

**PARISH**

Old Bolsover

**APPLICATION**

Residential development of thirty-five dwellings (A revised scheme of part implemented permission 03/00730/FULMAJ for forty-three dwellings)

**LOCATION**

Residential Development at Former Courtaulds Site Meridian Close (Off Oxcroft Lane) Bolsover

**APPLICANT**

Mr Gray, Green Bank House Green Bank Cleckheaton Bradford

**APPLICATION NO.**

17/00314/FUL

**CASE OFFICER**

Mr Steve Phillipson

**DATE RECEIVED**

22nd June 2017

Referred to Committee by Joint Assistant Director of Planning.

Reason: Failure to agree funding for expansion of Education facilities.

**SITE**

The site occupies 1.4 hectares of brownfield land on an edge of settlement position on the north side of Bolsover. The land was previously occupied by a Courtaulds Factory, which has since been demolished. Oxcroft Lane bounds the eastern side of the site, which includes a footway across the frontage. Bolsover cemetery is located immediately opposite and Sutherland Farm (a chicken farm) to the northeast. Beyond the site, Oxcroft Lane is a characterful country lane with wide verges, hedgerows and views over farmland.



Mill Lane bounds the southern boundary and a number of industrial units, including the former Council depot, are located on the south side of Mill Lane. Beyond the northern and western boundaries is agricultural land, although the land to the north has an extant outline permission for residential development.

The site is currently enclosed by heras fencing, chain link fences and hedges are present along the northern and western boundaries and on parts of Mill Lane. Internally the land is generally unmanaged and overgrown with spoil occupying the northwest corner of the site. However a former planning permission 03/00730/FULMAJ has been implemented by the provision of the estate road into this site and a new footpath along Oxcroft Lane. These works were undertaken some years ago and development has stalled.

## PROPOSAL

Application for full planning permission for the erection of thirty-five 2 storey dwellings as a revised scheme to part implemented planning permission 03/00730/FULMAJ for forty-three dwellings.



The current proposals for the site would provide 32 detached four bed market dwellings and 3 terraced two bed affordable dwellings.

The proposed scheme will utilise the implemented access and estate road and pedestrian access from Oxcroft Lane, which was approved under the extant permission for the site. The scheme also proposes the inclusion of a pedestrian access point from the south west corner of the site along Mill Lane.

The Applicant has agreed S106 contributions on a similar basis per dwelling as was agreed for the previous planning permission for Affordable Housing, Recreation and Childrens Play but not for Public Art (accounting for inflation £28,336 previously agreed). Contributions for education and for the GP practice were not previous requirements and have not been agreed for the current application. However a viability report has been submitted to justify why the scheme cannot stand the cost of education and medical contributions now sought by consultees. Developer contributions now offered are:-

Three 2 bed affordable houses (8.6%)  
£32,690 Youth and adult recreation facilities  
£27,475 Children's play facilities  
Nil – Public Art

#### Reports Submitted

Ecology Appraisal  
Reptile Survey  
Design and Access Statement  
Flood Risk Assessment  
Planning Statement  
Viability Appraisal  
Engineering and Environmental Assessment

#### **AMENDMENTS**

Amended layout plan, D&A, Landscape Sketch plan, All house types, garage and boundary detail.

#### **HISTORY (if relevant)**

03/00730/FULMAJ - Residential development (43 dwellings). Approved. 28/07/05.  
Development commenced, road laid out but then development stalled.

15/00076/OUT – Outline permission for up to 149 dwellings on land adjacent to the north of the current application site. Approved 05/05/16.

#### **CONSULTATIONS**

##### Urban Design Officer

17/08/17 Object. Revisions recommended regarding:-  
The relaxation of the building density and alignment of the site frontage;  
The arrangement of buildings around the entrance;

Concerns about SE corner layout;  
Prominent side and rear boundary enclosures;  
Use of panel fence instead of brick screen walls including to Mill Lane;  
Provision of rear access for plot 20;  
Setback building line, open frontages and prominent parking;  
The proposed house designs with considerable variation in respect of materials and finishes;  
The submission fails to demonstrate how it has had regard to the local distinctiveness of Bolsover in respect of materials;  
Absence of front boundary treatments resulting in a generic open plan estate.

