

PARISH South Normanton

APPLICATION LOCATION Residential development of up to 29 dwellings
Land To The East Of Thornhill Drive And To The Rear 17 Ball Hill
Thornhill Drive South Normanton
APPLICANT Rippon Homes Ltd
APPLICATION NO. 17/00148/OUT **FILE NO.**
CASE OFFICER Mr Peter Sawdon
DATE RECEIVED 20th March 2017

DELEGATED APPLICATION REFERRED TO COMMITTEE BY:
REASON:

SITE

The site is an existing grassed field, currently used for the keeping of horses, which is located to the north east of Thornhill Drive at South Normanton.

The site is located within the settlement framework, but is identified as forming part of a larger 'Important Open Break' that includes this site and the field immediately to the north.

Dwellings fronting onto Thornhill Drive are located on the south west boundary, with dwellings fronting Ball Hill located on the southern boundary. To the north is an open field that is separated from the application site by a mature hedgerow. To the east is a wide mature landscaped embankment that is positioned on the west side of the M1 motorway, which is located in a cutting at this point.

The site has a fairly steep gradient running from its low point to the west, from where the vehicular access is proposed to be taken, to its highest point to the sites north east corner.

PROPOSAL

This is an outline planning application with all matters reserved for later approval. An indicative layout drawing has been included with the planning application that shows 36 dwellings. These are shown as mainly semi-detached dwellings, with the exception of 2 bungalows, sited to either side of a single cul-de-sac spine road. Generally one car parking space per dwelling is shown.

There was a suggestion when the planning application was initially submitted that this scheme was intended as 100% affordable housing, although this was due to separate discussions that were being held with the Council's Housing Officers about the possibility of selling the site to the Council. Notwithstanding this, there had only been initial discussions with the Council and there was and is no agreement in place for the Council to buy this site.

On this basis, it has been established that the intention of this planning application is to seek to establish an 'open market' planning permission that could either be developed by the applicants or sold in whole or in part to another developer. As such the scheme is not proposed as 100% affordable.

Members are reminded that any potential purchase of the site by the Council (that is not fixed in any event) is not material to the consideration of this planning application.

AMENDMENTS

- Design and Access Statement submitted by: e-mail on 7th April 2017;
- Building for Life Assessment submitted on 3rd May 2017;
- Additional information, including a revised indicative Site Layout [ref. 004] submitted on 19th May 2017;
- Ecology Report submitted on 5th June 2017;
- Agreement to inclusion of pre-commencement condition for contamination 7th June 2017;
- Further indicative layout plan with cross sections submitted on 9th June 2017;
- Air Quality Assessment submitted 30th June 2017, with further clarification of data in the assessment submitted 2nd August 2017.
- Additional ecology information submitted 2nd August 2017.
- Revised indicative layout drawing submitted 16th August 2017
- Landscape and Visual Impact Assessment submitted 18th August 2017.
- Additional information including amended application description (up to 29 dwellings), additional drainage information, house type detail to supplement indicative layout and acceptance to S106 requests submitted on 28th September 2017.

HISTORY (if relevant)

No relevant history

CONSULTATIONS

Health and Safety Executive – Has stated that it does not have an interest in the development. 30/03/17

NHS Hardwick CCG – Seeking a contribution of £10,995 to increase capacity at The Village surgery that is based across two sites at Pinxton and South Normanton. 04/04/17

Archaeologist - The proposal has no archaeological implications. 10/04/17

Derbyshire County Council (Flood Risk Management) – Further information required.

11/04/17. Recommend conditions to control surface water drainage, requiring a sequential test approach to drainage design prioritising SuDS (Sustainable Urban Drainage Systems)

12/6/17. Applicant still hasn't demonstrated all potential SuDS methods have been considered

19/9/17. Satisfied applicant has demonstrated above ground attenuation is not achievable, welcomes inclusion of permeable paving and expects other features, such as rainwater harvesting to form part of the overall drainage strategy 4/10/17

Highways England – Advises not to favourably determine the planning application for a 3 month period pending submission of additional information regarding drainage, air quality and responsibility for proposed structural features. 18/04/17. On basis of further information provided, are content that the application can be determined and request inclusion of four conditions which must be agreed with Highways England prior to any commencement of the development. Also note the sites proximity to an AQMA - site should not exceed the relevant air quality standards 19/05/2017

Derbyshire County Council (Developer Contributions) – Seeking a contribution of £45,596.04 towards the provision of 4 places at Glebe Junior School, along with suggested advisory notes 19/4/17

Coal Authority – Conditions recommended 19/04/17

Drainage engineer – Need for appropriate management arrangements for any SuDS plus need to make temporary arrangements for any surface water run-off. 24/4/07

Environmental Protection Officer – recommends refusal given the inadequacies of the submission in respect of air quality. Consider conditions would be sufficient to deal with issues relating to noise control and contamination. 25/04/17. Additional air quality submission appears OK, but clarification over some issues still needed. 26/7/17. No objections in relation to air quality – recommend condition for dust management plan during construction phase. 7/9/17

Strategic Housing Officer – Notes the offer of 100% affordable housing, but in line with adopted policy is seeking 10% affordable housing provision 27/04/17

Derbyshire Wildlife Trust - Consider further submissions are needed to be able to determine the planning application. 28/04/17 Whilst some additional surveys have been provided, these are insufficiently detailed and incomplete, such that further work is still necessary prior to the determination of this planning application 23/8/17. In response to additional information, are now raising no objections and recommending conditions. 9/10/17

Leisure (and Arts) – Seeking contributions towards formal and informal open space provision, as well as seeking contribution to public art. 2/5/17

DCC (Highways) – No objections subject to conditions 11/5/17

South Normanton Parish Council – No comments to be made. 17/05/17

PUBLICITY

By site notice, press advert and 16 neighbour letters. 10 letters of objection received (2 of which are from the same objector) raising the following issues: -

Principle

Our greenlands are being swallowed up by development and the field outlined for the work houses many forms of wildlife from birds, bats and foxes. Do not want to lose any more of what is now left. We believe there are too many houses proposed on this site – bearing in mind the size of plot compared to the size of plot in application Planning Application 16/00510/FUL “Jacques Brickyard”. Major concerns in the sustainability of a safe environment for the younger residents who are able to enjoy some fresh air on the green while further building friendships within the street “building on a future community spirit”. The amount of affordable housing already available in South Normanton should be adequate with recent approved developments locally. The roads and infrastructure are in need of repair and the amount of new vehicles on the roads is just adding to the destruction.

