

PARISHOld Bolsover

APPLICATION

Outline planning application (with all matters except access reserved for later consideration) for residential development in the region of 950 dwellings, provision of an extra care facility (approx 70 units) and an Infant School together with appropriate vehicular, cycle and pedestrian access, associated car parking spaces and open space provision

LOCATION

Land Between Welbeck Road And Oxcroft Lane Bolsover

APPLICANT

Persimmon Homes (West Yorks Ltd) and Strata Homes (Yorks)

APPLICATION NO.

14/00080/OUTEA

FILE NO.

PP-03157152 H6385

CASE OFFICER

Mr Peter Sawdon

DATE RECEIVED

14th February 2014

INTRODUCTION

This report is supplementary to the original officer report on this application. The purpose of this report is to consider three issues arising from the resolution of approval of this application based on the detailed considerations contained in the original officer report, which should be read in conjunction with this supplementary report.

The three key issues raised in this supplementary report for the Planning Committee to consider are:

1. Whether the changed position in respect of a five year supply of housing would affect the 2016 resolution to approve this application;
2. Whether the suggested planning conditions and obligations would be sufficient to make the proposed development acceptable in planning terms and meet the relevant legal and policy tests; and
3. Whether a proposed amendment to the original resolution to approve this application would be acceptable.

PROPOSAL

This application seeks outline planning permission for c.950 dwellings on just under 39 hectares of land between Welbeck Road and Oxcroft Lane in Bolsover. The submitted application also proposes an extra care facility (approx. 70 units), an Infant School and a Town Park together with appropriate vehicular cycle and pedestrian access associated car parking spaces and open space provision. In addition, the development proposals will incorporate a realignment of Welbeck Road at the southern side of the development and of Marlpit Lane at the western side of the development with the creation of a new road through the site between these two points.

The illustrative masterplan is shown overleaf and these proposals and application site are referred to as Bolsover North in the consultation version of the new Local Plan.

Bolsover North: Illustrative Masterplan



KEY ISSUES

The current application was submitted in 2014 and members of the Council's Planning Committee resolved to approve this application in 2016 subject to planning conditions and prior entry into a legal agreement. This resolution was based on the detailed considerations contained in the original officer report. Since 2016, the Council has been able to determine that it has a five year supply of housing so prior to any permission being issued: it is important to now consider whether the original reasons for approval of this application are still appropriate given that the absence of a five year supply was a relevant consideration at the time the original officer recommendation of approval was made.

The development proposals in this application are also considered to be strategically important development and the proposals are relatively complex by virtue of the size and scale of the proposals. Therefore, this report contains the full details of the planning conditions and planning obligations that are considered to be reasonably necessary to make

this development acceptable in planning terms in the interests of transparency and accountability and to ensure all interested parties have confidence that the Council has properly considered these matters prior to issuing any permission for this application.

Finally, this report concludes that there are exceptional circumstances in this case that would warrant using a negatively worded condition requiring a s.106 legal agreement to be entered into before development can commence rather than requiring prior entry into a legal agreement before any permission is issued.

RESOLUTION TO APPROVE

At the meeting on 30 March 2016, members of the Council's Planning Committee resolved to grant planning permission for this development subject to conditions and prior entry into a S106 legal agreement securing various planning obligations (see Appendix B). At the meeting on 20 July 2016, members of the Council's Planning Committee resolved to delegate authority to officers in liaison with the chair and vice chair to agree changes to the proposed planning obligations (see Appendix C). Taken together, the previous resolutions of approval delegate authority to officers in liaison with the chair and vice chair to issue permission for the current application subject to prior entry into a S106 legal agreement and subject to worked-up versions of the planning conditions presented in the original report to members in an abridged format.

REASONS FOR APPROVAL

In the original officer report (Appendix B), it was acknowledged that the proposals are contrary to adopted policy in the Bolsover District Local Plan. This remains the case because the proposals involve development outside of the settlement framework in open countryside on Grade 2 (best and most versatile) agricultural land. However, in 2016, it was considered that the Council could not demonstrate it had a five year supply of housing and at the time the original resolution to approve this application was made by members: the absence of a five year supply of housing supported the officer recommendation.

The Council now considers it has a five year supply of housing and it is therefore important to consider if this change in circumstances would alter the Planning Committee's resolution to approve this application prior to issuing any planning permission on the current application.

In making this assessment, it first has to be acknowledged that the proposals are included in the consultation version of the new Local Plan as an important strategic site. The proposed development of the site is not only required to meet housing need in the District it is also considered that approval of the current proposals is critical to achieving the overall strategy in the new Local Plan for sustainable and deliverable growth and regeneration of the town and the District as whole over the fifteen years following its adoption.

Although the emerging Local Plan cannot be afforded the same weight as the adopted Bolsover District Local Plan, it is a relevant and material consideration and importantly, the inclusion of the current proposals as a strategic site in the new Local Plan demonstrates that the sustainability credentials of the current proposals have been thoroughly assessed and the proposals are compliant with policies in the National Planning Policy Framework in all other

respects.

In summary, the new Local Plan confirms that the proposals in the current application offer an excellent opportunity to grow the town significantly within close proximity to its services and facilities and key public transport nodes. Furthermore, granting planning permission for the current proposals would result in securing a wide range of substantial public benefits including significant contributions to infrastructure such as highway improvements and enhancing the local road network; enhancing provision of primary education in the town; provision of a town park and other green infrastructure; and provision of extra care/affordable housing to meet local need.

It is therefore considered that there are material planning considerations that are relevant to the current application that justify an exception to the Bolsover District Local Plan in this case. Moreover, it is considered that an approval of the current application would be an exception to adopted policies rather than a departure because the proposals would provide a well planned and high quality development to create a sustainable addition to the town to aid its regeneration in accordance with the strategic objectives of both the adopted Local Plan and the new Local Plan.

In addition, the application has been subject to environmental impact assessment and this document and other information submitted as part of the planning application process demonstrate that the impacts would not be significant in EIA terms and where impacts have been identified; these can be sufficiently mitigated by the use of appropriate planning conditions and obligations.

It is therefore considered that any approval for the current proposals would be a justified exception to the adopted Local Plan and there is sufficient evidence available to the Council to conclude that the benefits of granting planning permission for the current application would significantly and demonstrably outweigh any adverse impacts of doing so when assessed against the policies in the adopted Local Plan, the new Local Plan and the National Planning Policy Framework when taken as a whole.

Accordingly, officers continue to recommend approval of the current application subject to the conditions listed below and subject to the planning obligations listed in Appendix A attached to this report.

PLANNING OBLIGATIONS

The planning obligations listed in Appendix A effectively form the heads of terms for the section 106 legal agreement that has been agreed by all interested parties but now requires signing. Officers consider all the obligations meet relevant legal tests including the tests in the CIL regulations and the policy tests in the National Planning Policy Framework because (i) they are reasonably necessary to make the proposed development acceptable in planning terms; (ii) they are reasonably related to the proposed development in type and kind; (iii) they would fulfil proper planning purposes within the scope of s.106 of the 1990 Act; and (iv) the obligations could not be ruled out because of pooling restrictions.

Therefore, the proposed obligations in the legal agreement can be considered to be valid planning reasons for considering approval of the current application and the legal agreement meets the fundamental test of necessity as it is required to secure many of the public benefits that serve to justify approval of this application as an exception to the Development Plan.

PLANNING CONDITIONS

The suggested conditions listed in the next section of this report are considered by officers to meet the six tests for conditions set out in the National Planning Policy Framework because they are considered to be reasonably necessary to make the proposed development acceptable in planning terms, and they are precise, enforceable, relevant to planning and reasonable in all other respects. The applicant has agreed the list with officers and the list is substantively the same as proposed in abridged form in the original report presented to members in 2016.

However, officers are now recommending an additional Grampian condition requiring entry into a s.106 legal agreement based on the heads of terms set out in Appendix A prior to commencement of any development on site.

Firstly, it should be noted that Planning Practice Guidance says that a negatively worded condition [such as a Grampian condition] limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. Planning Practice Guidance goes on to say ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed. It also encourages the parties to finalise the planning obligation or other agreement in a timely manner and is important in the interests of maintaining transparency.

However, Planning Practice Guidance also says that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk.

In this case, officers consider that there is no doubt that the current proposals constitute strategically important development for the District and there are also a number of complexities around delivery and pulling together the land required for the scheme in this case. In turn, the number of different landowners has meant that there has been a significant period of time elapsed from the original resolution to approve this application to the present time. This time has been required to finalise heads of terms and reach agreement with all interested parties but all the interested parties now need to sign the legal agreement before it can be completed. Under the terms of the original resolution, any permission for the current application cannot be issued until this process has been completed. Therefore, officers have suggested the additional condition to allow the permission to be issued and secure the necessary legal agreement prior to commencement of the proposed development.

It is considered this is an appropriate course of action because there is clear evidence that the delivery of the development would otherwise be at serious risk. For example, further

delays may mean options expire and will need to be re-negotiated, which may not be practicable or possible. Whilst the application remains undetermined, it cannot be classed as committed development which means that the transport infrastructure requirements arising from this development may change, and whilst the application remains undetermined, there is increasing pressure to grant other housing developments because the potential delivery of the housing proposed in this application is considered to be less likely to happen. All these issues have the clear potential to adversely affect the viability considerations that underpin the deliverability of the current proposals.

Issuing the permission subject to the suggested condition also gives the applicant and partner organisations more confidence to move towards submitting reserved matters applications and reduces the risks of key interested parties pulling out because the outline application remains undetermined. In addition, the heads of terms for the legal agreement have been agreed and included in this report in the interests of transparency and to ensure that the Planning committee can reach an informed decision on whether the test of necessity is met in this case.

In conclusion, officers consider that the test of necessity is met in terms of the legal agreement and the proposed condition securing this agreement before development commences. In this case, there are exceptional circumstances that warrant this conditional approach and the condition securing the legal agreement set out below is considered to meet the six tests for conditions in all other respects. Therefore, officers recommend that this amendment to the original resolution to approve this application is accepted by members of the Council's Planning Committee.

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

1. Approval of the details of the layout, scale, appearance, landscaping and those remaining access details beyond the three key entry points at Marlpit Lane, Longlands and Oxcroft Lane approved by this permission (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development, or phase of development, is commenced on site or on that phase of development.

[Reason: 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 ten years from the date of this permission and the first such application, relating to one of the phases, shall be made within 3 years of the date of this permission.

[Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.]

3. The development hereby approved shall be begun either before the expiration of three years from the date of this permission or before the expiry of two years from the date of

approval of the last of the reserved matters whichever is the later.

[Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.]

4. The submission of the reserved matters applications shall be broadly in accordance with the details shown in the revised Design and Access Statement dated February 2016 and the revised Illustrative Masterplan HG0750/MP-01 Rev. F dated 21/01/2016.

[Reason: In order to ensure that the development is constructed to an appropriate design quality in accordance with the requirements of policies GEN1 and GEN2 of the adopted Bolsover District Local Plan and the NPPF.]

5. Not later than concurrently with the submission of the first reserved matters within any phase, a supplementary Design and Access Statement for that phase shall be submitted to the local authority for approval in writing. The supplementary Design and Access Statement shall seek to establish the design approach to inform any reserved matters proposals for that phase and should be compatible with the Design and Access Statement dated 14th February 2014, as supplemented and amended by the Design and Access Statement Addendum dated February 2016. Any subsequent reserved matters applications within that phase shall comply with the approved supplementary Design and Access Statement for that phase.

[Reason: So that any reserved matters proposals are informed and shaped by the agreed design code in order to ensure that the development is constructed to an appropriate design quality in accordance with the requirements of policies GEN1 and GEN2 of the adopted Bolsover District Local Plan and the NPPF.]

6. A Site Wide Phasing Programme (generally in accordance with the submitted outline application) shall be submitted to the Local Planning Authority for approval in writing prior to or no later than concurrent with the first Reserved Matters application submitted for the site subject of this permission. The Phasing Programme shall include details of the proposed sequence of development across the entire site, strategic drainage and SuDs infrastructure, the extent and location of individual development phases and the associated access arrangements (including creation, diversion and improvement of pedestrian/ cycle routes and Public Rights of Way) and timescales for implementation of the off-site highway improvements (including inter-alia the junction arrangements shown on drawings numbered: 10020/GA/06/D and 10020/GA/04/H).

[Reason: In order to ensure that the development is delivered in an appropriately phased manner, including the appropriate timing for the provision of appropriate infrastructure.]

7. No development shall commence until the Phasing Programme required under condition 6 has been approved in writing by the Local Planning authority and thereafter each reserved matters planning application for any phase or part of a phase shall be accompanied by an updated site wide phasing programme for the approval of the Local Planning Authority. The development shall then be carried out in accordance with the Phasing Programme as approved and updated.

[Reason: In order to ensure that the development is delivered in an appropriately phased manner, including the appropriate timing for the provision of the necessary highways, drainage and open space and ecology infrastructure and in compliance with policies GEN1, GEN2, GEN5, GEN6, HOU5, TRA7, TRA10, TRA12, TRA13, TRA15, ENV5 and ENV8 of the Bolsover District Local Plan.]

8. No later than concurrent with the submission of the first Reserved Matters planning application a Framework Travel Plan, including proposed Travel Plan targets, shall be submitted to and approved by the Local Planning Authority. Subsequently with each Reserved Matters application a Travel Plan including targets, relating to each phase (or sub-phase as may be agreed in writing with the Local Planning Authority) comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plans shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan targets.

[Reason: In the interests of encouraging sustainable transportation in association with the approved development and in accordance with the requirements of Policy GEN1 in respect of impacts on the highway network.]

9. No dwelling or other premises shall be occupied within any phase (or sub-phase as may be approved in writing by the Local Planning Authority) until the estate street serving that dwelling or premise has been constructed to base level, drained and lit and the garaging, parking, setting down or collection of passengers, servicing and manoeuvring space has been provided in accordance with any approved details and retained free from any impediment to its designated use accordingly thereafter.

[Reason: In the interests of highway safety and in compliance with policies GEN1 and GEN2, of the Bolsover District Local Plan.]

10. The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters for any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) shall include detailed design for the provision of refuse bin stores within private land in close proximity to the street to avoid prolonged obstruction of the streets by refuse vehicles. Facilities shall be provided in accordance with the approved details prior to first occupation of the dwellings to which they relate and retained free from any impediment to their designated use thereafter.

[Reason: In the interests of highway safety and in compliance with policies GEN1 and GEN2, of the Bolsover District Local Plan.]

11. The details to be submitted and approved in writing by the Local Planning Authority as part of the Reserved Matters application for any phase shall include a scheme (including a programme for implementation) for the disposal of highway surface water. The scheme shall be implemented in accordance with the approved details prior to the streets being taken into public use.

[Reason: In the interests of highway safety and in compliance with policies GEN1 and GEN2, of the Bolsover District Local Plan.]

12. No development shall be commenced within any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) until details of the proposed arrangements for the future management and maintenance of the proposed streets within that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance scheme until such time as a an Agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

[Reason: In order to ensure that satisfactory arrangements for the long term management and maintenance of highway areas are provided the interests of highway safety and in compliance with policies GEN1 and GEN2, of the Bolsover District Local Plan.]

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, with the exception of the primary access points to Marlpit Lane, Longlands and Oxcroft Lane (with no through route from Oxcroft Lane to the larger part of the remainder of the site) as shown on the submitted application drawings there shall be no other new means of access either vehicular or pedestrian to the existing highway network unless details are first submitted to and approved in writing by the Local Planning Authority in conjunction with the discharge of phasing conditions above.

[Reason: In the interests of highway safety and in compliance with policies GEN1 and GEN2, of the Bolsover District Local Plan.]

14. Archaeology

- a) Not later than concurrently with the submission of the first reserved matters application within any phase a programme of archaeological field evaluation and subsequent reporting shall be submitted to the Local Planning Authority for approval in writing.

- b) No development shall take place within any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) until a Written Scheme of Investigation for archaeological work within that phase has been submitted to and approved by the local planning authority in writing for that phase or sub-phase, and until any pre-start element of the approved scheme within that phase has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

c) No development within a relevant phase shall take place other than in accordance with the Programme and Written Scheme(s) of Investigation approved under sections a) and b) of this condition.

d) No development within a relevant phase shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Schemes of Investigation for that phase approved under part b) of this condition.

[Reason: In order to facilitate the protection or recording of the archaeological interest of the development area and in compliance with policies GEN2 and CON13 of the Bolsover District Local Plan.]

15. The Landscaping details submitted to accompany any reserved matters application for any phase or sub-phase of the development shall be accompanied by details for the proposed means of permanent management and maintenance for all public areas (anything not proposed to be contained within the curtilage of an individual property, i.e. the grounds of any dwelling; education establishment; or extra care facility) at all times following completion of that phase or sub-phase of the development, including timescales for implementation. The agreed details shall be implemented in accordance with those details and maintained in the manner approved at all times thereafter.