**06/10/17 Comments on amended plans:-**

The simplified house types are generally considered to be more appropriate;  
Needs to see materials samples prior to accepting proposed palette;  
Front fences - can condition boundary detail;  
Dry stone wall to entrance area is positive and welcomed;  
Recommends some further amendments in respect of plots 1, 11, 15, 19-20, 25, 27, 35.

**DCC Highways**

**08/08/17 No objections subject to conditions and notes:-**

Provision of access; parking; site compound; wheel cleaning; pedestrian splays; no gates within 5m of highway; compliance with 6C's; access gradient less than 1 in 20; surface water drainage details.

**Crime Prevention Design Advisor**

The revised and reduced layout submitted with this application is good. Advice given on some minor matters including suggested improvements to boundary detail and fencing.

**BDC Drainage Engineer**

No objections subject to acceptance of SuDS design by DCC and maintenance arrangements being in place. The developer should make arrangements to prevent surface water run-off problems during construction.

**DCC Flood Risk**

**31/07/17** Further information requested on how the site will drain.

**10/08/17** Clarification of the information required. Including infiltration testing results, groundwater level results, and surface water attenuation volumes.

**12/10/17** No objections subject to a condition requiring approval of a detailed design and associated management and maintenance plan of surface water drainage for the site.

**Yorkshire Water**

No objections subject a condition that no surface water shall discharge to the local public sewerage system (soakaways are proposed).

**Environmental Health Officer**

Regarding potential ground contamination, the site has been the subject of previous site investigations and conditions relating to ground contamination but it is unclear whether the condition was ever fully discharged. Also the site has been derelict for many years. In view of the time since the previous investigation, we would recommend that a further review of the

site in terms of the potential for contamination is carried out. This should be required by condition.

Re Odour: It should be noted that the site is close to a chicken rearing farm which does produce odours from time to time.

Re Noise: Concerned that no consideration has been given to the potential noise impacts both from the poultry farm or the former Depot site on the western side of the site. A condition is recommended requiring a sound survey and sound insulation scheme.

#### Leisure Services

Requests commuted sums in lieu of on site provision for both Adult recreation/sports and children's play in line with policy HOU5 (Sums £32,690 and £27,475 respectively). Also seeks contribution to public art at a level of 1% of development costs.

#### Education Authority

Seeks the following commuted sums for the expansion of school capacity due to a predicted lack of capacity to accommodate the additional pupils generated:-

£34,197.03 for the provision of 3 infant at places at Bolsover Infant and Nursery School

£45,596.04 for the provision of 4 junior places at Bolsover C of E Junior School.

£85,880.85 for the provision of 5 secondary places at The Bolsover School.

#### Housing Strategy Officer

No objections.

#### Awaited

Old Bolsover Town Council  
CCG (NHS)

### **PUBLICITY**

Advertised in the press, site notice posted, 5 properties consulted. One objection received on grounds of:-

Highway safety impact.

Extra traffic on the narrow Oxcroft Lane.

Extra traffic on Mill Lane – narrow with no footpath in places so increased vehicle pedestrian conflict.

Increase in the number of complaints about the odour from the nearby chicken farm. Any significant rise in complaints would put pressure on the owner of the farm and this may lead to him having to close down resulting in the loss of his livelihood and the potential for employing local people.

Concerns about the proposal to prune back the existing hedgerow for the 6 plots on the south west boundary to increase garden depths for the proposed dwellings. This is an "important hedgerow" under the regulations. Impact on wildlife.

### **POLICY**

#### Bolsover District Local Plan (BDLP)

Based on the latest published assessment of our 5 year supply of deliverable housing sites,

at 31<sup>st</sup> March 2017 the Council had sufficient supply within the 5 year supply period for approximately 8 years of delivery. Therefore, the saved planning policies within the adopted Bolsover District Local Plan (February 2000) related to the supply of housing are no longer considered to be out of date and can be given due weight in the determination of planning applications. This site is within the settlement framework as defined in the plan.

