

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 24th July 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 1st August 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.

Please Note: There will be a Member Development Session following a short break after the Planning Committee.

Yours faithfully



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

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**PLANNING COMMITTEE
AGENDA**

**Wednesday 1st August 2018 at 1000 hours
in the Council Chamber, The Arc, Clowne**

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	<u>Apologies for Absence</u>	
2.	<u>Urgent Items of Business</u> 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.	<u>Declarations of Interest</u> 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 an Extraordinary Planning Committee held on 26 th June 2018	3 to 7
5.	To approve the minutes of a meeting held on 4 th July 2018	8 to 12
6.	Notes of a Site Visit held on 29 th June 2018	13
7.	Applications to be determined under the Town & Country Planning Acts. (i) 17/00546/OUT - Outline Planning Application For Redevelopment Of Whaley Moor Farm (Bottom Yard) Comprising The Removal Of Agricultural Buildings, Conversion Of Existing Stone Barns And New Build Development To Provide 10 No. Dwellings With Access From Whaley Road at Land And Buildings South East Of The Old Cornmill, Whaley Road, Whaley (ii) 17/00539/FUL - Commercial development comprising an office building, workshop and manufacturing facility and a HGV trailer park and associated works at Land Adjacent to Brick Yard Farm, Slayley Lane, Barlborough	14 to 44 45 to 61
8.	Update: Section 106 Agreements	62 to 66

EXTRAORDINARY PLANNING COMMITTEE

Minutes of a meeting of an Extraordinary Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Tuesday 26th June 2018 at 1000 hours.

PRESENT:-

Members:-

Councillor T. Munro in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, T. Connerton, S.W. Fritchley, D. McGregor, K. Reid, P. Smith, R. Turner, K.F. Walker, B. Watson, D.S. Watson and J. Wilson

Officers:-

C. Fridlington (Planning Manager (Development Control), D. O'Connor (Planning Officer), J. Fieldsend (Team Leader (Solicitor) Non Contentious) and A. Brownsword (Senior Governance Officer)

0101. APOLOGIES

Apologies for absence were received from Councillors M.G. Crane and S. Peake.

0102. DECLARATIONS OF INTEREST

There were no declarations of interest.

0103. APPLICATIONS TO BE DETERMINED UNDER THE TOWN & COUNTRY PLANNING ACTS

The Chairman addressed Members and the Public Gallery and noted that although some members of the public felt that the purpose of the meeting had been ambiguous and the Planning Portal had not been updated to reflect the date of the Committee, legal advice had been sought and the meeting would proceed.

1. 17/00640/OUT - Outline Planning Application with All Matters Reserved for mixed use development including up to 24ha of employment land (B1, B2, B8), up to 1800 residential dwellings, green infrastructure, educational and recreational uses, a retirement village, neighbourhood centre, hotel, restaurant, health and care, and leisure uses, demolition of existing Station Road Industrial Estate where applicable, demolition of dwelling/outbuilding as applicable, and construction of new link road with in-principal points of access at Land North Of Clowne Including Section of Town Centre, Hickinwood Lane, Clowne

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Further details and an amended recommendation were included within 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.

District Councillors J.E. Smith and H.J Gilmour, County Councillor A. Western, Mr. A. Bailey (Clowne History Group), Ms. N. Hoy, Mr. M. Brookfield, Mr. G. Lindley and Dr. B. Ingle attended the meeting and spoke against the application.

Ms H. McLoughlin attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the Bolsover District Local Plan, National Planning Policy Framework and Publication Local Plan: Policy SS5: Strategic Site Allocation – Clowne Garden Village.

A discussion took place regarding the proposed S106 legal agreement and it was suggested that an item regarding improvements to Station Road be added.

Moved by Councillor D. McGregor and seconded by Councillor J.A. Clifton

RESOLVED that Application No. 17/00640/OUT be APPROVED and refer the application to the Secretary of State subject to the following conditions suggested by the Highways Authority:

- A. No part of the development hereby permitted shall commence until a scheme in broad accordance with that shown on AECOM indicative drawing Treble Bob roundabout Traffic Signals Option 2B, has been submitted to and approved in writing by the local planning authority in consultation with LHA. The approved scheme shall be implemented and completed in full, in accordance with the approved details, prior to the first occupation of the development.
- B. No part of the development hereby permitted shall commence until a scheme in broad accordance with that shown on AECOM indicative drawing M1 J30 Traffic Signals 60556776-M1J30-TSD001, has been submitted to and approved in writing by the local planning authority in consultation with Highways England. The scheme shall comply with the design requirements and procedures of the Design Manual for Roads and Bridges as required by Highways England, including those relating to road safety audits and Walking, Cycling & Horse-Riding Assessment and Review (WCHAR) as set out in HD 42/17, formerly known as non-motorised user (NMU) audit. The approved scheme shall be implemented and completed in full, in accordance with the approved details, prior to the first occupation of the development.

It is also recommended that any permission for the current application should be subject to a s.106 legal agreement containing the following obligations as set out in the officer report:

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- Replace Treble Bob roundabout
- Signalisation of Junction 30 of M1
- Affordable Housing (no affordable on first 400 dwellings, greater than or equal to 5% across the whole development)
- Long Term Maintenance of public open space (Formula based, area dependent)
- Provision of 1.5 form of entry primary school on site
- Secondary Education Contribution
- Health Contribution
- Setup and run Clowne Garden Village Community Forum
- Site Wide Travel Plan and Public Transport Bus Contribution
- Financial contribution towards highway improvements to Station Road and town centre.

And that any permission for the current application should be subject to the following additional planning conditions as also set out in the officer report:

Standard Conditions

1. 5 Year time limit to commence
2. Development in general conformity with submitted plans and documents. The reference to 26m buildings set out in the Parameters Plan is excluded.
3. Reserved Matters to be submitted include Access, Appearance, Landscaping, Layout and Scale
- 4.

Prior to Reserved Matters

5. Prior to reserved matters application, submit and agree phasing plan with details of advance structural landscaping, highway connections (including footways and cycle ways) and provision of education facilities
6. Provide site wide masterplan and design code including details of public open space, a movement framework, pedestrian crossing facilities, cycle linkages and public rights of way
7. Submit and agree intrusive coal mining investigation results and mitigation details
8. Submit and agree detailed assessment considering the impacts of the development on Harlethorpe Dam alongside any required precautionary mitigation

As part of each Reserved Matters Application

9. As part of each reserved matters submission submit and agree sound insulation details for residential properties
10. Submit and agree sound mitigation measures for noise emanating from commercial and industrial properties
11. Submit and agree sound insulation details for medical and educational properties
12. Submit and agree extent of self build housing
13. Submit and agree housing mix

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Prior to Commencement

14. Prior to commencement Submit and agree written scheme of investigation to address archaeology
15. Prior to commencement submit and agree public transport strategy
16. Prior to commencement submit and agree air quality management and review details
17. Submit and agree confirming viability of surface water drainage proposals. Proposals shall be broadly in accordance with submitted details
18. Submit and agree details to address surface water run off during the construction phase of the development
19. Prior to commencement submit and agree ecological management plan
20. Submit and agree Construction and Environmental Management Plan to address:
 - a) Environment Management Responsibilities;
 - b) Construction Activities and Timings;
 - c) Plant and Equipment, including loading and unloading;
 - d) Construction traffic routes and points of access/egress to be used by construction vehicles;
 - e) Details of site compounds, offices, welfare facilities and areas to be used for the storage of materials;
 - f) Utilities and Services;
 - g) Emergency planning & Incident Reporting;
 - h) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;
 - i) On site control procedures reference:
 - i. Traffic mitigation measures including traffic management and parking
 - ii. Temporary haulage routes
 - iii. Air and Dust quality
 - iv. Noise and vibration
 - v. Waste and Resource Management
 - vi. Agricultural Soils and Materials
 - vii. Temporary surface water drainage during construction
 - viii. Protection of Controlled Waters
 - ix. Trees, Hedgerows and Scrub
 - x. Ecology
 - xi. Archaeological and Cultural Heritage

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- xii. Visual and Lighting
- xiii. Utilities and Services
- xiv. Protection of water resources
- xv. Protection of species and habitats

j) Detailed phasing plan to show any phasing, different developers and/or constructors to be updated on an annual basis;

k) Details for the monitoring and review of the construction process including traffic mitigation (to include a review process of the Construction Environmental Management Plan during development).

For Each Phase of the Development

- 21. For each phase of the development submit and agree site characterization plan
- 22. For each phase of the development submit and agree a detailed landscape management plan that carries through the intentions of the Parameters plan and submitted landscape details accompanying the application at outline stage
- 23. Before the commercial development commences, submit and agree employment scheme to maximise employment and training opportunities during the construction phase of the project

Prior to occupation of the development

- 24. Within 6 weeks prior to use, submit and agree an Employment Scheme to enhance and maximise employment and training opportunities during first occupation
- 25. The development proposed should not be occupied until the need for public sewerage improvements has been identified and the necessary improvements to the public sewerage system have been fully implemented by Severn Trent Water.

Other Conditions

- 26. The Allotments within the application site area shall be retained and enhanced as part of the development hereby permitted.
- 27. Prior to works affecting the Miners Memorial, submit and agree details of its relocation
- 28. The net floorspace of the 'A1' stores hereby permitted shall not exceed a total of 2500 square metres including any mezzanine

Highway Conditions

Any additional and relevant requirements of the local highway authority but including:

- 29. Submission and agreement on delivery of off-site highway improvements

(Planning Manager (Development Control))

The meeting concluded at 1212 hours.

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 4th July 2018 at 1100 hours.

PRESENT:-

Members:-

Councillor T. Munro in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, T. Connerton, C.P. Cooper, P.A. Cooper, S.W. Fritchley, D. McGregor, S. Peake, K. Reid, P. Smith, K.F. Walker, B. Watson, D.S. Watson and J. Wilson

Officers:-

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

0141. APOLOGIES

Apologies for absence were received from Councillors M.G.Crane and R. Turner.

0142. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0143. DECLARATIONS OF INTEREST

There were no declarations of interest.

0144. MINUTES – 6TH JUNE 2018

Moved by Councillor J.A. Clifton and seconded by Councillor K. Reid

RESOLVED that the minutes of a meeting of the Planning Committee held on 6th June 2018 be approved as a true and correct record.

0145. SITE VISIT NOTES – 1ST JUNE 2018

Moved by Councillor T. Munro and seconded by Councillor J.A. Clifton

RESOLVED that the notes of a site visit held on 1st June 2018 be approved as a true and correct record.

PLANNING COMMITTEE

0146. APPLICATIONS TO BE DETERMINED UNDER THE TOWN & COUNTRY PLANNING ACTS

1. 17/00376/FUL - Demolition of existing dwelling and erection of replacement dwelling and garage (Revised Scheme) at The Croft, Astwith Lane, Astwith, Chesterfield

Further details were included within 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. J. Williams and Ms. D. Heath attended the meeting and spoke against the application.

Mr. M. Hubbard attended the meeting and spoke in support of the proposal.

The Committee considered the application having regard to the Bolsover District Local Plan, the National Planning Policy Framework, the Successful Places: A Guide to Sustainable Housing Layout and Design and the Historic Environment Supplementary Planning Document

Moved by Councillor J.A. Clifton and seconded by Councillor P. Smith

RESOLVED that Application No. 17/00376/FUL be APPROVED subject to the following conditions which are given in précis form to be formulated in full by the Planning Manager (Development Control) in liaison with chair and vice chair of the Planning Committee:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The proposed dwelling shall be constructed with the same finished floor levels as the existing dwelling.
3. Notwithstanding the provisions of Parts 1 and 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling shall not be extended or altered externally nor shall any incidental building, structure or enclosure be erected without the prior grant of planning permission.
4. The dwelling shall be occupied as a single dwelling only.
5. The roof materials shall be clay pantiles and natural slate in accordance with the materials schedule submitted via email from the applicant's agent on 15th May 2018. The roof shall be constructed in accordance with the approved materials and shall be maintained as such thereafter.
6. Notwithstanding the submitted details, before construction commences on any wall, a sample of the stone shall have been submitted to and approved in writing by the Local Planning Authority and a sample panel of stonework shall be constructed, using a mortar to a specification which shall have been approved by the Local Planning Authority. The walls of the dwelling shall be

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- constructed in accordance with the approved details and shall be maintained as such thereafter.
7. The windows, doors and glazed screen shall be constructed in timber with no trickle vents in accordance with details shown on plan number 131-k-16a received via email on 16th April 2018. The windows, doors and glazed panel shall be installed on site in accordance with the approved details and shall be maintained as such thereafter.
 8. Notwithstanding the submitted details, the details of the finish of the windows, doors and glazed panel shall be submitted to the Local Planning Authority for approval. The windows shall be finished in accordance with the approved details and shall be maintained as such thereafter.
 9. Rainwater goods shall be Heritage cast aluminium mounted on rise and fall brackets in accordance with details shown on plan no 131-k-18a received via email dated 15th May 2018 and shall be maintained as such thereafter.
 10. Before the dwelling hereby approved is first occupied, a 1.8m high screen fence (measured from site level) shall be provided along the northern site boundary in the position shown on the attached plan and shall be maintained as such thereafter.
 11. The rooflights in the northern elevation to be fixed and obscure glazed or have minimum internal cill level of 1.7m and shall be maintained as such thereafter.
 12. A screen fence or hedge shall be maintained along the southern side boundary of the site to a minimum height of 2m at all times.
 13. The hard landscaping shall be constructed in accordance with the materials schedule submitted via email from the applicant's agent on 15th May 2018 and shall be maintained as such thereafter.
 14. Before the dwelling hereby approved is first occupied, the parking and turning shown on the approved plan shall be provided on site in accordance with approved plan and shall be maintained as such thereafter.
 15. Prior to first occupation of the dwelling hereby approved, the ecological enhancement scheme set out in paragraphs 6.1 and 6.2 of the ecology report ref RSE_1266-02-V1 shall be provided on site in accordance with the approved scheme and shall be maintained as such thereafter.
 16. Prior to the commencement of construction of the dwelling hereby approved, the made ground on the site of the existing dwelling shall have been removed or a contamination investigation and risk assessment of that part of the site shall have been carried out by an appropriately qualified person in accordance with current guidance and in accordance with a scheme which has been approved by the Local Planning Authority to demonstrate that the site is suitable for the proposed development. If that investigation and risk assessment shows that contamination remediation is required, a remediation scheme shall be prepared and submitted to the Local Planning Authority for written approval; the approved remediation scheme shall be implemented as so approved and a full verification report shall have been submitted to demonstrate that remediation has been carried out successfully prior to the occupation of any of the dwellings hereby approved.
 17. 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 and an investigation with risk assessment must be undertaken in accordance with current guidance and approved in writing by the Local Planning Authority and where remediation is

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necessary a remediation scheme must be prepared in accordance with current guidance which is subject to the approval in writing of the Local Planning Authority. Any approved remediation shall be implemented as approved and a full verification report shall have been submitted to demonstrate that remediation has been carried out successfully prior to the occupation of any dwelling.

18. 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 previously agreed in writing with the Local Planning Authority, the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

Statement of Decision Process

The proposal broadly complies with the policies and guidelines adopted by the Council. The impacts of the proposal are not considered to be so great as to justify refusal of the proposal and the decision has been taken in accord with the guidelines of the National Planning Policy Framework.

0147 . FIVE YEAR SUPPLY

The Interim Planning Policy Manager presented the report which set out the background to the assessment of the Councils five year supply of deliverable housing and sought approval for the annual assessment and publication of the five year supply of deliverable sites for housing as required by paragraph 47 of the National Planning Policy Framework (NPPF) 2012.

It was noted that following the current methodology, the figure for Bolsover District was 272 dwellings per year, this figure had been exceeded by 35. Following the proposed new methodology, the figure would be 242 dwellings. The Council has no record of 'persistent under delivery' and therefore only needed to apply a 5% buffer to its housing requirement.

Moved by Councillor D. McGregor and seconded by Councillor T. Munro

RESOLVED that (1) the detailed issues set out in the report be noted,

(2) the assessment of the Council's current five year supply of deliverable housing sites as set out at Appendix A of the report, be approved,

(3) the publication of the five year Supply Assessment (Appendix A) and Schedule of Deliverable Sites in the five year supply (Appendix B) on the Council's website be authorised,

(4) delegated authority be given to the Interim Planning Policy Manager in consultation with the Chair, and Vice Chair of Planning

PLANNING COMMITTEE

Committee to make any minor changes to the text or information referred to in recommendation 6.1 III. prior to publication.

(Interim Planning Policy Manager)

The meeting concluded at 1143 hours.

PLANNING SITE VISIT

Notes of a Planning Site Visit held on 29th June 2018 commencing at 1000 hours.

PRESENT:-

Members:-

Councillor T. Munro in the Chair

Councillors T. Alexander, P.M. Bowmer, P.A. Cooper, C.P. Cooper, P. Smith, K.F. Walker, B. Watson and J. Wilson.

Officer:-

P. Sawdon (Principal Planner)

1. APOLOGIES

Apologies were received from Councillors J.A. Clifton, D. McGregor, K. Reid, R. Turner and D. Watson

2. SITES VISITED

1) The Croft Astwith Lane, Astwith (17/00376/FUL)

The meeting concluded at 11:15 hours

PARISHOld Bolsover

APPLICATION OUTLINE PLANNING APPLICATION FOR REDEVELOPMENT OF WHALEY MOOR FARM (BOTTOM YARD) COMPRISING THE REMOVAL OF AGRICULTURAL BUILDINGS, CONVERSION OF EXISTING STONE BARNs AND NEW BUILD DEVELOPMENT TO PROVIDE 10 NO. DWELLINGS WITH ACCESS FROM WHALEY ROAD

LOCATION Land And Buildings South East Of The Old Cornmill Whaley Road Whaley

APPLICANT Chatsworth Settlement Trustees, The Estate Office, Bakewell, Derbyshire, DE451PJ

APPLICATION NO. 17/00546/OUT **FILE NO.** PP-05966857

CASE OFFICER Mr David O'Connor

DATE RECEIVED 19th October 2017

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Planning Manager
REASON: Potential departure from Local Plan / public interest in proposals

Executive Summary

The current application seeks outline planning permission for the re-development of Whaley Moor Farm. The proposals comprise the demolition of existing modern farm buildings, the erection of eight new houses and the conversion of two stone-built buildings to two new dwellings. Two of the newly-built dwellings are also intended to be affordable dwellings that would be sold at 80% of their market value. The application site lies in the countryside and within a designated Conservation Area

In principle, the proposed conversion of the two stone-built buildings is acceptable in the countryside under saved Local Plan policy ENV4. However, the newly-built dwellings would normally be contrary to saved Local Plan policies in this location outside of the settlement framework taking into account agricultural land and buildings are not classified as 'previously developed land' or 'brownfield sites' and when taking into account the affordable housing has not been proven to meet local need.

