

The Arc  
High Street  
Clowne  
Derbyshire  
S43 4JY

Date: 29<sup>th</sup> May 2018

Dear Sir or Madam

You are hereby summoned to attend a meeting of the Planning Committee of Bolsover District Council to be held in the Council Chamber, The Arc, Clowne, on Wednesday 6<sup>th</sup> June 2018 at 1000 hours.

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

You will find the contents of the agenda itemised on page 2.


Yours faithfully



Joint Head of Corporate Governance and Monitoring Officer  
To: Chairman and Members of the Planning Committee

## ACCESS FOR ALL

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**PLANNING COMMITTEE  
AGENDA**

**Wednesday 6<sup>th</sup> June 2019 at 1000 hours  
in the Council Chamber, The Arc, Clowne**

<b>Item No.</b>		<b>Page No.(s)</b>
	<b>PART 1 – OPEN ITEMS</b>	
1.	<b><u>Apologies for Absence</u></b>	
2.	<b><u>Urgent Items of Business</u></b> To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972	
3.	<b><u>Declarations of Interest</u></b> Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:  a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4.	To approve the minutes of a meeting held on 9 <sup>th</sup> May 2018	3 to 5
5.	Notes of a Site Visit held on 9 <sup>th</sup> March 2018	6
6.	Applications to be determined under the Town & Country Planning Acts.	
	(i) 18/00026/FUL - Change of use to showman's site at Land Adjoining 7 Brookhill Road, Pinxton	7 to 15
	(ii) 18/00178/FUL - Additional Access and Amendments to the Bridge Improvement Measures (removal of the bridge) on Buttermilk Lane at Land Formerly Known as Coalite on North And South Side Of Buttermilk Lane, Bolsover	16 to 33

## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday 9<sup>th</sup> May 2018 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, P.M. Bowmer, T. Connerton, C.P. Cooper, M.G. Crane, M. Dixey, S.W. Fritchley, H.J. Gilmour, D. McGregor, T. Munro, B.R. Murray-Carr, M.J. Ritchie, P. Smith, R. Turner, D.S. Watson and J. Wilson.

Officers:-

C. Fridlington (Planning Manager (Development Control)), J. Owen (Legal Executive) and A. Brownsword (Senior Governance Officer)

### **0816. APOLOGIES**

Apologies for absence were received from Councillors J.A. Clifton and B. Watson.

### **0817. URGENT ITEMS OF BUSINESS**

There were no urgent items of business. However, the Chairman noted that Agenda Item Nos 6(ii) – 18/00178/FUL - Additional Access and Amendments to the Bridge Improvement Measures (removal of the bridge) on Buttermilk Lane at Land Formerly Known as Coalite on North And South Side Of Buttermilk Lane, Bolsover and 6(iii) 18/00026/FUL - Change of use to showman's site at Land Adjoining 7 Brookhill Road, Pinxton had not been correctly publicised, due to an administration error. It was therefore considered prudent to defer the items to ensure that all interested parties could be correctly notified.

Moved by Councillor D. McGregor and seconded by Councillor T. Munro  
**RESOLVED** that Application Nos 18/00178/FUL and 18/00026/FUL be deferred to the next meeting of the Planning Committee.

### **0818. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## PLANNING COMMITTEE

### 0819. MINUTES – 14<sup>TH</sup> MARCH 2018

Moved by Councillor T. Munro and seconded by Councillor R. Turner.

**RESOLVED** that the minutes of a meeting of the Planning Committee held on 14th March 2018 be approved as a true and correct record.

### 0820. SITE VISIT NOTES – 9<sup>TH</sup> MARCH 2018

Moved by Councillor D. McGregor and seconded by Councillor R. Turner

**RESOLVED** that the notes of a Site Visit held on 9<sup>th</sup> March 2018 be approved as a true and correct record.

### 0821. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

- (i) 17/00615/FUL - Demolition of existing buildings and erection of foodstore and retail terrace, car parking and associated works at Sherwood Lodge, Oxcroft Lane, Bolsover, Chesterfield

Further details and an amended recommendation were included in the Supplementary Report.

The Planning Manager (Development Control) presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

Mr. M. Rothery attended the meeting and spoke in support of the application.

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

Moved by Councillor M.G. Crane and seconded by Councillor S.W. Fritchley

**RESOLVED** that Application No. 17/00615/FUL be DEFERRED and delegated to the Planning Manager in consultation with the Chair and Vice Chair of Planning Committee subject to consultation on the amended plans and no new substantive issues arising in representations; priority entry into a S.106 legal agreement containing obligations related to:

- a) commuted sum of £150,000 towards highways improvements;
- b) commuted sum of £5,000 towards public art; and
- c) the transfer of sufficient land and rights across land in the applicant's control to safeguard the route of two-way link road between Town End and Oxcroft Lane

AND planning conditions related to:

- Commencement within two years of the date of the permission

## PLANNING COMMITTEE

- Compliance with Amended Plans
- Archaeology and Written Scheme of Investigation
- Drainage including surface water and foul water
- Biodiversity and Landscaping
- Construction Method Statement including hours of operation on site etc
- Highways including conditions suggested by the local highway authority
- Amenity including noise and external lighting
- External Facing Materials including requirement for prior approval of specifications
- Operational Matters including hours of opening and restrictions on use

### **0822. UPDATE: SECTION 106 AGREEMENTS**

The Planning Manager (Development Control) presented the report which gave Committee an opportunity to assess the effectiveness of the updated procedures and gave up to date information on ongoing cases where planning obligations were involved.

Members complimented the department on the introduction of a monitoring system and noted that there were built in trigger points.

Moved by Councillor T. Munro and seconded by Councillor D. McGregor  
**RESOLVED** that the report be noted.

The meeting concluded at 1031 hours.

## PLANNING COMMITTEE

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### **PRESENT:-**

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**RESOLVED** that the report be noted.

The meeting concluded at 1031 hours.



**PARISH** Pinxton

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**APPLICATION** Change of use to showman's site  
**LOCATION** Land Adjoining 7 Brookhill Road, Pinxton  
**APPLICANT** Mr & Mrs Cox  
**APPLICATION NO.** 18/00026/FUL  
**CASE OFFICER** Rory Hillman  
**DATE RECEIVED** 10.01.2018

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: CLLR DOOLEY

REASONS FOR REFERRAL: The potential cumulative adverse impacts of the proposals on the character, appearance and amenities of the local area.

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## **SITE**

The application relates to a rectangular parcel of land of approximately 0.25 hectares situated on a corner plot at the junction of Brookhill Road and Erewash Road. The site is located within an established employment area known as Brookhill Industrial Estate. The site's most recent use was as an overspill car park. At the time of the site visit the site had been cleared and underground services were being installed.

## **PROPOSAL**

The application seeks planning consent for the change of use of the site from an overspill car park to use as a travelling showpeople's site to provide space for six residential caravans, and including space for the storage and maintenance of fairground equipment and car parking.

## **AMENDMENTS**

Further details have been submitted which provide details of the likely equipment to be stored on the site (a mobile home, caravan, mobile catering unit and fairground equipment including heavy goods vehicles and fairground rides), and the likely times of the year that the equipment would occupy the site. Details have also been provided to indicate that the definition of "travelling showpeople", as described in Annexe 1 of the Planning Policy for Travellers Sites 2015 document, would be met by the occupants; and details of the individual circumstances which have motivated the application.

## **RELEVANT HISTORY**

None

## **CONSULTATIONS**

Bolsover District Council (Engineers): No objections

Bolsover District Council (Local Plans) No objections for the following reasons:

It is considered that the proposal is compliant with policy GEN 8 – Settlement Frameworks, but not with EMP 5 – Protection of Sites and Buildings in Employment Uses, however, the specific circumstances that apply regarding the type and nature of this proposed use make it an acceptable use in this location.

Whilst the site was not allocated for a Travelling Show-people's Plot, it is considered that this proposal would meet Policy LC6: Gypsies, Travellers and Travelling Show-people of the Emerging Local Plan.

Therefore, a decision to approve the application would be acceptable from a policy perspective.

Derbyshire County Council (Highways): No objections subject to conditions

Parish Council: No response to date.

