approaches to the Mooracre Lane/Rotherham Road junction in order to mitigate the increase in traffic at the junction.**
 - 15. Provision of new estate roads prior to occupation of related dwellings.**
 - 16. Provision of car parking spaces prior to occupation.**
 - 17. Provision of bin stores as plan.**
 - 18. Prior to occupation submission of a detailed hard and sot landscaping scheme to be approved and implemented to an agreed timetable to include: retention of hedgerows and replanting of hedge behind the visibility splays on Rotherham Road and street tree planting as plan; details of the treatment of the verge area adjacent to the junction on the main spine route (adjacent to Plots 10-13) and should include creative re-use of salvaged stone from derelict barn.**
 - 19. Maintenance of the landscaping scheme for a period of 5 years.**
 - 20. Boundary detail to be implemented (mainly to accord with approved plan 30597 04 C).**
 - 21. External Building material to be approved.**
 - 22. Porches and bay window roofs to be tiled not GRP**
 - 23. Implementation of the Travel Plan, monitored and reviewed.**
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