The plans state affordable housing but affordable to whom, locals cannot afford this type of housing and from research there has been plenty of this type of housing built in the past five years, this is no need for the proposed homes. Currently on Rightmove, the property website, there are 633 houses within a 5 mile radius of the proposed dwellings under £120,000.00 is there a need in the area for affordable housing? Are the developers seeking Government / Local Government monies to assist the build, knowing the focus on affordable housing in city urban areas bearing in mind South Normanton is a village?

The ratio of social housing to purchasing housing seems very unbalanced. If there had been any suggestion that social housing would be built alongside, would have bought elsewhere.

Amenity

Concerned how much more noise we are going to get after and during construction. Noise levels in this area are already at and High level due to location being in vicinity of M1.

As access to the site is through a residential street, with a number of those residents being shift workers, please consider the working hours of the site whilst in development.

Safety concerns from increased air/noise pollution. As we live in a valley the dust will cause issues with both developments. Would also add the concerns over air pollution from M1 J28 To J34 and the proposed speed restrictions to improve air quality in the surrounding areas, so with new homes and inhabitants the increase in personal vehicles, public transport and pollution from the homes we would like to see pollution measures in place, to offset or balance the impact locally.

Will the residents of Thornhill be granted any compensation for the added stress and payments for keeping our properties clean from all the added pollution?

Due to the gradient of the land currently what plans do you have in place to ensure the privacy of the occupants of the homes and gardens of the current dwellings?

This proposal will cause my property to be overlooked on two sides.

In respect of additional documentation submitted, consider that the suggestion that “The Site contributes little to the sense of open space on the edge of the settlement due to its small scale and proximity of existing housing” is incorrect as the views of the residents of Thornhill Drive is clearly visible to some houses and from an upper level from others. Children (and Adults) have observed and enjoyed different wildlife. It is very important to the residents some of whom have lived here from the start – 11 years.

Design

What type of brick will be used? Will it be in keeping with Thornhill? Will the fascias / doors been the same? There is only one parking space, most homes have 2 cars, therefore there will be a lot of excess parking on the roads and this may spill onto Thornhill. The bungalows are not pleasant to the eye; they are not in keeping with the area. No porch, only two windows on the front? Can the design be changed? Why so many houses; can this be reduced?

Local Amenities/Service Provision

What facilities will be provided/upgraded? Currently the GP Practice and Pharmacy are over capacity. The service received from both in terms of waiting times and efficiency are already stretched. Is there sufficient school capacity?

Already have increased classroom sizes. This has a detrimental impact on the children. With the councils cutting back on TAs in schools, how are our children supposed to be educated? Oftsted reports have already advised schools in the area have an over average of pupil premium students.

Highway Safety

Consider the proposed access to be unsafe resulting in a junction with insufficient visibility.

The existing exit onto Ball Hill is unsafe and more cars will add to safety issues.

Safety concerns for pedestrians, especially children on the current estate.

Close already has insufficient parking that will be made worse by the development. There is an issue with people parking cars on the street that are not residents.

Concerned about more traffic entering and exiting at Thornhill Road onto Ball Hill. Traffic to this area already increased due to location of new properties opposite. Traffic throughout the town is already a major issue with roads suffering from potholes and surfacing issues and an increase in yet more housing will only add to this problem.

Construction traffic should not be allowed to wait on Ball Hill prior to site opening of 8 am (as was done on site opposite side of Ball Hill). HGV traffic already ignores signs that are in place warning that the road is unsuitable for HGV's. Lorries already get stuck causing major problems.

Where will site workers park whilst the site is in operation? Thornhill Drive is not designed for a large number of vehicles to be parked along the pavement sides, especially when other large vehicles will need to gain access to the site during those hours.

With large and potentially muddy vehicles please consider a requirement for regular road cleaning services.

Concerned at the potential to access the field to the west of the site creating further development of the area between Thornhill Drive and Bramble Close and potential creation of a 'ratrun'; thought needs to be put in place or traffic calming measures, such as chicanes (not bumps).

Traffic calming should be considered when entering into Thornhill Drive as the area is family oriented with children often playing on the enclosed street.

As a resident of Thornhill Drive the attractiveness of the cul de sac is the limited vehicle traffic which makes it a safe environment for the many who live here with young families. I believe a doubling of the house numbers will present a danger to young children and severely alter the dynamic of the community that reside in the road.

Biodiversity/Wildlife

Concern at the amount of impact on wildlife with the destruction of hedgerows and trees – there is a large tree located near to No 21 Thornhill, which provides a wildlife refuge and a pleasant scenic view throughout the year. In the last few years, the area has been rented, and used by horses and enhance the site, I believe it has also resulted in an increase of wildlife, birds nesting, bats flying between fields (in front of Thornhill Drive), I believe there may be reptiles too. Would like confirmation the existing hedgerows/trees are to be left undisturbed/undamaged to preserve green areas for existing wildlife. I understand there is a fox den and birds nesting in the field along with bats that we see flying around, we did have one in our loft hibernating the other year. Have seen foxes playing in the fields. Great concerns that the proposed development will destroy the homes of these animals and put

them at risk; is there any protection currently in place to preserve the dwelling of these animals?