## **PUBLICITY**

The application has been publicised by a site notice and neighbour notification. Two third party representations in objection have been received raising the following points:

- Locally identified need for travelling showpeople's sites is met and exceeded by existing planning permissions on other sites;
- The site is not capable of providing satisfactory living environment for future occupants due to the passing of heavy goods vehicles close to the site;
- The site's location would mean any future occupants would have to travel through the surrounding industrial estate to reach local facilities, which could be dangerous;
- The availability of land for employment uses would be reduced.

## **POLICY**

Bolsover District Local Plan ('the adopted Local Plan')

GEN 1 Minimum Requirements for Development

GEN 2 Impact of Development on the Environment

GEN 3 Development Affected by Adverse Environmental Impacts from Existing or Permitted Uses

GEN 5 Land Drainage

GEN 6 Sewerage and Sewage Disposal

GEN 7 Land Stability

GEN 8 Settlement Frameworks

HOU 2 Location of Housing Sites

HOU 14 Residential caravans and mobile homes.  
HOU 15 Sites for Gypsies and Travellers  
EMP 5 Protection of Sites and Buildings in Employment Uses  
TRA 1 Location of New Development  
TRA 10 Traffic Management

Bolsover District Publication Draft Local Plan ('the emerging Local Plan')

LC6: Applications for Gypsies, Travellers and Travelling Showpeople  
WC2: General Principles for Economic Development

National Planning Policy Framework ('the Framework')

Paragraphs 14 and 17 with regard to the presumption in favour of sustainable development and core planning principles.

Planning Practice Guidance also offers further guidance on the application of national policies set out in the above paragraphs.

Planning Policy for Travellers Sites 2015

Paragraphs 24 and 26 are relevant in guiding the decision making process with regard to applications for planning permission for Travelling Showpeople sites. A definition of "travelling showpeople" is contained in Annexe 1.

## **ASSESSMENT**

Evidence of Need

The Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment 2015 (GTAA 2015) evidence document which has informed the approach being taken forward in the Emerging Local Plan establishes that the total accommodation need in Bolsover District is for 13 travelling showpeople pitches up to 2034, of which there is an immediate need for 8 pitches up to 2019.

In common with Housing policies in the NPPF, a 5 year supply requirement exists in relation to travelling showpeople's sites as set out within the Planning Policy for Traveller Sites document 2015. Where the Council cannot demonstrate 5 year supply, this should be a "significant material consideration".

The Council's GTAA evidence establishes that for the time period 2014 – 2019, 8 No. pitches would be required. A recent permission in Pinxton sought to permit 14 units and is therefore a commitment that could meet the identified need in its entirety if implemented. Although it is unclear if this consent has yet commenced, in the view of the policy team this consent is counted toward (and meets) the identified need at present. The weight in favour of the application that would be present if the Council could not demonstrate a five year supply of sites is therefore absent. However, this does not automatically mean the proposal should be refused,

only that it should be considered against the development plan and other material considerations without benefiting from the positive weighting that a lack of provision in this regard would provide.

### Location

The site is within Pinxton's settlement framework, approximately half a kilometre south of the village centre and is considered to be a reasonable location for the use of large vehicles and maintenance and storage activity common to travelling showpeople's sites. It is also considered that a location that affords easy access to the motorway network away from residential areas but close to local amenities and services is appropriate for the proposed use given its mixed residential/industrial nature. The site in question meets all these requirements.

Given that the proposal includes industrial and residential elements, an industrial/non-residential location within reach of local services is considered to be required, this site provides both. The conflict inherent in residential dwellings within a commercial/industrial area referred to in third party representations is acknowledged but is considered to be outweighed by these considerations. Further discussion of amenity and highway safety impacts is included below.

### Compliance with the adopted Local Plan

The application site is small and within Pinxton's settlement framework. Local Plan Policy HOU 2 Location of Housing Sites states that, within settlement frameworks, planning permission will be granted for "applications for residential development on small sites... providing the proposals comply with the policies and proposals in this local plan". Therefore, the principle of residential development is accepted, subject to the proposals compliance with the Local Plan and other relevant material considerations.

Beyond those that establish the principle of residential development within settlement frameworks, the most pertinent Local Plan policies in this instance are: GEN 1, GEN 2, HOU 14 and EMP 5. Of these, GEN 1 and GEN 2 are addressed under Amenity and Highways matters below. Policy HOU 15 Sites for Gypsies and Travellers in the adopted Local Plan is not relevant to the application given that travelling showpeople do not meet the definition of gypsies and travellers that informs this policy.

Policy HOU 14 Residential Caravans and Mobile Homes is relevant to the application and states that planning permission will be granted for new caravan sites provided the amenity of neighbouring properties or land would not be materially harmed, and that the site would have adequate servicing and drainage arrangements. These considerations are discussed below.

Policy EMP 5 Protection of Sites and Buildings in Employment Uses precludes change of use of employment sites unless certain criteria are fulfilled, which in this case they would not be. Although the proposal would result in a reduction in available employment land, albeit slight, the proposed use includes maintenance and storage of fairground equipment undertaken as part of the occupants' employment. The reduction in available employment land would be limited by the size of the site and qualified by the mix of uses proposed. It is also arguable that the use of the site as storage/maintenance facility aligns more closely with a description of an employment use than the site's last recorded use as an overspill car park. The conclusion of the Local Plans team is that although there is a superficial conflict with this policy, no objection

would be justified in practice. The intentions of EMP 5 are therefore considered to be met and no significant reduction to the available stock of land compatible with employment uses is anticipated.

### Compliance with emerging Local Plan

The emerging Local Plan takes into account the more up to date traveller site guidance published in 2015 (see below). Policy LC6: Applications for Gypsies, Travellers and Travelling Showpeople sets out that proposals will be supported where they are shown to meet various criteria. The current application is considered to meet all of these with the exception of criterion a) which requires applications to “meet a need identified in an independent assessment”. As discussed above, this need has been assessed as having been met by extant planning permissions elsewhere. However, the conclusion of the policy team in their consultation response on this application is that the proposal is consistent with the intentions of policy LC6 and offer no objection to the proposal on policy grounds.

Similar functional matters are raised within policy LC6 to those within Policy HOU 14 with regard to the location relative to services and access to the road network. In addition the policy states at LC6(i) that S106 legal agreements should be used to restrict the use of the site to travelling showpeople meeting the definition contained within the Planning Policy for Traveller Sites document. Such a matter could reasonably be conditioned and therefore, a S106 is not justified in this case. A condition to this effect is included below.

Regarding emerging policy WC2: General Principles for Economic Development, the same discussion applies as for policy EMP 5 of the adopted Local Plan above.

### Planning Policy for Traveller Sites (2015)

The Planning Policy for Traveller Sites document is a material consideration in the assessment of the proposal. Of particular relevance is paragraph 26 which sets out the criteria that should be afforded weight in the assessment of proposals for Travelling Showpeople sites. These seek:

- Use of brownfield land
- The enhancement of the environment and openness of the site
- To avoid excessive enclosure of the site
- Facilitation of healthy lifestyles

To take each consideration in turn: the site would utilise a brownfield site; the tree planting already undertaken is considered to enhance the local environment and avoid excessive enclosure through the avoidance of alternative boundary treatments, a condition requiring the agreement of a landscaping scheme is recommended below; the site is within 300 metres of a recreation ground which provides the opportunity for physical exercise, given that this is a small site, it is not considered to be appropriate to require the provision of open space within the site.

Paragraph 24 states that the established level of need for traveller sites should be considered. This is addressed above.

## Character and Appearance

Significant character or landscape implications are not anticipated as a consequence of the proposals given the location of the site within an established employment area. The equipment to be stored on the site would be screened behind the existing boundary treatments which have also been supplemented by tree planting which will increase the level of screening over time as the trees establish and grow. Any visual presence that the accommodation and equipment would have would be seen within the context of surrounding industrial and commercial land uses. As such it is considered the character and appearance implications of the proposals would be minimal and would accord with Local Plan policy GEN 2.

## Highways Matters

The access into the site is established. The Highway Authority raise no objection to the use of the site for in this manner subject to the provision of one parking space per pitch and restricting the provision of further gates to the site. Subject to these conditions, Officers consider the development would be in accordance with Local Plan policy GEN 1.