GEN 1 – Minimum Requirements for Development  
GEN 2 – Impact of Development on the Environment  
GEN3 - Development Affected by Adverse Impacts from Existing Uses  
GEN4 - Development on Contaminated Land  
GEN 5 – Land Drainage  
GEN 6 – Sewerage and Sewage Disposal  
GEN 8 – Settlement Frameworks  
GEN 17 – Public Art  
HOU 2 – Location of Housing Sites  
HOU 5 – Outdoor Recreation and Play Space Provision for New Housing Development  
HOU 6 – Affordable Housing  
TRA 1 – Location of New Development  
ENV 5 – Nature Conservation Interests Throughout the District  
ENV 8 – Development affecting Trees and Hedgerows

#### Emerging Local Plan for Bolsover District

LC1 The Consultation Draft Local Plan allocates this site for residential development (See also para 5.17)

#### National Planning Policy Framework

6 – 10 Achieving sustainable development  
11-16 Presumption in favour of sustainable development including para' 14 which requires *"approving development proposals that accord with the development plan without delay"*  
17. Core principles.  
56. Requiring good design.  
72. Give great weight to the need to create, expand or alter schools.  
173-174. Ensuring viability and deliverability.  
203 -206. Use of planning conditions and obligations.

#### Other (specify)

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

The site lies within the Settlement Framework Boundary as identified in the Bolsover Local Plan (2000) where residential development is acceptable in principle. It is allocated for residential development in the emerging replacement Bolsover Local Plan (October 2016)

and it counts towards the Council's identified five year supply of housing. It is recognised as having received planning permission for residential previously and that permission has been partially implemented. This included the estate road and provision of about 200m of new footpath fronting Oxcroft Lane to the wider benefit of residents in this area. The site is a brownfield site and is considered to be reasonably well located for access to public transport, jobs and services. Therefore residential development on this site is acceptable in principle and it accords with local plan policies GEN8, HOU2 and TRA 1 and the emerging local plan policy LC1.

The delivery of additional housing and associated economic and social benefits are to be welcomed.

#### Infrastructure Capacity and S106 Developer Contributions

With exception of public art the Applicant has agreed S106 contributions on a similar basis per dwelling as was agreed for the previous extant planning permission. Developer contributions now offered are:-

Three 2 bed affordable houses (8.6%)

£32,690 Youth and adult recreation facilities

£27,475 Children's play facilities

The proposal therefore complies with policies HOU5 in terms of leisure and play facilities, and policy HOU6 with regard to the provision of affordable housing.

Whilst a contribution to art has not been agreed by the Applicant on this occasion as sought by policy GEN17, public art will rarely be "necessary" to make an application acceptable in planning terms and in this case it is considered that the requirement does not meet the tests for conditions or S106 contributions. Hence a contribution for art cannot be required. The Applicant has however agreed to provide a dry stone wall entrance feature to enhance the quality of the public realm at the entrance to the site.

Contributions for education and for the GP practice were not previously requirements of the first planning permission and S106 as there was no capacity problem identified at that time. That permission has been commenced and so can still be further implemented. The Applicant has not agreed to these developer contributions for the current application but has provided a viability report to justify why the scheme cannot stand the additional cost of education and medical contributions. The cost and revenue assumptions contained within it are considered to be reasonable showing a profit of 17% for the developer without contributions for education or health. This is a low return with at least 20% profit being a more normal return for developer's risk.

At pre-planning application stage The CCG sought a contribution of £12,173 for GP practice expansion but they have not responded to the consultation on this planning application itself. The CCG are yet to demonstrate that all GP practices in Bolsover are over capacity and the Council does not yet have a policy to require a contribution. Under the circumstances and given the viability situation it is considered that a contribution would not be CIL compliant and so cannot be required.

Of greater concern is the lack of contribution to expand the schools. The County Education

Authority predict a capacity problem at infant, junior and secondary level. They seek a total of approximately £165,000 to provide for an extra 3 infant, 4 junior and 5 secondary places respectively.

Advice at para'72 of the NPPF is that *"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted."*

However at paragraph 173 of the NPPF states: - *"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable.*

*Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable".*

Whilst there is some tension between the advice in paragraphs 72 and 173 of the NPPF, this site is an allocated site in the emerging local plan and so should not be subject to such infrastructure contributions as to make development unviable. The viability on this site has been shown to be marginal without the schools contribution requested. This site is also a stalled brownfield site within the settlement framework which has an extant planning permission. If the extant permission were to be implemented as a fallback position (which could happen if this application is refused), then 43 dwellings would be provided without any contribution to the local schools. Furthermore the scale of additional pupils generated by this proposal alone (an extra 3 infant, 4 junior and 5 secondary places) is not especially high or burdensome to address.