The tree line that runs directly behind my house all the way through the fields has been gradually growing over the last 11 years and I have concern that this could be destroyed; surely in today's world these trees should be protected.

Drainage

The current site is a field and provides a certain amount of drainage for rain water on a level higher than that Thornhill Drive; please consider where this water would flow to should the field be developed. The land nearby suffers from poor drainage, so this field soaks rain water up and prevents issues for neighbouring properties. Concern about the Runoff into the street facing houses no 11 & 9 and other houses. Water all ready builds up on Thornhill Drive and causes flooding where Ball Hill meets Water Lane when we have heavy rainfall. The build up of water on the street is sometimes worrying. On Ball Hill, this often gets flooded due to the brook when over flown. My house backs onto the brook and over the past 10 years we have noticed the water volume rise. Current dwellings on Thornhill drive that back onto the brook have reported issues with the gardens sinking. Will consideration be given to all other developments that will be adding to surface water run-off in the area.

Land Stability

Would like confirmation of how suitable the land is for this amount of construction during and the proposed settling period and the impact shift on neighbouring sites as highlighted in one of the reports.

Other

Concerns regarding the adequacy of publicity for other developments in the area.

The telecommunication box at the entrance to Thornhill drive is already over loaded and has congestion. What plans are in place to improve the telecommunications for the new and proposed existing dwellings and ensure they are future proof with the number of dwellings planed for future developments?

Affect on property values as a result of the proposed use of the site for social housing.

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)

GEN10 (Important Open Areas)

GEN17 (Public Art)

HOU2 (Location of Housing Sites)
HOU5 (Outdoor Recreation and Play Space Provision For New Housing Developments)
HOU6 (Affordable Housing)
EMP14 (Rough Close Works Outer Development Control Zone)
TRA1 (Location of New Development)
TRA10 (Traffic Management)
TRA13 (Provision for Cyclists)
TRA15 (Design of Roads and Paths to Serve New Development)

Emerging Replacement Local Plan

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

National Planning Policy Framework

Paragraph 14 – advises that permission should be granted for sustainable development. Where the development plan policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework.

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

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

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

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

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

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

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

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

Other (specify)

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

A Building for Life 12 (BfL12) - The sign of a good place to live

ASSESSMENT

The main issues associated with this proposal are the principle of the development of this site for residential purposes, the effects of the development on the character and appearance of the area especially the impacts on the allocated Important Open Area, impacts on the amenities of neighbouring residents, impact on biodiversity interests and impact on public safety.

Principle

The site is located within the settlement framework, but is included within the identified protected open break to which policy GEN10 (Important Open Areas) applied.

Policy GEN10 states:

In the open breaks between settlements and in areas adjoining the M1 motorway as defined on the proposals map and listed below, planning permission will only be granted for development provided it does not detract from the objective of maintaining their open character.

In respect of the open areas in the vicinity of the M1 at South Normanton, the preamble to Policy GEN10 notes that this lies “within the settlement framework but give an open character to the margins of the motorway and act as an environmental cordon for parts of the existing built-up area, separating it from the motorway. This role is valuable and it is considered that the land should be protected from development and kept open.”

In response to this the applicants have submitted an assessment against that Policy along with a Landscape and Visual Impact Assessment (LVIA)

The policy assessment document notes that

- The purpose of the open break is not to protect the identify of settlements and is intended to act as an environmental cordon;
- This site is no more than 0.8ha and has recent development to its south and west;
- Its effectiveness as a cordon is significantly questioned as it cannot be considered to be an open area of strategic importance.
- The development of Thornhill Drive, located to the east of Sough Road and between it and the motorway, has eroded the edge of the settlement and created a precedent for the application proposals, a large proportion of which come no closer to the motorway than the eastern extent of the Thornhill Drive development;
- There are existing properties on Ball Hill (numbers 29 and 31) closer to the motorway than the application site. This also has the effect of limiting the effectiveness of this land as an open area.
- Reduced weight that should be given to policy GEN 10 given its age and non-conformity with the Framework;

- As policy GEN 10 is operating as a housing land supply policy, in circumstances where the LPA cannot demonstrate a 5 year supply of deliverable housing land, paragraph 49 of the Framework advises that such policies cannot be considered up-to-date. This would indicate that further reduced weight should be given to this policy.

The LVIA summarises its findings as follows:

A summary of key points in relation to the value of the Site in the context of Policy GEN10 is set out below:

- a) As a result of a high degree of enclosure there are few views of the Site from the wider landscape apart from very locally on Thornhill Drive. Consequently it contributes little to a sense of openness and, given the absence of views and no public access, its role and contribution to Important Open Space is negligible.
- b) The Site makes little or no contribution to perceived openness adjacent to the M1.
- c) The contribution of woodland within the M1 corridor and the location of the highway within deep cutting adjacent to the Site restrict the influence of the M1 on the Site and results in no discernible influence of the Site on the motorway.
- d) Built development to the south of Ball Hill is both closer to Junction 28 and in a section of the motorway with less vegetation and a shallower cutting. The influence of the motorway on housing and visibility of the housing up to the boundary in this location is greater than would be the case for the Site.
- e) The rising landform of the Site would result potentially increase visibility of housing from the PRow on open land to the north of the Site. However this would be mitigated by detailed design of the layout to place the housing below existing ground (creating a bank up to the boundary from the access road) and/or strengthening of the vegetation on the northern boundary of the Site.

The proposed development would not comply with the requirements of Policy GEN10 in that housing would not meet the “*objective of maintaining their open character*”.

However, in relation to the policy background of GEN10 it is concluded that, as a result of the factors highlighted above, the Site is not “*important to the character of distinct places*” and does not make “*a valuable contribution to the identity of settlements*”.