The issue of highway safety has been raised in third party representations received. It is true that occupants of the site would have to travel through the northern part of Brookhill Industrial Estate in order to access Pinxton's centre. However, there are footways on both sides of the route out of the industrial estate that would be most likely to be taken by occupants of the site to the centre of the village to the north, the total length of which is less than 250 metres. The movement of heavy goods vehicles around the site is acknowledged but this is also true of several of the main routes through and within Pinxton, many of which also accommodate residential dwellings. In light of these considerations and in the absence of any objection from the County Highway Authority, no significant increase in risk to highway safety as a result of the proposal is anticipated.

## Amenity Impacts

In terms of the impact of a residential site on the use of nearby properties, the site proposed is relatively small scale and is unlikely to cause significant noise or disturbance. In the reverse, whilst it is acknowledged that the provision of residential dwellings in an industrial area will have implications for the residential amenity of future occupants of the site, these considerations are to be outweighed by the need for travelling showpeople's sites normally to be located away from predominantly residential areas due to the partially industrial nature of the storage/maintenance element of the use and the requirement for a relatively large site for the same reason. It is also understood that the site has been selected with these requirements in mind and that the commercial nature of the surrounding area is fully understood.

Tree planting already undertaken at the site's boundary with Brookhill Road will alleviate some of the noise and air quality impacts associated with the movements of heavy goods vehicles and a condition is recommended below to secure the submission of a landscaping scheme detailing the location of these trees and to ensure that they are retained, in line with the requirements of saved Local Plan Policy GEN 3.

Adopted policy HOU14 requires mains utilities to be provided. In discussions with the applicant

it was confirmed that the site is to be provided with mains water and mains electricity, as well as connection to the sewer network. Conditions will require compliance with this approach. Taking the above matters into account, Officers are satisfied the site is designed to provide for a reasonable level of amenity for future occupants. On this basis the proposed development is considered to accord with the requirements of saved Local Plan policies GEN 1, GEN 2 and HOU 14.

### Conclusions

Although the Council considers it does have a five year supply of sites for travelling showpeople, the current proposals are considered to be acceptable on their own merits because they accord with local and national policies and specific guidance in relation to travelling showpeople. There are also no overriding issues that would preclude a combined residential/industrial use in this location. Accordingly, it is recommended that planning permission be granted for the current application subject to conditions.

### **Other Matters**

Listed Building: None affected;

Conservation Area: None affected;

Crime and Disorder: No crime and disorder implications are considered to result from the development proposals;

Equalities: The above report adequately covers the Council's responsibilities to respect the rights of travelling showpeople in line with national planning policy;

Access for Disabled: The pitches proposed will have relatively level access;

SSSI Impacts: None affected;

Trees (Preservation and Planting): Condition recommended below to ensure the description and retention of trees already planted on site;

Biodiversity: Slight increase in potential habitat compared with the previous land use;

Human Rights: The relevant provisions of the Human Rights Act, including the qualified right to the peaceful enjoyment of property, are considered in the above report.

### **RECOMMENDATION: To APPROVE subject to the following conditions:**

1. The development hereby permitted shall be commenced within three years of the date of this decision.

Reason: Y101 in compliance with legislation

2. The proposed caravans shall not be occupied until such time as full details of soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:
  - Planting plans
  - Written specifications (including cultivation and other operations associated with plant and grass establishment)
  - Schedules of plants, noting species, planting sizes and proposed numbers /
  - densities where appropriate

All soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in the interests of visual amenity in accordance with policy GEN 2 of the Bolsover District Local Plan and paragraph 26 of the Planning Policy for Traveller Sites policy document 2015.

3. The proposed caravans shall not be occupied until such time as a suitable scale drawing has been submitted to and agreed, in writing, by the Local Planning Authority in consultation with the Highway Authority demonstrating a minimum of 6 off-street car parking spaces of minimum dimensions 2.4m x 5.5m clear of the access and manoeuvring space and the spaces have been provided on site. Once provided, they shall be maintained thereafter clear of any impediment to their designated use.

Reason: In the interests of highway safety in accordance with policy GEN 1 of the Bolsover District Local Plan.

4. In perpetuity all future occupants of the site hereby permitted shall meet the 'travelling showperson' definition within Annexe 1 of the Planning Policy for Traveller Sites Guidance 2015 (or any future guidance replacing or re-enacting this guidance).

Reason: The development hereby permitted is granted partially on the basis the site is appropriate for travelling showperson accommodation due to the specific site requirements associated with travelling showperson accommodation and equipment storage and maintenance. The condition is imposed to ensure that the site is not open to a purely residential caravan use which could be contrary to the development plan.

5. No more than 6 caravans and/or mobile homes (whether for storage or human habitation), as defined in the Caravan Sites and Control of Development Act (1960) and the Caravan and Sites Act 1968 (and any act or guidance supplementing, revoking or re-enacting those acts), other than those expressly approved by this consent, shall be placed on the land for temporary or permanent purposes. The agreement of the Local Planning Authority shall be issued in writing prior to the siting of any further caravans in addition to those expressly permitted.

Reason: In order to ensure the use of the site remains in line with the proportion of users proposed under the application to avoid additional uncontrolled highways and amenity impacts.



6. Within 1 month of the commencement of the use hereby permitted, mains drainage, mains water and mains electricity utility services shall be provided and made available for use on the site. Thereafter the utilities provided shall be retained for the life of the development.

Reason: In the interests of the amenity and living environment of future occupants and neighbouring properties.

7. There shall be no gates other than those already installed and such gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy GEN 1 of the Bolsover District Local Plan.

### **Informative Notes:**

1. The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant should be advised to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.
2. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
3. The Highway Authority recommends that the first 5 metres of the proposed access should not be surfaced with a loose material (e.g. unbound chippings or gravel). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the landowner.
4. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

**PARISH** Old Bolsover

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**APPLICATION** Additional Access and Amendments to the Bridge Improvement Measures (removal of the bridge) on Buttermilk Lane  
**LOCATION** Land Formerly Known as Coalite on North And South Side Of Buttermilk Lane Bolsover  
**APPLICANT** Mrs Sophie Watkin 10 Upper Berkeley Street London W1H 7PE  
**APPLICATION NO.** 18/00178/FUL **FILE NO.** PP-06835124  
**CASE OFFICER** Mr Chris Fridlington  
**DATE RECEIVED** 22nd March 2018

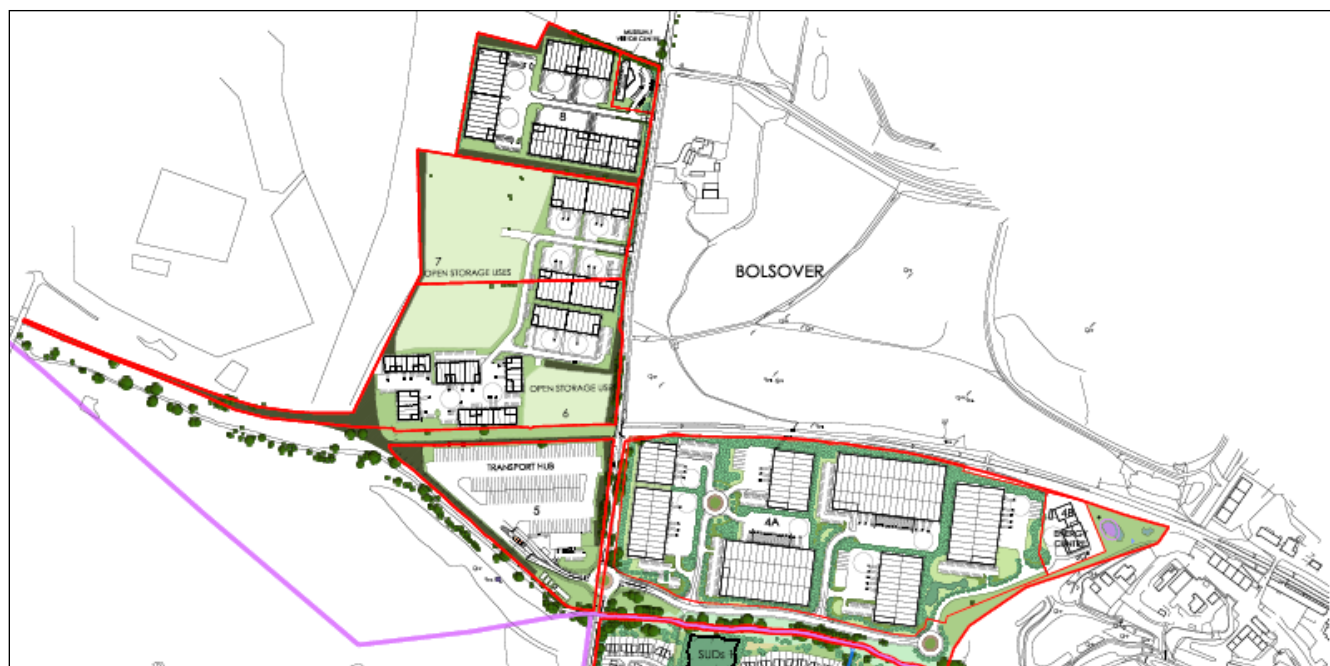
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## **BACKGROUND**