[Reason: In order to ensure that appropriate means for the long term management and maintenance of all public areas is provided in the interests of the establishment of such areas and the character and appearance of the development and its wider setting and in compliance with the requirements of policies GEN1 and GEN2 of the Bolsover District Local Plan]

16. Any reserved matters application for layout and landscaping shall provide for the retention and creation of hedgerows generally as identified on Hedgerow Plan HP-01 Revision A. Unless approval to vary the detail is approved as part of any reserved matters submission(s), the hedgerows to be retained on site (as defined on Drg No HG0750/HP-01 Rev. A) shall not be removed and shall be protected from damage during site preparation works and construction works by the erection of protective fencing set back at least 2m from the centerline of the hedge. There shall be no ground disturbance or storage of materials within the protected areas unless an exception is approved in writing by the Local Planning Authority.

[Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies GEN2(11) and ENV5 of the Bolsover District Local Plan.]

17. In accordance with the recommendations in Section 12.2.9 of the submitted Geo-environmental Appraisal Report (October 2013), remedial works to deal with any

fissures including: excavation of the treated ground to expose the fissures; grouting and consolidation of any open fissures; suitable reinforcement of the footings; capping of the fissures at rockhead; and a no build stand-off area from any fissure encountered, shall take place prior to development within the affected part(s) of any phase or sub-phase of the development.

[Reason: The Geo-environmental Appraisal Report (October 2013) advises that coal mining legacy potentially poses a risk to the proposed development and that remedial works are required to treat the fissures to ensure the safety and stability of the proposed development and in accordance with policy GEN7 of the adopted Bolsover District Local Plan.]

18. Prior to the commencement of development within each phase or sub-phase, a construction management and mitigation plan for that phase or sub-phase shall have been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall cover:
- Construction traffic routing plan;
 - Proposed temporary means of construction access;
 - Site accommodation;
 - Storage of plant and materials, including how any potentially polluting materials will be stored to minimise the risk of pollution;
 - Parking and manoeuvring of site operatives and visitors vehicles;
 - Loading, unloading and manoeuvring of goods vehicles;
 - Hours of operation;
 - Method of prevention of mud and debris being carried onto the highway;
 - Dust management provision;
 - Measures to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity;
 - An assessment of the risks posed to groundwater during the construction phase of the development;
 - The implementation of mitigation measures designed to protect groundwater;
 - Details of a protocol to deal with any pollution that may occur during the course of construction.

The Construction Management and Mitigation Plan shall be implemented as approved and not altered without the prior written approval of the Local Planning Authority.

[To ensure protection of the Principal Aquifer, public health, highway safety and ecology and in compliance with Policies GEN1, GEN2, GEN4, ENV5 and ENV6 of the Bolsover District Local Plan.]

19. Any application for approval of reserved matters for the areas shown as Phases 1A and 5 in the originally submitted Design and Access Statement by Spawforths dated 14th February 2014 (in the vicinity of Farnsworth Farm to the east) shall include an assessment of an existing noise profile between the development site and neighbouring properties, for both airborne and impact sound. A report detailing this, and any recommended upgrading of the noise insulation for any new dwellings so as to prevent loss of amenity to the proposed residents from activities currently taking place

in surrounding areas, shall be submitted to and approved by the Local Planning Authority. All such recommendations in the approved report shall be undertaken prior to first use of the affected dwellings identified in this submission.

[Reason: Farnsworth Farm to the east is an established noise generating activity and appropriate mitigation measures need to be designed into dwellings that would be affected by such activity to ensure that the impact is reduced to an acceptable level, to ensure the continued operation of the adjoining business and in accordance with policy GEN3 of the adopted Bolsover District Local Plan.]

20. Unless otherwise approved in writing by the Local Planning Authority, development within any phase or sub-phase, other than that required to be carried out as part of an approved scheme of remediation, must not commence until 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 for each of the different zones, 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 assessments must be undertaken by competent persons and written reports 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; this should include details identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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 LPA for consideration. Only the soil approved in writing by the LPA shall be used on site.

[To ensure protection of the Principal Aquifer and in order to protect public health and ecology and in compliance with Policies GEN1, GEN2, GEN4, ENV5 and ENV6 of the Bolsover District Local Plan.]

21. No development shall take place within any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) until drainage plans for the disposal of foul

sewage has been submitted to and approved in writing by the Local Planning Authority for that phase (or sub-phase). The scheme shall be implemented in accordance with the approved details before any development within any phase (or sub-phase) is first brought into use.

[REASON: To ensure that the development is provided with a satisfactory means of foul drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and in compliance with Policies GEN2 (9) and GEN6 of the adopted Bolsover District Local Plan]

22. No development shall take place within any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) until a scheme for the improvement or extension of the existing sewerage system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of dwellings within any phase (or sub-phase) until the scheme for improvement or extension of the existing sewage system for that phase (or sub-phase) has been completed in accordance with any approved details.

[Reason The existing sewerage and sewage treatment for Bolsover is known to be virtually at capacity. Therefore in order for this development to commence it is essential that enough sewerage and sewage treatment capacity is provided to cater for the extra flow and in accordance with the requirements of policies GEN2 (9), and GEN6 of the Bolsover District Local Plan.]

23. Each phase of the development shall not be commenced until such time as a scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, to dispose of surface water has been submitted to and approved in writing by the local planning authority in respect of that phase. The scheme shall include:

- The utilisation of holding sustainable drainage ;
- The limitation of surface water run-off to the equivalent Greenfield runoff rate;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of detailed drainage calculations;
- A management and maintenance plan for the drainage system in accordance with DEFRA non-statutory technical standards for sustainable drainage (March 2015);
- Measures to mitigate risks to groundwater from surface water drainage; and
- A timetable for the provision of the drainage proposals insofar as they relate to that phase.

The approved scheme for each phase shall be implemented as approved in accordance with the agreed timetable for its delivery.

[Reason: To ensure that the development is provided with a satisfactory means of surface water drainage to: ensure that the principles of sustainable drainage are incorporated into this proposal; to protect groundwater; reduce the risk of creating or exacerbating a flooding

problem; ensure that surface water discharged from the site is managed appropriately to reduce the impacts of sediment, silt and pollutants derived from the site on the receiving waterbody; to improve and protect water quality; to improve habitat and amenity; to minimise the risk of pollution; to ensure the future maintenance of the sustainable drainage structures; and in compliance with Policies GEN2 (9) and GEN5 of the adopted Bolsover District Local Plan.]

24. No development shall be commenced unless and until a S106 Planning Obligation has been completed (signed by all parties) to address the details included as Appendix A to this planning permission.

[Reason: In order to ensure adequate infrastructure provision is made to mitigate the impacts of the development in respect of leisure and amenity spaces, highway safety and transportation and affordable housing and in order to comply with policies GEN1, GEN2, GEN11, HOU5, HOU6, TRA10, TRA13, TRA15, ENV5 and ENV8 of the adopted Bolsover District Local Plan and in line with the requirements of the National Planning Policy Framework.

Notes

1. This decision is subject to a S106 Planning Obligation and as well as complying with this planning permission document, any developer should also familiarise themselves with that legal agreement and ensure compliance with its requirements.
2. The Council encourages early pre-application discussion ahead of submission of further details in respect of future applications, either for discharge of conditions and reserved matters planning applications as appropriate.
3. The supplementary Design and Access Statement(s) required under condition 5 shall seek to establish the design approach to inform any reserved matters proposals and will need to consider design and layout of the scheme and its component character areas, place hierarchy and key locations/spaces within the site, corner treatments, boundary treatments, materials etc. This should further build on the work already undertaken to date and take forward the detail unable to be provided through the outline application process and should be in accordance with the Council's adopted Design Guide 'Successful Places' or any subsequent design guidance that may supersede that document .
4. Several consultees have advised in respect of issues to be considered for any reserved matters submissions and/or in respect of other controls that may impact on this development proposal. The full comments can be viewed online on the Planning Application pages of the Council's website (www.bolsover.gov.uk). These should be reviewed by any developer and particular account should be taken of any detailed advice in respect of any details that will form part of any future reserved matters or discharge of condition submissions. Of note are: -
 - The Council's Urban Design Officer
 - Derbyshire County Council's Landscape Officer (Included in Strategic Planning comments)

- Severn Trent Water in respect of public sewer responsibilities (A public Sewer crosses the planning application site);
 - Environment Agency and Derbyshire County Council's Flood Risk Management Team in respect of Sustainable Urban Drainage Systems designs;
 - Derbyshire Wildlife Trust in respect of the content of any final Green Space Strategy for the development, including biodiversity enhancements;
 - Natural England in respect of soil handling;
 - Bolsover District Council's Environmental Health Officer in respect of noise, dust and contamination.
 - Leisure Services in terms of design of foot/cycle paths
 - Bolsover District Council's Leisure Services Officer regarding footpath/cycleway proposals.
 - Derbyshire County Council as Highway Authority in respect of highway matters.
 - Coal Authority with respect to affect of fissures on the development.
 - Derbyshire County Council (developer contributions) in terms of broadband provision and details for the upgrade of any rights of way.
5. The Crime Prevention Design Advisor has advised that crime prevention measures should be included at an early design stage. Further advice can be found at <http://www.securedbydesign.com/professionals/details.aspx?forcecode=DERBY>, and the Crime Prevention Design Advisor can be contacted on 01629 536062.
- 6 Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. It is an offence to ill-treat any animal; to kill, injure, sell or take protected species (with certain exceptions); or intentionally to damage, destroy or obstruct their places of shelter. It is thus an offence to take, damage or destroy a wild birds nest whilst in use or being built. Hedgerows or trees containing nests should therefore not be removed, lopped or topped during the nesting season. Bats enjoy additional protection. It is an offence to kill, injure or disturb bats found in the non-living areas of a dwelling house (that is, in the loft) or in any other place without first notifying English Nature. Some other animals are protected under their own legislation (e.g. the Protection of Badgers Act 1992).
- 7 You are advised that the Council will not provide refuse, recycling and composting bins for the development hereby approved; either the developer or the purchaser of the property will have to purchase the bins from the Council. You are advised to provide guidance to purchasers about the bin scheme to ensure that their waste will be collected after occupation. If further advice on this issue is needed you should contact the Council's Waste Collection Service on 01246 242424.

Statement of Decision Process

The Council's officers have worked positively and pro-actively with the applicant on a complex and strategically important site to arrive at a proposal that is a justified exception to the saved policies in Bolsover District Local Plan and consistent with the strategic objectives of the adopted Plan, the emerging Local Plan and national planning policies in the Framework when taken as a whole.

APPENDIX A: PLANNING OBLIGATIONS

Topic	Requirement/Calculation	Contribution	Comment
Leisure/Amenity			
Leisure – Open Space [Town Park]	Town Park - @4.2 ha on Site.	Land plus Landscaping Scheme	<p>Prior to the Commencement of Development of the Phase within which the Town, a Town Park Specification to be submitted.</p> <p>Not to permit occupation of more than 600 dwellings before the Town Park made available for public use.</p> <p>Subject to approval of an associated management scheme.</p> <p>To be transferred to the Council before 95% dwelling occupancy in the same phase.</p>
Leisure – Maintenance of POS (Town Park)	Contribution payable towards the future maintenance and management of Town Park.	£600,000	Payable upon adoption.
Leisure – Open Space [Public Open Space Land]	Provision in line with conditions of planning permission.		By not later than occupation of 450 th dwelling, with associated measures for long term management.
Areas of Incidental Landscaping	Carry out and complete the Areas of Incidental Landscaping in accordance with the conditions		To be carried out within the first available planting season following the Occupation of 90% of the Dwelling in the Phase. To be managed in line with associated management plan to be submitted and approved.
Public Realm Improvements	Submit a Public Realm Scheme on commencement of	£150,000	<i>Sum as part alternative, with secondary education, to initial primary education</i>

	development showing proposals and timings of implementation. Works to be implemented in line with agreed scheme up to total contribution sum.		<i>request, due to error in that request (does not incur additional monies overall)</i>
Transport			
Phase 1 and subsequent Phase Road Network Contribution	Payable on completion of every 60 th dwelling (but first phase contribution back loaded to second phase).	£468.63 per dwelling to a maximum £395,200	
Transport – Travel Plan	To use reasonable endeavours to comply with the terms of the Framework Travel Plan prior to Occupation of the first Dwelling and then during the lifetime of the development.	£10,000	To pay Monitoring Contribution before commencement of construction of 301 st dwelling (no development on phase 2 until contribution paid).
Elmton Lane Improvements	Contribution for works to Bridleway	£79,640	Payable prior to commencement of construction of the 301 st dwelling.
Marlpit Lane TRO	If shown to be required a Traffic Regulation Order to implement a one-way priority working scheme along Marlpit Lane and the extension of a 30 mph zone.	£40,000	Payable prior to occupation of 51 st dwelling.
Marlpit Lane Bus Stop Improvements	Financial contribution towards the improvements to the south bound bus stop (ref. 'dbsgdmwm') on Marlpit Lane adjacent to Welbeck Gardens.	£25,000	Contribution payable prior to first occupation of 51 st dwelling.

Education			
Education Contribution (Primary)	The sum of £1,302.74 per dwelling.		50% contribution payable by 50% occupation of any phase. Balance to be paid by 75% occupation.
New School Contribution	Nursery/infant school – new single form entry infant and nursery school to be provided on 1ha serviced land (Derbyshire County Council providing)	1ha serviced land for infant/ nursery school plus £2,700,000.00 contribution	<p>Safeguard land (with access) to be offered to DCC for sale for £1 by 600 dwellings. DCC to accept by 750th dwelling.</p> <p>£250,000.00 WITHIN 7 DAYS OF THE OFFER OF THE TRANSFER OF THE SCHOOL LAND.</p> <p>£1,225,000.00 WITHIN 15 WORKING DAYS OF RECEIVING A ‘NOTICE OF APPOINTMENT’.</p> <p>£1,225,000.00 ON THE ANNIVERSARY OF THE ABOVE PAYMENT.</p>
Secondary Education Contribution	Contribution to The Bolsover School.	£962.397	<p>50% contribution payable by 50% occupation of any phase. Balance to be paid by 75% occupation.</p> <p><i>Sum as part alternative, with public realm works, to initial primary education request, due to error in that request (does not incur additional monies overall)</i></p>
Additional Secondary Education Contribution	Contribution to The Bolsover School	Maximum £1,526,619.14 as determined in accordance with a Viability Review Outcome	Only payable if necessary through agreed viability review process.

Affordable			
Extra Care Land and/or affordable housing land	Provision of 1ha piece of serviced (road) land to Council for use for extra care / affordable.	1ha Land (serviced – road to boundary).	Land to be offered to the Council before occupation of the 301 st dwelling.
Affordable Dwellings	Up to 10% of the total number of Subsequent Dwellings that may be provided in accordance with the findings of the Viability Review Outcome.		Only payable if necessary through agreed viability review process. To be provided prior to occupation of 75% of Open Market Dwellings on a 'Subsequent Phase'

APPENDIX B: ORIGINAL OFFICER REPORT

PARISH Old Bolsover

APPLICATION	Outline planning application (with all matters except access reserved for later consideration) for residential development in the region of 950 dwellings, provision of an extra care facility (approx 70 units) and an Infant School together with appropriate vehicular, cycle and pedestrian access, associated car parking spaces and open space provision		
LOCATION	Land Between Welbeck Road And Oxcroft Lane Bolsover		
APPLICANT	Persimmon Homes (West Yorks Ltd) and Strata Homes (Yorks)		
APPLICATION NO.	14/00080/OUTEA	FILE NO.	PP-03157152 H6385
CASE OFFICER	Mr Peter Sawdon		
DATE RECEIVED	14th February 2014		

SITE

The site is located immediately to the north of Bolsover Town adjacent to existing residential development between Oxcroft Lane and Marlpit Lane. It is an irregular shape parcel of land extending to an area approximately 38.96 hectares in size. The site is bisected by Elmton Lane, a registered bridleway (Bolsover BW 60) running north south through the site. The site is primarily used as fields for agricultural use with areas of unused rough pasture land. The site is gently sloping with undulating areas with valleys and ridges. The land to the north east generally falls to the north whilst land to the south west falls to a valley within the site.

The site has extensive mature vegetation in the form of bushes, shrubs and several trees around the boundaries of the site and individual parcels of land within the site.

The boundaries of the site are mainly formed with well-established hedges that run across the site forming the boundaries between each field. Adjacent to the existing residential dwellings to the south of the site, some of these boundaries are formed by domestic boundary treatments.

Oxcroft Lane and the existing allotment gardens form the western boundary to the development. Existing residential development along Marlpit Lane/Welbeck Road and Longlands identify the southern and south eastern boundary to the site and these roads comprises a range of dwellings from 2 storey terrace properties closest to the town centre with mainly 2 storey detached houses set within large garden plots further to the north-east.

The site is also divided by Elmton Lane which is an unmetalled bridle path (BW60) running in a north east direction from Marlpit Lane in the south and cutting through the site to join Oxcroft Lane (track) to the north. There is also a network of other public footpaths that cross the site linking Elmton Lane to Oxcroft Lane (FP33) and also between Longlands and Elmton Lane to the South (FP30/FP31).