In this case, the applicant considers that the proposals would accord with national planning policies that amongst other things, allow residential development in the countryside:

- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; and/or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

In these respects, the submitted design and access statement highlights the potential improvements to the environmental quality of the local area resulting from the removal of the modern farm buildings and the conversion of the more traditional stone buildings on the site that would enhance the special qualities of the surrounding Conservation Area. The applicant

considers the development will support services in villages in the vicinity of the site, provide short term economic benefits, highway safety benefits and improved flood resilience whilst the two affordable dwellings would exceed the normal requirements of planning policy HOU6. The applicant is also able to demonstrate that the proposals would not be viable without the eight newly-built dwellings and therefore, considers the proposals are compliant with national planning policies.

In contrast, officers are concerned that the newly-built dwellings would not reflect or respect the character and appearance of the surrounding Conservation Area and this view is shared by the Council's Conservation Officer. In particular, the design of the newly-built dwellings is not well related to the style and traditions of local buildings and the newly-built dwellings would be prominent in the street-scene. Whaley is also not a sustainable location for growth not least because of the absence of community facilities and existing residents are dependent on their car to access services, schools and employment.

In these respects, national planning policies say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of heritage assets. It is considered the proposals would cause less than substantial harm to the Conservation Area, which is a designated heritage asset, but this harm would not be outweighed by the limited public benefits of granting planning permission.

In this case, the public benefits of granting planning permission would be diminished by the fact Whaley is an isolated hamlet with little access to day to day services and therefore not a sustainable location for residential development of the scale proposed in this application. In addition, it cannot be demonstrated that the affordable housing will meet an evidenced local need or that the housing will meet a shortfall in housing supply more generally because the Council can demonstrate it has a 5 year supply of housing.

Accordingly, the current application is recommended for refusal for the following reasons:

- The development proposes a design not obviously well related to the local vernacular and the northern portion appears overly dense, prominent in the public realm and leads to an erosion of the perception of openness of this section of the Conservation Area. Such effects conflict with the requirements of Local Plan Policy GEN2, CON1 and CON4, the emphasis within NPPF para 132 and S72 of the Listed Buildings and Conservation Areas Act 1990 to ensure *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*
- Whaley is an isolated hamlet with little access to day to day services. There are no education facilities within the settlement, users of the development will be highly car dependent and there is insufficient pedestrian access to other settlements nearby due to the absence of pavement and narrow, unlit roads. Consequently, the application site is not in a location that is suitable for the scale of residential development proposed in this location and there is no evidence that the proposed affordable housing would meet an identified local need. Moreover, the Council can demonstrate 5 years supply of deliverable housing sites and as such, the proposed housing is not needed to make up a shortfall in terms of meeting objectively assessed housing need in the District. Taking

all these factors into account, the current proposals constitute an unsustainable form of development situated within an unsustainable location and any benefits of granting planning permission for the current application would be demonstrably and significantly outweighed by the adverse impacts of doing so when taking into account policies in the Development Plan and the National Planning Framework as a whole.

FULL REPORT: 17/00546/OUT

SITE & SURROUNDINGS

The application site covers an area of 0.584 Ha and is located centrally within the village of Whaley. Whaley is located on an area of sloping land which falls from a shallow ridge towards a stream at the rear of the application site. The stream travels north-west to the south-east (where it joins the River Poulter) and runs on a similar alignment to Whaley Road, which is the main vehicular route through the village. The other entry point is from Mag Lane to the north-east, which provides access to the top yard. The T junction where the routes meet is in effect the centre of the settlement and is directly addressed by the bottom yard site.

Whaley



The village is entirely located within the Whaley Conservation Area. The conservation area contains no buildings with statutory listings, however a number of buildings are identified as having architectural/historical merit including the stone barn located on the frontage of the application site. Open spaces to the north-west and south-east of the site are also noted as being important to the character of the Conservation Area.

The late 19th century farm buildings on the site are all constructed from Magnesian Limestone. These consist of the former farm house shell (now used as a barn), the northern barn (an attractive traditional building) and a small building fronting Whaley Road to the south of the farm house. The conversion of the farm house during the 1960's is reported to have included removing the pitched roof, all of the interior and filling in most openings with stone. A sloping metal mono-pitch roof replaces the original. The former farmhouse now presents a disharmonious blank frontage to the junction of May Lane and Whaley Road and is cited in the Conservation Area Appraisal as a potential enhancement opportunity. A steel framed hay barn also exists on the site and is a relative modern addition clearly related to the function of the farmstead. The other buildings occupying the site are utilitarian in appearance and with little architectural merit. These later buildings are generally located to the rear of the site and are less visible from publicly accessible areas.

PROPOSAL

The application was originally submitted in outline with all matters reserved but the applicant has since confirmed Scale, Access, Appearance and Layout are now detailed matters for approval. In summary, the current application seeks outline planning permission for the redevelopment of Whaley Moor Farm. The proposals comprise the demolition of existing modern farm buildings, the erection of eight new houses and the conversion of two stone-built buildings to two new dwellings.

The layout for the site comprises a scheme of 10 dwellings, which includes a mix of detached family houses and smaller two and three bed cottages. Two of the ten dwellings are proposed to be affordable units. These dwellings are distributed into two main pockets of development, served via two separate access points off Whaley Road. The central / south eastern cluster contains 5 detached houses, comprising 3 new build units, the converted barn and the former farmhouse. These properties are served off a private drive to the south of the built development, which utilises the main point of access to the farm. The dwellings are laid out in a courtyard arrangement with parking provided for 14 spaces. The majority of the dwellings are two storeys in height although there is a single storey barn proposed adjacent to the entrance.

Site Layout



In the north-western part of the application site, it is proposed to build a row of properties facing on to Whaley Road with 5 units split either side of a central vehicular access. Ten car parking spaces and private amenity space for the cottages is provided at the rear. Pedestrian access is to the front, through individual openings in a stone wall. The cottages are proposed to be two storeys in height and will utilise stone walls, slate or tiled roofs and sliding sash timber windows.

The existing dry stone wall along Whaley Road varies in height along the frontage. In order to achieve appropriate visibility splays it is proposed to lower portions of the dry stone wall. It is also proposed to create a surface water retention basin to store water from the development during periods of high rainfall.

Plots 1-5



HISTORY

Pre-application Consultation by the Applicant:

An exhibition was held within one of the existing barns at the top yard site on Tuesday 16 August 2016 between 4.00pm and 8.00pm and was advertised two weeks before the event through leaflets and posters. Local Councillors and members of Langwith Parish Council were informed of the proposals (by telephone) and offered an opportunity to preview the exhibition material.

The applicant reports that at the event the proposals for the site were displayed on a series of exhibition boards and the team of consultants were on hand to answer any queries. Around 25 people visited in total and those in attendance were encouraged to fill out a questionnaire and comments form. The submissions report the majority of written comments were fairly negative, with residents generally opposed to the prospect of new housing within the village. Their main concerns were the impact of the scheme on the character of the conservation area, the increase in traffic and the strain placed on existing infrastructure and services within the village.

The submissions go on to suggest that some residents were more supportive of the proposals and accepted that parts of the site had become run down and were in need of maintenance and repair. The level of opposition it is suggested, meant that there were few constructive comments about the design and layout of the scheme although the need to reduce the overall number of dwellings and ensure that they were constructed from magnesium limestone were amongst the requests made by residents.

CONSULTATIONS

Bolsover District Council (Engineer): No objections.

Bolsover District Council (Environmental Health): No objections subject to conditions.

Bolsover District Council (Housing Strategy): Comments that this is a very rural location that it is not suitable for affordable housing, being so far from amenities. Although the applicants are offering to provide two units of affordable housing as a benefit to the proposed scheme but unusually in this case they would also not be required.

In addition, it would be difficult to attract a Housing Association to purchase the units in this location as they are generally disposing of units in areas where management costs are high because of the dispersed nature of their stock, and they may be perceived as difficult to let because of their isolated rural location.

The inclusion of the semi-detached houses for sale would provide a broader range of choice than if all the units were 4 and 5 bedroom detached houses, so this would at least help the wider housing market.

Derbyshire County Archaeologist: No objections subject to conditions.

In light of the additional survey information submitted by the applicant, it is considered further archaeological matters can be dealt with through post-consent conditions. This would involve trial trenching of the farmyard site and any further works arising from this to record and understand archaeological remains, plus any works needed in the area of the palaeo-channel identified in the southern paddock.

Derbyshire County Council (Lead Local Flood Authority): No objection subject to conditions.

Originally queries were raised as to what drainage calculations had been carried out to assess the required surface water storage capacity within the site. The applicant has since provided this further information and more detail on the proposed drainage strategy.

Derbyshire County Council (Local Highway Authority): No objections subject to the inclusion of a number of conditions as set out within their consultation response.

It is not considered that highway issues would be significantly worse if the proposals were to go ahead than that which already exists plus the proposal includes improvements to existing visibility. On this basis, whilst not an ideal situation, it is not considered that a recommendation of refusal could be sustained on highway safety grounds.

It is noted that refuse vehicles will not enter the site. As such, the Highway Authority would look for the provision of a bin dwell area where prospective occupiers can leave their bins on collection days. This should be clear of the highway and access and of sufficient dimensions to accommodate the maximum number of bins on any one collection day.

Historic England: Advise the Council to seek the views of your specialist conservation and archaeological advisers, as relevant.

Old Bolsover Town Council: Object to the proposals for the following reasons:

- a) the development changes the character of the village layout, size and density of buildings not in keeping with surrounding properties;
- b) lack of local facilities such as shops, schools and community facilities;
- c) poor internet and mobile phone connectivity in the area;
- d) reliance on cars to access to local facilities, lack of public transport and no local centres accessible within a reasonable distance to be reached by cycle or foot.

However, the Town Council do support the protection of limestone farmlands and the farming communities more generally. Therefore, If the Council were minded to approve the development, Old Bolsover Town Council would like consideration be given to a s.106 contribution to provide a new community building at Whaley Common and also ask if conditions can be put on a local occupancy clause to prevent the properties being used as a second or holiday home and to maintain a resident population within the area and that occupiers have either lived in the given area for a period of time or coming to live and work permanently in the area.

Severn Trent Water Ltd: No objections subject to the inclusion of informatives advising the applicant of their duties under the Water Industry Act.

PUBLICITY

A total of 16 consultation responses have been received in relation to the development proposed. In summary these raise the following issues:

- The scale of the development proposed is inappropriate for the size of the village, increasing the number of properties by over 50%, from 17 to 27.
- Whaley is an isolated hamlet. To focus development in this location would not be sustainable. The development will be highly car dependent, has no access to services, education facilities or shops. Development in this area would not align with the carbon reduction ambitions from Government or similar ambitions within the existing and emerging Local Plans for Bolsover.
- The development will have an adverse impact on the character and appearance of the village, will adversely affect the valued characteristics highlighted within the Whaley Conservation Area Appraisal and will impact visitors to the village interested in the Archaeological Way that exists in the context of the site.
- The application does not sufficiently address impacts upon protected species such as birds, badger, bats, frogs, toads and newts known to exist in the context of the site. There are also concerns about water quality impacts during the course of the development.
- The roads into the village will not cope with the increased traffic resulting from the development. The roads are single track with blind corners, are not gritted and have sharp bends.
- The transportation utilised suggesting 100 return journeys in the harvest period are overstated and an attempt to dilute the uplift in vehicle movements resulting from the development
- Current utilities such as the Severn Trent Sewage Works will not cope with the increased resulting demand from the development

- Permitted development rights should be removed from the properties proposed
- The development will be a prestige development that will not be affordable nor aimed at the local community or local workers. Even the smallest houses will be beyond the means of local people.
- The Planning Authority recently turned down a much larger development at Glapwell (17/00598/OUT). This was not in a conservation area. Like that development, the proposed development at Whaley “is not allocated for housing within the adopted Local Plan and is situated in the countryside and therefore covered by the greater countryside policies in the plan.”

POLICY

Bolsover District Local Plan (February 2000)

Relevant saved policies in the Bolsover District Local Plan include:

GEN 1 – Minimum Requirements for Development
 GEN 2 – Impact of Development on the Environment
 GEN 5 – Land Drainage 2
 GEN 6 – Sewerage and Sewage Disposal
 GEN 8 – Settlement Frameworks
 GEN 13 – Provision for People with a Disability
 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
 TRA 13 – Provision for Cyclists
 ENV 3 – Development in the Countryside
 ENV 8 – Development affecting Trees and Hedgerows

National Planning Policy Framework (March 2012)

Relevant paragraphs in the National Planning Policy Framework (‘the Framework’) include:

Paragraph 2: Status of Development Plan and National Planning Policy Framework
 Paragraphs 6-10: Achieving sustainable development
 Paragraphs 11-16: Presumption in favour of sustainable development
 Paragraph 17: Core planning principles
 Paragraph 32: Transport network
 Paragraph 47, 49 and 50: Housing
 Paragraphs 56- 66: Design
 Paragraphs 70, 72, 73 and 75: Promoting healthy communities
 Paragraphs 109 and 118: Conserving and enhancing the natural environment
 Paragraphs 120 and 121: Contamination and land stability
 Paragraphs 128 – 134: Conserving and enhancing the historic environment
 Paragraph 159: Relevance of SHMA
 Paragraphs 173: Ensuring viability and deliverability

Paragraph 196: Primacy of Development Plan

Paragraphs 203-206: Planning conditions and obligations

Paragraphs 215-216: Weight to be given to relevant policies in existing plans and relevant policies in emerging plans.

ASSESSMENT

1. Compliance with the Development Plan

Paragraph 196 of the Framework says that the planning system is plan-led and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Bolsover District comprises the Bolsover District Local Plan (adopted February 2000) and saved Local Plan policies form the starting point for a decision on this application.

In the first instance, the stated aims (para 2.4) of the Bolsover District Local Plan regarding environmental sustainability relate to encouraging energy efficiency, influencing the location and design of development to reduce energy wastage and seeks to ensure use of efficient means of transport alongside the aim of 'reducing the consumption of non-renewable resources.' In conjunction with Policies GEN8 and ENV3, Policy TRA1 seeks to guide development to areas which minimise the overall need to travel, are highly accessible by means of transport other than the private car and maximise the ability of users to walk or cycle to and from the site.

GEN8 and ENV3 – Settlement Frameworks

Saved Local Plan policy GEN8 is particularly important to the application of policies in the Bolsover District Local Plan because it says that 'general urban area control policies' apply within a defined settlement framework and the area outside the settlement framework is considered to be countryside and is covered by the 'general open countryside control policies'. Saved Local Plan policy ENV3 is the general open countryside control policy that is most relevant to this application. Saved Local Plan policy ENV3 places restraints on most forms of development, including housing, in the countryside.

Within the extant and emerging Local Plans, Whaley is not a settlement with a defined development envelope. As such, for the purposes of the Local Plan the site is classed as open countryside where residential development can only be justified in line with the exceptions set out in extant Local Plan Policy ENV3 (e.g. agricultural workers dwellings, secures significant improvement to rural environment), ENV4 (Reuse of rural buildings) or the exceptions within paragraph 55 of the NPPF (considered further below).

Local Plan Policy ENV3 and ENV4

Local Plan Policy ENV3 allows for development outside settlement frameworks where it is necessary; or would result in a significant improvement to the rural environment; or would benefit the local community through the reclamation or reuse of land. In all instances that the

policy goes on to suggest that proposals nevertheless must be located in an environmentally sustainable location, avoid harm to the rural landscape and avoid unnecessary urbanisation.

Local Plan Policy ENV4 is also relevant to the development as a component of the development involves the reuse of rural buildings (albeit supplemented by New Build Development). This policy also reflects some of the criteria in ENV3 regarding ensuring locational environmental sustainability and minimising the effect on the rural landscape. ENV4 goes on to require proposals must enable the preservation of a building or buildings which are of architectural or historic interest and make a valuable contribution to the rural scene.

Officers consider that the conversion of the former farmhouse and the existing barn would comply with policy ENV3 or ENV4, if designed appropriately to respect the setting of the Conservation Area and subject to the consideration of the Environmental Sustainability of the location.

With regard to the new build elements of the proposals, the policy compliance is more complex. In the first instance, new build development of the scale proposed is considered to conflict with Local Plan Policy ENV3 as they are not obviously 'needed' in the location and in general terms, residential development of the scale proposed in this application is not normally acceptable in the countryside outside of the settlement framework.

Principle of Development

Therefore, the proposed conversion of two stone-built buildings is broadly acceptable in principle under the terms of ENV3 and ENV4. In contrast, the new build elements of the proposals conflict with ENV3 and GEN8 and would not normally be deemed to be acceptable in principle. However, the applicant considers the newly-built dwellings should be considered enabling development that is needed to secure the conversion of the heritage assets.

National planning policies offer further support for residential development in the countryside:

- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; and/or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

Therefore, there may be other relevant considerations that indicate an exception to the existing Local Plan may be warranted in this case. However, the location of the proposed development and the overall sustainability of the proposals also weigh heavily against accepting the principle of redevelopment of Whaley Moor Farm in the manner proposed in this application.

2. Sustainability of Location

Whaley is a relatively isolated hamlet. It is reported that in recent years it has lost its pub, the nearby Henton Memorial Hall, its mobile library service and its telephone box. There are no education facilities within the settlement and it is reported that children have to travel to Cuckney, Shirebrook and Scarcliffe via car for schooling provision. The village is stated not be

on a gritting route and that pedestrian access to other settlements nearby is unsafe due to the absence of pavement and narrow, unlit roads. Respondents suggest, for most households the only viable access is via car from the B6417 over Bolsover Moor.