This application proposes highway improvements to a length of Buttermilk Lane adjacent to part of a disused industrial site, which was formerly used for the production of the Coalite brand of smokeless fuel. Historically, the site has also been associated with dioxin emissions and pollution of the adjacent Doe Lea river and surrounding farmlands. The former Coalite site closed in 2004 leaving behind a derelict site and a legacy of land contamination issues.

Remediation of the site commenced in November 2016 and the clean-up of the site is part of a wider regeneration scheme including the provision of commercial buildings on land within Bolsover District. The regeneration scheme was granted outline permission in December 2015 (14/00089/OUTEA).

Extract from Masterplan attached to 14/00089/OUTEA



## HIGHWAY IMPROVEMENTS

The existing outline planning permission includes consent for highway improvements to Buttermilk Lane (B6418) including replacement of the road bridge over the Doe Lea river, which is currently subject to a weight restriction. The details of this replacement bridge are subject of a separate application (18/00003/DISCON) which is currently pending consideration.

The existing permission also includes consent for highway improvements closer to what reads as the main access to the former Coalite site from Buttermilk Lane but these proposals did not include removing the 'railway bridge' which crosses over the disused railway line (the former Bolsover Branch Line) that passes under Buttermilk Lane.

These proposals included a 'shuttle system' shown on the plan below and it was intended that traffic signals would be used to control traffic flows and alternate the direction of traffic moving over the bridge. Two separate access points to the north of the proposed 'shuttle system' on Buttermilk Lane would then provide improved access to the re-developed site.

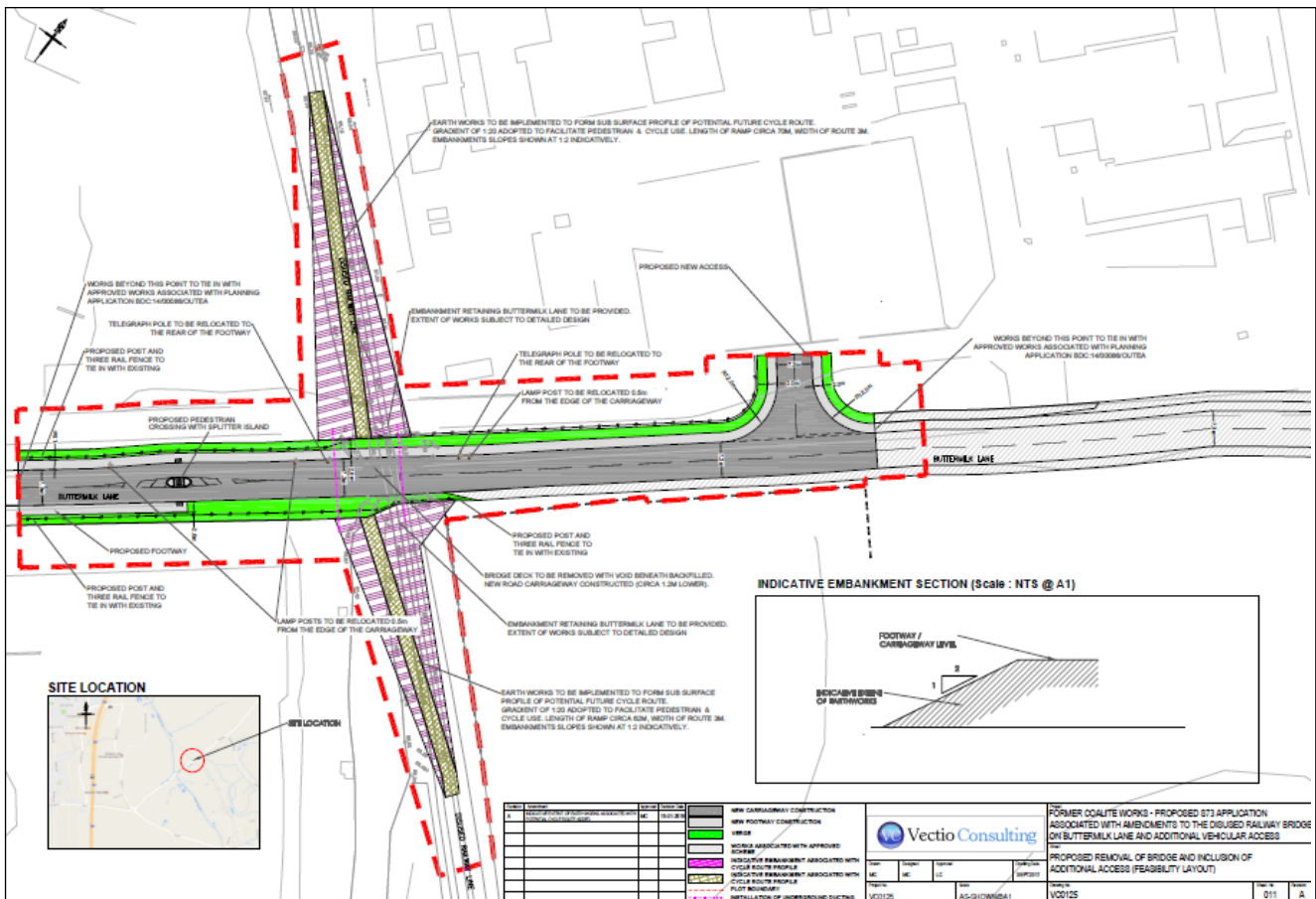
### 'The Shuttle System'



# CURRENT PROPOSALS

The current application seeks full planning permission for a revised scheme of highway improvements including the removal of the railway bridge and road widening works to allow for two-way traffic. These works will enhance visibility and road safety close to the existing access to the former Coalite site. Visibility improvements will be achieved by removing the railway bridge and carrying out engineering works to backfill the void and reconstruct the road at a width of 7.3m to tie in with the approved works to the north and south. The removal of the bridge and the proposed alterations to Buttermilk Lane will also allow for the provision of an additional access into the site at a location where satisfactory levels of visibility could not have been achieved with the bridge in place. These proposals are shown on the plan below.

## Current Proposals



## PROPOSED MULTI-USER ROUTE

Alongside the highway improvements, the current application proposes the creation of a ramped access from the disused railway line to the edge of Buttermilk Lane at its surface height as proposed in this application. The ramps are intended to safeguard the route of the proposed 'greenway' along the length of the disused railway line.

In planning terms, 'greenway' and 'multi-user route' have the same meaning – a traffic free route designed to be used by pedestrians, cyclists, horse riders and people with mobility aids (e.g. wheelchairs and mobility scooters). The emerging Local Plan does set out the Council's aspirations for a multi-user route through the former Coalite site (policy SS7), improvements to the cycle network in the Bolsover area (Policy ICTR9), and the creation of a multi-use route along the length of the former Bolsover Branch Line.

However, this application does not propose the creation of a greenway and the disused railway line has no rights of way along its length at the present time. There are also sections of the line that remain in the ownership of Network Rail as highlighted on the plan below. Therefore, the proposals for the creation of the greenway along the length of the disused railway line are outside of the scope of this application.