The site lies immediately adjacent to existing residential development to the west south and east with existing farmland beyond its northern and eastern boundaries. Immediately beyond

the east boundary lies Farnsworth Farm which also accommodates a commercial operation known as NAL Plant Limited that supplies plant machinery equipment and building products to the construction trade.

The southern portion of the site is situated approximated 400m from Bolsover Town Centre.

PROPOSAL

This is an outline planning application for in the region of 950 dwellings on approx. 38.96ha of land, along with an extra care facility (approx. 70 units), an Infant School and a Town Park together with appropriate vehicular cycle and pedestrian access associated car parking spaces and open space provision. This will incorporate a realignment of Welbeck Road at the southern side of the development and of Marlpit Lane at the western side of the development with the creation of a new road through the site between these two points.

All matters are proposed to be reserved for future approval but at this stage, but the means of access of the development, specifically from Marlpit Lane, Oxcroft Lane and Longlands, including the design of the link road, is proposed for determination.

The net developable area of the site for residential use would amount to around 27.93ha.

It is stated that within the extra care facility there would be an opportunity to accommodate a kiosk shop and community room.

It is proposed to provide two new vehicular access points. The first phase of development would be accessed directly off Marlpit Lane situated along the south eastern boundary of the site to access the second phase of development. A further vehicular access will be created directly off Longlands to the south of the site. This will involve the demolition of properties numbers 34, 36, 38 and 40 Longlands and 42 Welbeck Road. The creation of these two vehicular access points into the site will eventually connect together and create a link road running centrally through the development. The link road will create an alternative route into Bolsover from Rotherham Road to the north east and will rationalise and improve traffic movements in the area. In particular, it would reduce traffic movements along Welbeck Road and Marlpit Lane immediately to the south of the newly created junction to serve Phase 1. It is also intended that the link road would also function as a bus route.

The development would provide for a one hectare site for an infant school capable of accommodating 420 pupils. This would be located within the south eastern part of the site in order to be close to Bolsover Junior School and Bolsover Town Centre

Throughout the site it is proposed to introduce well landscaped routes with significant new tree planting to enhance the quality of the development and soften the visual impact of development in long distance views from the surrounding countryside. In addition to this, it is proposed to create a Town Park amounting to 4.25 hectares in size which will not only be used by the prospective occupiers of the development but also the wider community. Semi natural greenspaces amounting to 2.34 hectares in area are proposed to the north of the Town Park and along the existing Elmlton Lane to create a central green pedestrian spine to the scheme connecting pedestrians from the Town Park to the countryside to the north. Further onsite openspace is provided in the form of public realm and play areas.

As part of the underlying drainage strategy, it is proposed that within the low part of the site and within the semi natural greenspace area, a wetland feature basin with a capacity of 9,200m³ will be provided. This would be situated along the northern fringe of the development. The design of the wetland basin is primarily concerned with safety. It would have 300mm depth of permanent water with localised 600mm deep pockets. The sides would not exceed 1 in 7 and around the perimeter would be a 3m wide level track allowing for access for maintenance. The depth of water during a storm condition would be approximately 600mm deep above the permanent water level for the 30 year storm and approx. 1000mm for the 100 year storm including 30% allowance for climate change.

It is stated that consideration has been given to improving linkages and routes for both cyclists and pedestrians. This would result in improved connections to the surrounding countryside as well as to the services and community facilities within Bolsover. The existing public rights of way are proposed to be maintained apart from footpaths no.FP30/FP31 within the southern part of the site which will be redirected around the proposed school and so it aligns with the proposed highway network.

The planning application is supported by the following documents:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Transportation Assessment
- Travel Plan
- Environmental Impact Assessment that covers:
 - The need for the development and the alternatives considered;
 - Landscape and Visual Assessment
 - Ecology
 - Hydrology and Drainage (including a Flood Risk Assessment)
 - Cultural Heritage and Archaeology
 - Transport and Access
 - Air Quality
 - Noise and Vibration
 - Ground Conditions
 - Socio Economic Conditions
 - Cumulative Impacts and Interrelations.

S106 Heads of Terms have been submitted as follows: -

- Provision of Town Park on Site (Land plus Landscaping Scheme)
- Contribution payable for maintenance of Town Park in perpetuity. Payable upon adoption. Potential for phased payment over latter phases? £600,000
- Public Art £50,000
- Road Network Contribution of £416 per dwelling to a maximum £395,200, payable on completion of every 60th dwelling, with first phase contribution back loaded to second phase.
- Travel plan monitoring contribution of £10,000
- Elmtan Lane Improvements for works to Bridleway £79,640
- Marlpit Lane Transport Regulation Order for stopping up once access road is linked.

£40,000. Payable upon grant of second phase RM approval

- Marlpit Lane Bus Stop Improvements £25,000
- Education Contribution (Primary only). Serviced land for infant/nursery school and £5,000,000 contribution towards cost of new school in phased payments.
- Affordable Housing - Provision of 1ha piece of serviced (road) land to Council for use for extra care / affordable. No affordable homes on site but review mechanism in place on a phase by phase basis.

AMENDMENTS

- Drainage Strategy document submitted 28/04/14;
- Plan refs. 0020-GA-04 REV H [Indicative layout], 10020-GA-06 REV B [access arrangements], 10020-GA-07 REV A [Link Road Phasing], Built Form Masterplan; Addendum to Design and Access Statement; Amended Cultural Heritage Statement October 2015, Ecological Position Statement, Revised Heads of Terms, Supplementary Landscape and Visual Appraisal, Transport Position Statement, all as received under cover of letter dated 5th November 2015 from Signet Planning; and Addendum to Heritage Assessment November 2015 received on 23rd November 2015.
- Revised Supplementary Landscape and Visual Appraisal dated February 2016; Brooks Ecological letter dated 11 February 2016; Proposed Longlands Access Arrangements Drawing No. 10020/GA/06 Rev D; Addendum to Design and Access Statement dated February 2016; Illustrative Masterplan Drawing Ref: HG0750 MP-01 Rev F; Character Area Plan Drawing Ref: HG0750 CAP-01 Rev A; Boundary Treatment Plan Drawing No: HG0750 BTP-O1 Rev A; and Hedgerow Plan Drawing Ref: HG0750 HP-O1 Rev A received on 11th February 2016.
- Revised Design and Access Statement and drainage update received 25th February 2016.

HISTORY No relevant planning permission history

CONSULTATIONS

Archaeologist – Site may have archaeological significance, but application has not yet met the requirements of the NPPF as the significance of the heritage assets is not understood, such that further works and submissions will be needed 20/3/14. Previous comments still apply 10/12/15. Considers that the archaeological interest could be managed through planning conditions, provided that the field evaluation (trial trenching) phase takes place as soon as possible following the grant of outline consent but before any reserved matters application for layout 18/02/16.

Coal Authority – The Coal Authority has noted the presence of fissures on the site as identified in the Geo-environmental Appraisal Report (October 2013) submitted with the planning application. It advises that this coal mining legacy potentially poses a risk to the proposed development and that remedial works are required to treat the fissures to ensure the safety and stability of the proposed development. The Coal Authority recommends the imposition of a Condition should planning permission be granted for the proposed development requiring that any necessary remedial works are undertaken prior to commencement of development. 1/4/14.

Derbyshire County Council (Planning – Developer contributions) – Seeks provision of access to high speed broadband services; contributions to maintenance of greenway provided on the development; contribution to bridleway surfacing outside of application site; contribution to

design of bridleway highway exit improvements off site and further contribution to its provision; a replacement and extended Infant and Nursery School; contribution to expanded Junior and Secondary School provision and New homes being designed to lifetime homes standards 16/4/14. No further comments to add based on additional submissions 7/1/16 Derbyshire County Council (Strategic Planning) - proposed development is in broad conformity with national, former regional and emerging local planning policy for large-scale residential developments. However, there are a number of issues requiring further consideration relating to the need:

- to consider the provision of a small-scale neighbourhood centre on the site to reduce reliance on the private car;
- to consider the individual and cumulative implications of the proposed development together with the former Coalite proposals on infrastructure in the area, particularly school place planning provision;
- for further collaborative working between BDC, NEDDC and DCC to consider the individual and cumulative housing land supply implications of the proposed housing development on this application site and the former Coalite site;
- for up to 10% of the housing development to be provided as affordable / extra care units and for this to be made subject to an appropriate planning condition or Section 106 Agreement; and
- to address the landscape concerns expressed above about the robustness of the LVIA; the suggested design amendments to help mitigate the impacts of the development as far as possible; and the need for careful consideration to be given to cumulative impacts on landscape and landscape character of the development proposals and those on the nearby former Coalite site.21/5/14

Further landscape impact and design comments to those above were made following the receipt of further documents relating to these issues. Considered that the assessment and conclusions in the Supplementary Landscape and Visual Impact Assessment (SLVA) are broadly acceptable, which broadly concludes that the Limestone Farmlands Landscape Character Type (LCT) has a medium sensitivity to development of this type and there are a number of surrounding receptors that will experience a moderate level of visual impact associated with the proposal. The document contains some inaccuracies that need amending.

A development of this type and scale cannot be delivered without some level of impact on the landscape fabric, character and visual amenity of the area and ultimately its success will very much depend on the extent to which certain features can be protected and the overall design quality of the scheme. This is acknowledged in the SLVA, which concludes that: "The site is located adjacent to the north eastern urban edge of Bolsover and is set within a landscape character with a Medium landscape value and Medium susceptibility to change. As such, it has been assessed as being able to accommodate a well-designed and considered development as set out by the Illustrative Masterplan". DCC's Landscape Officer agrees with the judgement that this landscape is capable of accommodating a "well-designed and considered development". The letter goes on to raise detailed concerns over specific layout and design issues. 27/1/16

Further landscape and visual impact comments were made following receipt of further documents intended to address the previous comments on this issue. This has addressed some technical inaccuracies in the SLVA document. Highlight the need to look closely at final tree planting proposals. In noting the applicant's stance that the application is outline such that a number of detailed issues are not intended to be fully addressed now, DCC's

Landscape Architect maintains some concerns over indicative documents and images submitted. 3/3/16.

County Councillor Dixon (comments received as part of Derbyshire County Council (Strategic Planning) summarised above.

- The development would cause further pressure on the Town End Junction, which is already highly congested at peak times;
- In relation to the encroachment of the development on the Magnesian Limestone farmland, it should not extend beyond Elmtan Lane;
- There would be unsuitable vehicular access via Longlands, which is already a congested area with an infant school nearby; and
- The development would cause extra traffic on Marlpit Lane, where there is a significant pinch-point and narrowing of the road.

DCC (Highways) – Interim comments and comments on Travel Plan received 22/4/14. Advice regarding ongoing discussions between the developer and the Highway Authority with indication of main issues for resolution 9/5/14. Proposal is acceptable in principal but Highway Authority is continuing discussions regarding S106 highway contributions 4/1/16

Public Arts Officer – Seeks a public art contribution. This development will be a good site to use working alongside public open space to provide public art, artistic landscaping, community engagement etc bringing together the various aspects of open space with the arts combining performance with creative spaces and providing a relaxing leisure atmosphere and space for local communities to enjoy. 8/4/14. Re-iterated initial comments on 8/1/15

Leisure – Subject to finalising details, happy with overall provision including provision of a Town Park which will need to provide adequate space for sport. Comment on hedgerows and footpaths crossing the site. 9/6/14. Note loss of informal play areas that are of limited use and benefit so happy with layout. Comments re footpaths and bridleways. Happy with S106 heads of terms for leisure facilities and public art. 12/1/16

Severn Trent Water – No objections subject to condition and advisory note 31/3/14

Yorkshire Water – Clarification needed over conflicting information in submitted documents, along with additional information required drainage design 14/4/14. Further information still required 23/10/14. Additional information still required regarding discharge rates from the development to the public sewer 7/1/16 Happy with the proposed drainage proposals, but note that the developer is still to provide proof of where highway drainage connection to the combined sewer 9/3.

Crime Prevention Design Advisor – No information in Design and Access Statement to what crime prevention measures are to be implemented into the design that should be included at an early stage. Design and Access Statement should be amended accordingly 2/5/14

Policy – site is in a very sustainable location designed to integrate with its surroundings and to comply with the Bolsover North Strategic Allocation Design brief . Acceptable from a policy perspective. 9/6/14

English Heritage –Need to have special regard to the need to recognise and protect the setting of the Conservation Area and the setting of the scheduled earthwork adjacent, which forms part of the medieval boundary ditch to the planned town. Urge this issue to be addressed and recommend the application be determined in accordance with national and local polity guidance, and on the basis of your specialist conservation advice 26/3/14

Historic England (former English Heritage) – refer to earlier comments (as English Heritage – see above). 7/12/15

Conservation Officer – Amended Heritage Statement needed; needs to include further assessment, with particular regard to Conservation Area and Scheduled Ancient Monument

(Entrenchments) 5/6/14. On the basis of revised information concurs with the findings that there will be no direct impact on designated heritage assets; the significance of the designated historic assets will not be affected by the development; and the setting of the designated historic assets will not be affected by the development. 22/02/16

Urban Designer – Advises updates are required to Design and Access Statement to address concerns in respect of overall design concepts 30/5/14. The Design and Access Statement has sought to address outstanding design matters, although not all design issues have been reconciled. However, given the outline nature of the proposal and the very large scale of the development it is considered that this provides an Urban Design framework to underpin more detailed design work ahead of any subsequent reserved matters proposals. Advisory notes and conditions are recommended to guide and secure this through a requirement to provide suitably timed design code ahead of the submission of any reserved matters. 17/3/16

Strategic Housing Officer – Extra care facility alone unlikely to be sufficient affordable provision, but can contribute (amount will need establishing). No provision before 200 dwellings acceptable given the scale of the development. 4/4/14. OK in principle for the affordable housing provision to be via provision of serviced land for construction of an extra care facility, subject to resolving detailed issues over likely tenure mix. Note issues surrounding viability and wish to see a mechanism so that viability can be reviewed on a phase by phase basis to establish if there should be any further affordable housing provision 18/01/16

Derbyshire Wildlife Trust – Additional information requested: confirm amount of hedgerow to be lost; amount of hedgerow proposed to be provided; amend green space strategy; measures for skylarks 12/5/14. Despite amendments still consider that in order to be able to result in no net loss of biodiversity, further information and mitigation is required in terms of hedgerow loss and Skylark habitat 7/1/16. Consider that subject to condition, the hedgerow loss can be satisfactorily mitigated, but consider that the proposal will result in an adverse impact on breeding Skylark. 11/3

Natural England – No objections and no conditions requested. Refers to standing advice on protected species and seeks additional information on quality of agricultural land 3/4/14; Note that the development proposes the irreversible loss of 38.96 ha of best and most versatile land and draws attention to Government policy as set out in paragraph 112 of the National Planning Policy Framework in that respect. Further comment is made in respect of safeguarding soil resources as part of the overall sustainability of the development, and advises that the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling 22/7/14. Refer to earlier comments 11/12/15

Economic Development - The Economic Development Section supports the planning proposals to develop a new strategic housing site along with extra care facility and infant school. The proposals will complement the proposed and planned development identified for Bolsover. An increased population in the town will help sustain and strengthen Bolsover town centre. 21/3/14

Environmental Health Officer – conditions recommended in terms of noise, air quality and contamination 13/3/14, 17/4/14 and 19/5/14

Environment Agency – No objections, but recommends conditions 16/4/14. Nothing to add to earlier comments 2/12/15

Sport England – Objects in its current form. Developments should be required to contribute towards meeting the demand they generate for sport and recreation facilities that should be informed by a robust evidence base. No reference in documents to Leisure and Active Recreation Facilities Strategy and no proposals for indoor/built sports facilities (calculate

demand for 0.62 of a badminton court and 0.07 of an artificial turf pitch). Indicative school position considered acceptable; suggestion that as scheme develops a community use agreement could secure use of school facilities. Would be willing to re-consider objection should further/amended information be provided to address concerns. 25/7/14

Derbyshire County Council (Flood Risk) – It has not been demonstrated that priority has been given to SuDS as per National Planning Policy Framework (NPPF) paragraph 103. The current drainage strategy does not consider appropriate SuDS measures other than a large wetland area to attenuate surface water for the whole site. The County Council would prefer other SuDS measures such as permeable paving, rainwater harvesting and swales to be utilised to form part of the overall surface water drainage strategy. The Flood Risk Assessment (FRA) and drainage strategy provide little evidence to show that treatment stages for surface water have been considered to help improve the quality of surface water prior to disposal off site. The applicant should demonstrate the appropriate level of treatment stages from the resultant surface water. Conditions are recommended. 04/01/16

NHS - The proposal would trigger the need to provide health related section 106 funding of £551 per dwelling based on 2.3 person occupancy. A development of this nature would result in increased service demand which would not be easily accommodated within existing community health service resources. It is most likely that the solution to sustainably meet the needs of the development that any contribution to community healthcare services would ideally be invested in enhancing capacity/infrastructure with existing local services. 10/12/15

Ramblers Association – Consulted, but no comments received.