Neither does the Site act as an “important open break area between settlements” as set out in the policy background.

The Site does lie within the settlement framework on the margins of the motorway however its role as an environmental cordon for parts of the existing built-up area, separating it from the motorway is very limited given the scale of the Site, the proximity of existing housing at Thornhill Drive, the wooded nature of the M1 boundary and the location of the motorway in deep cutting.

Although it is recognized that this role is potentially valuable it is assessed that the contribution of the Site in this respect is negligible and that its development would be less significant than for example the recent development south of Ball Hill which occupies land adjacent to the motorway.

In summary, the Site specifics and context of recent development coupled with the nature of the M1 motorway adjacent to it are such that any harm to openness or landscape character and visual amenity arising from the development of the Site would be minimal.

Clearly this development will detract from the open character of the area as the site would be developed and as such, the development is contrary to policy GEN10. Notwithstanding this, it can be seen and as is alluded to in the submitted LVIA, that the site is well enclosed such that its value as an open area is very limited; the main visible area is the remainder of the open land to the west of the planning application site that is used for the keeping of horses.

Whilst the documents make mention of 5 year housing supply, it is considered that such a supply of deliverable houses can be demonstrated and as such, this should not influence the consideration of this planning application.

The replacement Local Plan, whilst carrying only little weight in the determination of this planning application, still shows an important open area on the draft plan. Notwithstanding this, work on that plan looking specifically at the Protected Open Spaces policy indicates that this policy is unlikely to be taken forward, given that the original allocation was not justified in any meaningful way and does not meet the new methodology for protected open sites intended for that plan that is proposed to be based solely on maintaining the separation of settlements and maintaining settlement identity, which does not apply to this open break area.

It is also difficult to see, when considering the value of an environmental corridor adjacent to the M1 why other similar sites immediately adjacent to the M1 at both Tibshelf and South Normanton have recently been granted and it has been demonstrated in these cases that this can be done without any environmental impacts from the M1 in terms of noise or air quality issues. Advice on the issues of environmental protection have been received from both Highways England and the Environmental Protection Officer (see later considerations) both of which indicate that such issues are also manageable on this site. Whilst the other sites being referred to were not formally included as Protected Open Areas in the plan under GEN10, if an environmental corridor was necessary and justifiable, these sites are in very similar locations in terms of proximity to the M1 and do not benefit from the visual separation from it that is afforded on this site by the landscape belt immediately alongside and it is not possible to offer any rational explanation as to why this site should be singled out and treated differently to those sites based on its nature and characteristics.

This and the fact that the site is not deemed to be of significant value as an open area, given its relatively enclosed nature, it is not considered that this policy provides a useful and defensible purpose and it is not considered that any planning permission should be withheld on the basis of this policy.

In view of the above, given the sites location within the settlement framework it is sustainably located to benefit from the goods and services on offer in the town and in all other respects is considered in principle to be in general compliance with other aspects of the Local Plan and the NPPF.

Design

Whilst all matters are reserved for later approval, the application was initially made for up to 36 dwellings and an indicative layout submitted. That layout did not demonstrate compliance with the Council's Adopted Design Guide 'Successful Places' and additional detail was sought to show how a layout could be achieved that would comply with that document; other issues were also considered as a result of other consultation comments (see later assessments) that have also influenced the revised indicative layout drawing. The result of this process has been a reduction in the number of dwelling proposed to up to 29 and this has included the retention of a hedgerow to the western boundary in response to both ecology, landscape and amenity considerations.

Whilst there are some minor issues remaining on that layout, as all matters are reserved for later approval this layout would not be approved in the event of outline planning permission being granted and a note to this effect can be included. Notwithstanding this, the amount of information provided has demonstrated that the majority of issues raised with the applicant's have been satisfactorily addressed and it is felt that the layout provides sufficient evidence to demonstrate that a layout of up to 29 dwellings is feasible that will be able to generally comply with the Council's Adopted Design Guide 'Successful Places' and will be able to achieve appropriate levels of privacy and amenity for occupants of existing and proposed dwellings.

Highways and Transportation

The Highway Authority considers that Thornhill Drive and its junction with Ball Hill are suitable to accommodate the additional traffic which would be generated by the development and that a suitable layout within the site can be achieved. Access to the development can be laid out as an extension to Thornhill Drive; road and driveway gradients will need to be considered due to the topography of the site and car parking should be provided on the basis of two spaces per unit. However, these issues can be addressed at reserved matters stage and, on this basis; the Highway Authority raises no objections to the proposal from the highway point of view subject to suggested conditions being included in any consent in the interests of highway safety.

Notwithstanding this, the requested conditions relate to detailed matters and as such are not considered necessary at this stage given that this is an outline planning application with all matters reserved. An advisory note drawing the applicant's attention to these can be included.

Environmental Health (Air Quality)

Additional noise survey information was submitted following requests from both the Environmental Health Officer and Highways England, given the sites location adjacent to the M1.

The reports demonstrate that noise would be an issue, but that this can be mitigated, including the use of acoustic fencing to gardens and acoustic double glazing. As a result of this Highways England has removed its holding comment and the Environmental Protection Officer has recommended conditions to control noise levels in the any dwellings and their associated garden areas; conditions including such controls are recommended for inclusion.

Environmental Health (Noise)

Additional noise survey information was submitted following requests from both the

Environmental Protection Officer and Highways England, given the sites location adjacent to the M1.

The Environmental Protection Officer considers the report to be robust and undertaken in accordance with good practice guidance and has no objection to the proposal in relation to air quality, subject to the inclusion of a condition requiring the submission and approval of a Dust Management Plan during the construction phases, which is recommended for inclusion in any planning permission.