Section of Bolsover Branch Line in Network Rail's Ownership

Former Coalite Site

Railway Bridge



## **KEY ISSUES**

In this case, it is considered one key issue in the determination of this application is whether the proposed improvements would prejudice the future delivery of the proposed multi-user route along the former Bolsover Branch Line. However, this does not mean that the applicant is required to provide the necessary infrastructure to deliver a functional greenway or deliver on a preferred option; the applicant is simply required to ensure the greenway can still be delivered some time the future if permission were to be granted for the current application.

However, there are also local concerns that Buttermilk Lane is unsafe in this location. The proposals will also result in the removal of trees along Buttermilk Lane and disrupt wildlife habitat along the section of the disused railway line within the application site. Therefore, the other key issues in the determination of this application are highway safety and the potential impacts of the proposals on biodiversity.

## **AMENDMENTS**

This application is a resubmission of a previously withdrawn application and includes an amended red-edged application site to include the proposals for tree removal and provision of the ramps up to Buttermilk Lane, which were not originally included in the previous application. No further revisions have been made to the current application

## **RELEVANT PLANNING HISTORY**

02/00614/LAWEX: Application for Lawful Development Certificate approved November 2003 for various uses, principally B2 (General Industrial Use) but also including elements of B1 (Business Use – headquarters office), C3 (Dwelling houses – caretakers bungalow), agricultural use – land to rear of headquarters office complex) and woodland and marshland.

08/00755/OUTEA: Outline application for Industrial (Class B1 and B2) and Distribution Park (Class B8) Application disposed of (withdrawn) by the Local Planning Authorities (BDC and NEDDC) as various remediation issues needed resolution before determination of the application in October 2010.

13/00157/DETDEM Demolition of remaining buildings, structures and tanks by current applicant; approved July 2013.

14/00089/OUTEA Outline application for General Industrial (B2 uses), Warehousing (B8 uses), energy centre, a transport hub, open storage and a museum/visitor centre with details of access (all other matters reserved). The application was accompanied by an Environmental Statement. Approved December 2015.

16/00452/DISCON Discharge of Conditions 3 (Remediation & Phasing Strategy & Odour Management Plan), 4 (Remediation Targets), 6 (Independent Assessor), 8(i) (Remediation Implementation Plan & Method Statements), 8(ii) (Air Quality Management), 8(iii) (Noise & Vibration), 8(iv) (Ecological Management Plan), 19 (Asbestos in Soil Risk Assessment) of

planning permission 14/00089/OUTEA for the remediation phase of the development. Conditions generally partially discharged October 2106.

17/00395/VAR – Application to delete condition 11 attached to planning permission 14/00089/OUTEA approved. The original condition required improvements to J.29A of the M1, which are no longer considered to be necessary.

17/00601/FUL – Application seeking full planning permission for highway improvements to Buttermilk Lane withdrawn prior to determination.

18/00002/DISCON - Discharge of Condition 15 (Design Framework) of planning permission 17/00395/VAR currently pending consideration.

18/00003/DISCON - Discharge of conditions 3 (odour assessment) and condition 12 (details of River Doe Lea bridge and Flood Corridor) of application currently pending consideration.

18/00186/DISCON - Discharge of conditions 8(i, ii, iii, iv) (environmental management) of planning application 17/00395/VAR currently pending consideration.

## **CONSULTATIONS**

Bolsover Town Council – The Town Council support the objections made by Ride Bolsover and cannot support any changes that include the tunnel being filled in blocking off access under the road to pedestrians and cyclists.

The Town Council also ask that their comments on the previous application are taken into account, which are as follows:

*The application in its current form would prevent future development of the route under the bridge to be used as part of a greenway which would provide a future opportunity to connect into an existing network of trails surrounding Bolsover including an extension to the Stockley trail through the former Coalite site, Markham Vale and Poolsbrook together with connections to Clowne and Oxcroft and a network of popular trails in Nottinghamshire. We support the suggestion submitted by Ride Bolsover for the construction of a new culvert beneath the existing bridge to preserve the route of the disused mineral railway and protect its development as a Greenway.*

*The Council request that the application is rejected in its current form and resubmitted with a design that preserves the route of the potential greenway through the site.*

Bolsover District Council (Environmental Health) – No response to date

Bolsover District Council (Leisure Services) – Objects to the proposals on the basis that the proposed ramp solution is unacceptable and an underpass solution should be agreed.

Bolsover District Council (Regeneration) – No response to date



Derbyshire County Council (Greenways) – No response to date

Derbyshire County Council (Highways) – No objections to the proposals, which provide a better solution than the shuttle system in highway terms and would provide a safe and suitable access to the site. The Highway Authority have also confirmed that they have no grounds to object to the current proposals in respect of the potential impact of the proposals on the proposed greenways for the following reasons:

*The applicant is not proposing to create a multi-user route or crossing point as part of the current application. In fact, there are no programmed schemes or preserved policies to create such a route at this location. The Highway Authority, as a Statutory Consultee, cannot insist upon works necessary to facilitate the creation of a multi-user route or dictate design parameters to achieve this, however, it is understood that discussions between the applicant and the County Council, as an affected landowner, have resulted in the submitted design to provide ramped approaches to the highway.*

*It would appear that there is sufficient land available either within the application site boundary, land controlled by the applicant or the County Council as owners or within highway limits to provide an at grade crossing point (either controlled or uncontrolled) at some future point in time, although, it is not incumbent upon the applicant to undertake the works necessary to design or install this as part of the current or previous applications.*

*Comments have been raised about the retention of the bridge or provision of a culvert at the point where the former railway line meets Buttermilk Lane. However, whatever the relative desirability of a grade separated crossing point for the aspirational future multi-user route, this does not form part of the submitted application which has to be considered on its merits.*

*There are no technical grounds to refuse the proposed earthworks and road widening proposals or demand facilities to introduce a new greenway crossing point, the need for which is not generated by the application proposals or enshrined in any public programme or policy. Furthermore any underpass arrangement would reduce connectivity to the route from Buttermilk Lane and the approved development served by it.*

Derbyshire County Council (MEGZ) – No objections but recommend consideration given to creation of a platform at the top of the ramps.

Network Rail - No observations to make

North East Derbyshire District Council – No response to date

## **PUBLICITY**

The application has been publicised by site notice, press advert and neighbour notification. All interested parties that commented on the previous application (17/00601/FUL) have also been re-consulted. To date, the Council has received 20 letters of objection including representations from Chesterfield Cycle Campaign Transition Chesterfield and Derby and

Derbyshire Local Access Forum, two detailed letters submitted on behalf of Ride Bolsover, and detailed letters sent on behalf of Sustrans and Bolsover and District Cycling Club.

The general thrust of many of these letters is that the ramped access is unacceptable for a range of different users and would prejudice the proposed greenway because users would have to cross a dangerous road to continue along the length of the trail. There are also concerns about the previous history of accidents along Buttermilk Lane and concerns that the ramp proposals do not meet the requirements of horse riders, cyclists or pedestrians. Taken together, the letters suggest the only appropriate solution would be the provision of an underpass, which reflects the advice offered by the Council's special project officer made on behalf of the Council's Leisure Services.

These representations are published in full on the Council's website.

## **POLICY**

### Bolsover District Local Plan

The most relevant saved policies in the 'adopted Local Plan' include:

- GEN1: (Minimum requirements for development)
- GEN2: (Impact of development on the environment)
- ENV5: (Nature conservation interests throughout the District)

In summary, these policies require proper consideration of the potential impacts of development proposals on the local road network and on nature conservation interests throughout the District. They should also be afforded considerable weight in the determination in this application because they are consistent with national planning policies that promote delivery of sustainable development. However, the following policy is no longer relevant:

### TRA 2: Protection of Rail Routes

This policy would normally prevent planning permission being granted for development that would prejudice the re-use of the Bolsover branch line as a railway line. Network Rail have confirmed they are seeking to dispose of the section of line that remains in their ownership because the branch line is now severed from the remainder of the rail network. Therefore, policy TRA2 should be afforded no weight in the determination of this application.