The Council has commenced work to replace the adopted Bolsover District Local Plan (2000) following adoption of its Local Development Scheme on the 15th October 2014. The aim of the emerging Local Plan is to foster sustainable development and this forms a core part of the Local Plan Vision. This Vision and the supporting spatial strategy direct development to the most sustainable settlements and locations, as well as seeking to regenerate the District's remaining large former industrial sites.

The approach taken to Whaley, one of the District's smallest and least sustainable settlements within the Publication Version of the new Local Plan (2018) has been to omit the settlement from those intended for planned growth and direct the majority of the planned growth towards the larger and more sustainable settlements. The assessment of the sustainability of settlements was informed by the objectively produced Settlement Hierarchy Study 2015 and is considered further below.

Settlement Hierarchy Study 2015

Paragraph 17 of the National Planning Policy Framework ('the Framework') suggests Authorities should 'Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.' The purpose of the Settlement Hierarchy Study was to assess the existing sustainability of the District's settlements and rank them from the most sustainable to the least. The study is a component of the evidence underpinning the Publication Version of the new Local Plan (2018) which seeks to enact management of the pattern of growth within the district but is also stated to 'provide a benchmark when considering development proposals (Para 5.7).'

To assess the sustainability of settlements the study seeks to grade the following specified characteristics. These are given a weighting across the main areas to establish a wider 'sustainability score' thus allowing the settlements within the study area to be placed in rank order. The key assessment areas utilised related to:

- The number of people in the settlement
- The availability of employment
- The availability of shopping facilities, services and community facilities
- The availability of public transport

Whaley has a population of 46 according to the study. Owing to this low level of population, absence of public transport linkages, linkages to employment and absence of in settlement services such as schools, the settlement was not studied further as part of this study. This is indicative of the settlement being an unsustainable location. Hence in establishing whether it would align well with the aims of the Framework to expand the settlement further, at a spatial policy level the Council has taken the view in the emerging plan that it would not.

Although it is acknowledged that Whaley is not a substantial distance from other settlements such as Whaley Thorns and Langwith (approx. 2 miles), these settlements too scored poorly

within the study in relation to population, employment and settlement services albeit in the case of Langwith, good public transport links are available. It is also acknowledged that Bolsover is 3 miles from Whaley but does not display good linkages in terms of alternative means of transport other than the car. Therefore although the applicant seeks to suggest that services in one settlement could legitimately support populations in another (as is also articulated in the Framework), Officers do not foresee a strong case for this within this particular application.

Overall, taking account of the Settlement Hierarchy evidence, the absence of services in the settlement and the absence of good access to neighbouring settlements, this would suggest the site in question is not a sustainable location and to focus development in this area would not align with the wider carbon reduction ambitions cited within the Framework, the Council's emerging Local Plan and Policy TRA1 within the extant Local Plan. Therefore, it is difficult to conclude that the current proposals are a sustainable form of development also taking into account the housing is not required to meet unmet housing need within the District.

3. Housing Supply

As the current application proposes residential development, the provisions of Paragraph 49 of the Framework are relevant because this paragraph says: *Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*

The Council's current 5-year supply position as of the 31st March 2018 and reported to Planning Committee on the 4th July 2018 is as follows:

- a basic requirement of 1,325 dwellings (5 x 265);
- utilising the Sedgefield approach, a NPPF requirement of 1,391 dwellings (when applying a 5% buffer across the 5-year period);
- a deliverable supply of land that could deliver 2,076 dwellings during the 5-year period of 2018/19 to 2022/23 (685 dwellings more than the basic requirement);

Taking this evidence into account, it is considered the Council can demonstrate 5 years supply of deliverable housing sites. This conclusion has been also been supported in several recent appeal decisions. Therefore, the housing proposed in this application is not needed to make up a shortfall in terms of meeting objectively assessed housing need in the District.

Therefore, insofar as saved Local Plan policies GEN8 and ENV3 could be considered to be policies for housing supply, the Council's current position on housing supply, as set out above, means that they should not be considered to be out of date solely with reference to Paragraph 49 of the Framework and, as above, the new build elements of the current proposals conflict with ENV3 and GEN8. However, saved Local Plan policies do not fully accord with national planning policies in Framework in respect of 'enabling development'.

4. National Planning Policy Framework ('the Framework')

Paragraph 55 of the Framework says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

These provisions are not contained in saved Local Plan policies and therefore need to be taken into account in the determination of this application because the applicant considers the new houses are a form of enabling development that would lead to the re-use of an existing building and enhance the character and appearance of the surrounding Conservation Area, which is a designated heritage asset.

Furthermore, Paragraph 134 of the Framework says where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This is a further provision of national planning policy that is not contained in the Council's saved Local Plan policies that also needs to be taken into account in the determination of this application.

Optimal Viable Use of Heritage Asset

The main barn in question is characterful and important to the character and appearance of the Conservation Area. The existing former farmhouse building is also cited in the Conservation Area Appraisal documentation prepared by the Council as a prominent building that represents an opportunity for enhancement of the Conservation Area. As such the conversion of the main barn and the former farmhouse to residential is considered to be an optimal viable use for the main barn and is supported. The other associated new development proposed would not fall within this exception category as it would not be a 'conversion' of a heritage asset.

Existing Farm Building



Former Farm House



Existing Street Scene



Enabling Development

In order to be considered appropriate enabling development, the income from the proposed development would need to be no more than what would be required to allow the developer and landowner to make a reasonable profit and to facilitate the conversion of the heritage assets. The Council has previously questioned whether 8 No. further units to 'support the delivery' of the converted barn and former house was justified and it was originally suggested that this would be over-development in the absence of further evidence.

The applicants have now provided a Viability Statement within their submissions that has been considered in detail by the Council's Surveyor. Although initially further questions were raised by the Surveyor, it has since been confirmed that the appraisal reflects a fair and reasoned assessment of the viability of the site. This shows that the potential income from the proposed development is proportionate to the proposed conversion scheme and that in the absence of the additional 8 No. dwellings proposed, the scheme for the delivery of the converted buildings would not be viable. The viability statement demonstrates this by considering an alternative option to the submitted scheme that omits the five new build units on the northern part of the site. The resulting scheme of 2 conversion units and 3 new build units would ultimately lead to a negative land value. It is therefore accepted that the evidence supplied shows the inclusion of five additional new build units on the northern half of the site makes the scheme viable.

Therefore the applicant is able to demonstrate that the 8 No. dwellings proposed would be 'enabling development' that is the minimum necessary to deliver the retention and conversion of the buildings in question.

Redundant Building Reuse and Enhancement

In terms of the final exception criterion, the development would need to reuse redundant buildings and lead to enhancement to the immediate setting. This criterion does not seek to permit new build development and relates to reuse of buildings alone. Officers note the large steel frame barn to the north of the site (granted permission in 2011) contained a number of hay or straw bales, appeared to be in use and that the remainder of the farmstead was in use. Although noting the applicant's submissions that Chatsworth Settlement Trustees are seeking to rationalise and potentially redevelop some farmsteads more widely, at present the comparatively recent capital investment in the site in the form of the agricultural building (in 2011) in addition to the seemingly continued use of the buildings leads Officers to conclude these buildings are not redundant at this time and in any event the full extent of the development (i.e. the new builds) would not be acceptable under this criterion. Officers would also question if the proposals would lead to substantial enhancement bearing in mind the agricultural origins of the settlement which mean agricultural barns and other farming buildings such as the steel barn proposed to be removed, are not readily out of keeping in this locality.

Summary

Officers consider the applicant is able to demonstrate that the development of the stone-built buildings on-site supported by additional new build development could meet the exceptional 'enabling development' criterion within para 55 of the Framework insofar as the newly-built dwellings would be isolated residential development in the countryside. This conclusion partly offsets the identified conflict with ENV3 and GEN8 and could support a recommendation of approval of the current application subject to consideration of all other relevant planning considerations including the effect of the proposals on the special qualities of the surrounding Conservation Area.

5. Relevant Planning Considerations

Character and Appearance

The application was originally submitted as an outline application with all matters except access reserved. Officers raised concerns that the effects of the development on the character and appearance of the Conservation Area could not be fully understood in the absence of more detailed information. As such Officers triggered Regulation 5(2) under the Development Management Procedure Order 2015 which required that full details of appearance, layout, landscaping and scale be provided before the Council can effectively determine the merits of the case. The applicants responded with further details accordingly and these are the subject of the current application.

Officers note that the wider landscape prominence of the site is high and that views are available of the land affected by the development from a number of vantage points, including public rights of way nearby. However Officers recognise that because the development replaces existing farm buildings on the site and is observed in close association to existing houses within the core of the village, there is no substantial wider landscape impact from the development.

It is also acknowledged that the development could contribute to the enhancement of the Conservation Area through the redevelopment of the former farmhouse which is identified as an opportunity site within the Conservation Area appraisal for Whaley. In particular the applicant highlights the following in relation to the former farmhouse which Officers do not dispute:

“The farmhouse is located at the focal point of the village, at the junction of Whaley Road and Mag Lane, directly opposite the former village pub. The works undertaken in the past in converting the house to a barn, which included replacing the roof and removing the rear wall. As a result the building is now structurally unsound. The former openings of the eastern elevation facing the street have been infilled and the wall is now completely featureless. Its appearance is of a derelict structure which detracts from the overall quality of the built environment within the village.”

However, the area where Officers raise concern relates to the layout, design and amount of development proposed and the effects of these factors on the short and medium distance views from within and towards the Conservation Area. In particular these concerns predominantly relate to the terraced and semi-detached pair of properties proposed to the north of the site (Plots 1-5). The housing proposed here is considered to be relatively dense, lacking variety in its design and is sited set back from the highway a considerable amount. The approach adopted in the submissions is unlike the more traditional dwellings in the historic core of the village to the south and the design fails to convincingly capture the design characteristics of these or other traditional dwellings in the area. These more traditional properties display a much more natural village centre arrangement, positioned hard up to the highway whilst at the same time displaying considerable variety in their appearance and form.

Plots 1-5



Officers also question the design of the proposed focal point property opposite the highway junction. This property as proposed displays unusual proportions, lacks symmetry (unlike similar properties in the area) and includes blank wall extents that are not characteristic of other traditional dwellings in the context. The imagery supplied (For example in the supporting imagery in the Design and Access Statement opposite figure 11) both the 'Farmhouse on Whaley Road – south of the application site' and the 'Looking Towards Red Brick House' image display symmetrical properties with the typical proportions of vernacular properties. Such design characteristics are not convincingly executed in the proposed focal point dwelling as shown on Drawing No (08)002 Rev P. Whilst Officers have considered the design justification provided carefully, this does not adequately evidence where this design approach has originated/evolved from.

With regard to the remainder of the development, Plots 6 and 7 will not be particularly prominent from the main road and together with the main barn, form an inward facing courtyard that is reflective of the agricultural origins of the holding. Plot 8 displays a barn like arrangement with the highway and subject to ensuring appropriate materials, could be executed well to appear reflective of development in the area.

Plots 6 - 10



Plots 6 – 10



Taking the above criticisms into account regarding Plots 1-5 and the unconvincing design of the focal point property proposed opposite Mag Lane, Officers do not consider the development sufficiently reflects or responds to the historic conservation interest of the settlement. Such development displays design not obviously well related to the local vernacular, the northern portion appears overly dense, prominent in the public realm and erodes the perception of openness of this section of the Conservation Area. Such factors conflict with the requirements of Local Plan Policy GEN2, CON1 and CON4. The development also conflicts with the emphasis within NPPF para 132 on giving 'great weight' to the conservation of designated heritage assets and requiring any harm to setting to require clear and convincing justification. Officers do not foresee such justification in this case. As such there would also be conflict with the emphasis within S72 of the Listed Buildings and Conservation Areas Act 1990 in that to permit development with the aforementioned Conservation not fulfil the Council's duty when exercising its planning function to ensure '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that [Conservation] area.*'

Benefits of Residential Development

As noted above, Paragraph 134 of the Framework says where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The harmful impact of the proposals on the Conservation Area identified above would amount to less than substantial harm so it is necessary to consider the public benefits of the scheme in the determination of this application.

In relation to the sustainability of the location, the applicant suggests residents within the village rely on services and facilities within Bolsover or nearby Langwith, which contains several shops, a post office, a primary school, various community facilities and a train station. Additional housing in this location is therefore said to support these existing services and is a common arrangement in a number of smaller villages throughout the Council's administrative area.

With regard to paragraph 55, the applicant makes the case that the broad theme of the paragraph is to impose restrictions on the provision of new isolated homes in the open countryside and that this site is only categorised as such because there are no development limits for Whaley. The proposed units are set within the context of existing housing within the

village and will not be of an isolated nature. In addition, the provision of new build properties on the footprint of farm buildings and the restoration / re-use of prominent stone barns on the site's frontage it is said, will lead to a significant improvement in the built form within the village.

The applicant also makes the case the proposed development will bring direct economic benefits in terms of direct employment during the construction phase and in the longer term through the indirect economic benefits of expenditure by local residents in the local economy. The applicant suggests it will also help by providing homes near to areas of economic productivity such as Bolsover and Chesterfield.

Finally the applicant seeks to include 2 affordable dwellings within the proposals as part of the development package offered. Although these dwellings are not required within the terms of existing policy, the applicant nevertheless offers the two dwellings as a planning benefit that will be provided and secured for future purchasers at reduced market rates. The merits of this offer are considered in more detail below but as a whole, the proposals would not enhance the character and appearance of the Conservation Area for the reasons above and the economic benefits that could be associated with this scheme are not especially substantial or more than could be achieved from any residential development of a similar size and scale.

However, as set out in earlier sections of this report, the absence of services in the settlement and the absence of good access to neighbouring settlements suggest Whaley is not a sustainable location and to focus development in this area would not align with the wider carbon reduction ambitions cited within the Framework, the Council's emerging Local Plan and Policy TRA1 within the extant Local Plan. Therefore, it is difficult to conclude that the benefits of granting planning permission would not be offset and outweighed by the location of the proposed development. Consequently, it is equally difficult to consider the current proposals are a sustainable form of development also taking into account the housing is not required to meet unmet housing need within the local area.

Affordable Housing Offer

The development of 10 dwellings would not normally require the provision of affordable housing under the Council's extant policies. Affordable Housing would normally only be triggered on sites over 24 dwellings in line with the Council's adopted Local Plan Policy HOU6. Therefore this could be considered to be a material benefit over and above meeting normal policy requirements that could be given weight in the determination of this application.

However, Policy HOU6 does also suggest that in assessing the suitability of a site for providing affordable housing, the Local Planning Authority will take account of:

1. *The level of need in the area* – There is no identified need to the Council's knowledge and the applicant has not sought to identify a specific need
2. *Access to public transport* – As discussed above the site has relatively poor access to public transport and other services
3. *The economics of developing the site* – The applicants offer is over and above usual policy requirements and is a clear material benefit
4. *The proximity of the site to local service* – As above the village has relatively poor access to services relative to other settlements in the district

Further to the above observations, Bolsover Council Housing Strategy Officers were also consulted on these proposals. It can be seen from their comments that as the site is a rural location, it would not normally be considered suitable for affordable housing, being so far from amenities and public transport. It would also likely be difficult to attract a Housing Association to purchase the units in this location. Bolsover Housing Strategy suggest that in general, Housing Associations tend to be disposing of units in areas where management costs are high because of the dispersed nature of their stock. The units may also be perceived as difficult to let because of their isolated rural location.

Typically a Parish need survey for affordable housing may act as evidence in favour of need. However the Parish Council in this case do not support the proposals on the basis of the lack of local facilities and high reliance upon the car.

These observations were put to the applicant's agent who suggested that: The offer of affordable housing is on the basis that the units be sold at a discount of 80% to market value. This discount would be secured in perpetuity through a Section 106 Agreement. The eligibility of purchasers for those units would be assessed using the Council's or a Housing Association eligibility criteria.

Taking these factors into account, it is clear there would be a moderate material planning benefit from the development by providing discounted 'more affordable' housing. However this benefit is diminished by the lack of identified need, isolated location, poor public transport and lack of local services as required by affordable housing policy HOU6 and referenced by the Housing Strategy Consultee. Taking all the above into account, the offer of affordable dwellings carries some weight in the determination of the current application but does not offer any overriding justification for a recommendation of approval for the current application in this case.

Highway Considerations

The proposal utilises an existing access and proposes some improvement, slightly relocates another access leading to some improvement and would close another access to vehicular traffic which has severely substandard visibility in both directions. The type of traffic associated with the site would also change in that farming would cease, removing large slow moving vehicular movements and replacing them with more numerous car movements. There is some highway safety benefits as a consequence of the development.

It is noted that an adoptable road is not proposed and thus that refuse vehicles will not enter the site. As such, the Highway Authority seek the provision of a bin dwell area where prospective occupiers can leave their bins on collection days. A central location such as the area labelled 'Pedestrian and Cycle Access' would best serve the southern clutch of dwellings and would be relatively screened from the wider area. However it is unclear if there is sufficient room in this area to fully accommodate this. For the southern dwellings, a bin store located at the vehicular entrance to the site would be some distance from the furthest properties (60-70m) and would not be a desirable addition to the street scene at this location. Such a distance would also conflict with the advice in Manual for Streets (Para 6.4.9) regarding maximum bin carry distances of no more than 30m. However if Members were minded to approve the application, such an issue could be effectively conditioned and examined further.

Overall it is considered, there are no significant highway safety concerns with the proposals. Some net highway benefit is likely to be realised as a consequence of the development through the improvement to Highway Visibility and removal of larger farm related vehicles. As such the proposals would not have a severe effect on the highway network or safety at this location in line with NPPF para 32 but this in itself is not a reason to approve the current application.

Biodiversity

Habitats

The application is supported by a formal ecological appraisal and bat survey. These reports suggest the site predominantly consists of farm buildings and hardstanding with two improved grassland fields, patches of tall ruderal vegetation, scattered scrub, a patchy and overgrown hedgerow and scattered broad leaved trees. A small stream was present alongside the site boundary which flows south east. The stream was 30cm-40cm deep, culverted in places and 1m at its widest point. Areas of the stream that were partially shaded contained dense watercress and common nettle whilst other areas subject to heavy shade were devoid of vegetation. All habitats are common and widespread in the locality and are rated as 'negligible' in terms of ecological value within the submissions.