Environmental Health (Contamination)

The submitted desk study has identified areas where contamination may be present and on this basis has recommended the inclusion of a condition on any planning permission requiring further studies to establish the extent of any contamination and where necessary, appropriate mitigation. The applicant has agreed to the inclusion of this pre-commencement condition.

Ecology/Biodiversity

The Leisure Officer has noted that the initial indicative drawing 189.49A.001 shows that it is proposed to remove two sections of overgrown hedgerow on the northern boundary of the development. He has stated that it would be preferable to retain and manage these sections as they would provide beneficial habitats for wildlife and are a biodiversity asset in themselves.

Initial concerns were raised regarding the adequacy of the submitted information with the planning application by the Derbyshire Wildlife Trust, but the applicants have appropriately responded to this and the Trust has advised that the details are now sufficient to enable the determination of the application in ecology terms and has recommended conditions. They are seeking controls to avoid works in the bird breeding season, the inclusion of ecology enhancement features and the control of lighting to minimise the impacts of lighting on wildlife.

As the control of works in the bird breeding season is already controlled under separate legislation it is recommended that this should only be included as an advisory note. The remaining issues are recommended for inclusion as conditions.

The later survey work submitted by the applicants recognised the biodiversity benefit of the existing hedgerow and an amended indicative layout drawing has been submitted to show the retention of this hedgerow to the northern boundary that responds to the issue raised by the Leisure Officer.

Flood Risk/Drainage

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

Derbyshire County Council as The Lead Local Flood Authority (LLFA) has assessed the submitted Flood Risk Assessment and associated drainage proposals and is satisfied with the proposed details, subject to the inclusion of a condition relating to the future management and

maintenance of the drainage for the lifetime of the development. This suggested condition would also satisfy the requirements of this Council's Engineer.

A sustainable drainage system (SUDS) has been considered, but the applicants have satisfactorily demonstrated that above ground attenuation is not achievable due to ground conditions and the slope of the site. The LLFA welcomes the applicants proposed inclusion of permeable paving and would have the expectation that this will be incorporate in the overall surface water drainage strategy; they could also include such measures as rainwater harvesting.

Land Stability

The Coal Authority has advised that appropriate consideration has been given to the known mining history of the site and that appropriate studies have been undertaken acknowledging the need for further study work. That Authority advises a condition to require that this additional work is undertaken which is considered reasonably necessary.

Highways England has also raised comments in regard to structural elements of the design that would be located adjacent to the M1 motorway and has requested inclusion of conditions requiring details to be submitted and approved in the interests of ensuring no impact on the safety and operation of the M1. Conditions to cover the issues raised are proposed for inclusion.

Archaeology The Archaeologist has advised that there are no known historic records locally and no historic features are depicted on early maps. Accordingly he recommends no further action on this site relating to archaeology.

Affordable Housing

The Strategic Housing Officer has stated that there is a need for affordable housing in the district, as demonstrated by the Strategic Housing Market Assessment 2013 which estimated that 533 units of affordable housing would be required each year 2013-18 to fully meet housing need. In the South Normanton sub market area alone the estimated requirement is 104 units each year.

If the dwellings on site are to be market housing, subject to viability the affordable housing requirement would be for 3 units in line with the council's policy of 10% provision. As this is a small number of units for a Registered Provider to purchase, a commuted sum for the equivalent provision off-site would also be considered.

The applicant has indicated that they intend to meet this request and this will need to be secured by means of a S106 Planning Obligation.

Recreation and Leisure

The Leisure Officer has commented that although there would be a requirement for a development of this size for the provision of 20m² of public open space per dwelling (a total of 720m² / 0.072ha), there appears to be no meaningful or measurable provision of public open space within the development. As the development footprint is relatively small it would be difficult to provide informal green space of any meaningful size or recreational value on site.

Given that the development is within 400m walking distance of South Street Recreation Ground, it is recommended that a suitable commuted sum is negotiated in lieu of any on site requirement for off-site open space provision to be invested in the enhancement and improvement of South Street Recreation Ground. The commuted sum should be £28,260 (36 dwellings x £785 per dwelling).

In terms of Built & Outdoor Sports Facilities, as the proposed development isn't of sufficient scale to require any dedicated on site built and outdoor sports facilities, the Leisure Services Officer has recommended that a suitable commuted sum be negotiated in lieu of any formal on site requirement. This commuted sum is to be invested in upgrading built and outdoor sport facilities within the parish. The commuted sum should be £33,264 (36 dwellings x £934 per dwelling).

The applicant has indicated that they intend to meet this request and this will need to be secured by means of a S106 Planning Obligation.

Public Art

The Leisure Officer has also sought a 'Percent for Art' contribution.

The applicant has indicated that they intend to meet this request and this will need to be secured by means of a S106 Planning Obligation. Notwithstanding this, no offer in respect of an amount of contribution has been made and a further response on this is being sought from the applicant.

NHS

The Hardwick Clinical Commissioning Group (CCG) is seeking a contribution of £10,955 towards health care provision that cannot be accommodated at the existing facilities at both Pinxton and The Hub at South Normanton.

The applicant has indicated that they intend to meet this request and this will need to be secured by means of a S106 Planning Obligation.

Other issues

- Whilst the majority of issues raised in representations to the planning application are covered in the above assessment comments on other matters are included below:
- Compensation to local residents would not normally be payable as long as the Local Planning Authority has not erred in law in reaching its decision.
- Detailed issues such as bricks and door and window types will form part of the consideration of any subsequent reserved matters planning application.
- The highways leading to the site are suitable for construction traffic and should this be impeded by parked cars, this is an offence under the Highways Act that is enforceable by the police.
- It is not considered that traffic calming is justified.
- The provision of telecommunications equipment is a private market consideration and is not material to the determination of a planning application.

- Affect on property value is not material to the determination of a planning application.