Under these circumstances, despite the weight to be given to expand schools, it considered that the failure to provide for expansion of the local schools does not justify the refusal of planning permission on this occasion.

#### Highway Issues

A resident has raised concerns about extra traffic and highway safety impacts on Oxcroft Lane and Mill Lane. However the extant permission, if implemented, is for a more dense development than that now proposed and would be likely to generate more vehicular movements than from the current proposal would. The former commercial use of the site would also have generated traffic. There are no highway safety objections from the Highway Authority and it is considered that there is no reason to withhold planning permission on highway safety grounds. It should be noted however that not all of the conditions requested by the Highway Authority are considered to be necessary because the access road and



junction are substantially in place already. Appropriate conditions deemed necessary are set out below at 'Recommendation' section of this report.

### Design

As initially proposed the house types and some aspects of the design and layout were considered to be inappropriate but amendments sought and submitted have now improved the quality of design to an acceptable standard. Conditions are required to control some matters of detail.

The Crime Prevention Design Advisor is of the view that this proposal is an improvement over the previously permitted scheme.

### Odours

The site is located close to a nearby poultry farm that is regulated via an environmental permit by the Environment Agency. There is a likelihood that some of the residents may be affected by odours at certain points of the rearing cycle (i.e. when the sheds are cleared out or the birds are being removed.) depending on wind direction. However a previous planning permission has been granted on this site and an adjacent application for 149 dwellings has also recently been granted planning permission even closer to the chicken farm following an odour monitoring exercise. For that application it was concluded that *'it was unlikely that the odour will reach levels where it would constitute a statutory nuisance due to the limited amount of days per year that the odour will be experienced (albeit the site is operated under a PPC permit). However, the odour will impact on the amenity for residents for a limited amount of time in the year. This must be weighed against the need for development in this area'*. It was concluded that the level of impact did not outweigh the benefits of additional housing delivery. Similarly it is considered that this issue would not justify the refusal of the current planning application. However it would be appropriate to attach an advisory note to the planning permission to draw attention to the odour issue such that potential purchasers of the properties can make an informed choice.

### Noise

The concerns of the EHO about potential noise from the chicken farm and the former depot site are noted. However bin lorries are no longer based at the depot and noise from the chicken farm traffic will be very infrequent. There is an extant consent to develop this site and it is considered that the provision of acoustic glazing and mechanical ventilation for properties adjacent to the southern boundary would adequately mitigate potential noise in this case. This can be required by condition.

### Ecology

The site comprises of areas of scrub, species poor improved grassland, scattering of young trees, bare ground, hard surfacing and mature species poor hedgerow to part of the western boundary. There is no statutory designated site located near to the site. No water bodies or water courses are present on the site.

The ecology survey undertaken advises that:-

The mature hawthorn hedgerow to the west of site should be protected by providing a buffer to protect the existing routes.

Botanically, the site itself does not appear to have any rare species and it is not particularly

diverse.

There are no buildings on site and none of the trees on site have suitable features for roosting bats.

There was no evidence of badger on site or within 30 m of the site boundary.

The potential for the site to support dormice is low.

Hedgerow to the west scrub and brash piles provide potential nesting habitat for common and widespread species of birds. There may be impacts on nesting birds if vegetation removal is undertaken during the breeding season.

The site provides potential habitat for common and widespread reptiles such as common lizard and grass snake and a further survey for reptiles was undertaken as a result but none were found to be present.

There is also an opportunity to provide a biodiversity gain on site, such as incorporating species rich hedgerows around the perimeter of the site, planting of native tree species and the incorporation of bat boxes into the dwellings & bird nesting boxes and around the site boundary.

It is considered that the site is not especially important in terms of ecology and biodiversity and that subject to appropriate conditions including the retention and new planting of hedgerow the proposal will not result in any unacceptable impacts on ecology.

#### Drainage

The water company has no objections to the proposals provided infiltration is the means of surface water disposal and the Lead Local Flood Authority has no objections subject to detailed designs of the system being approved by condition. Drainage issues are not considered to be a constraint to development.

#### Ground Contamination

No significant issues subject to a condition securing remediation of any contamination.