The impact of the development on habitats within the site is not reported to be ecologically significant. The affected habitats include loss of ephemeral vegetation and the improved Grassland field to the southeast of the site. All other habitats such the broad leaved trees, hedgerow and scrub will be retained. These habitats, although not particularly important individually, provide linear foraging features for bats. No direct impacts upon the watercourse in the site are proposed, however the potential for pollution of the watercourse does exist. In order to mitigate this risk, a 5m exclusion buffer from the watercourse (via fencing) is proposed alongside general watercourse mitigation such as fuelling of vehicles to be carried out in a designated area or fuel/oil to be stored in bunded tanks to 110% of the volume stored.

Fauna

In terms of particular species of interest (Fauna) the reports considers each species in turn, firstly examining known recordings of the species in the area and then considering if the habitat apparent was suitable for the species. The results were as follows:

- Badger – No records of badger were returned in the desk study and no evidence of badger was identified during the survey. The habitats were considered to be suboptimal for the species. Some foraging habitats were present in the area and the sites openness means the presence of badger cannot be ruled out. Mitigation is proposed in the form of prohibiting night working and covering or providing escape from any excavations so as to avoid trapping badger if present.
- Bats – A detailed inspection for bat inclusive of a day time survey, a dusk and dawn emergence survey and use of remote bat detectors was undertaken. The daytime inspections found evidence of a large number of droppings throughout the top level of Building B6b (the L shaped Barn) and concluded the barn held moderate potential

for crevice roosting and void roosting bats. DNA testing of the droppings by the University of Warwick confirms the droppings originate from Brown Long Eared bats (*Plecotus auritus*). The high number of droppings in building B6b indicates the potential presence of a breeding roost. No signs of bats were found in other buildings on the site.

Dusk Emergence survey on 12th August 2015 and Dawn Emergence on 3rd September 2015 revealed relatively low levels of bat activity. Species observed included Common Pipistrelle, Whiskered/Brandt's Bat and Soprano Pipistrelle. No bats were seen to enter or emerge any building within the site. Separate remote bat detector surveys also found the presence of Noctule bats in the area. No Brown Long Eared calls were recorded.

As the surveys were conducted towards the end of the maternity season, the exact status of the potential Brown Long Eared Breeding Roost is not known as it is possible the roost may have disbanded by this point in the season. The reports provided suggest that Brown Long Eared maternity roosts are often occupied from April to September and are often occupied over the whole summer period, which in turn suggests that a maternity roost would have been likely to be active at the time of the surveys if a roost was present, yet no calls attributable to that species were recorded. Overall the reports suggest that further survey is required in order to establish the status of the roost and devise an appropriate mitigation strategy. If a breeding roost is apparent, this is likely to be considered to have regional conservation significance.

- Breeding Birds – The scattered trees, hedge, ruderal vegetation and scrub hold potential for nesting birds (such as Robins, Wren) and the buildings on the site provide opportunities for crevice nesting birds such as House Sparrow. Evidence of a Kestrel nest was also apparent within building B6a with feathers and droppings having been observed. Timing or works to this building is recommended to reduce the risk to nesting Kestrel. In order to replace lost nesting habitat, bird boxes are recommended within the submitted Ecological Survey.
- Great Crested Newts – A small stream along with the south west site boundary links to a series of pools offsite. No records of Great Crested Newt were returned from the desk study, the nearest record was 7.4km northwest of the site. A small network of ponds link to the watercourse. The habitats on site were deemed suitable for terrestrial Newt and the presence of Great Crested Newt cannot be ruled out. It is recommended that a formal Habitat Assessment is undertaken on all ponds within the 250m of the site.
- Otter – No records of Otter were returned in the area around the site. There is a small stream to the south of the site but there are limited foraging opportunities and a lack of large prey items in the immediate area around the site. Habitat much more suited exists to the south near Scarcliffe Park, an ancient semi-natural Ash woodland. The River Poulter connects to the watercourse approximately 1.6km to the southeast of the site and provides suitable foraging and holt building opportunity such that it is unlikely Otter would look to progress up the watercourse to the site.

- Reptiles – A single reptile record was returned during the desk search, a Slow Worm located along a tributary of the River Poulter 0.8km to the southeast of the site dating from 1997. The site had some suitability for common reptiles such as Grass Snake, Slow Worm and Common Lizard. However frequent disturbance from agricultural practices reduce the likely use. Precautionary Mitigation in the form of appropriately timed site clearance and creation of exclusion areas.
- Water Vole – No records of Water Vole were returned in the desk study and no indicators such as burrows, latrines or feeding stations were observed on the site. The watercourse to the south was partially culverted and had areas of heavy shade resulting in a lack of suitable vegetation for foraging. Water Vole presence is considered unlikely.
- White Clawed Crayfish – The stream on site comprised a silty substrate which is unsuitable for White Clawed Crayfish. In addition no suitable refugia such as rocks or boulders were present within the stream. No records of the species exist in the area and thus it is highly unlikely to be present.

Derbyshire Wildlife Trust have considered the originally submitted ecological information. Their observations initially suggested that whilst the content of the report is very detailed and provides a good level of assessment, further information was required for Great Crested Newts and Bats. On 9 July 2018 the applicants provided further information.

Bats – Additional Information

'an update inspection and dusk emergence survey of building B6 was undertaken in June 2018. Small numbers of pipistrelle and brown long-eared droppings were found in both sections of the building along with brown long-eared feeding remains. A clear feeding perch was discovered in the northern section of B6a where approximately 15 brown long-eared droppings and a collection of butterfly and moth wings were discovered. During the activity survey four common pipistrelles and one brown long-eared bat emerged (as well as a potential emergence from B7). A brown long-eared bat was also seen foraging inside the building prior to emergence. Overall it is likely that a brown long eared breeding roost is still present.'

Great Crested Newts – Additional Information

'The terrestrial habitats present on site have the potential to support individual great crested newts during the terrestrial phase of their lifecycle although these are considered to be limited. Features such as hay bales, spoil piles, the hedgerow along the southern south boundary and tall ruderal vegetation and scrub could provide suitable refugia for these and other amphibian species. Due to the lack of known records and refusal of access to the survey nearby ponds, a precautionary method statement was seen as the most suitable way forward.'

Officers consulted Derbyshire Wildlife Trust about this additional information on 2nd July 2018 but at the time of the production of this report a formal response had not been received. Officers will provide an update report if this situation changes. Nevertheless, taking into account the

mitigation suggested it is likely the Wildlife Trust would conclude that there would be no significant impact on the bat and newt populations in the area. If this was the case, the Council could condition the inclusion of the mitigation measures as part of the development. However given the concerns and that the Officer recommendation is one of refusal, should Derbyshire Wildlife Trust offer criticism of the approach adopted in the reports, a further ecological reason for refusal could be formulated.

Conclusions on Ecology

Overall Officers accept that the majority of species considered are not significantly affected by the development and that subject to the ecological mitigation set out in the accompanying report and the proposed method statement, there would not be a significant impact upon protected species. However, Derbyshire Wildlife Trust comments were still pending at the date of this report. Therefore, subject to the Trust advising that suitable mitigation can be agreed, it is concluded the application as submitted would comply with Local Plan Policy ENV5 and the thrust of NPPF Para 118 and 9 in relation to ensuring no net biodiversity losses as part of development proposals. However, if the Trust were to respond negatively, the application may need to be refused on the grounds that it would have an unacceptable adverse impact on European Protected Species.

Drainage and Flood Risk

Upon submission there was originally insufficient information regarding the proposed surface water drainage strategy associated with the development and further information was requested by the Lead Local Flood Authority. Further information advising that the drainage strategy for the proposed development intends to discharge surface water into an ordinary watercourse approximately 10 metres to the south west of the site was received. The proposed discharge rate is stated in the Drainage Report to be restricted to 2.1 l/s and the Lead Local Flood Authority (LLFA) is satisfied that this rate is as close as is practicably possible to the Greenfield (pre-developed) runoff rate for the site; additionally representing a betterment on the brownfield rate. The applicant proposes to achieve this rate using a 'HydroBrake Optimum' flow control device and a detention basin in the south east of the site with a volume of 190m³, proposed to maintain this discharge up to and including the 1 in 100 year rainfall event.

The Lead Local Flood Authority (LLFA) accept that at this stage in the development design process the approach suggested is likely to be acceptable but that more detailed calculations will be required as the design progresses further to ensure that all surface water can be dealt appropriately within the drainage system, including sufficient storage to maintain the proposed discharge rate of 2.1l/s up to the 1 in 100 (+ Climate Change) flooding event including 10% for urban creep. The LLFA additionally welcome the significant betterment on the existing runoff rate proposed for the development, with a decrease in impermeable area and an increase in surface water storage on site.

The LLFA suggest that further details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional and the proposed discharge rate and storage volume can be maintained.

With regards foul sewage, although a number of respondents raise concern about the capacity of the reed bed system in the village, Severn Trent Water who manage the system raise no concerns with the proposed development subject to the inclusion of conditions to require the provision of detailed foul and surface water drainage information.

Officers assess that overall the proposals do make adequate provision to deal with surface water drainage on the site and result in moderate betterment given the removal of significant areas of impermeable roofs and hardstanding. As such the application, subject to required conditions, complies with Local Plan Policy GEN5 but the improved drainage resulting from granting permission for this application would not be such a significant benefit to the local area that this issue would weigh heavily in the determination of the current application.

Archaeology

Initially no archaeological field work had been carried out and this was raised as a concern by the County Archaeologist. Since the applicant has submitted the results of archaeological evaluation relating to the southern and a buildings appraisal/statement of significance in relation to built heritage on site. In response the County Archaeologist notes:

The archaeological evaluation did not find any evidence for early occupation on this part of the site, although some deposits of palaeo-environmental interest associated with a former stream course were identified in the south-western part of the site. These may be impacted by aspects of the proposed development in this area but further investigation could be undertaken through a conditioned scheme of archaeological work once a detailed scheme is approved. Archaeological evaluation of the farmyard area is also necessary but I accept that this is difficult within the confines of a working farm, and this also could be conditioned to take place postconsent, along with any further recording required under NPPF para 141 in the event of significant remains being identified.

The applicant has also provided a historic building appraisal for the site. This includes statements of significance, plans and elevations, internal and external photography and conservation principles for the buildings individually and as a group. The Archaeologist suggests there are some issues with this document which include that the map regression for example does not extend earlier than 1875, when there are earlier sources available (buildings are shown on site e.g. on the Enclosure Award plan for Old Bolsover dated 1780), and there is a rather narrow concern with what is original, when, the emphasis should be considering what best illustrates the story of the buildings (which might include features from different phases of use). Nevertheless, the Archaeologist is satisfied that the information supplied at present is sufficient to enable the application to be determined in archaeological terms in line with NPPF requirements and that subject to conditions, archaeological interest within the site can be suitably considered and mitigated for. However, there is no real argument that the proposals would be of significant benefit in terms of revealing or increasing appreciation of any archaeological interest on site.

Amenity Considerations

The application is submitted with details of the proposed layout, scale and appearance of the

buildings, albeit full floor plans do not appear to have been submitted at this time for each dwelling. Such plans could reasonably be secured by condition prior to commencement of any development.

Overall the layout of the properties proposed will sit relatively separately from neighbouring properties such that impacts upon the residential amenity of users within nearby properties is obviously significantly affected when considered against relevant standards. In this regard the closest affected property is the former Black Horse Public House and it is envisaged that the dwellings proposed in this location, in the main display oblique relationships to the windows associated with this property. The only potential windows that could affect this dwelling would be those in the gable end fronting the road within Unit 8. Conditions could reasonably ensure such windows are considered further as part of the final floor plans. Although concerns are raised from neighbouring properties such as the Old Cornmill, Officers do not see a significant impact upon this property through increased enclosure or overlooking that exceeds relevant standards. The arrangement of the properties is such that the outlook of the proposed properties does not affect this neighbouring dwelling.

With regard to overlooking of neighbouring gardens, it is noted the terrace of 3 No. properties proposed would have a degree of overlooking of the private garden associated with Rose Cottage on the opposite side of the highway. A distance of 9m would exist. Such a level of separation is less than the 10.5m level suggested in the Council's adopted Successful Places Design Guidance. However the garden affected is relatively extensive, functions as a front/side/rear garden that envelopes the property and the area is immediately adjacent the public highway (albeit behind a hedge) such that privacy is to some degree reduced. As such Officers judge there would not be a significant effect on the residential use of this property even if the terraced properties were provided as shown.

With regards to the amenity spaces accompanying the proposed dwellings and the disposition or relationship of the proposed dwellings to one another, the layout raises no cause for concern in amenity terms. Although full floor plans of the dwellings have not been provided, Officers consider such a matter could be fully considered by condition. Overall therefore, the site is considered to pay sufficient regard to the amenity of existing and future occupants in line with Local Plan Policy GEN2. However, these conclusions do not provide a reason to approve this application.

6. Planning Balance

In conclusion, there are a number of issues that do not weigh heavily in the determination of the application. These issues include the potential impacts of the scheme on archaeology, flood risk and drainage, neighbourliness and highway safety, which have all be found to be acceptable or could be made acceptable in planning terms subject to appropriate planning conditions. It also appears that the potential impacts of the scheme on ecology can be appropriately mitigated subject to further assessment by the Derbyshire Wildlife Trust. There are also elements of the scheme that weigh in favour of granting planning permission for the current application.

For example, the conversion of the traditional buildings within the site is acceptable under Local Plan Policy ENV4 in principle. With regard to the new build elements of the proposals, the

applicant is able to demonstrate that the conversion of the traditional buildings supported by additional new build development is necessary in viability terms and thus would meet the exceptional 'enabling development' criterion within NPPF para 55 in principle. Also in favour of the application, the applicant makes the case the proposals include development that is intended to align with the enhancement opportunity identified in the Conservation Area Appraisal for Whaley, that the development will support services in villages in the vicinity of the site, provide short term economic benefits, highway safety benefits, improved flood resilience and will include two affordable dwellings (80% market value) that go over and above the normal requirements of planning policy HOU6.

However, Whaley is a relatively isolated hamlet with little access to day to day services. There are no education facilities within the settlement and it is reported that children have to travel to Cuckney, Shirebrook and Scarcliffe via car for schooling provision. The village is stated as not being on a gritting route and that pedestrian access to other settlements nearby is unsafe due to the absence of pavement and narrow, unlit roads. Respondents suggest, for most households the only viable access is via car from the B6417 over Bolsover Moor. This assessment is reinforced by the Council's Settlement Hierarchy evidence that underpins the Emerging Local Plan. This evidence concludes the site in question is not a sustainable location and to focus development in this area would not align well with the wider carbon reduction ambitions cited within the NPPF, the Council's emerging Local Plan and Policy TRA1 within the extant Local Plan.

Moreover it is considered the Council can demonstrate 5 years supply of deliverable housing sites. As such, the proposed housing is not needed to make up a shortfall in terms of meeting objectively assessed housing need in the District. There is also a lack of evidence that demonstrates that the existing agricultural use of the land is unviable or that housing would be a more appropriate use of the land. Notably, it is said in the submitted application that the Council has accepted the applicant's need for farm rationalisation but this is not correct and each case is determined on its individual merits. In this case, there is no details of why the farm needs to be disposed of by the applicant and why it might not be sold on as a 'going concern'. It is also reasonable to say that the existing farm buildings do not look out of place within a small rural village within a 'farmed' landscape.

In addition, Officers remain concerned that the quantum of development proposed is too great for Whaley and would result in an adverse impact on the valued characteristics of the Conservation Area. In particular criticisms are raised regarding the design and disposition of Plots 1-5 and the unconvincing design rationale of the focal point property proposed opposite Mag Lane. Officers do not consider the development sufficiently reflects or responds to the historic conservation interest of the settlement and this view is shared by the Council's Conservation Officer. The development proposes a design not obviously well related to the local vernacular and the northern portion appears overly dense, prominent in the public realm and leads to an erosion of the perception of openness of this section of the Conservation Area. Such effects conflict with the requirements of Local Plan Policy GEN2, CON1 and the onus to conserve or enhance with the Listed Building and Conservation Areas Act 1990.

It is therefore considered the proposals would cause less than substantial harm to the Conservation Area, which is a designated heritage asset, but this harm would not be outweighed by the limited public benefits of granting planning permission set out above. In this

case, the public benefits of granting planning permission would also be diminished by the fact Whaley is an isolated hamlet with little access to day to day services and therefore not a sustainable location for residential development of the scale proposed in this application. In addition, it cannot be demonstrated that the affordable housing will meet an evidenced local need or that the housing will meet a shortfall in housing supply more generally because the Council can demonstrate it has a 5 year supply of housing.

Accordingly, the current application is recommended for refusal because the adverse impacts of granting planning permission significantly and demonstrably outweighs the benefits of doing so.