Conclusions

Whilst this proposal is contrary to policy GEN10 (Important Open Areas), for the reasons discussed in the above assessment it is not considered that a refusal against this policy can be sustained. Given the proposal is acceptable in planning terms in all other respects, it is considered that planning permission should be issued for the proposed development.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No significant issues arise, but will require consideration at reserved matters stage.

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 known issues

RECOMMENDATION

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

A. Completion of S106 Planning Obligation to cover the heads of terms listed below;

B. Conditions deemed necessary including those set out below in draft form to be formulated in full by the Planning Manager

S106 Heads of Terms:

10% affordable housing; contribution to South Street Recreation Ground (in lieu of on-site provision); contribution to off-site built & outdoor sports facilities; health care contribution; and Public Art contribution.

Recommended Conditions

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

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

C 3 Reserved Matters details must include a detailed design and associated management and maintenance plan for surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015). The plan shall include details of a Surface Water Drainage Strategy with details of any temporary surface water drainage proposals for construction period and an implementation programme.

The approved drainage system must be implemented in accordance with the approved detailed design and implementation programme.

C 4 No building will progress beyond foundation level unless and until a scheme of sound insulation has been submitted to and approved in writing by the local planning authority. The scheme must be designed following the completion of a sound survey undertaken by a competent person. The scheme must take account of the need to provide adequate ventilation, which will be by mechanical means where an open window scenario is not sufficient and must be designed to achieve the following criteria with the ventilation operating:

Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs)
Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)

All Habitable Rooms 45 dB LAmax to occur no more than 6 times per hour
Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs - 2300 hrs)

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

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

C 5 Reserved Matters details must include a Dust Management Plan for the construction phase of the project. The construction phase of the development must only be carried out in accordance with the Dust Management Plan approved under this condition.

C 6 Development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to C of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D of this condition has been complied with in relation to that contamination.

A) Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o 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 that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

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

E. Importation of soil

In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the LPA for consideration. Only the soil approved in writing by the LPA shall be used on site.

C 7 Reserved matters details for this proposal must include a proposed scheme for boundary treatment at the boundary of the site with the M1 including details of an implementation scheme for such works. The development shall be implemented in accordance with any approved reserved matters and thereafter be maintained and managed in accordance with the approved scheme at all times.

C 8 Any reserved matters application for the layout of the site must be accompanied by the geotechnical details associated with this development, which must also include a programme for implementation. The development must be carried out in accordance with the approved details and in accordance with the agreed programme of implementation.

C 9 Prior to the submission of any reserved matters planning application, a scheme of intrusive site investigations for the shallow coal workings must have been submitted to and approved in writing by the Local Planning Authority.

C 10 Any reserved matters application for the layout of the site must include the submission of a report of findings arising from the intrusive site investigations into shallow coal workings (condition 8) and, where shown to be necessary through that report, a scheme of remedial works for the shallow coal workings that must include an implementation programme. Any remedial works required under this planning permission must be implemented in full in accordance with the agreed implementation programme.

C 11 Any reserved matters for the appearance and landscaping of the site must include details of ecological enhancement measures that shall include details of measures for roosting bats and nesting birds and native planting within the landscaping scheme and must include details of an implementation programme. Any such details approved as a reserved matter shall be implemented in full as approved and maintained as approved thereafter.

C 12 Reserved matters details for this proposal must include an external lighting strategy, to include any street lighting, that must seek to limit the impact of light pollution from artificial light on nature conservation and must include a programme of implementation. Any such details approved as a reserved matter must be implemented in full and maintained as approved thereafter.

C 13 The reserved matters for the site must make provision for the retention of the hedgerow on the site's northern boundary and must demonstrate that the proposed development will not harm the hedgerow nor any trees within it.

C 14 In this condition "retained tree" or "retained hedgerow" means an existing tree or hedge which is to be retained to comply with the approved plans and particulars; and paragraphs (a) and (b) below will apply for five years after the occupation of the last dwelling on the development.

(a) No retained tree or hedgerow will be cut down, uprooted or destroyed, or topped or lopped, other than in accordance with the approved plans and particulars.

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, another tree or hedgerow must be planted at the same place and that tree or hedgerow plants must be of such size and species, and must be planted at such time, as approved in writing by the Local Planning Authority.

(c) Before any equipment, machinery or materials are brought on to the site to implement this planning permission, temporary fencing must be erected to protect the existing retained hedgerows and trees. The fencing must be retained and maintained until all equipment, machinery and surplus materials have been removed from the site. The fencing must be at least 1.2m high, strong enough to resist impacts and must include intermittent signage along its length warning site operatives that the 'Hedge and/or trees is/are to be retained and is/are protected by condition of planning permission' and also advising that nothing shall be stored or placed within the fenced area and the ground levels within the fenced area shall not be altered, and no any excavation shall take place, without the written consent of the Local Planning Authority.

Reason(s)

R 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

R 2 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

R 3 To ensure that sufficient detail of the construction, operation and maintenance of any drainage systems is provided and incorporate the principles of sustainable drainage as far as is practicable, to maintain the integrity of the M1 and to ensure that the M1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act. and in compliance with the requirements of policies GEN1(6), GEN2 (1, 9 and 13) and GEN5 of the adopted Bolsover District Local Plan.

R 4 To protect the amenity of the occupants of the proposed dwellings, to maintain the integrity of the M1 and to ensure that the M1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act and in compliance with Policies GEN1(6) and GEN3 of the adopted Bolsover District Local Plan.

R 5 To protect the amenity of the occupants of nearby dwellings and in compliance with Policies GEN1(6) and GEN2(2) of the Bolsover District Local Plan.

R 6 To ensure the site is suitable for its intended use, to protect the amenity of residents and the quality of the water environment and in compliance with Policies GEN1(6), GEN2(8) and GEN4 of the Bolsover District Local Plan.