Old Bolsover Town Council – Consulted, but no comments received.

PUBLICITY By site notice, press advert and 156 neighbour letters.

The initial consultation/publicity resulted in the submission 30 letters of representation. Following revised documents that were received a second consultation/publicity process was undertaken in August 2015 that resulted in the submission of a further 11 letters of representation. The representations receive raise the following issues: -

School Provision

The Chair of Governors of Bolsover Infant and Nursery School has stated that the existing school building in Welbeck Road is mainly over 100 years old and is inadequate for current requirements, let alone future generic growth. In discussions with Derbyshire County Council it has been mooted that this proposed development, which already includes the provision of a new school building to accommodate the children of families resident in the new houses, would present an opportunity to rectify the issues with the current building.

We would like to suggest that the proposals be clearly and unambiguously designated in the following way:

1. The proposed new infant school mentioned in the application should be considered to be a replacement for the existing building, with extra capacity to allow for generic expansion as well as the influx of new families.

2. As a result of this move, the existing premises in Welbeck Road would then be available to the Bolsover C of E Junior School for expansion of their site, to accommodate the corresponding growth in their population.

There is no rational argument for the building of a third school while the current inadequate facilities persist. We think this is an opportunity to improve Bolsover Infant & Nursery School

through the provision of a new building that is fit for purpose.

Principle

Dissatisfaction at the treatment received through the process is unacceptable with insufficient support from the right people i.e. Councillors, Authority. Council is viewed as a law unto itself and will do as it pleases. Local Plan Strategy does not reflect the aspirations of the local community; indeed, it has been consulted but opinions ignored. Where do the statistics for Bolsover Growth come from? These figures are doubted. It has taken Bolsover centuries to grow to the size it has; how sustainable to allow huge development in one go? The huge scheme at Clowne will more than fulfil Bolsover Council's obligations to provide new housing so why spoil two towns. Loss of greenfield site. Loss of viable/prime/grade 2 agricultural land. Land is of greater agricultural value than that required for 14/00089/OUTEA; it is unclear which application will take priority, before considering other sites with planning permission and other brownfield sites. Will have a devastating impact on green space in the locality and destroy an area of green space and allotments that is used regularly and enjoyed by local people, and inhabited by wildlife. There are several brownfield/unsightly sites in the area (former Courtaulds and depot sites at Oxcroft Lane; Coalite; land between Woodhouse Lane and Hilltop). As Morrisons are no longer developing in the town centre why not fill that eyesore first? These should be cleaned up and developed first. If the area is so greatly in need of extra housing why has this development not progressed? Cannot keep building on good quality farmland, brownfield must be used first. It would appear that this development is a foregone conclusion and will go ahead so we send our comments in the mind that they are likely to be disregarded anyway. Moved to Bolsover because it is a semi-rural location, however this proposed development will remove the rural element. Will remove rural outlook; will look out onto medium/high density development and school developments. What defines medium/high density – How many properties per acre for example? Can the development be reduced in size so that at least some of the countryside is retained? We realise that Bolsover Council has a target to meet for new properties, and of course some development needs to happen, but at what cost? Once the fields are covered in concrete that's it, there's no turning back. Other locations on the outskirts of the town would provide the same potential for development without such a negative impact on existing residences and green space. Oxcroft Lane is rural in outlook, provides a countryside edge to Bolsover North with pleasant outlook and walks and should be preserved as such for residents and Bolsover people who enjoy it. The allotments should be left undeveloped as they are part of the rural feel of the Lane and provide a break between the Lane and the proposed Development. Building on the allotments for residential use would destroy the rural look of the Lane. Note indicative design features show retained hedgerow and fewer smaller houses; if these do not have access onto the land should reduce the impact. Humans are destroying our hedgerows and cutting down our trees needlessly. As a result of ongoing development on such sites, around the world, climate change and the decrease of native birds and wildlife are occurring at accelerated rates. At a micro level, Bolsover District Council could do something positive by not contributing to this further, by not development green spaces. If the development proposes to build on the allotments, then I would object to the proposals if allotments are not provided elsewhere. I believe the council is statutorily obliged to provide land for allotments; future reserved matters should incorporate the same or the council should reallocate some land. Does the Council take local feelings into account when making these decisions or just look at increased revenue from Council Tax? Every day we read in the press the UK is unable to grow sufficient food to feed its population. Why does this council not appreciate or value green sites? Many

Councils across the UK are taking the approach to build smaller developments to maintain local character, and minimise infrastructure impact, smaller developments fit in better with existing townscapes, giving a better balance of new housing and help to maintain the rural appeal. Unfortunately Bolsover Councillors appear to be on a mission to concrete over green sites with this development, Bolsover East and Morrisons. On the one hand they frequently talk about Bolsover as a tourist attraction, but this and other developments are eliminating valued green assets. The development does not accord with the development plan - if Bolsover Councillors had got their act together and renewed the 14 year old Local Plan, we would not be staring down the barrel of developers' "presumption in favour of sustainable planning". The number of proposed properties is high; see little evidence of plans to support business growth on a scale to support up to 1000 new residents. Can the council demonstrate a viable plan to help generate the additional 1000+ sustainable jobs required? Is it practical to have this and Morrisons development at the same end of town? What is meant by Extra Care Facility; will these be for the elderly or drug addicts, or even elderly drug addicts? Seem to be in the dark and at the mercy of the rumour mill. Danger of overstocking the market with approved developments here and elsewhere. Council must be sure it does the right thing or could end up looking foolish; without proper integration could be a disaster. Will change the character of the small town. Out of character with existing properties in the Bolsover area, namely along Welbeck Road. Using open green space as a quick fix to meet targets when other brownfield sites are available. The Local Plan has yet to be finalised and the decision to drastically change the town should be held off until an inspector has given independent approval on the land allocation. Why would people want to move to a town with few facilities? Development will be for commuters. Where is the financial benefit to our local shops and Bolsover's economy? Construction jobs should be given to local firms and contractors so at least someone from the area could benefit from the scheme. No provision for employment on the estate. Misrepresentation that 10% of the site is for affordable homes when a 70 bed nursing home is counted towards this; just a way to allow developers to make more profit. Query whether the site is viable given sales and land rates locally. This proposal prioritises the development of greenbelt land whilst many Brownfield sites are available in the locality. Councils should use their Local Plan, drawing on protections in the National Planning Policy Framework, to safeguard their local area against urban sprawl, and protect the green lungs around towns and cities. Once established, green belt boundaries should only be altered in exceptional cases, through the preparation or review of the Local Plan. In the absence of a Local Plan, with the draft planned for review Oct 2016, I would suggest any major developments within the Bolsover area be deemed outside of this process outlined by Government NPPF and therefore be rejected. Pockets of green areas within the proposed site are not sufficient and not in keeping with the rural setting. Open green space is valuable to a town like Bolsover that currently has no leisure facilities within the town, and the heritage of our rural town need to be preserved for the future generations or our local children. Knocking down housing to provide access to this estate is not the answer. If there is a shortage of housing then why would you feel the need to knock down perfectly good homes that are already there? It is not clear on how many houses out of the 950 to be built would be classed as 'affordable' and I would urge the council to stick to the bare minimum requirements here. There are so many homes already within Bolsover that are boarded up on the Castle estate and in New Bolsover on the Model Village. These homes should be made habitable as priority if there is such a shortage. Negative impact on infrastructure including schools, health facilities, car parking and bus services; further leisure facilities need putting in place. Do not think we need further shopping facilities to service the area as online shopping seems to be

the pattern that families are generally following nowadays, and we do not want eyesores of derelict shops. Who will be our neighbours? - Out of the 950 homes how many will be privately owned and how many will be social housing for Dole, Immigrants etc? We do not want this for Bolsover - Social housing brings higher rates of crime to an area and this is not scapegoating this is fact.

Ecology/Biodiversity

Proper nature study should be conducted. Have heard Owls, seen bats etc. Concerned with the loss of hedgerows and trees and the proposals should make sure that equivalent or more are reinstated in the development. Wildlife will suffer dramatically. There is a colony of bats at the top of the lane which are a protected species; how will these be re-homed. Also rabbits, foxes, pheasants and hares, which are all part of the environmental food chain. The hedgerows are well over 100 years old and provide a safe haven for birds and wildlife. Offer of wildlife corridors is a cheap shot at currying favour for the proposal. Countryside areas are not sufficient to house the wildlife that currently reside in our local countryside; more should not be lost. Humans are destroying our hedgerows and cutting down our trees needlessly. As a result of ongoing development on such sites, around the world, climate change and the decrease of native birds and wildlife are occurring at accelerated rates. At a micro level, Bolsover District Council could do something positive by NOT contributing to this further, by NOT developing green spaces. Loss of wildlife habitat should be taken more seriously; wildlife corridors are just a sop by the developers. Documents make reference to hedgerows that do not exist.

Amenity

Plans indicate grassed area to run up to the side of 44 Welbeck Rd, causing possible damp issues etc to brickwork increase in rubbish and animal fouling. Inability to park directly outside the front of our property due to proximity of proposed junction. Noise concerns over the increase of traffic and foot fall causing an increase in the carbon footprint for the area. Privacy surrounding our property is going to be minimal due to lack of space to erect sufficient walls, fences etc to be able to maintain a secure environment for our grandchildren with added dangers of busy roads proposed. Adverse effect on all neighbouring boundaries by reason of loss of privacy and overlooking onto existing private gardens and rear of properties. This and environmental issues (noise and other pollution) will be an intrusion of our privacy and an infringement of Article 8 of the Human Rights Act 1988 (Right to respect for private and family life). No details of house types; 2 and 2.5 storeys will impact more than single storey. Very few new hedges of suitable height to be planted to maintain/increase privacy, especially on my boundary where there is no current hedgerow. Suggest that Bolsover District Council is legally bound to condition approval that the privacy of homes and gardens are protected with freedom from unreasonable noise and disturbance. Concern of effects if a wooden screen/fence is erected around properties that would be oppressive and unsightly and protection from this should be provided. Before any work starts developers should erect a screen around property, such as a mature hedge and trees, to limit noise and intrusion. How long will this development take? There will no doubt be noise and dirt/dust etc from the development, but how will this be controlled so that during the build the quality of life for those in this area is not negatively impacted? Loss of existing views from property which adversely affects residential amenities. No supporting document makes reference to major impact on views permanently caused by this development.

Flood Risk/Hydrology

Seem fraught with problems. Straddles watershed between Yorkshire and Severn Trent Water companies; in both cases it is situated over a substantial perched reservoir. It follows that the proposed balancing pond will need an impermeable lining, unless this is in part a soakaway system. Outfall problems in area due to mining flashes, with no apparent outfalls. Several known faults that the Coal Authority is aware of. Creswell Crags is the sole outfall of this system that has already been overloaded by recent development in Clowne; strategic choke point has yet to be surveyed and need improvement before surface water drainage is deemed fit for purpose. Will affect the water table. Will result in flooding.

Highway Safety

Welbeck Road already subject to high levels of on street car parking resulting in dangerous situations when deliveries are being made or people picked up or dropped off, including by emergency vehicles. Town End is subject to heavy congestion. This along with other approved developments (Morrisons, Bolsover East etc) will put more strain on the poor road structures around this area. Would you like to buy these houses on the old roads, price will be a giveaway. Whilst measures are in the plan addressing access capacity onto the site, the potential bottlenecks generated further into the town are not addressed especially with the plan for Morrisons too. At times Welbeck Road is a dangerous road for pedestrians with its narrowing's and thin footpaths. The increase in traffic will add to this danger for the public and increase congestion, noise, and pollution. Proximity of proposed junction on Longlands to vehicular access to 44 Welbeck Road. Roads will be at a standstill. When Steel Lane is shortened, it will make existing parking problems on their worse; would ask for a solid fence to stop access from Steel Lane or some land dedicated to allotment tenants for car parking. Already experience problems with allotment holders parking on Steel lane with resultant access and parking difficulties. Roads cannot take any more strain; proposed improvements will do nothing to ease congestion through Town End, Oxcroft Lane and Welbeck Road etc. Concerned about increased use of Elmtun Lane. Will it be used as an "unofficial" access point to get to the school and potentially to new properties located in the immediate vicinity? Increased number of vehicles being parked on Elmtun Lane and restricting access. How will this be managed so that this doesn't happen? There is reference in the documents that the changes to the road structure will likely make Oxcroft Road quieter, however we feel this is unlikely to happen given the size of the development, in fact quite the opposite is likely to occur. What would Bolsover council do if traffic was increased on Welbeck Road and Elmtun Lane? Our fear is that little would be done after the development is in place. 'Bottle-neck' situations already occur at peak times. Welbeck Road will be affected on both sides - to the rear, Elmtun Lane footpath will be detrimentally affected and the green space behind will be lost; to the front the road will be busier and noisier. Exit road is too close to the Quarry Road junction which is regularly used. With the plan for a school I foresee parents parking on Welbeck road to "nip" their children to the school, if you look at the CofE Junior School and how residents in the area are affected you will note the masses of cars parked all around the area and often across people's drives; I would want to see residents only parking along Welbeck road. Adding extra traffic to the town without further measures in place to proven congestion is short sighted and needs addressing with Derbyshire County Council again before the application is considered. Need to consider impacts of heavy goods vehicles to deliver materials. Will have safety implications if tight restrictions are not put in place for the plant's access. Concern over the access to communal access for Longlands' garages that will be affected

by the proposals. Bolsover Market Place cannot cope with existing public transport, deliveries and pedestrians. People will drive to the town centre, not on foot. No adequate highway leading to/from Rotherham Road and in Bolsover town centre to support the increased volume of traffic in Bolsover town and in particular where the road is suitable for only 1 vehicle to pass around Farnsworth Farm. Whilst it is noted that the 30mph speed limit will be extended near to Farnsworth Farm this is clearly a safety concern. Would like to see Marlpit Lane become a minor road, for access only as it is presently being abused by speeding motorists.

Crime Prevention

Crime is a concern; adding a further 1000 homes will undoubtedly require more emergency services in general. I therefore ask that this is considered and a statement on proposed increase in support for vital services is made available.

Other

Concern from operator of adjoining agricultural contractors business. Whilst not objecting to the proposal, without adequate screening there is potential for disturbance to occupiers of new properties from that business that has large vehicles and movement of materials and equipment and vehicle maintenance and repairs, with typical working hours of 7am to 7pm. Concerned that conflicts would arise that may lead to attempts to restrict lawful activities at the site; such restrictions would affect the viability of the business. Policy GEN3 and NPPF look to secure adequate amenity for neighbours. The NPPF advises that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. Noise should be properly considered and mitigated for in the consideration and determination of the planning application. Whilst acknowledged in submitted documents, no adjustments to site layout are shown as a result. In order to comply with local and national requirements the illustrative masterplan requires alterations; a significant band of planting and/or a noise barrier is suggested. Revised documents do not show any amendments to address these concerns.

Impact on property value. No compensation is offered to those affected.

Comments on inaccuracies within the Design and Access Statement and comment that this demonstrates this has been cut and pasted from other documents.

Comment on the adequacy of the pre-application displays of the applicants. Applicants misled local residents.

Any permission should include conditions to ensure that the development is sustainable and includes measures to enhance the environment of Bolsover by good urban design, use of quality construction materials and green recreational areas. I would ask that the Council sets the standard for the same by insisting on high Code for Sustainable Homes and BREEAM ratings for the buildings to be constructed. The development should be carbon neutral and where not possible, a carbon off-set payment should be imposed on the developer to re-invest back into the local community in eco-projects.

Would be very keen on the council insisting on a section 106 planning obligation on the

developers to provide a financial ring-fenced budget for a future development of a swimming pool in Bolsover, which it is in desperate need of, particularly with the population increasing with 950 extra houses.

Concerned about the aesthetics of these proposed houses. Persimmon Homes are already building in Pleasley and the standard of homes there is very basic. This style of housing would certainly not suit the conservation area in Bolsover and this must be outlined to the builders when taking on such a project, to prevent a beautiful town like Bolsover becoming ugly and down-graded

The Council should name all the properties to be demolished. Those left will be the unlucky ones given the amount of traffic.

Current owner of part of the development site feels he hasn't been informed as to proposals concerning his area of interest; whether or not there is an objection depends on whether the agreement he has (*with the developer?*) is upheld. He has received no information regarding values etc.

Lack of confidence in the council's ability to make sensible decisions on behalf of the town and local residents since the flawed decision to sell public space to Morrison's and the manner in which it was sold, and also the decision to never develop any leisure facilities in Bolsover since the closure of Bolsover swimming baths. Would like to see the decision, if approved by the council, to be reviewed by an independent planning expert and referral to the secretary of State.

Would like to see this application referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009.

Existing access to the rear of properties on Welbeck Road off Elmton lane should remain for both pedestrians and vehicles, if not details are requested; concern over ability to continue to adequately access property.