RECOMMENDATION

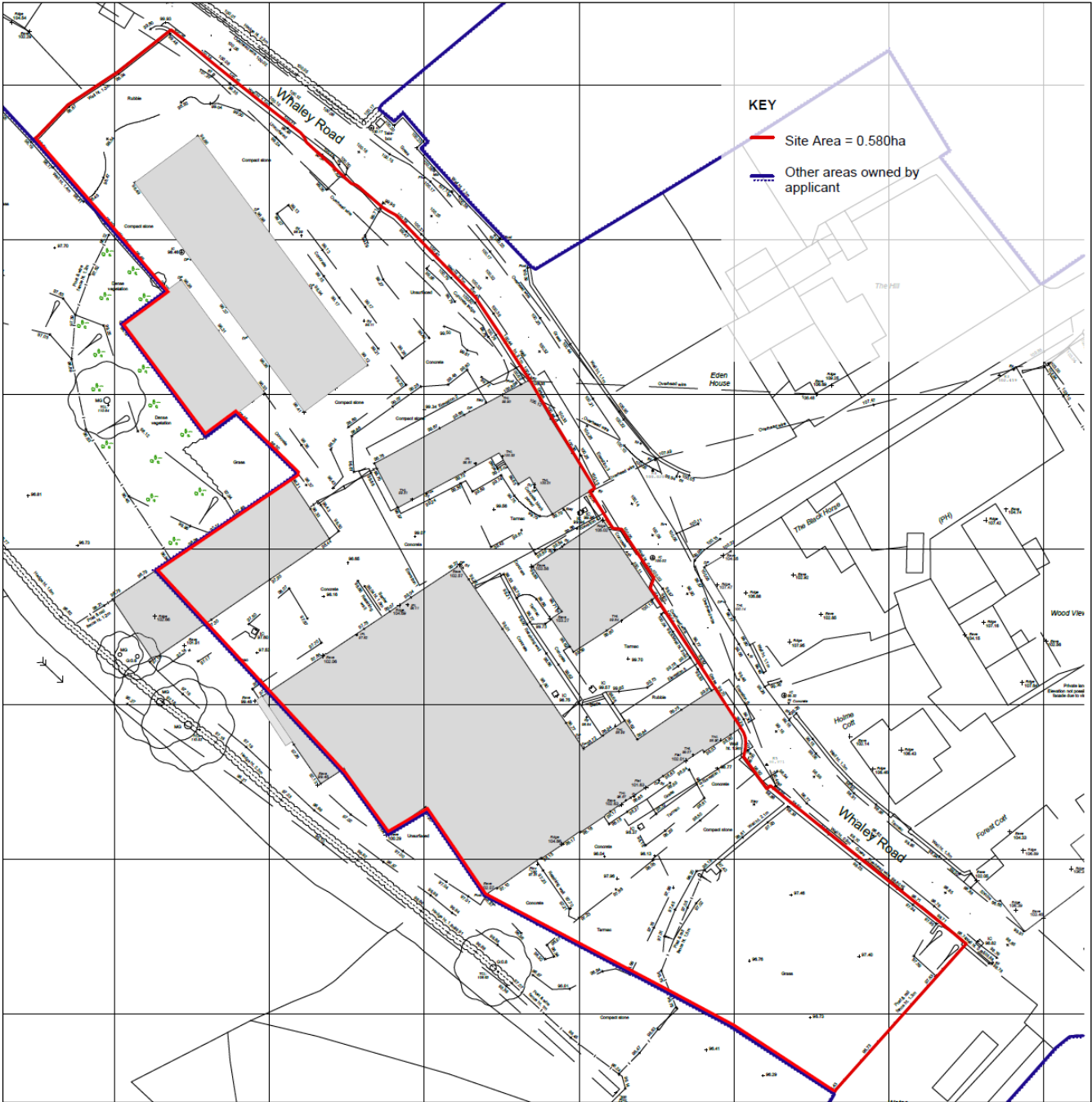
The current application be **REFUSED** for the following reasons:

- 1. The development proposes a design not obviously well related to the local vernacular and the northern portion appears overly dense, prominent in the public realm and leads to an erosion of the perception of openness of this section of the Conservation Area. Such effects conflict with the requirements of Local Plan Policy GEN2, CON1 and CON4, the emphasis within NPPF para 132 and S72 of the Listed Buildings and Conservation Areas Act 1990 to ensure *‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.’***
- 2. Whaley is an isolated hamlet with little access to day to day services. There are no education facilities within the settlement, users of the development will be highly car dependent and there is insufficient pedestrian access to other settlements nearby due to the absence of pavement and narrow, unlit roads. Consequently, the application site is not in a location that is suitable for the scale of residential development proposed in this location and there is no evidence that the proposed affordable housing would meet an identified local need. Moreover, the Council can demonstrate 5 years supply of deliverable housing sites and as such, the proposed housing is not needed to make up a shortfall in terms of meeting objectively assessed housing need in the District. Taking all these factors into account, the current proposals constitute an unsustainable form of development situated within an unsustainable location and any benefits of granting planning permission for the current application would be demonstrably and significantly outweighed by the adverse impacts of doing so when taking into account policies in the Development Plan and the National Planning Framework as a whole.**

Human Rights

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

Site Location Plan



PARISH Barlborough

APPLICATION Commercial development comprising an office building, workshop and manufacturing facility and a HGV trailer park and associated works
LOCATION Land Adjacent Brick Yard Farm Slayley Lane Barlborough
APPLICANT Explore Transport Limited c/o Agent
APPLICATION NO. 17/00539/FUL **FILE NO.** PP-06455728
CASE OFFICER Mr T Ball
DATE RECEIVED 17th October 2017

SITE

The application site is a former landfill site that has subsequently been used for car boot sales but is now overgrown and unused. Barlborough Links Business Park adjoins to the north-eastern and eastern sides of the site with a variety of business uses and buildings generally designed with common materials and detailing, although County Council approved development of inert materials processing and recycling immediately adjoins to south-eastern side. Adjoining to the western corner of the site is Brick Yard Farm comprising house with a related haulage business while beyond across Chesterfield Road is open land being within the Green Belt. This land has planning permission as public open space and access road to a residential development behind houses on Chesterfield Road.

Application Site



To the south-west across Slayley Lane is agricultural land with associated barns and house, including access to Romeley House Farm and its caravan storage business. There are mature

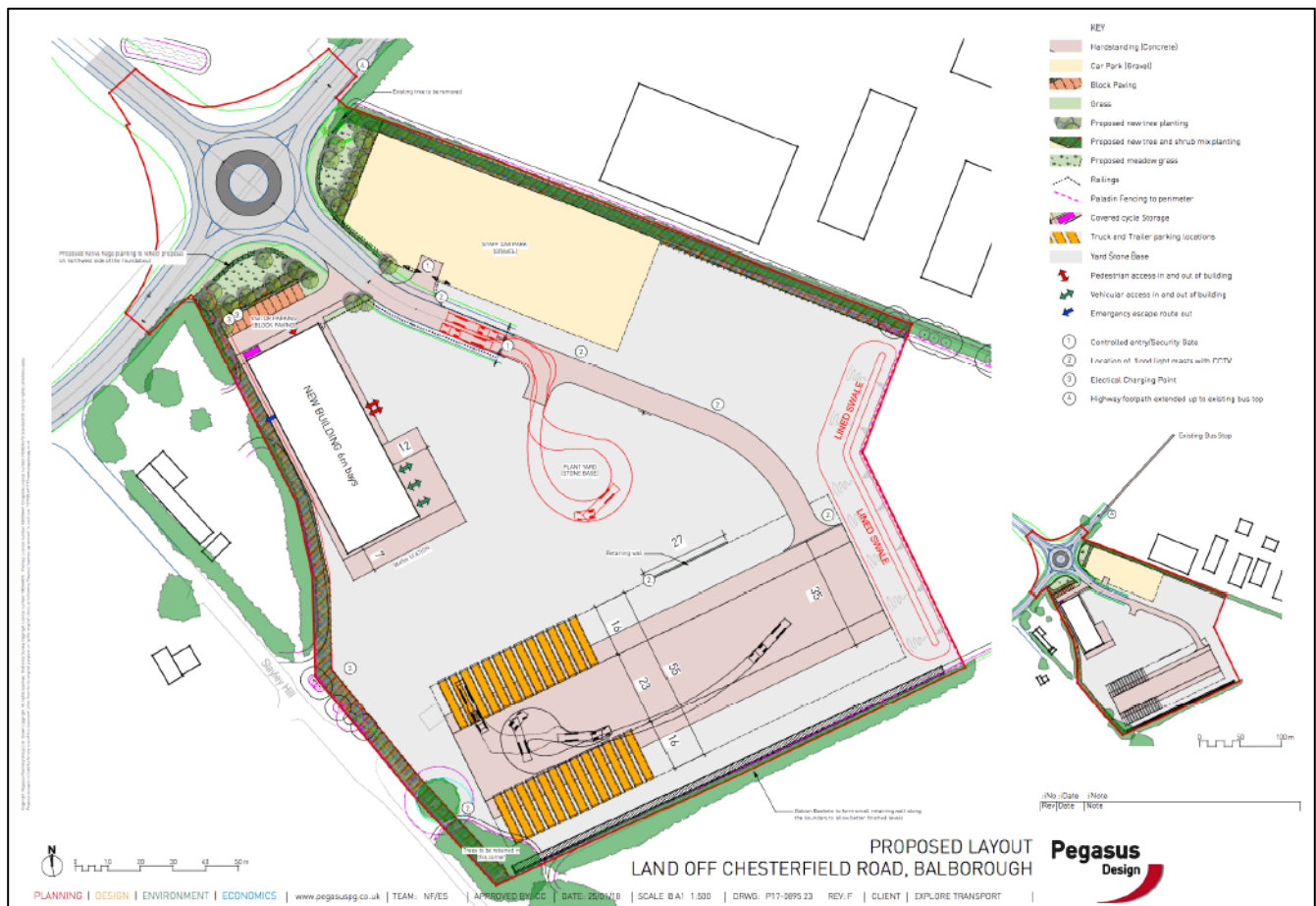
trees along Slayley Lane. On site is a landfill gas extraction system and to the site edges with Barlborough Links a gas venting trench. Overgrown hedging of native species forms the boundaries of the site to all sides except alongside Brick Yard Farm which has 15m high conifers and along the Chesterfield Road frontage where the boundary is a post and wire fence.

PROPOSAL

The current application seeks full planning permission, which in its amended form is for one building providing offices and workshop and use of the rest of the site for a haulage business (i.e. parking of trailers, car parking for office workers and lorry drivers). The four workshop bays on the building would be used for the maintenance of the vehicles and manufacturing of parts to adapt trailers for abnormal loads.

The site is accessed by a new roundabout on Chesterfield Road which is designed to also provide the access to the approved residential development site behind existing dwellings on Chesterfield Road. (Both development sites were granted outline planning permission with roundabout access in this position in 2011, 2017 with Reserved Matters approved in 2016).

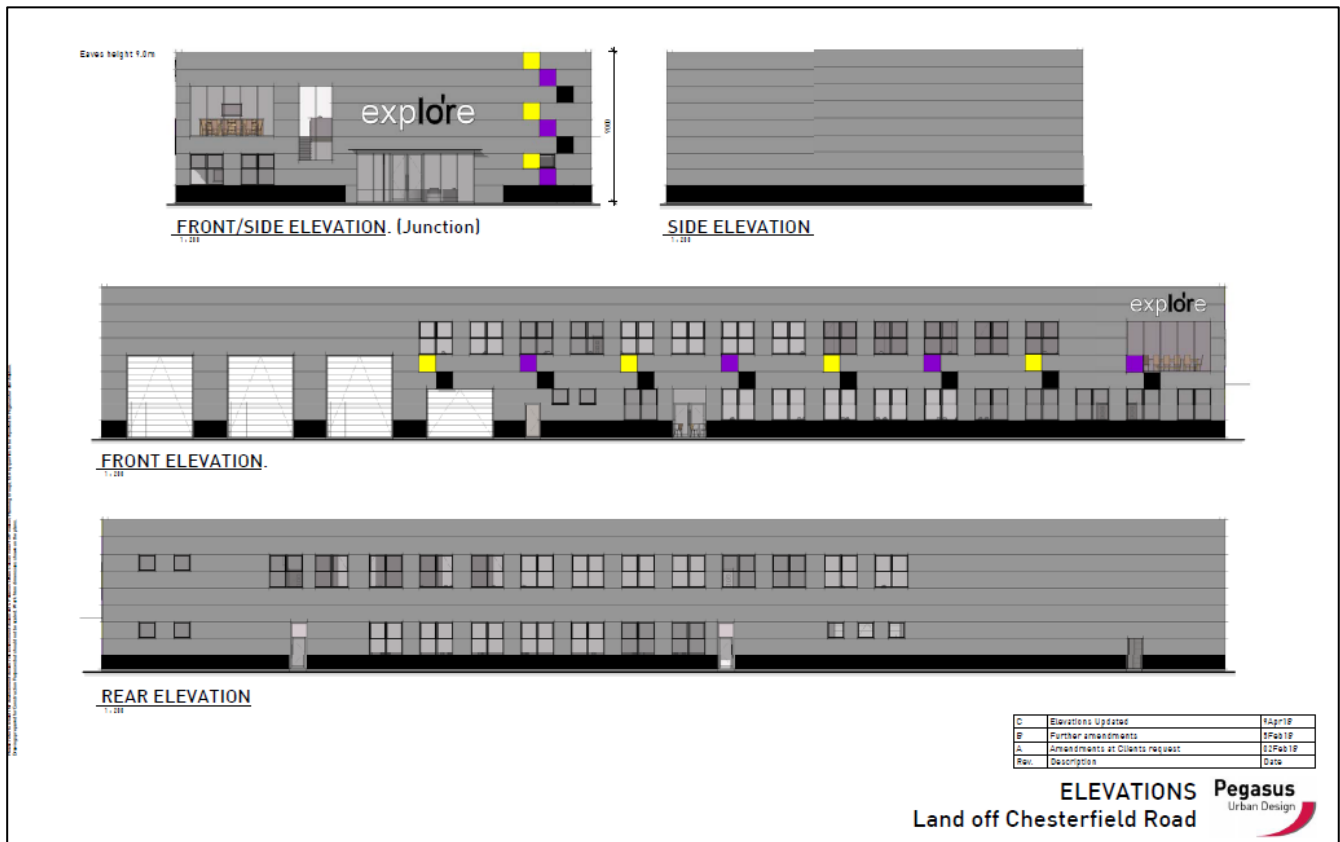
Proposed Layout (as amended)



The proposed building is set back from the Chesterfield Road frontage behind a landscaped

area with hedgerow trees and meadow grass and small visitor parking area. It is situated on the western side of the access road alongside the boundary with Brick Yard Farm being 9m high (two storey with shallow pitched roof behind a parapet), 25m wide and 67m deep. The main entrance is on the northern elevation (facing Chesterfield Road) with two storeys of offices and related accommodation, including showers. The workshop bays are at the southern end of the building. A cycle storage area will be provided to the front of the building.

Proposed Building



On the eastern side of the access road also behind a similarly treated landscaped area is a gravelled staff car park which adjoins the 'Xbite' site.

The southern part of the site is shown for Trailer parking which with the use of the change in levels and the construction of some areas of retaining walls and the use of gabion baskets along the southern boundary allow the ability to stack two trailers on top of each other.

Additional tree and shrub planting is proposed to the site boundaries to strengthen the existing vegetation along these boundaries.

Apart from access roads and service areas around the buildings the remaining plant yard will be a stone base.

A lined swale to restrict surface water drainage to the drainage system serving Barlborough Links is provided at the lower part of the site along its south-eastern boundary.

Exact materials of construction have not been specified for the revised building, although the elevations imply flat steel cladding with occasional corporate colour squares and a dark plinth.

24 hour operation.

Total site area 3.7ha.

Currently the company employs 273 staff over 8 depots with 120 trucks and 14,000 items of plant. It is expected that by 2020 there will be 500 staff. Most of the new roles as well as some relocated staff will be based at the Barlborough Head Office site.

The applicant has provided the following statement on the application form:

“The proposed workshop/manufacturing unit will provide for vehicle and trailer maintenance and for adapting trailers where necessary to suit abnormal loads. The majority of all maintenance activities will take place within the building, but some storage and physical collection of equipment will take place within the plant yard and assembly areas outside of the building”.

The site is proposed to form the Head Office and Depot of Explore Transport Limited. Explore Transport is a joint venture between Select Plant Hire Company Ltd (a Laing O’Rourke construction company) and WS Transport Ltd (a partner of the Eddie Stobart Group). The existing offices are currently located at the Explore Manufacturing base at Explore Industrial Park, Steetley, Worksop. Explore Transport was set up in 2015 and is a specialist supplier of Transport and Plant Hire services to varied industries including construction, rail and aerospace, with a particular focus on construction based logistics. The company has outgrown the existing office facilities at Worksop which are also unsuitable as a long-term base for the business to operate. The current lease expires at the end of the year. A new Head Office is required, which will serve the current and future needs of the business, which currently operates from 8 depot sites across the UK and will be the largest transport and plant hire depot for the Company. The Explore Transport trailer fleet comprises trailers of various types including regular flat beds, step-frames, framed, low-loaders, extendible, tippers and concrete mixers. Explore Transport has the capability to move all types of plant and construction equipment, tower cranes and modular buildings.

The application is accompanied by the following documents and reports:

Planning Statement which discusses applicable planning policy.

Design & Access Statement which sets out the design parameters leading to the proposal.

Drainage Impact Assessment – this proposes that foul and surface water will discharge to the sewers in High Hazels Road with appropriate retention/restriction of flows.

Flood Risk Assessment which indicates that there should be no issues in relation to flooding.

Extended Phase 1 Habitat Survey - Assuming the boundary hedgerows can be retained and afforded sufficient stand-off from any development to be maintained as shown in the conceptual development plan, it is considered likely that development of the site area surveyed could be carried out in a manner that does not have any significant impact on local biodiversity. From the evidence of the Phase 1 Habitat Survey it does not appear that there would be any loss of significant habitat areas or fragmentation of any such habitats within the locality by isolating these as a result of development. The inspection completed in August 2017 identified no physical evidence or field signs of any protected species within the survey area.

Tree Survey which identifies existing hedgerows and trees and their condition.

Consolidated Geo-Environmental Assessment report – this comprises a review of all previous known reports and written discussions. The findings of all previous investigations have been consolidated and re-assessed. It concludes that remediation by way of the provision of gas protection measures is proposed to all buildings. There is no significant contamination at the site which would pose a risk to an end user. Landscaped areas should be provided with suitable topsoil.

Roundabout details (which are different to that shown on the site layout, being a smaller roundabout).

Transport Assessment – this concludes that the development would not be expected to have a severe impact on the local highway network. The proposed development would not be expected to have any detrimental impacts in road safety, traffic and highway terms.

Travel Plan which proposes measures to encourage the use of sustainable means of transport.

AMENDMENTS

Substantial revision to application 08.02.18: previous layout with 2 buildings (office block and workshop/manufacturing building replaced with one combined building with reduced overall floorspace, as described above. Revisions also respond to comments of consultees:

Application site revised to exclude area within Coal Authority Development High Risk Area; landscaping revisions to retain and strengthen perimeter hedgerow and trees with strong planting to the frontage on Chesterfield Road to soften views into the site.

Updated Flood Risk Assessment received 16.02.18.

Updated Drainage Impact Assessment 16.02.18

Revised Layout (to show surface water drainage features) 19.02.18

Revised layout and elevations to address highway and design issues. 04.07.18

Noise assessment, additional ecology surveys regarding reptiles and nesting birds. 04.07.18

Further clarification of layout (Rev F) and various design issues with suggestions to control materials, colours, design etc of railings and colour of paladin fencing and other details by condition. 13.07.18

HISTORY

97/00268/FUL: To operate a market/car boot sale 1 day a week. Refused 1997 (contrary to countryside development and retail policies of Local Plan), appeal dismissed.