R 7 To maintain the integrity of the M1 and to ensure that the M1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act and in compliance with policy GEN1(6) of the adopted Bolsover District Local Plan.

R 8 To maintain the integrity of the M1 and to ensure that the M1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act and in compliance with policies GEN1(6) and GEN7 of the adopted Bolsover District Local Plan.

R 9 In order to ensure that the extent of shallow coal workings and their potential to influence the design and layout of the scheme is fully understood at an appropriate time, to ensure that the site is suitable for its intended use, to protect the safety of residents and in compliance with Policies GEN1(6) and GEN7 of the Bolsover District Local Plan.

R 10 In order to ensure that any shallow coal workings are suitably identified and means for their suitable remediation put in place to ensure that the site is suitable for its intended use to protect the safety of residents and in compliance with Policies GEN1(6) and GEN7 of the Bolsover District Local Plan.

R 11 In order to mitigate the impacts of the development on ecology/biodiversity interests of the site and enhance those interests in compliance with policies GEN2(11, 12 and 21) and ENV5 of the Bolsover District Local Plan.

R 12 In order to mitigate the impacts of the development on ecology/biodiversity interests of the site and enhance those interests in compliance with policies GEN2(11, 12 and 21) and ENV5 of the Bolsover District Local Plan.

R 13 In order to mitigate the impacts of the development on ecology/biodiversity interests of the site and enhance those interests, to ensure that adequate protection is given to the retained hedgerow and trees in the interests of the visual amenity of the area and in compliance with policies GEN1(4), GEN2(1, 11, 12 and 21) and ENV5 of the Bolsover District Local Plan.

R 14 To ensure that adequate protection is given to the trees and hedgerows to be retained on the site in the interests of the visual amenity of the area, in the interests of ecology and biodiversity and in compliance with Policies GEN1 (4), GEN2 (1, 11, 12 and 21), ENV5 and ENV8 of the Bolsover District Local Plan.

Notes

1. This site is subject to a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended) and any developer should be aware of the need to comply with the requirements of that agreement and/or any subsequent variations to it, in addition to compliance with the conditions of the planning permission.
2. This outline planning permission does not indicate that the submitted layout and design will be acceptable to the Council at reserved matters stage. Any design and layout must have regard to the Council's Adopted Design Guide 'Successful Places' and reference should be had to the comments of the Council's Urban Design officer in consultation responses that can be seen on the Council's website (www.bolsover.gov.uk).
3. 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; no removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. 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).
4. Condition 6 in no way indicates that this site is currently considered to be contaminated, merely that the potential for contamination exists on this site. We do not currently have any entries on our register of contaminated land as we are presently at the stage of inspecting the District and identifying potentially contaminated sites. If any of these sites warrants regulatory action, an entry will be made on the public register. As the whole of Bolsover district is considered to be a radon affected area we would advise the applicant obtains a Radon Risk report for the site. A report may be obtained from Public Health England <http://www.ukradon.org/>.
5. In terms of the required surface water drainage details (condition 6), it is acknowledged that above ground attenuation is not achievable on this site. On this basis, this condition is not seeking the provision of a full SuDS drainage scheme. It would be expected that any scheme must ensure SuDS features are incorporated as far as is practicable within the drainage scheme having regard to the constraints relating to the development site, to incorporate such features as permeable paving and rainwater harvesting (this is not intended to be an exhaustive list).
6. In order to discharge the requirements of condition 3 (surface water drainage), any developer must ensure all of the below parameters have been satisfied: - Limiting the discharge rate and storing the excess surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical duration rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site to

comply with S2 & S3. - Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to comply with S7 & S8.

- Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. - Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional. - Production of a plan showing above ground flood pathways where relevant for events in excess of 1 in 100 year rainfall event to comply with S9. - Where reasonably practicable demonstrate that the runoff volume of the site reflects the requirements of S4.

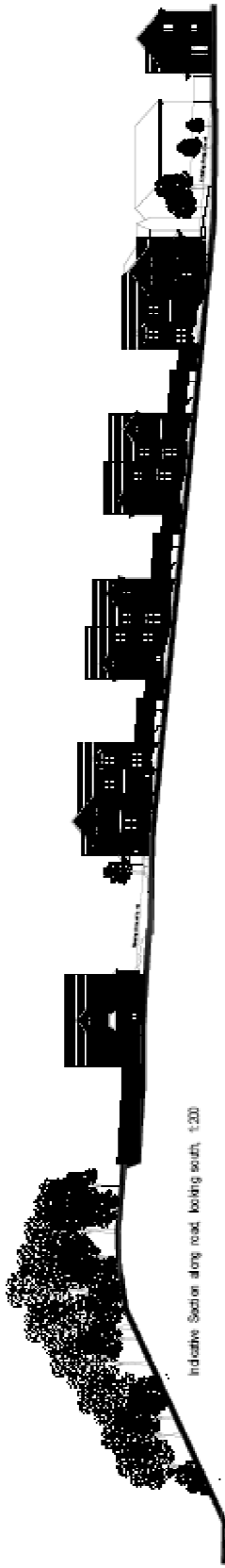
7. The County Council as Lead Local Flood Authority advises that it does not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for the maintenance of any SuDS features once the development is completed. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from Derbyshire County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc); to make an application for any works please contact Flood.Team@derbyshire.gov.uk. The applicant should demonstrate the appropriate level of treatment stages from the resultant surface water in line with Table 3.3 of the CIRIA SuDS Manual C697. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse's Water Framework Directive good ecological status. You are reminded of the requirements of Approved Document Part H of the Building Regulations 2000 that will require a soakaway/ground investigation conducted in compliance BRE Digest 365 methodology or similar submitted to demonstrate the feasibility of infiltration alone to manage surface water on the site and if infiltration is found not to be feasible, an alternative option for surface water disposal should be proposed. In order of preference this should be to: i. an adjacent watercourse with detailed evidence of the feasibility of this option given the existing site constraints, ii. a surface water public sewer, with appropriate evidence that the relevant Water and Sewerage Company deems this acceptable, or iii. a combined public sewer, with appropriate evidence that the relevant Water and Sewerage Company deems this acceptable.