### Bolsover District Publication Local Plan

The most relevant policies in the 'emerging Local Plan' include:

- SS7: Coalite Priority Regeneration Area
- ITCR9: Local Transport Improvement Schemes

These policies set out the Council's aspirations for the creation of a multi-user track on the line of the disused railway line, which was formerly the Bolsover branch line. These policies

should be afforded some weight because the emerging Local Plan now has Regulation 19 status because it is now out for public consultation prior to examination in public.

### Other Guidance

#### East Derbyshire Greenways Strategy (1998)

This document shows the Bolsover Branch Line as a Tertiary Route (Route Partially Developed), which would be part of a proposed Staveley, Markham, Bolsover, Hardwick, Pleasley link.

#### Derbyshire Key Cycle Network (2017)

This document shows the Bolsover Branch Line as a proposed section of a 'Bolsover Loop' that links to the Archaeological Way.

### National Planning Policy Framework

The most relevant national policies in the 'Framework' include Paragraphs 32 and 35: Promoting sustainable transport, which should be taken into account as relevant planning considerations.

Paragraph 32 of the Framework requires all development proposals to be provided with a safe and suitable access and for local planning authorities to consider refusing planning permission where development proposals would result in a severe adverse impact on the local road network.

Paragraph 34 of the Framework requires local planning authorities to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

## **ASSESSMENT**

### Principle

It is considered that the starting point for the determination of this application is recognising that the railway bridge in its current condition is an 'obstacle' that would prevent the regeneration of the former Coalite site coming forward. In this respect, the remediation of the site is clearly in the wider public interest taking into account that public funds were required to close a 'funding gap' to enable the clean-up of the site to commence after more than 10 years of dereliction.

It also has to be recognised that approval has already been granted for highway improvements to the railway bridge that involve a shuttle system that would include traffic lights controlling traffic flows. However, the current proposals offer a 'better solution' that would allow traffic to flow in both directions and better serve regeneration of the site in line

with the aspirations of strategic policy SS7 in the emerging Local Plan. The regeneration of the site would achieve wider public benefits in terms of creating local job opportunities.

Therefore, officers consider the highway improvements proposed in this application to be acceptable in principle taking into account the proposals would help achieve the wider public benefits associated with the remediation and regeneration of the former Coalite site.

### Highway Safety

The current proposals include removing the railway bridge and carrying out engineering works to backfill the void and to reconstruct the road at a width of 7.3m to tie in with the approved works to the north and south. The local highway authority have no objections to the proposals, subject to conditions, and officers consider that there would be a net gain in highway safety terms by removing a feature that encourages dangerous driving i.e. the 'dip' after the railway bridge allows a vehicle to leave the ground if the vehicle is driven at sufficient speed and this type of driving has already resulted in at least one fatal road traffic accident at this location.

The removal of the bridge and the alterations to Buttermilk Lane will also allow for the provision of an additional access into the site at a location where satisfactory levels of visibility could not have been achieved with the bridge in place. The local highway authority are also satisfied that this new access would be safe and suitable. Therefore, the proposals do not give rise to any concerns on highway safety grounds but there remains significant local concerns about the potential road crossing linked to the proposals for a multi-user trail along the line of the disused railway track.

However, whilst it is considered these concerns are understandable, they are partly vested in concerns about the current situation rather than taking into account these proposals actually provide 'betterment' by improving road safety. From a planning perspective, these concerns are also offset and outweighed by the fact that the local highway authority have no objections to a road crossing for a multi-user trail in this location.

Therefore, there are no planning grounds to refuse planning permission for this application on highway safety grounds and in all other respects, there is no realistic likelihood that the current proposals would result in an adverse impact on the local road network. The current proposals would actually improve the safe and efficient movement of traffic along Buttermilk Lane compared to the current situation and the previously approved 'shuttle system'.

Consequently, officers consider that the proposals comply with the requirements of saved Local Plan policies GEN1 and GEN2 and national planning policies in the Framework because the proposals would improve road safety and the operation of the local road network whilst providing a safe and suitable access to development on the former Coalite site.

### Wildlife

The current proposals will result in the removal of roadside trees along Buttermilk Lane to

facilitate widening the road. The proposals also give rise to potential disturbance to bats and birds insofar as the railway bridge might provide roosting habitat and the removal of vegetation along the disused railway line to facilitate creation of the ramped access to Buttermilk Lane.

However, whilst the roadside trees have some value because they obscure views of the former Coalite site to a certain extent and some of the trees are reaching maturity, they are not protected by a tree preservation order and do not have any special ecological interest.

Therefore, it is unfortunate these trees will need to be removed if planning permission is granted for the current application but their loss is justified by the benefits of allowing the highway improvements to go ahead. Their loss would also be offset by a scheme of replacement planting that can be secured by way of a planning condition but the trees should be removed outside of the main bird nesting season (March - July) to avoid any other impacts on wildlife interests.

Similarly, the vegetation along the disused railway line should be removed outside of the main bird nesting season but the types of species along the railway line are generally self-seeding pioneer species that do not have any particular ecological value but would provide a potential habitat for other flora and fauna. However, the regeneration of the former Coalite site includes proposals for a substantial amount of green infrastructure that would offset concerns about the loss of a 'green corridor' and ensure the regeneration proposals, taken as a whole, would achieve a net gain in bio-diversity terms. Therefore, there are no overriding objections to this aspect of the proposals also noting that a similar loss of potential habitat would occur if a green way was to be created along the disused railway line.

Finally, the railway bridge has some potential to provide habitat for bats but when the bridge has been assessed previously; it did not support bat roosts. It was also found that bat activity along the railway line was generally low, with bats preferring the route provided by the Doe Lea river for foraging and commuting. Taking into account, there have been no significant changes since that survey work was undertaken, it is unlikely that the bridge would host roosting bats given that the nature of the bridge means it would appear to provide sub-optimal habitat for bats in any event. Therefore, it is appropriate in this case to rely on the provisions of the Wildlife Act, which would prevent any works taking place without appropriate mitigation in the unlikely event that bats were found to be present during the construction phase of the proposed development.

It is therefore considered the proposals would not have unacceptable adverse impact on wildlife with regard to saved Local Plan policy ENV5, subject to appropriate planning conditions and informatives. Furthermore, the proposals also need to be considered in the wider context of the proposed regeneration of the site, which will deliver a net gain in biodiversity. The net benefits of the wider regeneration of the site serves to further offset and outweigh any adverse impacts arising from the loss of the roadside trees, the railway bridge, and vegetation along the disused railway line.

## Proposed Greenway

The main objection to the current proposals in representations on the application is the absence of an underpass to facilitate the proposed use of the disused railway line as a multi-user trail. In representations made on behalf of Ride Bolsover and by the Council's special project officer, a large amount of technical detail has also been provided which explains why the proposed ramp and crossing points would not meet 'best practice' standards and how and why an underpass could and should be provided.

However, it must also be recognised that this application does not seek planning permission for a multi-user track or infrastructure to support the proposed greenway. Equally, to avoid conflict with the emerging Local Plan, the application must not prejudice the aspirations to provide a multi-user track along the Bolsover branch line but this does not mean that the applicant is required to provide the necessary infrastructure to deliver a functional greenway or deliver on a preferred option. Therefore, much of what has been said in representations falls outside the scope of this application when also taking into account there is no immediate prospect of the proposed greenway being delivered at this time because of land ownership issues, amongst other things.

Nonetheless, Derbyshire County Council (who would be most likely to take forward the proposed greenway along that Bolsover Branch Line) have no objections to the proposals to provide a ramped access to Buttermilk Lane and, as noted above, have not expressed any objections to the principle of a road crossing in this location on highway safety grounds. The County Council's position therefore weighs heavily against insisting on the underpass proposed in representations as a condition of granting planning permission for the current application.

Although no costing or sectional details have been provided with the submitted application, the applicant also states that to provide a multi-user track under a bridge would require lowering the existing level of the disused railway line giving rise to drainage issues. Taken together, this means that the costs and ongoing liability associated with providing and maintaining an underpass including providing a drainage solution are not viable in the context of the development proposals and not viable from the perspective of the County Council if they were to take on the proposed greenway, which is the most likely outcome if the greenway is to be delivered.