03/00425/FUL: Use of land for car boot sales for 28 days. Refused 2003 (contrary to countryside development and retail policies of Local Plan).

04/00225/FUL: Use of land for car boot sales. Refused 2004 (contrary to countryside development and retail policies of Local Plan).

09/00370/OUT: Residential and commercial development (business, industrial and warehousing, Class B1, B2 and B8) including new roundabout and associated roads. Approved 23.03.11

13/000001/DISCON: Discharge of conditions 9 (surface water disposal system), 11 (gas risk assessment), 20 (access) and 22 (archaeology) of planning permission 09/00370/OUTMAJ.

13/00002/VARMAJ: Variation of condition 8 of 09/00370/OUTMAJ to allow for repositioning of flood alleviation pond. Approved 08.05.13 – outline permission as varied re-issued.

15/00378/VAR: Variation of conditions 12 and 13 of planning permission 13/00002/VARMAJ to allow for remediation for each phase of development. Application withdrawn 15.12.16

16/00187/REM: Approval of reserved matters (as required by 13/00002/VARMAJ) for erection of 157 dwellings and 5 B1 office units and 4 B2/B8 industrial units with provision of open space. Approved 15.12.16; office/industrial units on site of this current application.

17/00298/VAR: Removal of conditions 17 & 18 and variation of condition 20 (all highways issues) of 13/00002/VAR (which varied outline permission 09/00370/OUTMAJ). Concurrent application pending decision.

CONSULTATIONS

All consultees have been reconsulted on the revised proposal. Their original and any additional comments following this reconsultation are given below.

Bolsover District Council (Environmental Health)

Contamination: Remind the applicant that whilst they have to ensure that their development is suitable for use, there is also a requirement to ensure that the development does not create preferential pathways for the landfill gas to migrate off site and that both the existing residential properties to the south west of the site and the proposed future residential properties to the north of the site need to be suitably considered and protected. Therefore recommend condition requiring detailed mitigation scheme for the whole site, its implementation and verification, use of clean imported soil and no piling or foundation designs using penetrative measures foundations not to penetrate (to ensure that there is no resultant unacceptable risk to groundwater). 31.01.18

Noise: concerns regards the layout of the proposed development and the impact on the amenity of the adjacent residential properties particularly due to the proximity of the manufacturing/workshop building and the statement that there will be some assembly and storage outside the building. The use of the rest of the site as a transport depot with a truck wash and the ability to stack trailers would indicate that there could be significant noise issues from the outside activities that would be difficult to mitigate entirely. No acoustic report has been submitted to demonstrate what the impact on the amenity of local residents would be. Should therefore be refused unless a satisfactory noise assessment is submitted. 31.01.18

Further comments on Noise Impact Assessment submitted 4 July 2018: The Assessment demonstrates a potential impact on receptors, increasing the overall sound level. No acoustic barriers are proposed and it would not therefore be unreasonable to request further mitigation measures to further lessen the impact on the general amenity of the area where there is already a high noise environment due to traffic noise. It is felt appropriate to impose a similar condition to that on previous permissions for development of this site; this would require the applicant to achieve slightly lower rating levels than currently proposed, this should not cause a significant issue. Recommends conditions: specific noise levels to not be exceeded; Jet wash only

between 08:00 –19:00 Monday to Saturday (applicant has indicated it will not be used at night); External plant equipment to comply with criteria in the Assessment; Workshop to be constructed in accordance with criteria within the Assessment; submission of dust management plan for the construction and operational phases of the development. 19.07.18

Bolsover District Council (Senior Engineer): 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. 10.11.17

Coal Authority: Objects. The northern part of the application site falls partly within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The submitted Consolidated Geo-Environmental Assessment Report does not adequately address the risks to the safety and stability of the proposed development from coal mining legacy issues. The submitted Report highlights that shallow coal mine workings pose a risk of instability at the site but does not outline what further measures are required to ensure that the site can be made safe and stable for the proposed development. 28.11.17

In response to reconsultation: raises no further comments. 19.07.18

Derbyshire Constabulary (Designing Out Crime Officer): Recommendation would be to require a secure enclosure of the site and security provision to be conditions of any approval. This in my view would be reasonable to protect the commercial buildings and plant on site, as well as the private cars proposed to be left over a protracted period. Details to be agreed. 15.11.17

Comments following reconsultation on revised proposal:

Notes that site plans add in provision for fencing, gating, barriers, lighting and CCTV as requested in previous comments, but without specifics. Acceptable provision shown but asks for condition for their final specification in respect of form, height and technical detail. 11.07.18

Derbyshire County Council (Local Highway Authority):

Confusion with roundabout design. Related application 17/00298/VAR is awaiting a revised TA using up to date traffic counts. The impact of the revised TA will also impact on this application. Detailed drawing of proposed roundabout required. 18.12.17

Further comments 16.04.18: application is inextricably linked with application 17/00298/VAR which relates to the roundabout access into the site and the off-site works required by previous consent for the application site. Remains satisfied that a commercial development can be accommodated on the application site, however the roundabout on Chesterfield Road, now proposed to serve the site, is not considered suitable being much smaller than that previously accepted with minimum deflection. The Highway Authority considers that the roundabout proposed under this current application would be potentially unsafe for users, allowing vehicles on the A619 to maintain higher approach speeds, requiring difficult manoeuvres for large vehicles accessing the site and be prone to overrunning by HGV's causing damage and potential hazards. For this reason, the Highway Authority recommends refusal of the application in its submitted form.

The concerns regarding the geometry of the roundabout could be addressed. However, the Highway Authority is seriously concerned about the separation of the two sites off Chesterfield Road with the above site becoming a stand-alone site. This has the potential to erode the

cumulative approach to mitigation on the network which the Planning and Highway Authorities have worked so hard to achieve and which would be detrimental to the long term operation of the highway network in the vicinity and create an unwelcome precedent for other development in the locality. The Highway Authority considers that without the collaborative approach previously established, the cumulative impact of development in the area would result in severe harm to the network and potential compromise to highway safety as described in Paragraph 32 of the National Planning Policy Framework.

The local highways authority has also commented on the Travel Plan including that the detailed design of the development should ensure that continuous pedestrian walkways are provided direct to the main entrance of each unit to link to the existing infrastructure on the A619, and that each unit should be provided with prominent, covered and secure cycle storage, showers, changing areas and storage lockers for staff, and dedicated car share spaces close to entrances. Consideration should be given to the provision of electric vehicle charging point(s). (The revised scheme provides cycle storage, showers, and electric vehicle charging points).

Awaiting further comments following reconsultation.

Derbyshire County Council (Local Lead Flood Authority): Requests further information regarding permeable/impermeable areas and clarity of other issues. 21.11.17

Further comments following consideration of additional information: Recommends a condition requiring a detailed design and associated management and maintenance plan of surface water drainage prior to the commencement of development. Also provides advisory notes. 29.11.17

Further comments following consideration of revised proposal: Revised layout results in a reduction of the impermeable area and a reduction of the required storage; discharge rates agreed with Yorkshire Water but would prefer reduced rate to ensure no increase in run-off. This may impact the attenuation requirement but based on the previous calculations/plans there is provision on site to provide the attenuation required in order to reduce the discharge rate. 22.02.18

Further comments following reconsultation: It appears that the information submitted does not contain any new information relating to the surface water drainage for the site and the LLFA have no further comments at this stage. 19.07.18

Derbyshire Wildlife Trust: The submitted Extended Phase 1 Habitat Survey 2017 report only updates the extended Phase 1 habitat survey and not the protected species surveys. Recommend that existing hedgerows are retained ideally with additional hedgerow planting and their enhancement with standard trees. The breeding bird surveys are now nine years old and not considered sufficient. Updated surveys will be required prior to determination to ensure an accurate evaluation of site habitats is made in relation to breeding birds. Based on the current planning layout, there is no opportunity to mitigate on site for lost habitat for the birds identified in the 2008 survey. Presence/absence survey in 2008 did not record reptiles on site. However the habitats are optimal for reptile species and records exist in the local area. Update surveys should be undertaken prior to determination to ensure mitigation is provided. Site habitats are suitable for great crested newts, however there are no water bodies on site and site habitats

are located outside the core range for the existing records of great crested newts. Will recommend appropriate conditions following the receipt of the updated bird and reptile surveys. 27.11.17

Further comments on Reptile Survey and Nesting Bird survey submitted 4 July 2018: The reptile survey identified a common lizard within the site indicating a low population. The development will result in total loss of habitat suitable for common lizard. The Framework and Local Plan policy aim for no net loss of biodiversity and a net gain where possible. Advise suitable habitat is incorporated into the site edges and that earth bunds are allowed to vegetate naturally and are provided around the site edges and the swale area. A Method Statement for site clearance should be required as reptiles are protected from killing and injuring under wildlife legislation.

Updated breeding bird surveys yielded similar results to the previous surveys. Mitigation should be secured through condition.

Recommends conditions: Method statement for vegetation and ground clearance to safeguard reptiles; Provision of habitat for reptiles as part of a landscaping condition; provision of nesting bird mitigation (swift boxes and sparrow terraces and suitable habitat within the soft landscaping). 19.07.18

Highways England: Recommend conditions having reviewed the submitted information, notes that the proposal would result in a reduction in total site trip generation compared to the previously consented use. Previous consent had conditions relating to highway improvements and considers it necessary to ensure that these are attached to any consent for this proposal. 08.12.17

Further comments following reconsultation: Following review of the updated information there will be no change to the effect of the development on the SRN (Strategic Road Network) and previous position therefore remains unchanged. Taking into account comments made on the related application 17/00298/VAR to vary the highway conditions, recommend that this application be approved with conditions consistent with that application, i.e. no occupation until the works to the A616/A619 roundabout broadly indicated on drawing number LTP/2439/T1/05.02 Rev A, subject to detailed design, have been completed to the satisfaction of the Local Highway Authority through consultation with Highways England and open to traffic. 20.07.18

Yorkshire Water: The submitted Flood Risk Assessment and Drainage Impact Assessment are acceptable. In summary foul water will discharge to public foul sewer and with regard to surface water, sub-soil conditions do not support the use of soakaways and no watercourse is available. YW has therefore agreed that surface water will discharge to public surface water sewer via storage with restricted discharge. Surface water run-off from the communal parking and hardstanding must pass through an oil, petrol and grit interceptor/separator. Development of the site should take place with separate systems for foul and surface water drainage. Recommends conditions to control these aspects. 29.11.17

Awaiting further comments following reconsultation.

No responses from:

Barlborough Parish Council;
Regeneration (Economic Development BDC).

PUBLICITY

Advertised in press. Site notice posted. 16 neighbours notified.

Further advertisement, site notice and notification of neighbours in connection with the revised proposal.

One letter from adjoining neighbour expressing concerns about noise pollution from this type of business, the company is a large outfit and operates 24 hours a day 7 days a week. Peace and tranquillity of a very quiet neighbourhood will be lost.

POLICY

Bolsover District Local Plan (BDLP)

Shows site as beyond the settlement framework for Barlborough and in the countryside where 'general open countryside control' policies apply; of particular relevance are the following saved policies of the adopted Local Plan:

GEN1 (Minimum Requirements for Development);

GEN2 (Impact of Development on the Environment);

GEN4 (Development on Contaminated Land);

GEN8 (Settlement Frameworks);

ENV3 (Development in the Countryside).

National Planning Policy Framework ('The Framework')

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration with a presumption in favour of sustainable development. As the Bolsover District Local Plan was adopted prior to 2004 due weight should be given to its policies according to their degree of consistency with the Framework.

Core principles include the need to proactively drive and support sustainable economic growth and to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings within the presumption in favour of sustainable development.

Emerging Local Plan:

Publication Version of the Local Plan for Bolsover District (May 2018), currently being prepared for submission to the Secretary of State following the statutory (Regulation 19) consultation period. This shows the site as an allocated employment land within the development envelope for Barlborough.

ASSESSMENT

Principle:

The land proposed for the commercial element of the proposed development is outside the settlement framework defined on the Proposals Map of the Bolsover District Local Plan and therefore subject to policy ENV3 (Development in the Countryside). Much of the site has been subject to infill by waste disposal being a railway cutting and brick works. There is a gas extraction system in place which was returned to operation following consideration of the initial

gas monitoring results for the site considered with the outline planning application. The land is of poor quality and has been used for car boot sales and other occasional events. Tracks had been established across the site to service these uses but are now overgrown with the lack of use

The land directly adjoins Barlborough Links employment area, backing onto development off Midland Way on its north-eastern side, and development off High Hazels Road to its southern side, these also being the settlement framework boundaries. To the north west corner of the site is a residential property (Brick Yard Farm) with associated haulage business, and across Slayley Lane to the south-west another dwelling (White House) set in agricultural land.

Amongst other things, Policy ENV3 (Development in the Countryside) of the Bolsover District Local Plan allows development in the countryside if it benefits the community through the re-use of land or would result in a significant improvement the rural environment.

In this case, development of this land for employment related uses could represent a logical rounding off of the Barlborough Links key employment site, the site has defensible physical barriers into the A619 and Slayley Lane and the proposals would make use of poor quality land with poor visual appearance. The development of this land will also add to the supply of quality employment sites in the District, the proximity to the M1 junction making this an attractive location which will be of benefit to the economy of the District when the general economy improves. The agricultural potential of the site is low due to the ground conditions.

The proposals include a Head Office for Explore Transport Ltd, as well as transport depot, with integrated workshop/manufacturing within the building to support the expansion of an existing business currently based in temporary accommodation at Steetley with depots around the country. The business employs 273 staff currently and predicts 500 staff will be employed by the business by 2020

Therefore, the proposals do accord with ENV3 insofar as the proposals will provide local employment opportunities and to the extent they will improve the environmental quality of the local area. It is also reasonable to say that the visual impact of the proposals would be limited. The design, layout and scale of the development has been based on the operational requirements of the business, as well as the site constraints including ground conditions, highway and parking requirements, local character and amenity of the area.

Nonetheless, the proposals do encroach into countryside outside of the existing settlement framework and would not necessarily need to be in this location. The proposals would also have an inevitable urbanising effect on the countryside even if the land is currently in an untidy and unproductive condition. Therefore, the proposals do not fully comply with ENV3 and in different circumstances, it could be more difficult to suggest that an exception to ENV3 would be warranted.

However, this application seeks to bring forward the employment element of extant planning permission 13/00002/VARMAJ on land also proposed to be allocated for employment development through the emerging local plan. As the site is shown as an allocation in the Publication version of the emerging Local Plan (rather than just a commitment where permission has been granted), this means the principle of commercial development on this site

has been tested thoroughly through the plan making process.

As the Publication version of the emerging Local Plan also has to be in conformity with national planning policies in the Framework, it can also be accepted that commercial development would comply 'in principle' with the general thrust of national planning policies that promote and encourage sustainable economic growth and conservation policies that seek to safeguard the intrinsic qualities of the countryside. Therefore, whilst the proposals do not fully accord with saved Local Plan policy ENV3, the existing permission and the site allocation in the emerging Local Plan offset and outweigh this potential conflict with the adopted Development Plan.

Furthermore, whilst the current proposals may not lead to as much employment space as already approved under the reserved matters application (resulting from the previous outline planning permission), the current proposals have been designed to take account of poor ground conditions and allow sufficient space for future development/expansion of a high profile and high quality employer that is wanting to develop this site by the end of the year. Consequently, officers consider there are no overriding objections to the principle of the proposed development that will deliver socio-economic and environmental benefits to the District in the near future. Therefore, the current application can be recommended for approval subject to consideration of all other relevant planning considerations.

Highway Issues:

In terms of highways issues, the current application raises three specific issues: (i) the potential impact of additional traffic on J.30 of the M1; (ii) the potential impact of additional traffic on the Treble Bob roundabout (on the A619/A616); and (iii) whether the proposed site access roundabout would provide a safe and suitable access to the site. On the first point and with regard to the related issues of the capacity of the Treble Bob roundabout and the operation of J.30 of the M1: Highways England have confirmed that they have no objections to the proposals provided that the improvements to the Treble Bob roundabout proposed in this application have been implemented prior to these proposals being taken into use.

At the time of writing, the County Council as the local highway authority had not responded formally on the most recent amended plans. However, the County Council's Development Control Manager has since confirmed (by e-mail dated 17 July 2018) that the local highway authority also requires the proposed improvements to the Treble Bob roundabout to be carried out but prior to the 'commercial site' (i.e. the current proposal) being taken into use. The local highway authority has also suggested a financial contribution towards the improvements could be accepted in lieu of the proposed improvements to Treble Bob, which could be pooled with other contributions to make a more substantial intervention at the Treble Bob roundabout to take account of other development proposals in the locality. Further discussions are taking place with Highways England to see if they would accept a more flexible condition which would allow such an approach.

It is therefore considered that the proposals would not have a severe adverse impact on either the strategic or the local road network. In addition, the County Council's Development Control Manager has also confirmed that the submitted plans for the site access roundabout are not full engineering drawings but are sufficient to prove some level of confidence that a suitable

Section 278 design can be prepared. Therefore, it is also considered that proposed site access would be safe and suitable in accordance with national planning policies in the Framework and GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan. Consequently, there are no overriding objections to the current proposals subject to appropriate planning conditions.

Notwithstanding these conclusions, it is acknowledged that the main factor from a highways viewpoint will be the continued relationship between the residential and commercial sites on either side of Chesterfield Road (A619) and the triggers for both the shared Chesterfield Road roundabout junction (revised design) and the off-site improvements (or financial Section 106 contribution) for the interim modification of the Treble Bob roundabout. However, it is also considered that conditions attached to the parallel application for variations to conditions relating to both the residential and commercial developments on either side of Chesterfield Road, the Treble Bob roundabout and the site access roundabout, should provide adequate controls and it would be more proportionate to tie improvements to the Treble Bob roundabout to the residential development than the current proposals because of their comparative size and scale and associated vehicle movements.

Design Issues:

The design of the building could be more striking for this important location at the entrance to Barlborough on the edge of Barlborough Links Business Park. However the materials of construction have not been specified for the revised proposal although the drawings imply flat profile steel cladding. This is shown as grey with corporate colour panels (yellow, purple and black) to the front and main side elevation on a dark plinth. In the officers view the building would be improved if there was a feature which gave the building a top, e.g. the roof parapet being a different colour. The applicant has suggested a condition to allow further discussion, which would be appropriate as this would give further opportunity to seek changes and as the materials and colours have not been specified. Improvements could be achieved by a more innovative use of coloured cladding or other materials.