The Percent for Art Scheme needs to be more practical in Bolsover - we have no need for thousands of pounds to be spend on sculptures when inclusive art schemes can be put in place, this money needs considering and residents need to be consulted on what they think should happen here.

If the houses were to be built would like them to have green features such as solar panels, and reflect the architectural character of Bolsover market town.

What is a 70 bed extra care facility – we really should be told?

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)
- GEN7 (Land Stability)
- GEN8 (Settlement Frameworks)
- GEN11 (Development Adjoining the Settlement Framework Boundary)
- GEN13 (Provision For People With Disability)
- GEN17 (Public Art)
- HOU2 (Location of Housing Sites)
- HOU5 (Outdoor Recreation and Play Space Provision For New Housing Developments)
- HOU6 (Affordable Housing)
- HOU9 (Essential New Dwellings In The Countryside)
- TRA1 (Location of New Development)
- TRA7 (Design For Accessibility By Bus)
- TRA10 (Traffic Management)
- TRA12 (Protection Of Existing Footpaths and Bridleways)
- TRA13 (Provision For Cyclists)
- TRA15 (Design Of Roads and Paths To Serve New Development)
- CON4 (Development Adjoining Conservation Areas)
- CON10 (Development Affecting the Setting of Listed Buildings)
- ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings)
- ENV3 (Development in the Countryside)
- ENV5 (Nature Conservation Interests throughout the District)
- ENV8 (Development Affecting Trees and Hedgerows)

Emerging Local Plan for Bolsover District (October 2014 onwards)

The Council has commenced work to replace the adopted Bolsover District Local Plan (2000) following adoption of its Local Development Scheme on the 15th October 2014.

Following public consultation on the Identified Strategic Options for the new Local Plan during October-December 2015, on the 10th February 2016 the Council selected its Preferred Strategic Options for the Local Plan for Bolsover District. These are:

- Housing Target – 3,600 dwellings over the plan period (240 dwellings per annum);
- Employment Target – a range between approximately 80 and approximately 100 hectares over the plan period;
- Strategic Sites – support for Bolsover North, former Coalite site, Clowne North and former Whitwell Colliery site;
- Spatial Strategy – Option A with elements of Options C and B for the Spatial Strategy Option, meaning:

This Preferred Spatial Strategy Option will direct additional growth to the District's more sustainable settlements in order to take advantage of their greater employment opportunities, better transport links and services and facilities, but ensuring that a larger share goes to settlements such as Clowne where viability is better and to Whitwell and Bolsover where key brownfield sites exist. This option will seek to take

advantage of the preferred suggested strategic sites as the principal locations of growth in Bolsover, Clowne and Whitwell, with smaller sites being sought to deliver growth in the other more sustainable settlements of South Normanton and Pinxton and focussing on achieving the committed growth in the District's other settlements. Where no committed growth currently exists, major development would be resisted in order to support the Council's Preferred Spatial Strategy Option but minor infill development would be accepted.

However, it is noted that at this stage the Council's Preferred Strategic Options will receive some but not significant weight in its decision taking on planning applications due to relatively early stage of preparation of the emerging plan.

The timetable for the future stages of the preparation of the Local Plan for Bolsover District is as follows:

- September 2016 – Consultation on draft Local Plan, including proposed policies and allocations
- July 2017 – Publication of proposed submission version Local Plan and formal consultation
- November 2017 – Submission of Local Plan
- September 2018 – Adoption of Local Plan

National Planning Policy Framework

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration with a presumption in favour of sustainable development. As the Bolsover Local Plan was prepared and adopted prior to 2004, paragraphs 214 and 215 of the NPPF mean that 'due weight' rather than 'full weight' should be attached to its policies.

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

Paragraph 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."

A core principle of the NPPF is to secure sustainable development. Sustainable development has three dimensions:

"An economic role – contributing to building a strong, responsive and competitive economy...to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generation; 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; and

An environmental role – contributing to protecting and enhancing our natural, built and historic

environment...”

Core principles include to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings, the conservation of heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraph 131 - In determining planning applications, local planning authorities should take account of:-

- The desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness

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 core principles of the NPPF are to secure sustainable development of high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Other (specify)

- Interim Supplementary Planning Document: Successful Places, a Guide to Sustainable Housing Layout and Design (2013) which provides guidance to help provide places that enhance the quality of life.
- Guidelines to be used for assessment of applications for residential development when the Council does not have a five year supply of deliverable sites (approved in December 2015)
- Green Space Strategy (approved in April 2012).

The Green Space Strategy was endorsed as a material consideration in the determination of applications for planning permission.

In relation to Bolsover Town, the Green Space Strategy and its supporting factual information contained in Green Space Audit: Quantity and Accessibility report identify that the town currently has a sufficient quantity of both formal green space and semi-natural green space for its population although it will need additional green space to accompany the growth represented by this proposal. Whilst some of the town's current green spaces do not meet the Strategy's quality standard, the principal deficiency against the Strategy's standards relate to access to green space.

In particular, Bolsover Town lacks a 4 hectare sized town park (level 2 green space site) and has significant areas lacking sufficient access to a 2 hectare sized neighbourhood park (level 3 green space site) and to 0.5 hectare sized local green spaces (level 4 green space sites).

- Supplementary Planning Document: The Historic Environment (2006).
- Historic England Guidance – The Setting of Heritage Assets (2015)
- Bolsover North Strategic Allocation Design Brief (June 2013)
The Bolsover North Strategic Allocation Design Brief was endorsed as a material consideration that will be taken into account when determining planning applications for or affecting the Bolsover North Site.

The Design Brief provides guidance on the preferred form of development to ensure that the Bolsover North development becomes a flagship development for the District. It sets out a number of key design considerations relating to:

- The creation of a high quality townscape;
- The creation of a biodiversity enhanced site;
- The creation of a development that contributed towards the efforts to tackle climate change.

Conservation Duties:

Statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990

S66(1) PI (LBCA) Act 1990 – “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have *special regard* to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”

Section 72 PI (LBCA) Act 1990 - requires that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.”

ASSESSMENT

The main issues associated with this proposal are the principle of the development of this open countryside 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 heritage assets, impact on biodiversity interests and impact on public safety.

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 special circumstances, none of which are relevant in this case. The proposal is therefore contrary to these policies and approval would be a departure to the development plan.

Policy ENV 2 – Protection of the Best and Most Versatile Agricultural Land also is relevant in

terms of the general location of the site given the land is Grade 2 agricultural land.

Therefore, against adopted policy the site is open countryside and agricultural land worthy of protection. Despite this, it is noted that based on five year supply position the Council does not have a five year supply of housing. In view of this and paragraph 49 of the NPPF, the Council's adopted policies which direct housing to within the settlement frameworks are clearly out-of-date.

As set out earlier, the Council has identified Bolsover town as a settlement for planned growth with support for the suggested Bolsover North strategic site as the principal location of additional growth in the town. Whilst this still represents an early stage of preparation, it does indicate a steer on the general location of new development within the emerging Local Plan for Bolsover District.

Therefore, at this stage the key consideration in relation to this is still the NPPF's 'presumption in favour of sustainable development'. Alongside this, the Bolsover North Strategic Allocation Design Brief has been adopted as a material consideration and it states that Bolsover Town was identified as one of the best locations in the District for significant growth and that the Bolsover North site is situated within walking distance of the town centre.

Given the above, the Council must consider applications for residential development located outside the settlement framework on their merits.

In view of this situation, to set out how the Council will approach these applications in a consistent manner in order to achieve sustainable development, it has approved guidelines that it will use when determining applications to assess:

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

Based on the information provided, it is possible to make the following initial assessment against the requirements of the guidelines:

Achievable	
1) Does the application provide? a) an assessment which demonstrates that the site is available now, offers a suitable location for development now, and is achievable with a realistic prospect that housing will be delivered within five years, and in particular that development on the site is viable.	The Planning Statement advises that Persimmon Homes and Strata Homes are the two developers behind the Bolsover North development consortium. It adds that they intend to phase the building over 13 years from approval of reserved matters. It concludes that the Bolsover North development is deliverable and can be brought forward now. It is known from former plan making work that the site is

<p>b) an assessment of how the proposals perform against relevant saved policies in the Bolsover District Local Plan.</p> <p>c) evidence that the proposed development would form a well connected extension to the settlement framework, would be compatible with the landscape character and settlement pattern of the area, would safeguard and enhance locally important features such as wildlife habitats, views, hedgerows, tree belts, etc. and would not create an abrupt or inappropriate new settlement edge that would detract from the visual appearance or character of the settlement or surrounding landscape.</p> <p>d) a timetable for the development of the site, which:</p> <ul style="list-style-type: none"> • takes account of the time taken to market the site and find a suitable developer (if the application is not submitted by a developer); • makes a reasonable assessment, with supporting evidence, of the time which will be taken to resolve outstanding issues with the site such as ownership, access, drainage or water supply; • takes account of the time to implement measures for land stability, protection or re-recreation of new wildlife habitats, removal of contamination or tipped materials 	<p>viable and deliverable.</p> <p>The Planning Statement advises that the proposal does not comply with all of the Council's adopted planning policy, although it notes that a large part of this is out-of-date.</p> <p>The Design and Access Statement and the Addendum to it, submitted in February 2016, sets out the evolution of the design principles that have informed the planned creation of a sustainable extension to Bolsover, with this work leading to the proposed Development Masterplan for the development. The document sets out that the bulk of the site is within 400m and completely within 800m of the town centre and that the proposal has been designed to integrate into the town's existing form. The document also assesses landscape character, biodiversity considerations and illustrates that the proposal seeks to set out a new appropriate settlement edge.</p> <p>The documentation advises that six phases of development are planned over a 13 year period and includes a trajectory of planned delivery on the following basis:</p> <ul style="list-style-type: none"> • years 1-5: 339 dwellings completed; • years 6-10: 465 dwellings completed; • years 11-13: 147 dwellings completed. <p>This timetable does not include time to market the site given the house builder applicants have options already.</p> <p>It is noted that the proposals include arrangements for access and drainage and that these are generally incorporated into the trajectory.</p> <p>It is noted that the proposals include the creation of the town park and that this is generally incorporated into the trajectory.</p>
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<p>and any other mitigation requirements;</p> <ul style="list-style-type: none"> includes a trajectory indicating the number of residential units which are expected to be completed and available for occupation for each year that the development is expected to continue. <p>2) Is there confirmed support from land owners for the proposal and that the site is not subject to any dispute over land ownership or access rights?</p> <p>3) Are there any physical / environmental / marketability constraints?</p>	<p>As stated above, a trajectory is provided which has an average build rate of approximately 70 dwellings per annum.</p> <p>The Planning Statement advises that Persimmon Homes and Strata Homes are the two developers behind the Bolsover North development consortium. It does not specifically say that there is confirmed support, although it is implied given the credibility of the developers involved. Despite this, it is known from former plan making work that the Development Consortium have the majority of the land under options and that the outstanding parcels are not critical to the overall delivery. No known disputes over access rights.</p> <p>There are no obvious physical / environmental / marketability constraints.</p>
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In addition to the above, it is noted that the proposal is being promoted by two developers, Persimmon Homes – a national house builder, and Strata Homes – a regional house builder, and as such is not dependent on the marketing of the site to attract a developer. In terms of delivery, this represents a more advanced proposal and therefore the Council can be much more confident that this development will translate into new homes being built and so contribute to boosting its five year housing supply.

It is noted that the development will place a number of demands upon local infrastructure, such as education, road network, health, green spaces and green infrastructure.

It is noted that a Viability Assessment report was submitted in September 2015 which demonstrates that the Bolsover North development is sufficiently viable to deliver the most critical infrastructure requirements, namely:

- an expansion to primary phase education provision – by way of land and financial contributions towards a replacement Infants Schools within the site and contribution to enable the extension to the Junior School acceptable to Derbyshire County Council;

- green space provision – by way of approximately 6.5 ha, split between 4.2 ha of formal green space and 2.3 ha semi-natural green space arranged to provide a 4 hectare town park located at the southern part of the site that is open to the general public and combines at least three of the following uses: amenity green space, outdoor sports, semi-natural green space, equipped play area;
- capacity improvements to the Town End / Welbeck Road / Moor Lane junction and other junctions as required – by way of on-site and off-site interventions and contributions acceptable to Derbyshire County Council;
- sustainable transport mode networks, including walking, cycling and public transport access – by way of on-site and off-site interventions and contributions acceptable to Derbyshire County Council;
- strategic green infrastructure – by way of on-site and off-site interventions and contribution acceptable to Derbyshire County Council and Bolsover District Council.

Based on this initial assessment it is considered that the proposal demonstrates that it is highly achievable.

Suitable	
<p>1) Will the site?</p> <p>a) be preferably within the settlement framework as defined in the Bolsover District Local Plan, or exceptionally adjoining settlement frameworks where such proposals are clearly aligned with spatial strategy and policy documents published with the approval of the District Council.</p> <p>b) be sustainable in respect of most if not all of the following factors:</p> <p>i) access to public transport (within 400 metres walking distance of access to public transport services e.g. bus stop or railway station)</p>	<p>The site is situated in the open countryside but is adjacent to the northern edge of Bolsover Town and would provide a rounding off of the town's form.</p> <p>At this stage in the plan making process, the Council has identified Bolsover town as a settlement for planned growth with support for the suggested Bolsover North strategic site as the principal location of additional growth in the town. Whilst this still represents an early stage of preparation, it does indicate a steer on the general location of new development within the emerging Local Plan for Bolsover District.</p> <p>Therefore, at present this proposal does clearly align with the available emerging Local Plan.</p> <p>The 49 bus service to Clay Cross and Clowne and the 81 between Bolsover Hospital and Markham Vale (access to employment opportunities) and B2 / B3 Bolsover Town bus services to all stops along Welbeck Road /</p>

	<p>Marlpit Lane and thus provide frequent access to public transport services. The number 82 and 83 bus services to Chesterfield and Langwith also run from the town centre which is approximately 800 metres walking distance of the centre of the site (approximately 400m from the nearest proposed dwellings). In addition, the Travel Plan advises that it is intended that bus stops will be provided along the new principal link road so potentially enabling existing routes to be redirected through the development.</p>
ii) proximity to schools (within 800 metres walking distance of a primary school, and 2,000 metres walking distance of a secondary school)	<p>The Bolsover Infant and Nursery School is proposed to be relocated into the site on an extended basis. The Bolsover C of E Junior School is approximately 400 metres away and the Bolsover High School is approximately 1,000 metres away.</p>
iii) proximity to town / local centres (within 800 metres walking distance of a town centre or local centre)	<p>Bolsover Town Centre is approximately 800 metres walking distance of the site (approximately 400m from the nearest proposed dwellings).</p>
iv) proximity to key employment sites or local jobs (within 2,000 metres walking distance of a major employment site or area of employment i.e. over 100 jobs)	<p>Bolsover Town Centre is approximately 800 metres walking distance of the site. The Markham Vale employment area is approximately 3,000 metres away (accessible by frequent bus service 81 discussed earlier).</p>
c) Contribute positively to reduce carbon emissions through its design and / or enable more sustainable lifestyles.	<p>The Planning Statement advises that the Bolsover North proposal has strong economic, social and environmental sustainability credentials. Proposes to deliver an extension to Bolsover Town that is within walking distance of the town centre, will integrate bus services into the site at an early stage and will deliver sustainable lifestyles. The Design and Access Statement and its Addendum submitted in February 2016 also highlight the use of SuDS (discussed in more detail later). In addition to this, it is known from former plan making work that the Elmtan Lane green corridor has been required within the proposal's design to provide a temperature cooling feature as well as an attractive outdoor area to respond to the challenges of managing predicted future climate</p>

<p>d) Have or create any significant problems of contamination, flood risk, stability, water supply, harm to biodiversity or other significant physical or environmental issue.</p>	<p>conditions.</p> <p>These issues will be discussed in more detail later, but generally no unacceptable contamination, flood risk, stability or water supply issues identified. The documentation advises that biodiversity assets include hedgerows and an orchard. It notes that hedgerows will be affected but that there are opportunities to create new priority habitats.</p>
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Based on this assessment it is clear that the site is in a very sustainable location due to its edge of town centre location and this fact, when coupled with the degree of work that has gone into the masterplanning work to integrate the development into its surroundings, should encourage and provide a platform for maximising sustainable travel patterns.

Furthermore, it is clear from the submitted documentation that the development has been designed to generally comply with the guidance contained in the Bolsover North Strategic Allocation Design Brief by planning to deliver: -

- the creation of a high quality townscape through the design led approach taken to site as expressed in the Design and Access Statement and its Addendum submitted in February 2016;
- the creation of a biodiversity enhanced site through the measures to both protect the existing habitats of the hedgerows and orchard and to create new priority habitats along the Elmtun Lane green corridor;
- the creation of a development that contributes towards the efforts to tackle climate change by ensuring green infrastructure and sustainable drainage measures are incorporated into the site to provide cool and attractive outdoor areas and temporary water storage capacity to respond to the challenges of managing predicted future climate conditions.