#### Other Matters

Listed Building: N/A

Conservation Area: N/A

Equalities: No significant issues

Access for Disabled: No significant issues

SSSI Impacts: N/A

Human Rights: No significant issues

#### Conclusion

Residential development on this site is acceptable in principle. It is a brownfield site within the settlement framework and it is allocated for residential development in the emerging local plan. Furthermore planning permission for a more intense form of residential development has already been granted and that scheme has been partially implemented. That development has stalled but the planning permission is still extant and it so it could be resumed as a fallback position. Although the Applicant has not agreed to developer contributions for education and health for the current application, these were not obligations associated with the extant planning permission and the Applicant has provided evidence to show that the viability of the development would be threatened if these obligations were provided. Having regard to these circumstances and to paragraph 173 of the NPPF it is

considered that permission should not be withheld.

There are no technical reasons or impacts which would justify the refusal of planning permission.

## **RECOMMENDATION**

**Approve subject to the following conditions given in précis form (to be formulated in full by the Assistant Director of Planning/Planning Manager in consultation with the Chair and Vice Chair of Planning) and upon completion of a S106 obligation requiring:-**

- **Three 2 bed affordable houses**
- **£32,690 Youth and adult recreation facilities**
- **£27,475 Children's play facilities**

### Conditions

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

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

2. Except where specifically stated otherwise in the conditions below, the development hereby permitted shall be carried out in accordance with the following approved drawings:-

Location Plan – JHY/OLB/PH1/LP/01

Site Layout – JHY/OLB/PH1/SL04F

Single garage – SDL-2016-092

Double garage – SDL-2016-094

Twin garage – SDL-2016-095

Standard boundary treatments – JHY/SDL49D

Boundary details – SF13Bols

Stone wall entrance – OX-DSE-35

Field gate – J7/02179

### Plot specific house types

1. OX-HN-1A
2. OX-B-22326
3. OX-D-3
4. OX-B-433A
5. OX-B-517
6. OX-B-6
7. OX-BW-7
8. OX-HN-8
9. OX-B-9
10. OX-B-101230
11. OX-BW-11A

- 12.OX-B-101230
- 13.OX-D-13
- 14.OX-HN-14
- 15.OX-BW-15B
- 16.OX-B-16
- 17.OX-B-517
- 18.OX-HN-18
- 19.OX-MT-192021A
- 20.OX-MT-192021A
- 21.OX-MT-192021A
- 22.OX-BW-22
- 23.OX-B-22326
- 24.OX-D-24
- 25.OX-B-25B
- 26.OX-B-22326
- 27.OX-BW-27
- 28.OX-STY-28A
- 29.OX-BW-29
- 30.OX-B-101230
- 31.OX-D-31
- 32.OX-B-32
- 33.OX-B-433A
- 34.OX-HN-34A
- 35.OX-B-35A

R. For the avoidance of doubt having regard to the amended and additional drawings submitted during the application in order to define the planning permission.

3. The hedgerow along the western boundary of the site shall be retained and reinforced as may be necessary and thereafter maintained.

Before the development is commenced and 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 hedgerow along the western boundary of the site located at least 2m from the bole of the hedge-line. The fencing shall be retained and maintained until all equipment, machinery and surplus materials have been removed from the site. The fencing shall be at least 1.2m high, strong enough to resist impacts and shall include intermittent signage along its length warning site operatives that the 'Hedge to be retained and protected by condition of planning permission' and also advising that nothing can be stored or placed within the fenced area and the ground levels within the fenced area must not be altered nor any excavation take place, without the written consent of the Local Planning Authority.

In the event that the hedgerow is removed which should have been retained in accordance with this condition, it shall be replaced within the next available planting season by Hawthorne whips planted at 25cm centres in a double staggered row which shall thereafter be retained and maintained.

R. To ensure that satisfactory landscaping is retained in the interests of visual amenity and biodiversity and in compliance with policies GEN 1, GEN 2, GEN11 and ENV5 and ENV8 of the Bolsover District Local Plan.

#### 4. Potential Ground Contamination

Other than works to continue the construction of the highway access and estate road, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 'A' to 'D' 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 condition 'D' has been complied with in relation to that contamination.

##### A. Site Characterisation

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

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

#### D. Reporting of Unexpected Contamination

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

#### 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.

R. To reduce any risks associated with potential ground contamination or ground gas and to accord with policy GEN4 of the Bolsover District Local Plan.

5. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than to the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. The details shall include a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with:

- a. The principles and details contained within the 'Flood and Drainage Assessment for a proposed residential development site adjacent to Oxcroft Lane, Bolsover, Dated: 21st May 2017 Project No: 7688'
- b. DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015).

R. To ensure that the site is properly drained, adopts sustainable drainage principles and in order to prevent overloading by surface water which must not be discharged to the foul sewer network and to accord with policies GEN5 and GEN6 of the Bolsover District Local Plan.

6. Plots 11, 12, 13, 15 and 16 shall be fitted with high performance acoustic glazing and mechanical ventilation of a type specified by an appropriately qualified person to mitigate potential noise impacts from existing commercial development to the south side of the site.

R. To ensure a an acceptable standard of amenity for the occupants of the proposed dwellings having regard to the existing commercial development to the south side of the site and to accord with policy GEN3 of the Bolsover District Local Plan.

7. Before construction progresses above foundation level on any building or wall, a materials plan and schedule and representative samples of the materials to be used in all external wall and roof areas shall first have been submitted to and approved in writing by the Local Planning Authority.

R. To ensure a satisfactory standard of external appearance in accordance with policy GEN2 of the Bolsover District Local Plan.

8. Before any of the dwellings have been occupied, the feature dry stone walls at the entrance to the site shall have been provided in accordance with the approved layout plan JHY/OLB/PH1/SL04F (or any subsequently approved variation to it) and generally in accordance with drawing OX-DSE-35; subject the dry stone wall being constructed from natural magnesian limestone, laid in courses and with a mortar specification all in accordance with details and a sample panel constructed on site which have all been approved in writing by the Local Planning Authority.

R. To ensure a satisfactory standard of external appearance in accordance with policy GEN2 of the Bolsover District Local Plan.

9. Prior to the occupation of any of the dwellings 2.4 x 47m visibility splays at the site access junction shall be provided and thereafter maintained free from obstruction for the life of the development.

R. In the interests of highway safety and to accord with policies GEN1 and GEN2 and TRA15 of the Bolsover District Local Plan.

10. The new dwellings shall not be occupied until the proposed new estate street, between each respective plot and the existing public highway, has been laid out in accordance with the approved application drawings, constructed to base level and drained and lit.

R. In the interests of highway safety and to accord with policies GEN1 and GEN2 and TRA15 of the Bolsover District Local Plan.

11. Prior to the occupation of any of the dwellings its external off-street parking, access drives and turning areas shall have been provided in accordance with the revised layout drawing JHY/OLB/PH1/SL04F (or any subsequently approved variation to it) and thereafter maintained for their intended use.

R. To ensure that adequate off-street parking is provided and retained for use to reduce the incidence of on-street parking and its attendant dangers and in compliance with policy GEN1

and GEN2 of the Bolsover District Local Plan.

12. Notwithstanding the boundary detail shown on the submitted layout plan no dwelling shall be occupied until further details of the boundary treatments for the site have been submitted to and approved in writing by the Local Planning Authority. The approved detail shall be implemented before the respective dwellings are occupied.

R. The front boundary treatments proposed on the layout plan are not approved and must be replaced with a more appropriate alternative to accord with policy GEN2 of the Bolsover District Local Plan.

13. Notwithstanding the landscaping detail submitted during the course of the planning application, no building shall be occupied until a scheme of both hard and soft landscape works including a programme for implementation have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved.

R. To ensure that satisfactory landscaping is retained and provided in the interests of visual amenity and biodiversity and in compliance with policies GEN 1, GEN 2, GEN11 and ENV5 and of the Bolsover District Local Plan.

14. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

R. To provide a reasonable period for the replacement of trees and shrubs in the interests of the visual amenity of the area and in compliance with GEN 1, GEN 2, GEN11 and ENV5 of the Bolsover District Local Plan.

#### Notes

The presence of a chicken rearing farm close to this site should be noted. The amenity of the occupants of the proposed dwellings will be affected from time to time, though the frequency is likely to be restricted to a few days per year and so this issue has not precluded planning permission being granted for residential development on this site.

With regard to the future discharge of the surface water drainage condition set out above, the Applicants attention is brought to the additional advice set out in the DCC's Flood Risk Management Teams Recommendations dated 12/10/2017 available to view on the Council's website.

Avoid bird nesting season for site clearance unless surveyed by an ecologist.

Compliance with ecology report's recommendations.

Highway Authority Notes.