In addition, whilst it is said in representations that public money has been received by the developer and this should mean the developer provides an underpass in the wider public interest: the 'public money' referred to was gap funding that has been used for its intended purpose to facilitate remediation of the site, which is otherwise considered to be of overriding public importance. It is therefore not considered reasonable to require the developer to provide an underpass when taking into account public funds do not exist to pay for its provision and the County Council are also satisfied the ramps proposed in this application would safeguard the route of the proposed greenway in accordance with the aspirations of the emerging Local Plan.

Therefore, the County Council's position adds weight to an officer conclusion that the current proposals do not otherwise conflict with national planning policy that requires this Council to

actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. In particular, officers consider that the ramp solution provides for access to the proposed greenway including for people with a disability in a location that will promote opportunities to use the multi-user trail in accordance with national policy over and above what may be achieved by the proposed underpass solution.

Consequently, the absence of any proposals for an underpass in this case does not constitute a sustainable reason for refusal of the current application. However, officers consider that the conditions suggested by the local highway authority should be attached to any permission for the current application to ensure that the proposed ramps would meet the required standards in terms of width, gradient and landing strips for a multi-user trail, as far as is practicable.

### Other Relevant Considerations

From the above sections of this report, it is considered that the current application adequately addresses the key issues in the determination of this application namely whether the proposed improvements would prejudice the future delivery of the proposed multi-user route along the former Bolsover Branch Line, highway safety and the potential impacts of the proposals on biodiversity.

In this case, there are no other relevant planning considerations that would otherwise indicate planning permission should be refused for the current application given that the current proposals would have no other impacts on the local area that have not already been considered when outline planning permission was granted for the wider regeneration of the former Coalite site. However, it is also reasonable to conclude that by virtue of the location of the application site, the proposals would not be unneighbourly or have any significant impact on any designated or non-designated heritage assets including above and below-ground archaeology.

The proposals would also not generate any additional traffic beyond what would be anticipated from the regeneration proposals and would not give rise to any further issues around land contamination because the current proposals would be carried out within the existing schedule of remediation. The landscape and visual impact of the proposals would also be minimal in the context of the wider regeneration of the former Coalite site but in isolation, replacement tree planting as proposed earlier in this report would mitigate for the loss of the existing roadside trees.

Finally, reference has been made to HS2 but the application site is not within the safeguarded area for the high speed line and the mitigation for the HS2 proposals is a matter to be considered separately as the proposals for the high speed line are progressed. Therefore, no weight can be attached to the potential impact of the HS2 proposals in the determination of this application one way or another.

### Conclusions

It is therefore concluded that there are no other planning considerations that indicate planning

permission for the current application, which for the above reasons and subject to appropriate planning conditions, meets the requirements of saved Local Plan policies and national planning policies in the Framework and accords with the aspirations set out in the emerging Local Plan for a proposed greenway along the former Bolsover Branch Line. Accordingly, the current application is recommended for conditional approval.

### Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

### EIA Screening Opinion

The development is not Schedule I development but does comprise urban development as described in column one of Schedule II of the EIA Regulations 2017. The application site is not located in a sensitive location for the purpose of these regulations and the development does not exceed the thresholds set out in column 2 of Schedule II. Therefore, the proposed development is not EIA development in its own right.

### Statement of Decision Process

The Council's officers have worked positively and pro-actively with the applicant to work addressing concerns raised in respect of the previous application, which was withdrawn prior to determination.

## **RECOMMENDATION**

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

1. The development shall be carried out within a period of three years from the date of this decision.
2. The development hereby permitted shall be carried out in complete accordance with Drawing No. VC0125 Revision A subject to the following conditions:
3. No development shall take place until detailed drawings of a planting scheme which includes the number, size, species and position of trees and shrubs shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved planting scheme shall be carried out within one planting season of completing the development. If any trees are removed or found to be dying, severely damaged or diseased within 5 years of being planted then they must be replaced with trees of a similar size and species within one planting season.
4. No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan / statement shall be adhered to throughout the



construction period. The statement shall provide for the storage of plant and materials, site accommodation, loading, unloading of goods' vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic restrictions.

5. No development shall take place until a detailed design for the removal of the bridge backfill of the void and the layout, construction, drainage and lighting of the new road and proposed ramps have been submitted and approved in writing by the Local Planning Authority in consultation with the County Highway Authority. For the avoidance of doubt, the applicant will need to enter into an Agreement with Derbyshire County Council under Section 278/72 of the Highways Act 1980.
6. Prior to being taken into use, the new access shall be laid out in accordance with application drawings VC0125/011 & 012, having a 7.3m carriageway, 2 x 2m footways, 12m radii and visibility sightlines of 4.5m x 160m in each direction. The area in advance of the sightlines shall be levelled, constructed as highway and not be included in any plot or other sub-division of the site.