These planned outcomes are all considered to enhance the suitable and sustainable nature of the Bolsover North site and it is considered that the proposal represents the type of well planned development that results from being brought forward through the plan making process.

Given the out-of-date nature of the adopted Bolsover District Local Plan early stage of the emerging Local Plan policy, it is considered that the policy case is heavily governed by the NPPF and its presumption in favour of sustainable development and in particular given the published lack of a five-year supply.

However, from an assessment of this proposal it is noted that the site is in a sustainable location that should encourage and provide a platform for maximising sustainable travel patterns, which would form a well connected extension to the settlement framework of Bolsover Town in a location that is supported by emerging Local Plan work. Furthermore, based on the available evidence it would appear that the proposal is deliverable and that it will

make a sizeable contribution to the Council's Five Year Supply for many years to come.

It is considered therefore that the proposal accords with the NPPF in principle. The proposal also complies with policy TRA1 of the Bolsover District Local Plan due to its sustainable location.

Representations have been received which query the need to release this site when there are other brownfield sites, the Coalite site being a particular example. Only if the application site is deemed to have wholly unacceptable impacts would it be necessary to even consider alternative sites in preference to this application. Since the lack of a 5 year supply is one of the main considerations, less weight could be given to alternatives as there is insufficient evidence now that they could be delivered in the five year period.

As mentioned earlier 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. Notwithstanding this statement, there is a tension between safeguarding good quality agricultural land and the wider objective of delivering sustainable development as required by the NPPF. It is considered that the shortfall in housing supply in the district limits the weight which can be given to the agricultural land protection policies, particularly in cases such as this that are more sustainably located. On this basis, it is considered that the national need to protect good agricultural land is outweighed, in this instance, by the national need to supply more sustainable housing.

On the issue of agricultural land quality, the advice of Natural England on soil handling, as included in the summary of consultation responses earlier in the report, can be included as an advisory note in the event that planning permission is granted.

Conclusions on the Principle of Development:

In summary whilst approval would be contrary to the policies of the Bolsover District Local Plan, these policies are defined as being out of date in the NPPF due to the lack of a 5 year supply. So in line with the NPPF permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. Other issues relating to the issue of sustainability are covered in the topics discussed later in the report.

Design and Amenity considerations.

As an outline planning application the final layout and design has to be finalised in the later reserved matters stages. Notwithstanding this, given the importance of this large site, there is a need to demonstrate the ability to deliver a high quality development in line with the objectives of the Council's Adopted Design Guide 'Successful Places'.

To address this, the applicants have worked with the Council at both pre and post application stages, to respond to issues raised by the Urban Design Officer and Derbyshire County Council's Landscape Officer. This has been with a view to agreeing an urban design framework, expressed in the submitted Design and Access Statement and accompanying Masterplan drawing that would support the delivery of those objectives, that itself has been informed by the originally submitted Landscape and Visual Impact Assessment (LVIA) and an supplementary addendum to it (SLVIA).

In terms of the development within the wider landscape, the Landscape Officer has advised that the assessment and conclusions in the SLVA are broadly acceptable, which now appears to concur with DCC's earlier conclusions that, overall, the Limestone Farmlands Landscape Character Type (LCT) has a medium sensitivity to development of this type and there are a number of surrounding receptors that will experience a moderate level of visual impact associated with the proposal. He indicates that a development of this type and scale cannot be delivered without some level of impact on the landscape fabric, character and visual amenity of the area and ultimately its success will very much depend on the extent to which certain features can be protected and the overall design quality of the scheme. This is acknowledged in the SLVA, which concludes that:

"The site is located adjacent to the north eastern urban edge of Bolsover and is set within a landscape character with a Medium landscape value and Medium susceptibility to change. As such, it has been assessed as being able to accommodate a well-designed and considered development as set out by the Illustrative Masterplan"; DCC's Landscape Officer agrees with the judgement that this landscape is capable of accommodating a 'well-designed and considered development'. He considers that as an outline application, development of the 'countryside edge' should be conditioned to ensure that boundaries are formed by hedgerows and the materials used respect the traditional building materials of magnesian limestone with orange pantile roofs. Notwithstanding this request, such a requirement for the entirety of the countryside edge would be onerous and potentially costly; given the known viability issues this may also be unreasonable. The objective of securing a good quality countryside edge is important and this will have to be considered in more detail as part of any subsequent 'design code' and submissions and the delivery of such treatments in key locations would be appropriate. Along with this, there are a number of other comments made in respect of detailed design issues; these will all be relevant in considering any reserved matters applications and can be referred to in an advisory note in the event that permission is granted.

The Landscape Officer refers to the need to consider the cumulative impacts of this development with proposed developments at the former Coalite site on the character of the town and its countryside setting. In this respect, the two developments are in very different contexts and cannot be viewed together. Large parts of the Coalite site propose development on previously developed land such that only the greenfield parts further erode the countryside setting of Bolsover. Overall if both developments were ultimately to be approved, is not considered to raise a significant issue in relation to the overall setting and character of Bolsover.

On a more detailed level, the addendum to the Design and Access Statements concludes that:

“Through the use of different layout principles and boundary treatments, each individual character area has become distinguishable. These character areas have been developed using a variety of street hierarchies, suggested building heights and house types.

A significant amount of the existing hedgerows on the site have been retained and integrated into the design of the masterplan; the historic field boundaries and hedgerows have been integrated into the streets and block structure.

This new community will deliver high quality, modern housing with a variety of sizes and tenures to meet the aspirations and needs of local people.

Significant new work has been undertaken to define in greater detail the character of the scheme and its component character areas, bringing these to life through drawings and images. There is greater certainty as to the look and feel of buildings and the features which can be afforded to accent these buildings to take account of local context. Landscape and boundaries are also considerably more resolved. Together this has helped develop a clearer idea of how streets will look and feel. The culmination of this work are the example computer generated images of the three character areas and the Village Green.

Whilst this is an outline planning application, this additional detail provides confidence that the high aspirations of the Council can be delivered upon set against the commercial considerations of the site and context. This will be an attractive and high quality scheme which will mature well over time based on its rich landscape setting.”

In broad terms, this statement is generally agreed with despite there being some remaining elements of detail that will need further work at reserved matters stage, so the documents are not wholly acceptable in their current form. However, given the outline nature of the planning application it is considered that the submitted documents provide a framework that provides the basis of a scheme capable of delivering a high quality scheme, based on the principles of place making invoked in the Councils Adopted Design Guide 'Successful Places'. Conditions are recommended that require more detailed design codes to be agreed for each phase, underpinned by the principles established in the Design and Access Statement documents and the Councils residential design guidance, Successful Places (2013). Subject to the inclusion of suitably worded conditions, it is considered that a scheme could be delivered that would facilitate a thoughtfully designed extension to the town, that delivers a sense of place, recognising the local distinctiveness of Bolsover and which respects the countryside edge and the amenities of the occupants of existing neighbouring dwellings.

A specific point raised by Derbyshire County Council as Strategic Planning Authority, was that consideration be given to the inclusion of a district centre to provide for day to day shopping needs. Given the proximity of this development to the town and ease of non-car access to it, it is hoped that the proposal will provide support to the regeneration of the town centre and for this reason a formal district centre has not been developed as it was considered that this could potentially compete with the town centre. Notwithstanding this, examples of extra care developments elsewhere have made provision for limited opportunities for small-scale retail

facilities, primarily to support those developments, but which could be designed to be accessible to the local population for the provision of day to day basic goods and services.

A further specific issue that has arisen, due to viability issues (see later in the report for a discussion on viability), has been the removal of street trees; these are trees that would be located within the adopted highway. There has been a strong vision resulting from initial design work and work with OPUN (a Charity who provide Architectural and Urban Design Advice in the East Midlands) for a boulevard of trees on the main spine road through the development. Such trees come with a high additional cost due to the need for a developer to pay the Highway Authority @£1000 per tree. As a means of avoiding this unaffordable cost, the developers have sought to provide an alternative, with formal tree planting on the edge of the town park, complemented with trees in the front gardens of dwellings along the road. Whilst this is a laudable proposal, there can be issues over the retention of trees on domestic properties, such that over time the benefit of such provision could be eroded and the visual effectiveness of an attractive avenue undermined. For this reason, consideration has been given to whether funds to deliver such trees could be diverted from elsewhere. In this respect it is noted that £50,000 has been offered towards public art. Whilst the benefits of Public Art to a development and the community are recognised, it is felt that the sum of monies involved would have wider, long term positive impacts on the overall creation of a good quality place, as sought in the Council's Adopted Design Guide 'Successful Places'. For this reason it is considered that the Council should seek that the majority of £50,000 contribution proposed for Public Art be used for the provision of street trees, with the remainder utilised to provide a traditional dry stone wall around the entrance green as set out in the Design and Access Statement. This would need to be included in any S106 Planning Obligation to ensure that this money is used solely for this purpose. This has been raised verbally with the applicants, but formal confirmation of their agreement to it had not been received at the time of drafting this report; an update will be provided to planning committee on this issue. However this is considered to be something that should be given a priority in delivery of a high design quality proposal. It is considered that the S106 should incorporate a review mechanism and the potential for public art to be re-considered should uplift in development values arise, should be included in that.

Noise and Air Quality

The Council's Environmental Health Officer has commented in respect of noise, both in terms of noise generated by the proposed development, as well as the potential for noise disturbance to residents of the new development from existing neighbouring uses. In respect of the latter point, comments made on behalf of the operators of Farnsworth Farm alongside the site are noted in respect of the potential for noise generating activities on that site. The Environmental Health Officer has not advised against the grant of planning permission on these grounds, but has recommended conditions relating to: -

- A noise mitigation scheme to control activities during development; and
- An airborne noise impact survey, to establish the level of offsite noise and the need for and where necessary, inclusion of, noise insulation in any proposed dwellings that have the potential to be affected by offsite noise generating activities.

In terms of air quality, the Environment Agency has recommended that a quantitative assessment of the potential impact of poultry odour from Sutherland Farm (adjacent chicken farm to the north of the site). The Environmental Health Officer has advised that the EIA

Chapter 8 has considered the impacts on air quality; this chapter discusses dust emissions, road traffic exhaust emissions from vehicles travelling to and from the development and also considers agricultural odour emissions from the nearby Sutherland Chicken Farm. The Environmental Health Officer is happy with the findings and conclusions and suggests a condition attached confirming the mitigation measures suggested in relation to dust be applied to any approval.

It is considered that conditions to cover the above issues can be included in the event that permission is granted to ensure compliance with the requirements of policies GEN2 (Impact of Development on the Environment) and GEN3 (Development Affected By Adverse Environmental Impacts From Existing Or Permitted Uses).

Crime Prevention

In terms of Crime Prevention Issues, the Crime Prevention Design Advisor has indicated that any crime prevention measures should be implemented into the design at an early stage. Given that this is an outline planning application with all matters reserved, an advisory note drawing attention to the need to do this should be included in the event that permission were to be granted.

Highway Safety considerations

The Highway Authority has confirmed that it has no objections to the proposal subject to conditions and a S106 obligation to secure the necessary to ensure appropriate details for both on and off-site works.

The Highway Authority notes that the application is in outline form with all matters reserved for future consideration with the exception of access. Internal layouts will be subject to further consideration at reserved matters stage. They also note the need to consider the cumulative impacts of the development with other committed developments in the wider area; phasing will be important to this.

The broad principle of access to the site is predicated upon the creation of a new primary linking street connecting Welbeck Road/Longlands to the south with Marlpit Lane to the east. This effectively allows for the 'down grading' in status of the circumvented length of Welbeck Road/Marlpit Lane and its replacement with a new purpose built street. The success of this link will rely upon its design, balancing the need to allow efficient through movement whilst mastering a safe, pleasant and high quality street environment. Simultaneously, the existing street will need to be subject to treatments which disincline its use as a through route whilst continuing to provide effective access to premises. Public transport penetration of the development will be a key consideration.

The site itself is crossed by a number of paths and other routes with varying degrees of public accessibility and maintenance liability. Where the new development streets intersect or require the realignment of these existing routes, there will be a number of physical and procedural issues to consider to ensure that appropriate public access is maintained at all times.

Following the submission of amended application details and subsequent discussions with the applicant and their representatives, the Highway Authority considers it can recommend

outline planning conditions in the event that the Local Planning Authority is minded to grant planning consent for the proposed development.

Mitigation of the off-site traffic impact from the development is proposed to be achieved by a combination of modal shift initiatives using Travel Planning techniques and local network improvements. These improvements may be either directly allied to the implementation of the development (dealt with by way of planning conditions to be discharged by the applicant as development proceeds) or undertaken by the Local Authorities (District and County Councils as appropriate) as may be predicated by future traffic conditions identified as part of ongoing traffic monitoring, using financial contributions from this and other application proposals in the vicinity (in isolation or cumulatively - dealt with by Section 106 undertakings) together with such public funding as may become available.

The latter interventions have been informed by earlier work by transportation consultants undertaken as part of the District Council's Local Plan evidence base in conjunction with the applicant's own Transportation Assessment data and the Highway Authority's interpretation of both of these pieces of work and its own analysis of the local network and traffic impacts. Many of the anticipated traffic impacts will not materialise during the initial stages of the development and are therefore likely to require intervention in future years depending upon the pace and phasing of this development and other developments in the vicinity. Section 106 financial contributions will therefore need to be allied to phases of development.

It should be understood that as a generality the Highway Authority does not 'agree' the content of a Transport Assessment or concur with every detail contained therein. However, providing it is considered that the conclusion is sound then it is not regarded as reasonable or warranted to require the applicant to devote resources to amending detail which would not vary the conclusion or would be addressed by proposed mitigation. In this case the documentation commits the applicant to the principle of localised network improvements or contribution towards individual or cumulative contribution towards identified off-site interventions brought about as a consequence of traffic (or a proportion thereof) emanating from the development. In this case the Highway Authority does not consider that there is an evidence base to suggest that that applicant's conclusion that the development itself would not have a significant or severe adverse impact upon safety or capacity of the local road network, subject to implementation of off-site highway improvement measures to mitigate impact, is incorrect.

One of the most significant local potential interventions (to alleviate pressure on the Welbeck Road/ Town End junction) is the creation of a road link between A632 High Street and Oxcroft Lane secured as part of the committed development at Sherwood Lodge. This extant planning consent also includes its own additional financial commitments to other off-site highway improvements as may be required following traffic monitoring. The current applicant's own designs potentially seek to build upon this link by further modification at the Oxcroft Lane/ Longlands junction and the introduction of Traffic Regulation Orders to regulate the direction of traffic flow. Whilst this particular piece of infrastructure might not be the only means of assisting movement at the Welbeck Road/ Town End junction its absence will mean that greater attention will be required at the affected junction itself.

In making the above comments, The Highway Authority has sought reassurance from the Local Planning Authority that the street connection through the Sherwood Lodge site remains a primary aspiration in planning the development of this part of the town. Clearly this link would be a significant and useful piece of infrastructure in terms of the wider highway network in Bolsover and is something for this reason that the Council should aspire to deliver. However, the Council cannot give any absolute assurance over the provision of such a link road, given this would have to be provided over what is now land owned by a third party and it would be necessary to demonstrate that this would be necessary based on any revised development proposals that may come forward for this site given the understanding that the approved supermarket on this site is unlikely to be delivered.

The Highway Authority has recommended conditions, notes and Section 106 undertakings.

The final comments of the Highway Authority were received close to the deadline for the drafting of this report, such that its content has not been reviewed by the applicant and it would appear that there may be a difference in position over the cost of the requirements to be contained in the S106 Planning Obligation. Given the known viability issues, this is something that will need to be taken up with the applicant's and if necessary, an update provided to Planning Committee when it meets.

However, in principle, subject to resolving the S106 requirements and subject to conditions to cover highway safety matters, the proposal is considered to be acceptable on highway safety grounds.

Other Derbyshire County Council contribution requests

In addition to the contributions sought by Derbyshire County Council as Highway Authority, that Council is also seeking contributions towards maintaining the 445 metres of Bridleway surface that the Applicant has been requested to construct comprising:

- £100,800 financial contribution towards the construction of 1,575 metres of Bridleway surface outside of the planning application site;
- £15,000 financial contribution towards design work to improve the exits of the Bridleway onto the B6417;
- £40,000 financial contribution towards construction work to improve the Bridleway exits onto roads;

In making this request Derbyshire County Council recognises that the viability of development schemes will vary and that it will consider viability.

The developers have offered a one off contribution for works to Bridleway of £79,640. This position formed part of a revised submission regarding S106 Heads of Terms that was based on submitted viability information.

Despite re-consultation with that Authority following the submission of viability information, Derbyshire County Council has not specifically commented on the viability documents in its latest reply, instead referring solely to its original comment.

The issue of overall viability is discussed separately later.