Other aspects of detail for which information has not been provided can also be controlled by conditions, this would include design, colour and height of the site security fencing and frontage railings, and details of planting (which can take into account biodiversity requirements).

Neighbourliness

The occupants of the nearest neighbouring residential property have made representations on this application and have raised concerns about noise. The noise assessment submitted by the applicant indicates the noise impact of the development is low and concludes the development proposal should not be refused on noise grounds. Environmental Health recommend various conditions to mitigate the noise impacts including maximum noise levels as previously included on planning permissions for this site.

By virtue of the separation distances (c.30m), the size and scale of the proposed building and the orientation of the two buildings relative to each other and the fact that the curtilage of the property is also used as the base for a haulage firm and much of the boundary between the

two properties is to the southern section a conifer hedge of substantial height (13m) or a mix of cherry trees up to 7 high on the northern section, the proposed building on the application site would not have any other significant impacts on the living conditions of the occupants of the nearest neighbouring residential property, the building would not block light to a significant extent received within the house (it is not within the 25degree rule line contained within the Councils SPG Successful Places) and would not be especially over bearing taking into account existing and proposed boundary planting. The boundary treatments would help maintain an acceptable outlook from the nearest neighbouring residential property.

Ecology

Derbyshire Wildlife Trust have confirmed that there were concerns but no overriding objections to the proposals subject to the receipt of updated bird and reptile surveys. These surveys have since been submitted, and indicate no evidence of any significant reptile activity within the application site and conclude that the proposals would have a negligible impact on farmland breeding birds. It is also noted in the updated bird survey that the majority of bird activity on site was observed in the boundary hedgerows and in dense bramble close to these areas.

Having considered the additional surveys DWT recommend various mitigation measures much of which can be accommodated within the perimeter soft landscaping, details of which can be required by a suitably worded condition. A note advising of the protection afforded to reptiles by wildlife legislation can be included on the decision notice.

Ground Conditions

The applicant has submitted a variety of documents with respect to the potential gas risk posed by the proposed development and has provided a consolidated geo-environmental report relating to the potential contamination of the site. There is also a requirement to ensure that the development does not create preferential pathways for the landfill gas to migrate off site and that both the existing residential properties to the south west of the site and the proposed future residential properties to the north of the site need to be suitably considered and protected. In principle, it has been accepted that a remediation scheme could be implemented to address these issues but the details of an appropriate scheme have not yet been agreed. Therefore, appropriate conditions will need to be imposed on any permission to ensure that the issues around landfill gas and any potential contaminants on site are properly addressed.

It is also noted that the Coal Authority have raised objections to these proposals but the actual land affected by coal mining legacy issues is within the site for residential development on the opposite side of Chesterfield Road. There are no obvious reasons that land stability in relation to the coal mining legacy would be an issue in this case but precise details of existing levels (and finished floor levels) can be required to ensure that the proposed building, retaining walls, trailer parking area, and gabions do not have a substantially different impact on the character, appearance and amenities of the local area than might be expected from the submitted plans not least because there are different ground levels across the application site and in respect of adjacent land.

Other Matters

To be consistent with current planning permission for the development of this site and in the

interests of the amenities of the locality and consistency with other similar development in the area, conditions concerning external lighting and outside storage are considered appropriate. Requirements of consultees in respect of drainage details can also be met by appropriate conditions.

Listed Building:	No impacts
Conservation Area:	No impacts
Crime and Disorder:	Comments received from the Designing Out Crime Officer as noted above, conditions requiring details of the railings and fencing can be imposed.
Equalities:	No issues raised
Access for Disabled:	No issues raised
Trees (Preservation and Planting):	Tree survey submitted, no trees within the site, only to the boundaries; ash tree in north-eastern corner of the site on the frontage deemed to be in poor condition and needing to be felled, others to be retained with additional planting to boundaries. Detailed landscaping scheme can be required by condition.
SSSI Impacts:	No impacts
Biodiversity:	Addressed in report as highlighted by DWT comments.
Human Rights:	No issues raised

Conclusion

Development of the site is established with the extant planning permissions for the site, including a Reserved Matters Approval for commercial development. The site is shown in the emerging Local Plan as an allocation for employment development and is poor quality land. Highway issues have been addressed in principle as they relate to this development proposal for the site. Several aspects of the proposal can be controlled by conditions including appearance, planting details, drainage, noise, landfill gas, etc.

Accordingly subject to appropriate conditions to control these details the proposal is considered to accord with the policies and aims of the Framework and the relevant policies of the adopted Local Plan.

RECOMMENDATION

The current application be APPROVED Subject to the following conditions given in precis form

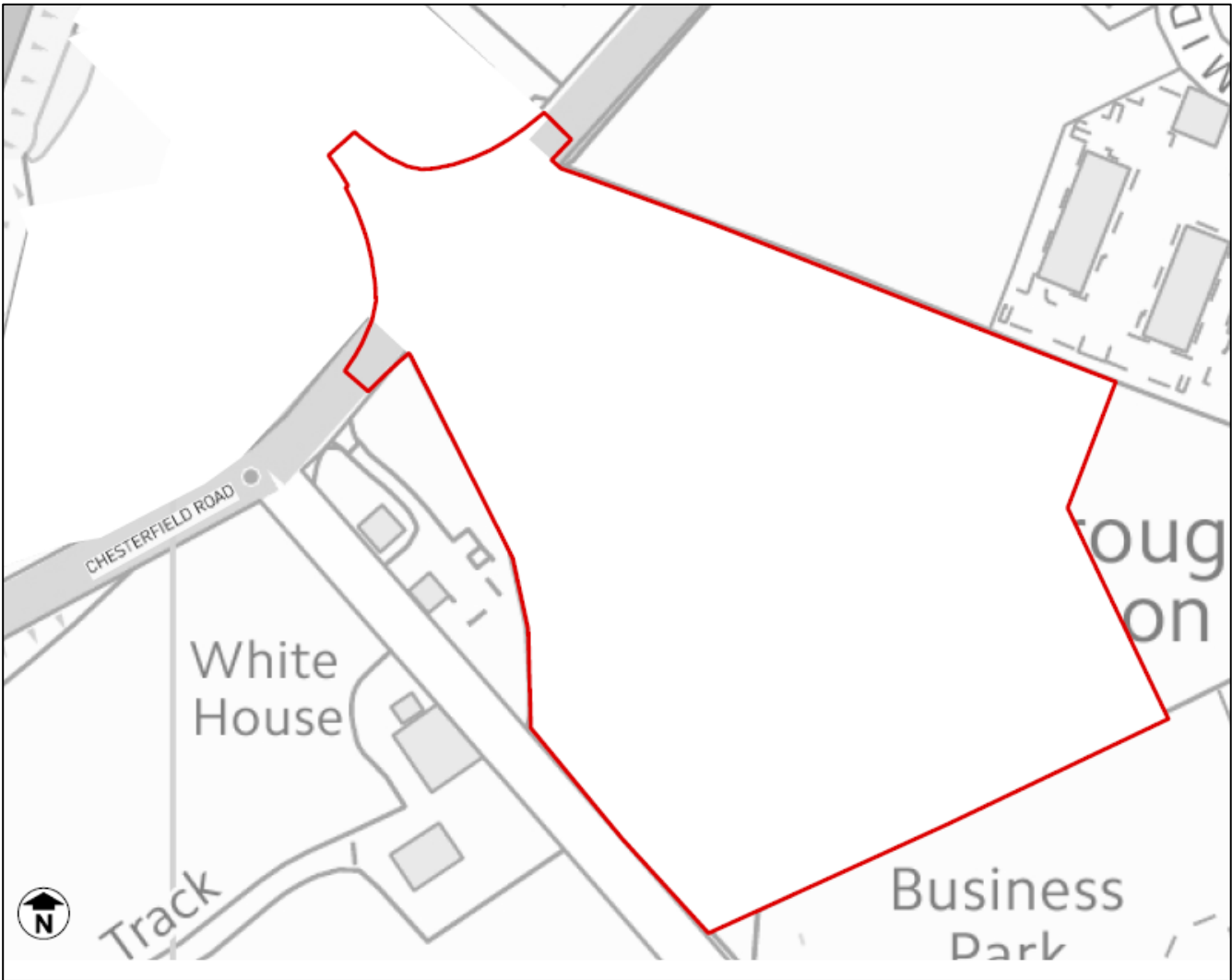
1. Start within 3 years.
2. List of approved plans and drawings.
3. No construction beyond foundations unless and until materials of construction have been approved in writing.
4. No fencing or railings to be erected until details including height and colour have been approved in writing.
5. Details of soft landscaping to comprise native tree and hedgerow planting with measures to encourage biodiversity including suitable habitat for reptiles and nesting birds.

6. Details of external lighting to ensure no light pollution beyond the site edges.
7. No outside storage unless in accordance with details to be approved in writing.
8. Noise limits, not to exceed the residual noise level of 49dB LAR (1hr) daytime (7:00-23:00) and 46dB LAR (15min) night-time (23:00-7:00).
9. The jet wash shall only be used during daytime hours 08:00-19:00 Monday to Saturday and not at all on Sundays or Bank Holidays.
10. Any external plant equipment must comply with the design criteria in Table 12 of the Noise Impact Assessment (Ref 12359.01.v2 April 2018).
11. The workshop building shall be constructed with sound insulation in accordance with the recommendations within sections 4.15 and 4.17 of the Noise Impact Assessment (Ref 12359.01.v2 April 2018).
12. Prior to the start of development, a dust management plan for the construction phase and prior to the buildings being brought into use, a dust management plan for the operational phases of the development must be submitted and approved in writing by the Local Planning Authority and then implemented in full during construction and whilst the site is operational.
13. Drainage conditions as required by Yorkshire Water.
14. Highway conditions including provision for improvements to Treble Bob roundabout.
15. Detailed mitigation scheme for the whole site to address ground contamination issues including landfill gas and its potential for migration beyond the site, implementation of the approved scheme and verification, use of clean imported soil and no piling or foundation designs using penetrative measures unless it is proven that there is no resultant unacceptable risk to groundwater.
16. Details of existing and proposed levels, to include details of the proposed retaining wall and gabions (height and appearance).

Statement of Decision Process

In determining this application the Local Planning Authority has worked proactively with the applicant to secure development that would improve the economic, social and environmental conditions of the area. The proposal generally complies with the policies and guidelines adopted by the Council and the decision is therefore made in accordance with policies 186 and 187 of the National Planning Policy Framework.

Site Location Plan



Bolsover District Council

Planning Committee

1st August 2018

<u>Update: Section 106 Agreements</u>
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Report of the Planning Manager (Development Control)

Purpose of the Report

- To ensure that the District Council has a robust procedure for recording and monitoring Section 106 obligations.

Report Details

1. Background

- 1.1 In September 2017, members of the Planning Committee noted the new procedures for recording and monitoring Section 106 obligations proposed by officers. At the same meeting, members agreed with an officer recommendation that compliance with planning obligations in s.106 agreements should be reported to the Planning Committee on a quarterly basis. This report is the quarterly status report and is intended to give members the opportunity to assess the effectiveness of the updated procedures as well as receive up-to-date information on ongoing cases where planning obligations are involved.
- 1.2 It was agreed that it is important to provide this information to members for two key reasons: (i) if obligations required to make a development acceptable in planning terms aren't properly discharged then there is a risk of harm to the Council's reputation and public confidence in the Council's decision making; and (ii) there are strict criteria on how and when Section 106 contributions received by the District Council should be spent; if these criteria aren't met then there is a risk the proposed contribution will have to be returned to the developer and the associated infrastructure will not be provided.
- 1.3 Consequently, it is not only important that the District Council has a robust procedure for recording and monitoring Section 106 obligations, it is also important that there is appropriate oversight of how effectively these procedures work in practice: hence the purpose of this report.

2. Current Position

- 2.1 The current financial spreadsheet is attached as Appendix A. The spreadsheet shows that there is currently a total balance on hand for all S106 contributions of £1,017,282.

- 2.2 There is only one case where the deadline for spending S106 money received is approaching the 5 year spending deadline. This is at line 36 (Vale Croft, Carr Vale Bolsover). In this case the Council has only 2 months remaining to spend the outstanding balance of the S106 contribution. This is £8,067 after which time it will need to be returned to the developer if not spent. The account is for upgrading neighbourhood open space facilities within Old Bolsover Parish. The Council's Leisure Officer is aware of the urgency and has assured the S106 monitoring group that he is already in the process of appointing a contractor and that the remaining money in this account will be spent before the deadline. The Strategic Directors are also aware of the situation.
- 2.3 There are no other areas of concern in respects of spending deadlines for payments received and the deadlines for expenditure.
- 2.4 No new S106 payments have been received this quarter.
- 2.5 In terms of current development sites, there are a number of sites where development has been commenced and officers are monitoring progress against S106 trigger points. The current monitoring list includes:-
- The Edge, Clowne (12/00529). Permission for 149 dwellings now completed. £100,000 maintenance sum payable to BDC when Public Open Space adopted following resolution of snagging issues. Several still need to be resolved.
 - Skinner Street Creswell (15/00368/FUL) permission for 82 dwellings. Now at 4 occupations. Obligations not yet triggered. The only requirements are for a School Link and footpath link to be delivered by 50th occupation.
 - Hawk Brook Close (Formerly Meridian Close), Bolsover (17/00314/FUL). Permission for 35 dwellings. Development has recently commenced and 3 units have been sold. The Applicant has already paid S106 sums due in advance of triggers. Also 3 affordable houses yet to be provided – trigger is 16 occupations.
 - Mooracre Lane Bolsover (17/00234/FUL). Permission for 212 dwellings. Just started on site in April 2018 (although pre-start conditions are not yet all discharged so not yet formally commenced). Various S106 obligations with various phased triggers. Traffic monitoring sum due to DCC on commencement. Otherwise the first trigger due for BDC payments is at 60 occupations which will not be reached for some time yet.
 - Brookvale Shirebrook Keepmoat (14/00594) permission for first phase 153 dwellings. 136 occupations as at July 2018. Contribution of £879,000 towards Highways/GP surgery/Bus Service has been received by BDC. £310,000 of this amount now transferred to DCC for Highway improvements. Remaining money to be split between CCG (now complicated by multiple expansion options), Bus Service incentive and further highway works.
 - Station Road, Langwith Junction (16/00530/FUL). Permission for 68 dwellings. 23 reservations so far and 1st occupation expected in September.2018. Trigger for payment is 34 dwellings occupied so not yet reached. Sums eventually due:- £52,000 informal - to upgrade Langwith Rec

£16,000 health – GP practice at Langwith

- Mansfield Road Tibshelf (13/00182/OUT). Permission for 170 dwellings. At 70 occupations as at July 2018. First trigger now reached for payment of the first phase education payments. This was received by DCC in March 2018. Next trigger is 85 occupations for first stage payments for:-
Formal sport and recreation in the parish 50% of £146,880 = 73,440 plus inflation;
Health, Staffa Tibshelf Surgery 50% of £60,000 = 30,000 plus inflation;
Also informal play equipment provision on site at 90 occupations to max value of £123,590 plus maintenance if adopted.
- Doe Hill Lane Tibshelf. Permission for 57 dwellings (15/00438/FUL). 6 dwellings occupied by April 2018 (last reported figure). First Trigger is 28 dwellings- unlikely to have been reached yet. Obligations include:-
Informal POS £765/dwelling plus £27,010 maintenance at 28 occupations.
Education £4857/dwelling at 75% occupation.
Art £10,000 at 75% occupation.
Affordable – none if delivery targets met.
Other – ecology and local employment.

3 Consultation and Equality Impact

- 3.1 There has been no public consultation in respect of this report, and there are no negative equality impacts identified. Officers consider that increasing member oversight of compliance with s.106 legal agreements should promote **equality** of opportunity for local residents through ensuring obligations are met.

4 Alternative Options and Reasons for Rejection

- 4.1 Reporting the status of current s.106 legal agreements to Planning Committee address recommendations made in the 2016 audit report and has been agreed by members of the Planning Committee. Therefore, officers have not considered alternative options.

5 Implications

Finance and Risk Implications

- 5.1 If obligations required to make a development acceptable in planning terms aren't properly discharged then there is a risk of harm to the Council's reputation and public confidence in the Council's decision making. If financial contributions are not spent within a defined period then the money has to be returned to the developer and normally returned with interest. Therefore, there are finance and risk implications if procedures for recording and monitoring s.106 legal agreements are not sufficiently robust.

Legal Implications including Data Protection

- 5.2 There are no data protection implications insofar as s.106 legal agreements are part of the statutory planning register and are therefore public documents. S.106 of the

1990 Act provides the legal framework for the acceptance and discharge of s.106 legal obligations and the procedure notes address the key legislative provisions of this section of the 1990 Act.