## INFORMATIVES

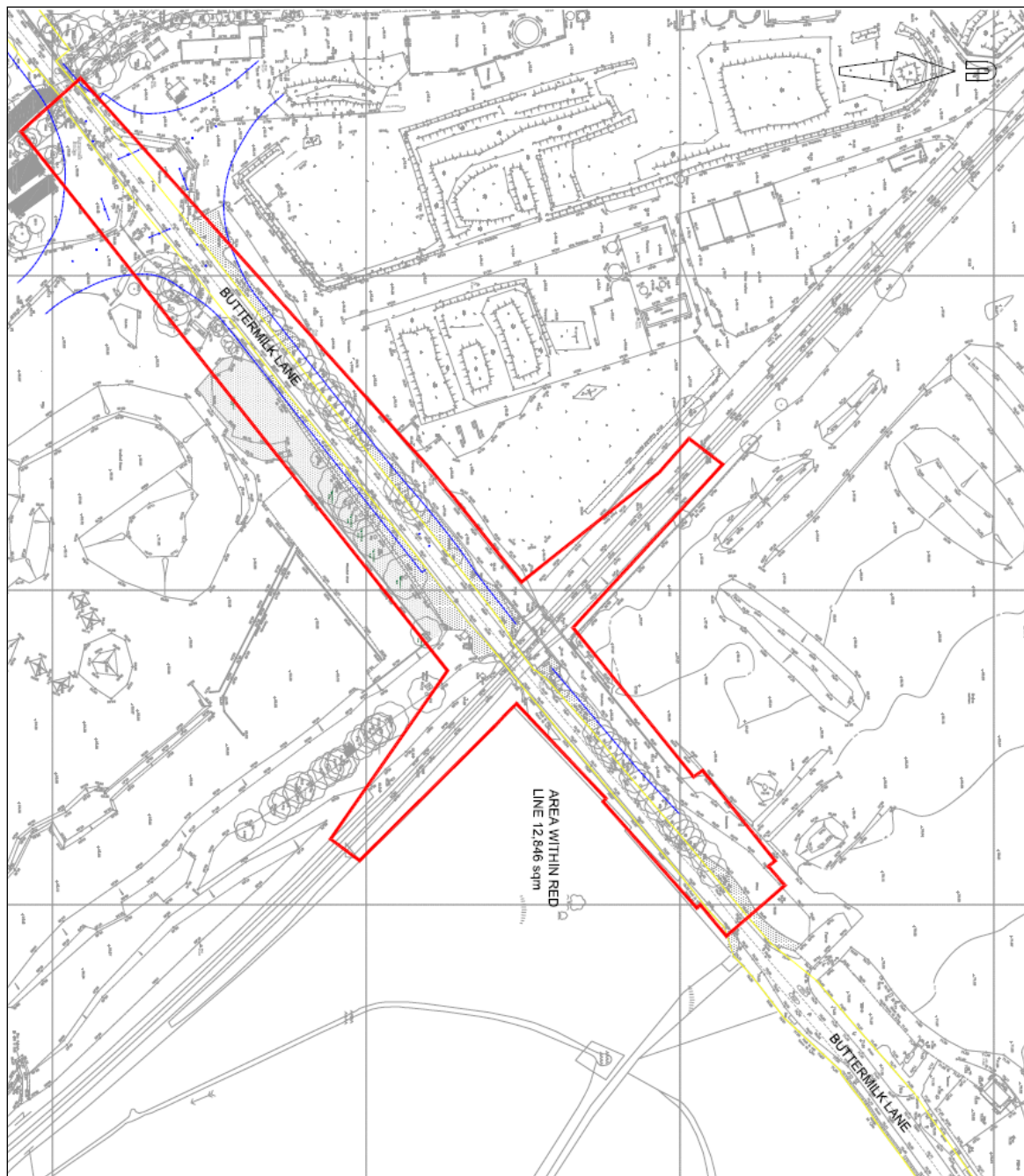
### Highways

- a) Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. The appellant should be aware that this will be the subject of separate approval. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Economy, Transport and Environment Department at County Hall, Matlock. The applicant is advised to allow at least 12 weeks in any programme of works to obtain a Section 278 Agreement.
- b) Construction works are likely to require Traffic Management. Advice regarding procedures should be sought from Derbyshire County Council's Traffic Management section (01629 538686). All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/roadworks/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp)
- c) In addition to entering into a Section 278 Agreement prior to commencing any works within the public highway, the applicant will need to obtain separate Approval in Principle for the structural elements of the proposed works. Advice regarding the process involved can be obtained from the Structures Section of the Economy, Transport and Environment Department at County Hall, Matlock (01629 533190).

## Wildlife

- a) When the development hereby permitted is carried out, any person on site must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. It is therefore recommended that any removal of habit and/or works affecting trees should be carried outside of the bird-nesting season (March to July) or under the supervision of a suitably qualified ecologist.
  
- b) When the development hereby permitted is commenced, any person on site must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. Therefore, it is advised that works must stop immediately if bats are found to be present at any stage of the development and a suitably qualified ecologist should be instructed to advise on the appropriate action to take including advising whether a European Protected Species Licence is required prior to works re-commencing.

# Site Location Plan



## **COMMITTEE UPDATE SHEET**

### **SUPPLEMENTARY REPORT OF THE PLANNING MANAGER**

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

#### **Agenda Item No: 6 Planning Applications to be determined**

Planning Site Visits held on 1 June 2018 commencing at 10:00hours.

#### **PRESENT:-**

Members: Councillors T Alexander, PM Bowmer, J Clifton, P Cooper, T Munro (Chair), R Turner (Vice Chair), KF Walker, and D Watson.

Officer: Chris Fridlington

#### **APOLOGIES**

Apologies were received from Councillors P. Cooper, D McGregor, K Reid, S. Peake, P. Smith, J Wilson.

#### **SITES VISITED**

##### **1) Buttermilk Lane, Bolsover (18/00178/FUL)**

The meeting concluded at 11:00hours

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

##### **Agenda item No: 6.1**

**18/00178/FUL:** Additional Access and Amendments to the Bridge Improvement Measures (removal of the bridge) on Buttermilk Lane, Bolsover.

Since the officer report was published, the applicant has submitted a safety report.

The report notes that no road traffic accidents have been recorded on Buttermilk Lane at the location of the proposed highway improvements, or the approaches to the disused railway bridge over the last 5 years, although historically serious accidents have occurred. The following table provides the evidence for the report's conclusion that: *The removal of the underpass and provision of safe crossing facilities with good forward visibility has been concluded to be a safe solution, whilst maximising cost effective use of potential green routes for all users.*

User	Do Nothing (Disused railway bridge remains as existing)	Implementation of shuttle system	Infill bridge and provision of standard road carriageway
Pedestrians	<ul style="list-style-type: none"> <li>• No pedestrian facility or passing places (areas of refuge) resulting in a significant safety risk.</li> <li>• Vertical alignment create forward visibility stopping sight distance and emergency breaking issues.</li> </ul>	<ul style="list-style-type: none"> <li>• Provision of segregated pedestrian facilities from motorised road users, although conflict is created for a short length with cyclists.</li> </ul>	<ul style="list-style-type: none"> <li>• Pedestrians segregated from cyclists. No safety issues foreseen.</li> </ul>
Cyclists	<ul style="list-style-type: none"> <li>• Narrow route for cyclists which increases the likelihood of conflict with vehicles.</li> <li>• Vertical alignment create forward visibility stopping sight distance and emergency breaking issues.</li> </ul>	<ul style="list-style-type: none"> <li>• Arrangement segregates cyclists from the road carriageway, although would require them to leave and re-join the road carriageway creating two new conflict points.</li> <li>• Confident riders are likely to remain on road and use the shuttle system, although the potential delay may create a decision for them to ride through in any event, with possible conflicts with oncoming vehicles.</li> </ul>	<ul style="list-style-type: none"> <li>• Widening of the carriageway improves road space provision for cyclists to use road carriageway as opposed to footway, along with reducing likelihood of side swipe incidents occurring.</li> <li>• Conflict between pedestrians and cyclists are also removed.</li> </ul>
Vehicles	<ul style="list-style-type: none"> <li>• Road narrowing leading to side swipe and strike incidents, which could impact other road users along with infrastructure such as the bridge parapets.</li> </ul>	<ul style="list-style-type: none"> <li>• Delay caused to drivers, although due to the tidal nature of traffic, this is likely to be minimum.</li> <li>• No significant safety issues identified.</li> </ul>	<ul style="list-style-type: none"> <li>• No safety implications identified</li> </ul>

In summary, the above table shows that the proposed improvements offer the safest solution compared to leaving Buttermilk Lane as it is, or carrying out the previously approved shuttle system. Notably, the County Council are more insistent that the proposed solution is a better solution than the previously approved shuttle system and are satisfied the highway

improvements proposed in this application offer a significant enhancement in road safety terms compared to the existing situation.

The County Council have also provided a further explanation of why an underpass is proposed at the A632:

*The background to the A632 bridge is as follows:*

- *Fundamentally the footbridge that carries the footway of the A632 is close to being life expired.*
- *The adjacent Highway Bridge that was formerly a Network Rail structure is in a fair / poor condition.*
- *As DCC have bought the section of the line under the structures at Station road, the option to look at other structural solutions than a straight like for like replacement was available.*
- *By far the most economical solution for these structures is an under filling scheme.*
- *DCC Highway Structures also considered whether a culverted under filling scheme, that would give sufficient head room for a multi user trail including equestrian use would be a viable option. It is.*
- *The culvert solution is cheaper than the estimated cost of a replacement footbridge and repairs to the adjacent road bridge.*
- *The final solution also significantly reduces the ongoing network maintenance liability.*

*However, in selecting the culvert option at the A632 location and why an at grade crossing of the A632 with a 1 in 20 approach ramps are not the right solution at this location. DCC took the following factors in to account:*

- *There is a high pressure water main that crosses under the ex-rail line that would be under any prospective approach embankment, STWA have stated they do not want any additional loading from any earth works on this. It may be possible to engineer this out however this would induce significant costs.*
- *There are also other significant statutory undertakers issues within both existing structures that guide us towards the under fill solution.*
- *DCC only own the track bed on one side of the bridge, so currently could not construct the embankment even if this was a solution.*
- *Our traffic section advise that an assessment of the site for a controlled crossing would need to be carried out, if installed it's estimated cost would be in the region of £50k.*
- *These signal controlled crossings have a lifecycle of approximate 20 years before complete refurbishment is required, the whole life costs of this as opposed to a safer culverted underpass favour the underpass option. If it failed to meet the criteria for a controlled crossing would we want an uncontrolled crossing of the A632 part of DCC's resilient network at this location? The consensus was no.*

In summary, these comments were made solely in response to enquiries received by the County Council as to why an underpass was feasible at the A632 (and not Buttermilk Lane) given that the County were seemingly advocating different approaches to safeguarding the line of the proposed greenway on different parts of the Bolsover Branch Line. However, the

County Council's view remains that the ramped solution is appropriate Buttermilk Lane and the as the local highways authority remain adamant that the ramps could be provided with a safe crossing over Buttermilk Lane for users of the greenway if it were to come forward in the future.

Therefore, the officer recommendation in the original report remains unchanged.

**Agenda item No: 6.2**

**18/00026/FUL:** Change of use to showman's site on land adjoining 7 Brookhill Road, Pinxton.

No further representations have been received.