Historic Asset considerations

Historic England (formerly English Heritage) has declined to comment in detail, but has offered general observations about the need to give consideration to the setting of the scheduled medieval town defences and the Conservation Area and to have special regard to the need to recognise and protect the setting of the Conservation Area (as per the 1990 Act) and the setting of the scheduled earthwork adjacent, which forms part of the medieval boundary ditch to the planned town in determining the current outline application. As an outline application Historic England recognise that a response to issues such as the layout of housing adjacent to Oxcroft Road, may well be covered under reserved matters. It will be important to ensure that the response the development makes to the historic environment is understood by the applicant if this is the case.

The Conservation Officer sought revisions to the originally submitted Heritage Statement given some concerns over the conclusions contained within it that there was no intervisibility between heritage assets and as a result there was no consideration given to identifying the heritage assets, describing their significance and the contribution the setting makes to their significance and assess potential impact of development on the setting and identify any harm. As a consequence of this, an addendum to the Heritage Statement was submitted in November 2015. The re-assessment is more explicit in assessing the significance and setting issues relating to the heritage assets with specific reference to the NPPF and recent case law. This re-assessment concludes that the impact of the proposed development in all cases is indirect as no physical alteration will be made to the listed buildings or conservation area. It also recognises that it is necessary to establish whether the setting of assets contributes to their significance and if the significance will be affected by changes to that setting.

The re-assessment provides a brief summary of the main heritage assets affected (Bolsover Castle (GI), The Cundy House (GII*), Conduit House (Grade II*), Church of St Mary and Lawrence (Grade II*), Stone windmill (GII) and other GII listed buildings, Bolsover Conservation area and entrenchments) and attempts to define the significance utilising English Heritage "Conservation Principles" (2008) which divides historic significance into four categories: evidential, historical, aesthetic and communal. There is also a brief assessment of the contribution the setting makes to the significance of the assets.

The Conservation Officer has stated that she challenges some of the statements made in the re-assessment in relation to visibility and sightlines between the site and some heritage assets, but considers that this doesn't affect the overall conclusion in relation to impact on setting and level of harm. The statement suggest that there are no lines of sight between the development and some of the assets identified, however, it is important to note that such sightlines do exist: -

- The re-assessment concludes that there are no views of Bolsover Castle (para 3.12) or the Church of St Mary and Lawrence (para 3.16) from the site but photographs taken in winter by the case officer show that there are views towards the Church steeple and the top of the Keep at Bolsover Castle.

- There is intervisibility between the entrenchments adjacent to Sherwood Lodge and Dykes field. However as paragraph 4.2 of the reassessment states these entrenchments lie within an urban park setting (Dykes Field in this case) and modern housing.
- Paragraph 5.1 states that there are no direct views of the proposed development from the conservation area. There will be views of the site from Dykes Field which is within the conservation area.

Overall, the Conservation Officer concurs with the conclusions of the addendum as follows:-

- There will be no direct impact on designated heritage assets. The impact of the proposed development in all cases is indirect as there are no physical alterations to the historic assets/
- The significance of the designated historic assets will not be affected by the development
- The setting of the designated historic assets will not be affected by the development.

In terms of archaeology, the Council's archaeology advisor has commented that the applicant has provided the results of archaeological desk-based assessment and geophysical survey of the site. The results of the geophysical survey in particular suggest that the site may contain buried archaeology of some significance, in the form of field systems and trackways likely to pre-date the medieval period (and most likely of Iron Age or Romano-British date), along with potential settlement foci in the form of pit clusters and possible kiln sites. The geophysical results must however be treated with some caution, as the technique regularly shows geological features within the Magnesia limestone. Because of the regularity of the features on the current proposal site however, the balance of probability suggests that they are archaeological in origin.

While the geophysical results suggest that the site may have archaeological significance, the archaeologist considers that this can only be established through a programme of evaluation trial trenching to test whether features are archaeological or geological, to establish a chronology and function for the archaeological features, and to allow the site to be assessed against regional research criteria for the East Midlands; this would establish the significance of any remains as heritage assets.

There has been subsequent discussion relating to the timing of such additional works, with the archaeologist initially suggesting that this should be carried out ahead of any decision being taken on the planning application, but with the applicant suggesting that this could be conditioned requiring further assessment prior to any development; in commenting on this issue, the developers referred to the decision at Bolsover East [ref 13/00209/OUTMAJ] in which a condition had been used in what the applicant's considered to be was a comparable case.

As a result of this the archaeologist has stated that because the application is for outline consent and because the geophysics results show a generally similar pattern of results as at Bolsover East, although on a site of double the size, he is minded to agree that the archaeological interest could be managed through planning conditions, provided that the field evaluation (trial trenching) phase takes place as soon as possible following the grant of

outline consent, but before any reserved matters application for layout. This would allow a full understanding of archaeological significance to inform the planning of the development and for the archaeological resource to be managed in a timely way. Recommend therefore that conditions are added to any outline consent for the site.

Given the above comments of the Conservation Officer and the archaeologist it is considered that the impacts on heritage assets are acceptable in terms of both adopted Bolsover District Local Plan policy as well as the NPPF, subject to appropriate conditions to require the additional works required in respect of the potential archaeology interest that has been identified.

It should be noted that as an outline planning application impacts on heritage assets will need to be considered again at reserved matters stage where appropriate.

Ecology considerations

Natural England notes that the application is in close proximity to Doe Lea Stream SSSI. It is satisfied that the proposed development as submitted will not damage or destroy the interest features for which the site has been notified and therefore advises that this SSSI does not represent a constraint in determining this application.

Natural England does not assess applications and associated documents for impacts on protected species, instead referring to its standing advice, nor on local interests. In this respect this Council is advised by the Derbyshire Wildlife Trust.

The Derbyshire Wildlife Trust has advised that the key habitats on the site are hedgerows, a small orchard, semi-improved neutral grassland. Most of the site is intensively used arable land. There are no designated sites within the development area. A Local Wildlife Site is present immediately to the north of the development. The site is used for foraging by bats (mainly *Pipistrelle* spp). The site supports a fairly typical assemblage of farmland and hedgerow birds including 7 UK BAP priority species (five of which are on the UK Red List for Birds of Conservation Concern). A number of these species breed within the development site.

Key issues highlighted by the ecological survey are as follows:-

Loss of hedgerows - The report identifies that the development will result in the loss of 55% of the hedgerow network on the site (4.121 p154) and that this will be difficult to mitigate for entirely within the site (4.152 p162). Although a figure for this loss is not provided in the assessment a map (Figure 4.3) indicates which hedgerows will be lost. We calculate, based on this map, that 2928m of hedgerow will be lost. Although the diversity and structure of these hedgerows is often poor all hedgerows are considered priority habitat under the UK BAP. These hedges will undoubtedly be supporting a wide range of common plants, birds, small mammals and insects and their loss is a significant impact.

Impact on birds - The net loss of hedgerows will have a permanent negative impact on some bird species in the area. For more common birds like blackbirds, dunnocks, house sparrow and robin the impact will reduce over time as gardens mature and semi-natural green space is established. However, impacts on skylark are likely to be permanent as there will be limited nesting opportunities within the site after development is completed. Based on the breeding

bird surveys this would amount to a loss of four breeding territories.

Loss of foraging habitat for bats - Inevitably with extensive loss of hedgerows there will be an impact on foraging habitat availability for bats. The extent to which the bats may rely on these features is unclear. However, alternative areas for foraging are available in surrounding farmland.

Construction impacts - The possibility of adverse impacts on hedges to be retained is identified in the ecological report.

The trust notes that the proposed Green Space Strategy offers opportunities for biodiversity enhancements and retains the central core of the site along Elmton Lane. The additional buffering of the corridor north of the Town Park together with the SUDS scheme appears to be about 4 ha in size, which is large enough to allow the creation of some flower rich grasslands, hedgerows and wetland features. The Trust comments that full details of how this will be achieved, the extent of habitats to be created and subsequent management have not been explained at this stage. The proposed management plan will need to address these ecological issues and the long term resourcing of the management and provides detailed comments on issues that should be included in such a document. The Trust acknowledges in its comments that the details of the proposed habitat creation and enhancement will need to be worked up within the Ecological Enhancement Management Plan at Reserved Matters Stage. Additional submitted information has allayed the Trust's initial concerns over the amount of hedgerow loss and the location of replacement hedgerows and a condition is recommended in this respect. It is not satisfied that its concerns regarding Skylark have been appropriately addressed and consider that the proposal will result in an adverse impact on breeding Skylark.

It can be seen from the above that, notwithstanding the provision of green infrastructure and other enhancements within the development, there are predicted ecology impacts in terms of the loss of Skylark habitat that is not mitigated as part of the proposals. The Derbyshire Wildlife Trust considers that financial contribution to facilitate provision elsewhere could be secured through S106.

The applicant's consultant ecologist considers that the overall ecological benefits (to a wide range of plants and animals) of the proposed scheme outweigh the negative impacts of displacing a small number of skylarks. Whilst they acknowledge this is a Species of Principle Importance under the Natural Environment and Rural Communities Act 2006 (NERC Act), it goes on to quote Skylark statistics as 1.75 million pairs in the UK and consider this against the 4 pairs that would be lost. They state that the displacement of 4 pairs of these birds must be set against the opportunities for other Species of Principal Importance provided by the development and which can be secured through conditioning of an Ecological Enhancement and Management Plan. They believe that this can secure net gains for wildlife delivering more for a greater number of Species of Principal Importance such as song thrush, hedgehog, common toad, house sparrow etc. and this means the Authority has given due consideration to the NERC when determining the application.

Whilst noting the Derbyshire Wildlife Trust's understandable position in securing the habitat of this one species, as stated by the applicant's consultant, the requirement of the NERC Act, as repeated in the NPPF, is to secure net biodiversity gain. In order to do so, it may not always be reasonable or practicable to fully secure protection for all species.

Whilst off-site contributions could be feasible, these would have to be based on a deliverable scheme to comply with the requirements of the CIL regulations. Additionally, there are known viability issues in respect of this scheme that will be discussed in more detail later. Given the likelihood that net biodiversity can be delivered; it is not considered that there would be defensible grounds to insist on such provision. As such on balance, it is considered that the requirements of policy ENV5 (Nature Conservation Interests throughout the District) and the requirements of the NPPF in this regard can be satisfied, subject to conditions to secure an appropriate layout and detailing at Reserved Matters stage.

It is alleged in an objection letter that plans show areas of existing hedgerow that do not exist. This has not been raised as an issue with the applicants as in terms of the considerations relating to hedgerows it is the removal of existing hedgerows that have the potential to result in biodiversity impacts, so if they do not exist, the impacts will be lessened in any event.

Hydrology and Drainage considerations

Chapter 5 of the Environmental Statement deals with this issue and concludes that: -

- Flood Risk - The site falls within Flood Zone 1 which means that in sequential terms, all development types, including residential, can be accommodated on the site.
- Surface Water Drainage - Discharge from the site will be to Damsbrook via a wet land storage feature. The development 100 year discharge rate will be equal to the present 1 year greenfield discharge. A 30% allowance will be made in the calculations for climate change. An appropriate solution is, therefore, proposed and represents an improvement over the current situation.
- Foul Water Drainage - Discharge to the existing combined sewers will be limited to 250 units until upgrading works have started on the Carrvale WWTW. The foul discharge rate will be offset by the redirection of existing road gullies in Longlands and Wellbeck Road to the new development surface water drainage network, and this approach has been agreed with the relevant authorities.

The Environment Agency has raised no objections to the proposals subject to conditions for approval of surface water scheme, requirement for a construction environmental management scheme, a requirement for the improvement or extension of the existing sewerage system (due to identified capacity shortcomings) and implementation of SuDS drainage. Also recommended advisory notes, including what it considers constitutes SuDS infrastructure.

Derbyshire County Council's Flood Risk Management has also raised no objections subject to conditions dealing with the design and implementation of a surface water drainage scheme.

Severn Trent Water has raised no objections subject to a condition requiring submission and approval of further details of foul and surface water drainage.

Additional information has been submitted to address comments raised by Yorkshire Water, who have now indicated that they are happy with the proposed drainage scheme. Detailed comments are made about detailed aspects of the information submitted, including the need for some additional information. Given Yorkshire Water's confirmation that they are happy with the principles shown in the submissions, any detailed elements can be picked up in further submissions under reserved matters that would also be covered under the conditions suggested by Severn Trent above.

As can be seen from the above, all the statutory consultees are content with the proposed drainage strategies put forward, subject to final approval and implementation of a detailed scheme. Subject to inclusion of conditions that cover the issues raised by the consultees, the proposal is considered to provide a satisfactory drainage solution in line with the objectives of the NPPF and in compliance with policy GEN2(9), GEN5 and GEN6

Ground Stability Considerations

The Coal Authority has noted the presence of fissures on the site as identified in the Geo-environmental Appraisal Report (October 2013) submitted with the planning application. It advises that this coal mining legacy potentially poses a risk to the proposed development and that remedial works are required to treat the fissures to ensure the safety and stability of the proposed development. The Coal Authority recommends the imposition of a Condition should planning permission be granted for the proposed development requiring that any necessary remedial works are undertaken prior to commencement of development.

Contamination Considerations

The Environmental Health Officer has advised that some areas of contamination have been identified in the submitted assessments, but that some other assessments have not been completed. On this basis the inclusion of a condition has been recommended to ensure that appropriate study is completed regarding potential contamination and that appropriate mitigation is implemented where necessary. The Environment Agency has also recommended conditions are included to protect the underlying aquifer from any pollutants. The inclusion of a condition to cover these issues will make the development acceptable in respect of policy GEN4 (Development on Contaminated Land) of the adopted Bolsover District Local Plan.

Affordable Housing considerations

In respect of Policy HOU6 (Affordable Housing), the Council's Strategic Housing Officer (SHO) has advised that the Strategic Housing Market Assessment 2013 estimated that 533 units of affordable housing should be brought forward each year to fully meet housing need in the district. In the Bolsover sub market there was estimated to be a shortfall of 184 units per year. This provides robust evidence of the need for more affordable housing in the district.

The SHO has also noted that the revised application proposes less affordable housing provision due to viability concerns and that the affordable housing requirement at this stage will be satisfied by the provision of 1 hectare of serviced land to the Council on which to build an Extra Care scheme, in conjunction with Derbyshire County Council. Extra Care Schemes consist of individual apartments that are either for rent or market sale, this differs from a Residential Care Home where residents just have a room and share all other facilities. The breakdown of tenure will not be known until an assessment of costs and housing need is made at the time the scheme is designed. Bolsover District Council has a duty to consider the needs of all older persons' households for specialised housing not just those requiring affordable housing, so we cannot accept that there will be no market sale units within the scheme, although this is likely to be only a small percentage. The SHO considers that the mix of tenure will not detract from the fact that the provision of the land is the affordable housing

contribution, regardless of the tenure of the units within it.

The SHO has noted that there are concerns over the viability of the site if a higher percentage of affordable housing is required. She notes that as this is a large scale site that will be developed in phases over a number of years, the housing market and viability could change in that time. As such a mechanism would be sought so that viability can be reviewed on a phase by phase basis to establish if there should be any affordable housing provision in future phases, as there is still a proven need for affordable housing in the district. Such a mechanism would have to be delivered through a S106 Planning Obligation in the event that members resolve to grant planning permission.

Leisure considerations

The Green Space Strategy (approved April 2012) was endorsed as a material consideration in the determination of applications for planning permission.

In relation to Bolsover Town, the Green Space Strategy and its supporting factual information contained in Green Space Audit: Quantity and Accessibility report identify that the town currently has a sufficient quantity of both formal green space and semi-natural green space for its population although it will need additional green space to accompany the growth represented by this proposal. Whilst some of the town's current green spaces do not meet the Strategy's quality standard, the principal deficiency against the Strategy's standards relate to access to green space.

In particular, Bolsover Town lacks a 4 hectare sized town park (level 2 green space site) and has significant areas lacking sufficient access to a 2 hectare sized neighbourhood park (level 3 green space site) and to 0.5 hectare sized local green spaces (level 4 green space sites).

The Leisure Officer has noted that at approximately 4.25ha of the proposed Town Park area is significantly in excess of the area normally required for open space (which would be 1.9ha for this size of development). Due to the size of the park, which is in line with the recommended size for a town park as established in the Bolsover Green Space Strategy (2012), it should be possible to include a range of uses including play, sport and informal recreation. It is indicated that it would be more appropriate to provide a larger play area, with more extensive equipment, i.e. at least a NEAP (Neighbourhood Equipped Area for Play) standard play area.

The 'offer' in respect of leisure contributions is for the provision of a landscaped town park on site, plus a £600,000 contribution payable for maintenance of the Town Park in perpetuity (including the potential for phased payment over later phases). The intention is that this space would be adopted by the Council.

In addition to the formal open space provision, approximately 2.34 hectares of semi natural green space, which include a restored orchard in the west of the site, and a proposed permanent retention pond in the north, is also proposed; this incorporates areas of land adjacent to Elmton Lane. The application documents state that it is envisaged that such areas will be subject to a management company to ensure appropriate maintenance is achieved.