8. The developer's attention is drawn to the consultation responses of Derbyshire County Council as local Highway Authority dated 4th May 2017, Highways England dated 19th May 2017 and The Coal Authority dated 19 April 2017 that can be viewed with the other application documents by using the application reference number on the application search page of the Council's website (www.bolsover.gov.uk). Please note that the local Highway Authority's comments contain suggested conditions that are not included given the fact that this is an outline planning application with all matters reserved, but you should have regard to the suggested conditions and advisory notes in that letter in respect of the layout and design of any reserved matters submissions as the submitted scheme will need to demonstrate compliance with those requests.

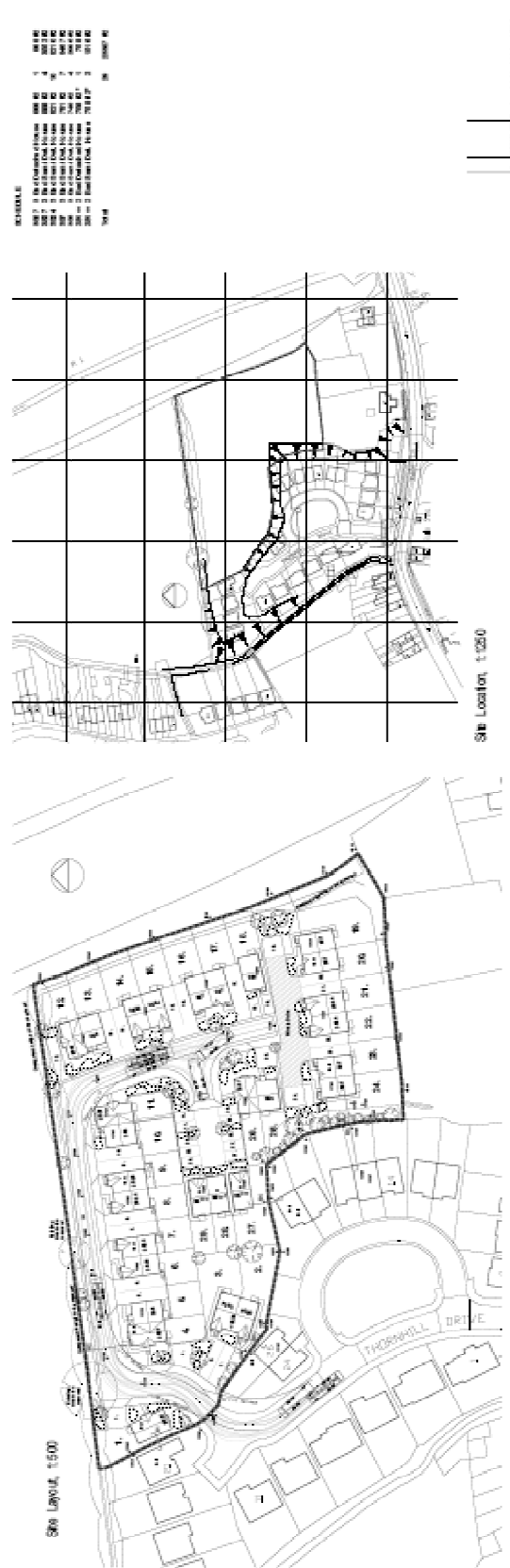
Statement of Decision Process

In compliance with the National Planning Policy Framework the Council has negotiated amendments to seek to ensure compliance with national and local policy, in respect of the

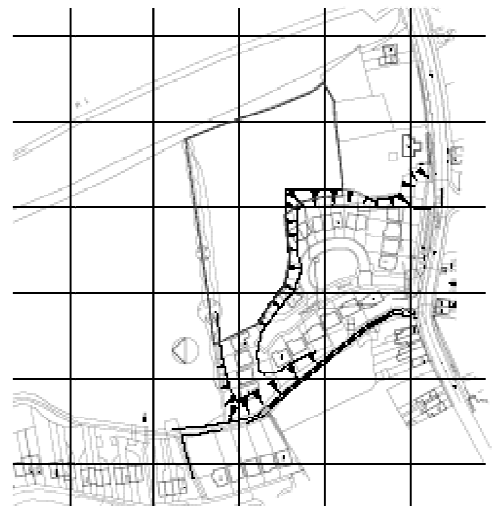
justification for the proposed development including the quantum of development being proposed, ecology, noise, air quality and drainage issues, as well as issues relating to residential amenities.



Indicative Section along road looking south, 1:200



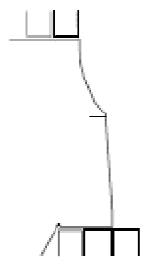
Site Layout, 1:500



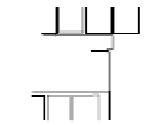
Site Location, 1:250

NOTES:

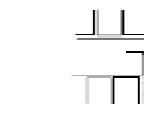
1. All buildings to be constructed in accordance with the Building Regulations.
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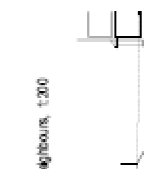
Section 5, 1:200



Section 4, 1:200



Section 3, 1:200



Section 2, 1:200



Section 1, 1:200

1. All buildings to be constructed in accordance with the Building Regulations.



BALL HILL, SOUTH
NORMANTON, DEES 2ED

Site Location, Layout
& Sections

Scale	Date	Sheet
1:500 (SITE PLAN)	16.10.17	8
1:250 (LOCATION)	16.10.17	8