Human Resources Implications

5.3 None.

6. Recommendations

6.1 That the Planning Committee notes this report.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	N/A
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

10 Document Information

Appendix No	Title
1	Financial Spreadsheet
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
n/a	
Report Author	Contact Number
Steve Phillipson	Ext 2248

Funding of budgets from S106 holding accounts - B922/0563 + B918/0561																				
hide for prints	Related Cost Centre	Description	Planning Application Number	Related Cost Centre	Exp and Income Code	Project Code	B922/0563	B918/0561	Hide for prints	Hide for prints	Actual Expenditure in year	Hide for prints	Hide for prints	Income Received	B922/0563	B918/0561	Use by	Allocated in future years	Comments	
							Restriction Balance at 31/3/18	Condition Balance at 31/3/18	G909/8045/40??	Expenditure Allocated current year		Unspent expenditure t/f'd back in	Maintenance Costs Current year		Maintenance Costs Future years	Restriction Balance at 31/3/19				Condition Balance at 31/3/19
3	G172	R Hazelmere Park (Skinner St) Creswell	04/00066	G172	4093 9123	4002	(1,116.00)			1,116.00	(1,116.00)	0.00			(1,116.00)				no clawback	
	G172	Affordable Housing Totals		G172			(1,116.00)	0.00		1,116.00	(1,116.00)	0.00	0.00	0.00	(1,116.00)	0.00				
	G171	Education Totals		G171			0.00	(0.00)		0.00	0.00	0.00	0.00	0.00	0.00	(0.00)				
47	G125	C The Brambles, Doe Lea	05/00735	G125	4087 9114	4023		(86,663.86)		86,664.00	(58,664.00)	28,000.00				(58,663.86)	01.05.19		5 years from receipt	
51	G125	C South of 191 Carter Lane East S/N	09/00563	G125	4087 9114	4025		(4,935.20)		4,928.00	(4,928.00)	0.00				(4,935.20)	24.09.19		5 years from receipt	
61	G125	C Woodside Stables, Rotherham Rd Clowne	14/00226/FUL	G125	4087 9114	4029		(10,110.00)		10,110.00	(7,504.80)	2,605.20				(7,504.80)	14.1.21		5 years from receipt	
66	G125	? Carter Lane West South Normanton	14/00551/FUL	G125	4087 9114	4034		(5,165.00)		5,165.00	(5,165.00)	0.00				(5,165.00)	7.12.22		5 years from payment of sundry debtor	
79	G125	Sterry House Farm, Clowne	15/00455/FUL	G125	4087 9114	4030		(16,572.00)		16,572.00	(16,572.00)	0.00				(16,572.00)	18.04.22		5 years from receipt	
24	G170	C Vale Croft, Carr Vale, Bolsover	06/00687 + 10/00362	G170	4090 9120	4007		(123,446.06)		123,439.00	(92,833.80)	30,605.20	0.00	0.00	0.00	(92,840.86)				
28	G170	C New Terrace, Pleasley	05/00453	G170	4090 9120	4017		(16,650.71)		16,648.00	(16,648.00)	0.00				(0.00)	20.09.18		5 years from receipt	
29	G170	C The Brambles, Doe Lea	05/00735	G170	4090 9120	4006		(19,863.94)		19,864.00	(19,864.00)	0.00				(19,863.94)	15.06.24		15 years from receipt	
33	G170	R Joint Service Centre, South Normanton	06/00760	G170	4090 9120	4014	(9,415.00)			9,415.00	(9,415.00)	0.00			(9,415.00)				no clawback on remaining amount	
54	G170	C Weavers Gardens/Ball Hill South Normanton	08/00055/OUT	G170	4090 9120	4027		(36,866.23)		36,866.00	(36,866.00)	0.00				(36,866.23)	26.08.20		5 years from receipt	
55	G170	C Town Street, Pinxton (Land behind rectory)	13/00236/FUL	G170	4090 9120	4026		(10,368.00)		10,368.00	(10,368.00)	0.00				(10,368.00)	17.11.19		5 years from receipt assumed	
62	G170	C Woodside Stables, Rotherham Rd Clowne	14/00226/FUL	G170	4090 9120	4029		(55,170.99)		55,171.00	(41,373.00)	13,798.00				(41,372.99)	14.1.21		5 years from receipt	
67	G170	? Carter Lane West South Normanton	14/00551/FUL	G170	4090 9120	4034		(38,527.00)		38,527.00	(38,527.00)	0.00				(38,527.00)	7.12.22		5 years from payment of sundry debtor	
74	G170	? Sterry House Farm, Clowne	15/00455/FUL	G170	4090 9120	4030		(18,450.31)		18,450.00		18,450.00				(0.31)	6.2.22		5 years from receipt	
77	G170	? Babbington St, Former Allotment Gardens, Tibshelf	03/00755/FULMAJ 0	G170	4090 9120	4031		(5,724.00)		5,724.00	(5,724.00)	0.00				(5,724.00)	21.3.22		no clawback per SP	
82	G170	Meridian Close, Bolsover	17/00314/FUL	G170	4090 9120	4035		(32,690.00)		32,690.00	(32,690.00)	0.00				(32,690.00)	22.12.22		5 years from receipt	
	G170	Outdoor Sport (Formal) Totals		G170			(9,415.00)	(234,312.12)		243,723.00	(211,475.00)	32,248.00	0.00	0.00	0.94	(9,415.00)	(202,063.18)			
35	G126	R Heritage Drive, Clowne (GL Homes)	BOL9504/0126	G126	4091 9121	4019	(10,643.77)			10,644.00	(10,644.00)	0.00			(10,643.77)				no clawback	
36	G126	C Vale Croft, Carr Vale, Bolsover	06/00687 + 10/00362	G126	4091 9121	4007		(8,066.75)		8,067.00	(8,067.00)	0.00			(0.94)		(8,067.69)	20.09.18		5 years from receipt
38	G126	C Hazelmere Park (Skinner St) Creswell	04/00066	G126	4091 9121	4002		(33,112.64)		6,893.00	(6,893.00)	0.00	3,488.73	29,623.34		(3,489.30)		maint	no clawback	
42	G126	R Rangewood Rd Development, S/N	00/00378	G126	4091 9121	4005	(13,163.73)			7,190.00	(7,190.00)	0.00	3,638.85	9,525.16	(3,638.57)			maint	no clawback	
45	G126	C The Brambles, Doe Lea	05/00735	G126	4091 9121	4023		(24,968.40)		5,218.00	(5,218.00)	0.00				(2,641.40)		maint		
56	G126	C Town Street, Pinxton (Land behind rectory)	13/00236/FUL	G126	4091 9121	4026		(8,724.00)		8,724.00	(8,724.00)	0.00				(8,724.00)	17.11.19		5 years from receipt assumed	
63	G126	C Woodside Stables, Rotherham Rd Clowne	14/00226/FUL	G126	4091 9121	4029		(567.79)		568.00	(568.00)	0.00				(567.79)	14.1.21		5 years from receipt	
68	G126	? Carter Lane West South Normanton	14/00551/FUL	G126	4091 9121	4034		(32,409.00)		32,409.00	(21,785.57)	10,623.43				(21,785.57)	7.12.22		5 years from payment of sundry debtor	
69	G126	? The Edge, Mansfield Road, Clowne	maintenance	G126	4091 9121			0.00				0.00				0.00		expected?		
70	G126	? Thurgaton Way (phase 2)	14/00065/OUT	G126	4091 9121	4033		(31,659.00)		31,659.00	(31,659.00)	0.00				(31,659.00)	1.8.22		5 years from receipt assumed	
71	G126	? Creswell Road, Clowne	14/00603/FUL	G126	4091 9121			0.00				0.00				0.00		expected?	5 years from receipt	
75	G126	? Sterry House Farm, Clowne	15/00455/FUL	G126	4091 9121	4030		(15,512.23)		15,512.00	(15,512.00)	0.00				(15,512.23)	6.2.22		5 years from receipt	
76	G126	? Babbington St, Former Allotment Gardens, Tibshelf	03/00755/FULMAJ 0	G126	4091 9121	4031		(3,324.00)		3,324.00	(3,324.00)	0.00				(3,324.00)	21.3.22		no clawback per SP	
81	G126	Meridian Close, Bolsover	17/00314/FUL	G126	4091 9121	4035		(27,475.00)		27,475.00	(27,475.00)	0.00				(27,475.00)	22.12.22		5 years from receipt	
	G126	Open Space (Informal) Totals		G126			(23,807.50)	(185,818.81)		157,683.00	(147,059.57)	10,623.43	9,768.58	61,475.49	(0.94)	(14,282.34)	(123,245.98)			
72	G226	? Carter Lane West South Normanton	14/00551/FUL	G226	4118 9170			0.00				0.00				0.00		direct to DCC	5 years from receipt	
59	G226	C Brookvale - South Shirebrook	14/00594/OUT	G226	4118 9170	4028		(569,000.00)		569,000.00	(569,000.00)	0.00				(569,000.00)			5 years from completion not receipt	
	G226	Highways Totals		G226			0.00	(569,000.00)		569,000.00	(569,000.00)	0.00	0.00	0.00	0.00	(569,000.00)				
73	G227	? Thurgaton Way (phase 2)	14/00065/OUT	G227	4119 9171	4033		(30,132.00)		30,132.00	(30,132.00)	0.00				(30,132.00)	1.8.22		5 years from receipt assumed	
	G227	Health Totals		G227			0.00	(30,132.00)		30,132.00	(30,132.00)	0.00	0.00	0.00	0.00	(30,132.00)				
							(34,338.50)	(1,142,708.99)		1,125,093.00	(1,051,616.37)	73,476.63	9,768.58	61,475.49	0.00	(24,813.34)	(1,017,282.03)			

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 27 July 2018 commencing at 10:00hours.

PRESENT:-

Members: Councillors PM Bowmer, J Clifton, Pat Cooper, Paul Cooper, D McGregor, R Turner (Vice Chair), KF Walker, D Watson and J Wilson.

Officer: Peter Sawdon

APOLOGIES

Apologies were received from Councillors T Alexander, T Munro (Chair), K Reid and P Smith.

SITES VISITED

1) Whaley Moor Farm (17/00546/OUT)

2) Brick Yard Farm, Slayley Lane, Barlborough (17/00539/FUL)

The meeting concluded at 11:30 hours

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

Agenda item No: 6.1: Whaley Moor Farm (17/00546/OUT)

Since the submission of the officer report, the applicant has requested that a decision on this application be deferred for the following reasons:

- i. There is no reference [in the officer report] to the green space being provided for public use;
- ii. There is no reference [in the officer report] to the pre-application meetings in early 2016 that resulted in positive comments that encouraged the application; and
- iii. There are new comments raised [in the officer report] about issues such as the design of the frontage of the restored farmhouse and impact on the amenity of neighbours that we have not seen before and have not had an opportunity to respond to.

Officers have advised the applicant a deferral is not warranted because (i) there is no public open space proposed in the application; (ii) prior to the submission of this application (2017) officers offered advice that stated clearly the proposals were contrary to adopted policies and would be difficult to support, which is also not mentioned in the officer report; and (iii) neighbourliness is not a reason for refusal and it is now for members to determine whether

they agree with officers or the applicant on the acceptability of the design of the restored farm house.

Nonetheless, it is of course open to members to defer a decision on this application if they wish to give further consideration to these matters noting that the applicant strongly disagrees with the assessment of design and impacts on the Conservation Area in the officer report. In this respect, members may also wish to note that this application seeks approval of the details of external appearance, scale, layout and access and these items are not reserved matters in this case.

Derbyshire Wildlife Trust

The Wildlife Trust have provided comments on the Bat Method Statement (BL-Ecology, 2018) and the Precautionary Method Statement for Amphibians, Reptiles, Badgers and Birds (BL-Ecology, 2018) submitted by the applicant to address the outstanding ecological issues referred to in the officer report. The Wildlife Trust advise these documents are well detailed and the mitigation measures set out in these documents should be secured by condition if permission were to be granted for the current application.

Revised National Planning Policy Framework

The revised NPPF was published in July 2018 (after the officer report was published) but the updated policies do not significantly alter the arguments set out in the officer report. For example, the most relevant heritage conservation policies now say:

Paragraph 192: In determining applications, local planning authorities should take account of:

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

Paragraph 193: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policies on rural housing remain unchanged compared to the analysis in the officer report but have new paragraph numbers (77-79). There is also a renewed emphasis on design quality in the revised NPPF and an amendment to the *presumption in favour of sustainable development*, which for decision-taking now means:

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In this case, it is considered that the saved Local Plan policies which are most important for determining this application are up to date and the revisions to the NPPF do not materially alter the reasons for refusal of this application as set out in the officer report.

Recommendation:

Consequently, the original officer recommendation of refusal remains unchanged other than making reference to the revised NPPF as below. Therefore, the current application is recommended for refusal for the following reasons:

1. **The development proposes a design not obviously well related to the local vernacular and the northern portion appears overly dense, prominent in the public realm and leads to an erosion of the perception of openness of this section of the Conservation Area. Such effects conflict with the requirements of Local Plan Policy GEN2, CON1 and CON4, the emphasis within paragraph 193 of the revised Framework and S72 of the Listed Buildings and Conservation Areas Act 1990 to ensure *‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.’***
2. **Whaley is an isolated hamlet with little access to day to day services. There are no education facilities within the settlement, users of the development will be highly car dependent and there is insufficient pedestrian access to other settlements nearby due to the absence of pavement and narrow, unlit roads. Consequently, the application site is not in a location that is suitable for the scale of residential development proposed in this location and there is no evidence that the proposed affordable housing would meet an identified local need. Moreover, the Council can demonstrate 5 years supply of deliverable housing sites and as such, the proposed housing is not needed to make up a shortfall in terms of meeting objectively assessed housing need in the District. Taking all these factors into account, the current proposals constitute an unsustainable form of development situated within an unsustainable location and any benefits of granting planning permission for the current application would be demonstrably and significantly outweighed by the adverse impacts of doing so when taking into account policies in the Development Plan and the revised National Planning Framework as a whole.**

Agenda Item No. 6.2: Brick Yard Farm, Slayley Lane, Barlborough (17/00539/FUL)

Since the publication of the officer report, Derbyshire County Council have commented on the application and have no objections subject to conditions. Highways England are still reviewing their stated requirement for alterations to the Treble Bob roundabout prior to the proposed development being taken into use.

Revised National Planning Policy Framework

The revised NPPF was published in July 2018 (after the officer report was published) but the updated policies do not significantly alter the arguments set out in the officer report. For example, the most relevant economic development policies now say:

Paragraph 80: Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

Paragraph 84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Recommendation:

Consequently, the original officer recommendation of conditional approval remains unchanged other than conditions suggested by the County Council have been added to the conditions set out in precis form in the officer report, which are now also set out in full, below. It is therefore recommended that the current application be APPROVED subject to the following conditions:

Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out in complete accordance with the following approved plans, Drawing No.s:
 - P17-0895 09A Location Plan
 - P17-0895 13B Ground Floor

- P17-0895 14B First Floor
- P17-0895 15C Elevations
- P17-0895 16B Sections
- P17-0895 17B GF Perspective
- P17-0895 18B FF Perspective
- P17-0895 19 Floor Areas
- P17-0895 23F Proposed Layout

3. Before construction commences on the erection of any building beyond the construction of the foundations for that building, a schedule of wall and roof materials shall first have been submitted to and approved in writing by the Local Planning Authority.
4. Prior to the erection of the proposed retaining walls / introduction of gabions on site, precise details of site levels as existing and as proposed and sectional details of the gabions and retaining walls shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be carried out as approved.
5. Prior to the erection of any fences, railings or other similar items, the details of these shall be submitted to and approved in writing by the local planning authority. Thereafter, these items shall be constructed as approved prior to the development hereby permitted being taken into use.
6. Prior to the development hereby permitted being brought into use, full details of soft landscape works, including a programme for implementation, measures to encourage biodiversity, tree and hedgerow planting, and suitable mitigation for birds and reptiles, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out as approved.
7. Prior to the installation of any external lighting except street lighting a detailed scheme shall have first been submitted to and approved in writing with the Local Planning Authority. The scheme shall be implemented as approved and shall be designed to minimise light spillage outside of the site, it is designed to serve and into the sky.
8. No goods, material or waste shall be stored outside the building(s) except in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority and implemented as agreed. The submitted scheme shall include details of the height of storage and measures to contain and screen the material.
9. Sound from the entire commercial development shall, not exceed the residual noise level of 49dB LAR (1hr) daytime (7:00-23:00) and 43dB LAR (15min) night-time (23:00-7:00) corrected for acoustic features, measured at or calculated to, a position representing any residential boundary which may suffer a loss of aural amenity from sound associated with the development. The measurements and assessment shall be made in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.
10. The jet wash shall only be used during daytime hours 08:00-19:00 Monday to Saturday and not at all on Sundays or Bank Holidays.

11. Any external plant equipment must comply with the design criteria in Table 12 of the Noise Impact Assessment (Ref 12359.01.v2 April 2018).
12. The workshop building shall be constructed with sound insulation in accordance with the recommendations within sections 4.15 and 4.17 of the Noise Impact Assessment (Ref 12359.01.v2 April 2018).
13. Prior to the start of development, a dust management plan for the construction phase and prior to the buildings being brought into use, a dust management plan for the operational phases of the development must be submitted and approved in writing by the Local Planning Authority and then implemented in full during construction and whilst the site is operational.
14. Drainage systems on the site including:
 - i. The proposed separate systems of drainage on site and off site
 - ii. The proposed amount of domestic foul water to be discharged to the public foul sewer
 - iii. The proposed amount of curtilage surface water to be discharged to the public surface water sewer at a restricted rate of 14.6 (fourteen point six) litres/second
 - iv. The proposed use of the petrol/oil separator

shall be carried out broadly in accordance with the details submitted on drawing BARL - AWP - ZZ - XX - DR - C - 0200 (revision P3) dated 14/02/2018 that has been prepared by Alan Wood & Partners.

15. Before the site is taken into use, a new access junction shall be formed to Chesterfield Road broadly in accordance with application drawing number: LTP/2439/T2/01.02 Rev B, shall be laid out and constructed, lined, signed, drained and lit to adoptable criteria.
16. The premises, the subject of the application, shall not be taken into use until a footway has been provided between the application site access roundabout and the bus stop shelter on Chesterfield Road to the north east of the site, laid out and constructed in accordance Derbyshire County Council's specification for adopted roads.
17. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the approved drawings for the parking and turning of domestic and commercial vehicles, laid out and surfaced in a solid, bound material and maintained throughout the life of the development free from any impediment to its designated use.
18. No part of the development permitted by this consent shall be occupied until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.

19. No development within the application area shall be occupied or otherwise brought into use until the works to the A616/A619 roundabout as broadly indicated on drawing number LTP/2439/T1/05.02 Rev A, subject to detailed design, have been completed to the satisfaction of the Local Highway Authority through consultation with Highways England and open to traffic unless an alternative mechanism for facilitating improvements to this junction has been agreed with the Local Planning Authority through consultation with the Local Highway Authority and Highways England.
20. A detailed remediation scheme to address ground contamination issues including landfill gas and its potential for migration beyond the site, including all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures shall be submitted to the Local Planning Authority prior to commencement of the development hereby permitted.
21. The remediation scheme approved in accordance with condition 20 above, must be carried out in accordance with its terms, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report will also provide for any long term monitoring of pollutant linkages, maintenance and arrangements for contingency action as approved in writing by the Local Planning Authority.

22. 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 Local Planning Authority for approval. Only the soil approved in writing by the LPA shall be used on site.
23. Piling or any other foundation designs using penetrative methods shall not be permitted unless it has been demonstrated to the Local Planning Authority and agreed in writing, that there is no resultant unacceptable risk to groundwater.