Sport England object in the absence of any provision for formal sports and recreation facilities or contributions as part of the proposals. Notwithstanding this objection, its content makes referral to the requirements of the NPPF that the requirement for any should be informed by a robust evidence base. Unfortunately, no such evidence base exists at the present time such that it cannot be demonstrated whether sufficient facilities exist or not. On this basis, it is not considered that any request could be justified for this reason.

Notwithstanding the objection from Sport England, overall the proposal is considered to make appropriate and adequate recreation provision, not least through the provision of a Town Park, for which there is an identified need, but also through the provision of the green corridor along Elmton Lane and other ancillary open space provision. These facilities will provide important amenity features will provide opportunities for recreation and attractive routes for pedestrians and cyclists both into the town and out into the open countryside. It is considered that the facilities proposed are sufficient to satisfy local plan requirements as well as meet the objectives of promoting healthy communities to satisfy the requirements of the NPPF.

Education Considerations

The Education Authority has requested that the Applicant provides a replacement for Bolsover Infant and Nursery School expanded from its current size to accommodate additional pupils; and

- £1,242,492.09 financial contribution towards 109 junior school places for Bolsover Church of England Junior School OR the Applicant to construct an extension to Bolsover Church of England Junior School; and
- £2,439,016.14 financial contribution towards 142 secondary school places for The Bolsover School.

In making this request Derbyshire County Council recognises that the viability of development schemes will vary and that it will consider viability.

The developers have offered a £5 million education contribution, solely towards primary Education, comprising the provision of a new nursery/infant school on site in partnership with Derbyshire County Council and the balance of the contribution used to provide junior places. This position formed part of a revised submission regarding S106 Heads of Terms that was based on submitted viability information.

Despite re-consultation with that Authority following the submission of viability information, Derbyshire County Council has not specifically commented on the viability documents in its latest reply, instead referring solely to its original comment. That Authority has been invited to comment further and indeed has discussed viability issues with officers of this Council and indicated verbal support in principle, although it appears that this has not been followed through to a formal revision of that Council's position (that would have required Committee approval).

The issue of overall viability is discussed separately later.

Health Service Infrastructure Considerations

The NHS has requested contributions to health service facilities. The Council has no policy to

support such requests. Additionally this request is not supported by any evidence of need, stating only that increased service demand 'would not easily be accommodated'. Additionally, there is no indication of a deliverable scheme to respond to any assumed shortfall and the response suggests exploring options. This is not considered to comply with the requirements of the CIL regulations and as such, it is not considered that such contributions could be required.

It is also noted that the Viability Assessment report demonstrates that the development cannot provide contributions towards health service improvements due to viability. Whilst this position is understood, particularly based on past viability and infrastructure testing work which led to decisions of the Council within its plan making processes giving priority to primary phase education provision, the green space provision and highway improvements,. However, in light of the Council's Preferred Strategic Options for the Local Plan for Bolsover District, the Council will be leading discussions shortly with the two Clinical Commissioning Groups to both obtain evidence of capacity so to understand the direct implications of the Council's planned growth on GP services and to help co-ordinate the delivery of the additional capacity to meet this planned growth.

Public Art considerations

The applicants have been invited to consider policy GEN17 relating to the provision of public art and have offered a contribution of £50,000. The Leisure Officer and Arts Officer have indicated that they are content with the offer that has been made that would need to be secured through a S106 planning obligation in the event that Members are minded to grant planning permission.

Notwithstanding this offer, as discussed in the earlier discussion on design issues, it is considered that a contribution for art should not be sought, but that this contribution could be more effectively used to support other design enhancements, particularly the provision of street trees, which would otherwise be unaffordable due to viability issues.

The issue of public art could still be incorporated as a potential matter for contributions at the time of any viability review that needs to be included in any S106 Planning Obligation (see later viability discussions).

Overall Project Viability

Members will be aware that in seeking to secure deliverable developments, it is necessary to consider whether a scheme is financially viable in order to ensure that the scheme can afford to be built out, taking into account any infrastructure requirements that may arise from the development proposals.

With this in mind the viability of this project has been tested at various stages, including work commissioned by the Council as part of the plan making process and by the developer. This viability work has been updated most recently in late 2015 when the applicants submitted an updated viability appraisal. This was also independently verified by a consultant working on behalf of the Council. This demonstrates that whilst there is capacity within the project to deliver a large proportion of the infrastructure requirements that arise from the development, it is not able to fund them all. On this basis the following heads of terms (as revised) have been submitted for the Council's consideration.

Topic	Requirement/Calculation	Contribution	Comment
Leisure			
Leisure – Open Space	Provision of Town Park on Site	Land plus Landscaping Scheme	To be adopted by Council.
Leisure – Maintenance of POS (Town Park)	Contribution payable for maintenance of Town Park in perpetuity. Payable upon adoption. Potential for phased payment over latter phases?	£600,000	
Leisure Services – Art	Reduced contribution – one off sum.	£50,000	
Transport			
Road Network Contribution	Payable on completion of every 60 th dwelling (but first phase contribution back loaded to second phase).	£416 per dwelling to a maximum £395,200	
Transport - Travel Plan	Framework Travel Plan – reasonable endeavours to comply. Provision of Monitoring Contribution	£10,000	In place from first occupation. Payable upon implementation of second phase (i.e. start of 301 st dwelling).
Elmton Lane Improvements	One off contribution for works to Bridleway	£79,640	Payable upon implementation of second phase (301 st dwelling).
Marlpit Lane TRO	Stopping up of Marlpit Lane once access road is linked. Linked to phasing not number of dwellings. Payable upon grant of second phase RM approval.	£40,000	The TRO on Marlpit Lane also includes for the implementation of the one way traffic calming scheme and the extension of the 30mph speed limit to the north east. This is reflective in the 40k figure being higher than a normal TRO.
Marlpit Lane Bus Stop Improvements	One bus stop.	£25,000	The bus stop on Marlpit Lane which is being improved is

			'dbsgdmwm' and it is the southbound stop adjacent to Welbeck Gardens. The upgrade will include DDA compliant kerbing, seating and a shelter
Education			
Education Contribution (Primary)	Contribution towards primary education only. Nursery/infant school on site with DCC providing circa £2.3 mil towards cost of this. Balance of contribution to go towards provision of junior places.	£5,000,000 Serviced land for infant/nursery school. Phased payments.	Note – new single form entry infant and nursery school to be provided on site. Need name of school for junior places – CIL.
Affordable			
Affordable Housing	Provision of 1ha piece of serviced (road) land to Council for use for extra care / affordable. Note – not market sale units. No affordable homes on site but review mechanism in place on a phase by phase basis – limit to units? i.e. review viability at 300, 500, 750 units submitted at RM stage.	1ha Land (serviced – road to boundary).	
SUDS			
Drainage scheme and pond / suds adoption	No obligation.	N/A	To be adopted through private management company.

It is accepted through the viability testing that not all contributions that would ideally be sought would ensure the deliverability of a viable scheme and on the basis of that viability work undertaken, the Heads of Terms are considered to be appropriate in principle, but will need to be subject to formal agreement as part of a S106 Planning Obligation.

Given that viability work is based on current financial viability issues and conditions, coupled with the long term nature of this development proposal, there is a possibility that this current viability position could change and hopefully improve once development commences. On this

basis, review mechanisms will also need to be included in any S106 Planning Obligation to ensure additional contributions to fund identified infrastructure requirements can be secured should this become appropriate in the event of more favourable financial viability conditions in the future. It is considered that this would need to cover all aspects of the agreement, but should focus primarily on affordable housing and education and should also review the potential for contributions to public art.

As discussed earlier, the issue over highway contributions and public art contributions have not been agreed with the applicants at the time of writing this report. Dialogue with the applicants and their representatives will continue with a view to providing an update to Planning Committee at its meeting.

Other Issues

The objections received to this application have been noted and most issues are covered in the above assessment.

Pre-application developer engagement with the local community and the extent and adequacy of this is not a material consideration in the determination of a planning application. Similarly impacts on private property rights and house values are also not material planning considerations.

A request has been made that the application be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009. Notwithstanding this request, this development does not trigger any of the categories in that direction that require such a consultation, such that the determination of this planning application falls to the Local Planning Authority.

Objections claim that approval of the development would contravene the Human Rights Act. However it has generally been established in case law that a normal planning balancing exercises would be enough to satisfy Convention requirements. There are no unusual impacts anticipated from the development that would indicate that the normal balance of planning issues is not applicable.

Conclusions

In summary, whilst this proposal does not comply with requirements of the Bolsover District Local Plan in respect of developing outside of the settlement framework in the countryside on grade 2 agricultural land, there is strong Government guidance in respect of the significant weight that needs to be given to delivering new houses. Only where the impacts are wholly unacceptable in planning terms is the Council likely to be supported at appeal. None of the impacts identified are at such a level. The site is considered to relate very well to the existing settlement and is considered to form an achievable, suitable, sustainable and deliverable development scheme, such that the impacts in this case are sufficiently limited to justify consent for this development proposal.

Other Matters

Listed Building: See assessment

Conservation Area: See assessment

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

Conclusions.

This proposal is contrary to adopted policy in that it involves development outside of the settlement framework in open countryside on Grade 2 (best and most versatile) agricultural land. Nevertheless, it is acknowledged that the adopted Bolsover District Local Plan is an out of date document and has to be considered in the light of more up to date national policy in the NPPF that includes the need to take into account the Council's current lack of a 5 year housing supply.

Whilst limited weight can be given to it due to its infancy, the proposal is in line with emerging Council planning policy. Following public consultation on the identified strategic options for the new local plan during October to December 2015 on the 10th Feb 2016, the Council selected its preferred strategic options for the local plan for Bolsover district. This includes support for the suggested Bolsover North strategic site.

It is inevitable that any development of this scale will result in impacts. However, the applicants have worked collaboratively with the Council to secure assurances that the proposal would provide a well planned and high quality development to create a sustainable addition to the town to aid its regeneration. This would include the provision of essential infrastructure, including the provision of a new Town Park, replacement Infant School and contributions to expanded Junior School provision, Extra Care facility and Highways infrastructure.

The proposal was accompanied by an EIA and this document and other submitted as part of the planning application process demonstrate that the impacts would not be significant and where impacts are identified, that these can be sufficiently mitigated.

On balance it is considered that the proposal can be supported and it is recommended that planning permission be granted.

RECOMMENDATION:

Defer decision and delegate to Assistant Director Planning in consultation with Chairman and Vice-Chairman of Planning Committee subject to:

- A. Completion of S106 Planning Obligation to cover the issues discussed in the above report (see table in overall project viability section above, discussion on highways, public art and street trees and need for review mechanism) ;**
- B. Conditions deemed necessary including those set out below in précis form to be formulated in full by the Assistant Director of Planning.**

Conditions

1. Standard outline conditions – to enable phasing and with an appropriately longer expiry date (application suggests phase 1a should relate to standard; each subsequent phase should extend allowance for submission to 10 years from date of planning permission and should be begun either before expiry of 11 years from date of planning permission or before the expiration of 1 year from the date of approval of the last reserved matters to be approved in respect of that phase [whichever is the latter]).
2. Highway Conditions
3. Requirement for agreement of design code ahead of any reserved matters submissions for any phase of the development.
4. Provision and long term maintenance of formal and informal open space areas (Where not subject to S106).
5. Recommended conditions of the Derbyshire Wildlife Trust regarding
 - Content of Green Space Strategy, including habitat creation
 - Hedgerow retention/protection and replacement hedgerow works.
6. Archaeology works condition.
7. Coal Authority condition re fissures.
8. Construction management plan.
9. Surface and Foul water drainage scheme, including SuDS and an extension of the existing sewerage system.
10. Construction environmental management plan
11. Environmental Health Officer recommended conditions regarding noise, dust and Contamination identification and mitigation, including an assessment of noise impact and mitigation regarding adjacent commercial site at Farnsworth Farm

Notes

1. Urban Design comments/guidance
2. Crime Prevention
3. Reference to important consultation responses to review as part of the preparation of any reserved matters applications including:
 - Severn Trent Water in respect of public sewer responsibilities (A public Sewer crosses the planning application site);
 - Environment Agency and Derbyshire County Council's Flood Risk Management Team in respect of Sustainable Urban Drainage Systems designs;
 - Derbyshire Wildlife Trust in respect of the content of any final Green Space Strategy for the development, including biodiversity enhancements;
 - Natural England in respect of soil handling;

- Bolsover District Council's Environmental Health Officer in respect of noise and contamination.
- Leisure Services in terms of design of foot/cycle paths
- Bolsover District Council's Leisure Services Officer regarding footpath/cycleway proposals.
- Derbyshire County Council as Highway Authority in respect of highway matters.

APPENDIX C: S.106 UPDATE REPORT

PARISH Old Bolsover

APPLICATION	Outline planning application (with all matters except access reserved for later consideration) for residential development in the region of 950 dwellings, provision of an extra care facility (approx 70 units) and an Infant School together with appropriate vehicular, cycle and pedestrian access, associated car parking spaces and open space provision		
LOCATION	Land Between Welbeck Road And Oxcroft Lane Bolsover		
APPLICANT	Persimmon Homes (West Yorks Ltd) and Strata Homes (Yorks)		
APPLICATION NO.	14/00080/OUTEA	FILE NO.	PP-03157152 H6385
CASE OFFICER	Mr Peter Sawdon		
DATE RECEIVED	14th February 2014		

BACKGROUND

Planning Committee at its meeting on the 30th March 2016 resolved to grant planning permission for this development subject to conditions and a S106 Planning Obligation. The final decision was delegated to the Assistant Director Planning in consultation with Chairman and Vice-Chairman of Planning Committee subject to the completion of a S106 (on the terms listed in the original report) and conditions (to be formulated in full).

Since the time of that resolution work has been ongoing to finalise the wording of conditions and the S106 Planning Obligation.

The original report to Planning committee detailed various requirements in respect of financial contributions that would normally be sought through a S106 agreement, but also acknowledged that there were recognised viability issues, and therefore delivery issues, resulting in the resolution to initially require reduced contributions to deliver the most critical infrastructure requirements, namely:

- **EDUCATION** - an expansion to primary phase education provision – by way of land and financial contributions towards a replacement Infants Schools within the site and contribution to enable the extension to the Junior School acceptable to Derbyshire County Council;
- **GREEN SPACE PROVISION** – by way of approximately 6.5 ha, split between 4.2 ha of formal green space and 2.3 ha semi-natural green space arranged to provide a 4 hectare town park located at the southern part of the site that is open to the general public and combines at least three of the following uses: amenity green space, outdoor sports, semi-natural green space, equipped play area;
- **HIGHWAY REQUIREMENTS** - capacity improvements to the Town End / Welbeck Road / Moor Lane junction and other junctions as required – by way of on-site and off-site interventions and contributions acceptable to Derbyshire County Council;
- **SUSTAINABLE TRANSPORT MODE NETWORKS** - including walking, cycling and public transport access – by way of on-site and off-site interventions and contributions acceptable to Derbyshire County Council;

- STRATEGIC GREEN INFRASTRUCTURE – by way of on-site and off-site interventions and contribution acceptable to Derbyshire County Council and Bolsover District Council.
- AFFORDABLE HOUSING - Provision of serviced land for an extra care facility in lieu of some affordable housing contributions.
- PUBLIC REALM IMPROVEMENTS -

This was made subject to review mechanisms to re-consider viability over the lifetime of the development to potentially 'clawback' the remaining contributions that would normally be sought. Areas where reduced or no contributions were secured are: -

- Secondary Education contributions (@£2.4million)
- Reduced contributions to requests of the Highway Authority.
- Public Art – this was reduced as a result of viability testing and also the contribution was utilised for Public Realm improvements (a 'gateway' entrance wall and street trees) as an alternative, although the amount of monies available would not cover the desired number of street trees.
- Balance of affordable housing (taking into account provision of extra care facility)

POSSIBLE CHANGES TO S106 PLANNING OBLIGATION CONTRIBUTIONS

The Education Authority has recently noticed that there has been an error in the sum requested for education contribution, such that the requirement that had been sought and agreed for Junior School Provision has been set too high and needs to be reduced. At the time of preparing this report the exact figures still need to be calculated, but it is anticipated that this will be in the region of £1million.

As it is important to issue the planning permission without undue delay, this report is seeking delegated Authority to officers, in consultation with the Chair and Vice Chair of Planning to agree an alternative schedule of payments following further negotiations with the developers and their agent.

With the exception of the Junior School Contribution referred to above, it is proposed that none of the other contributions required under the original resolution of the Planning Committee will be reduced; rather it will be looking at the other areas where contributions fell short due to viability justification to which that money should be re-allocated.

It is also proposed that the previously resolved requirement for viability review mechanisms be maintained within the S106 document to seek to secure the remaining contributions that would normally have been sought in the event of more favourable financial conditions in the future.

RECOMMENDATION: To grant delegated powers to the Assistant Director Planning in consultation with Chairman and Vice-Chairman of Planning Committee to determine revised priorities for re-allocating part of the sums formerly allocated to the proposed Junior School expansion (final sum to be advised by Derbyshire County Council), to cover areas of identified infrastructure need not initially funded under the original resolution due to viability justification.