

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

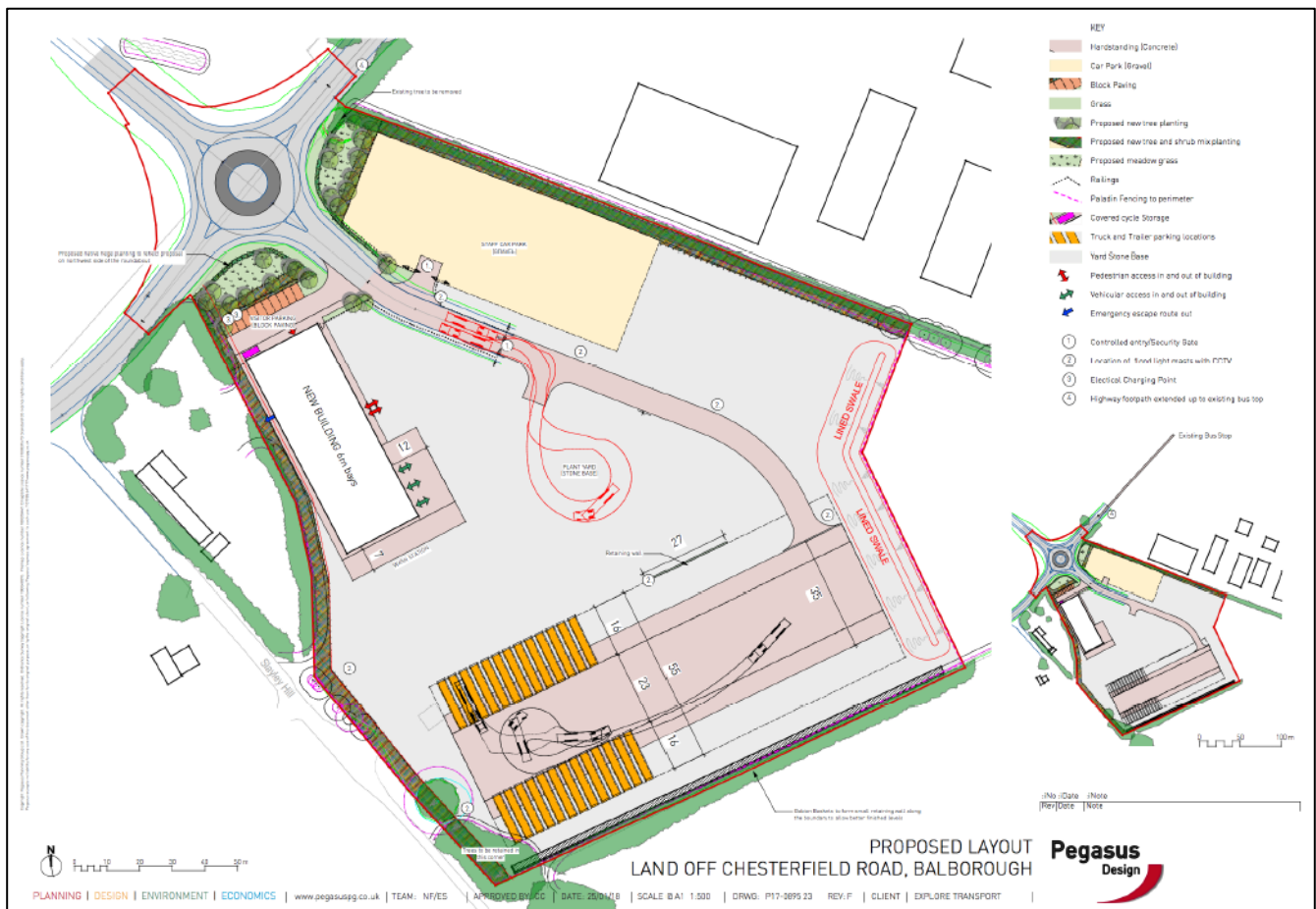
trees along Slayley Lane. On site is a landfill gas extraction system and to the site edges with Barlborough Links a gas venting trench. Overgrown hedging of native species forms the boundaries of the site to all sides except alongside Brick Yard Farm which has 15m high conifers and along the Chesterfield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

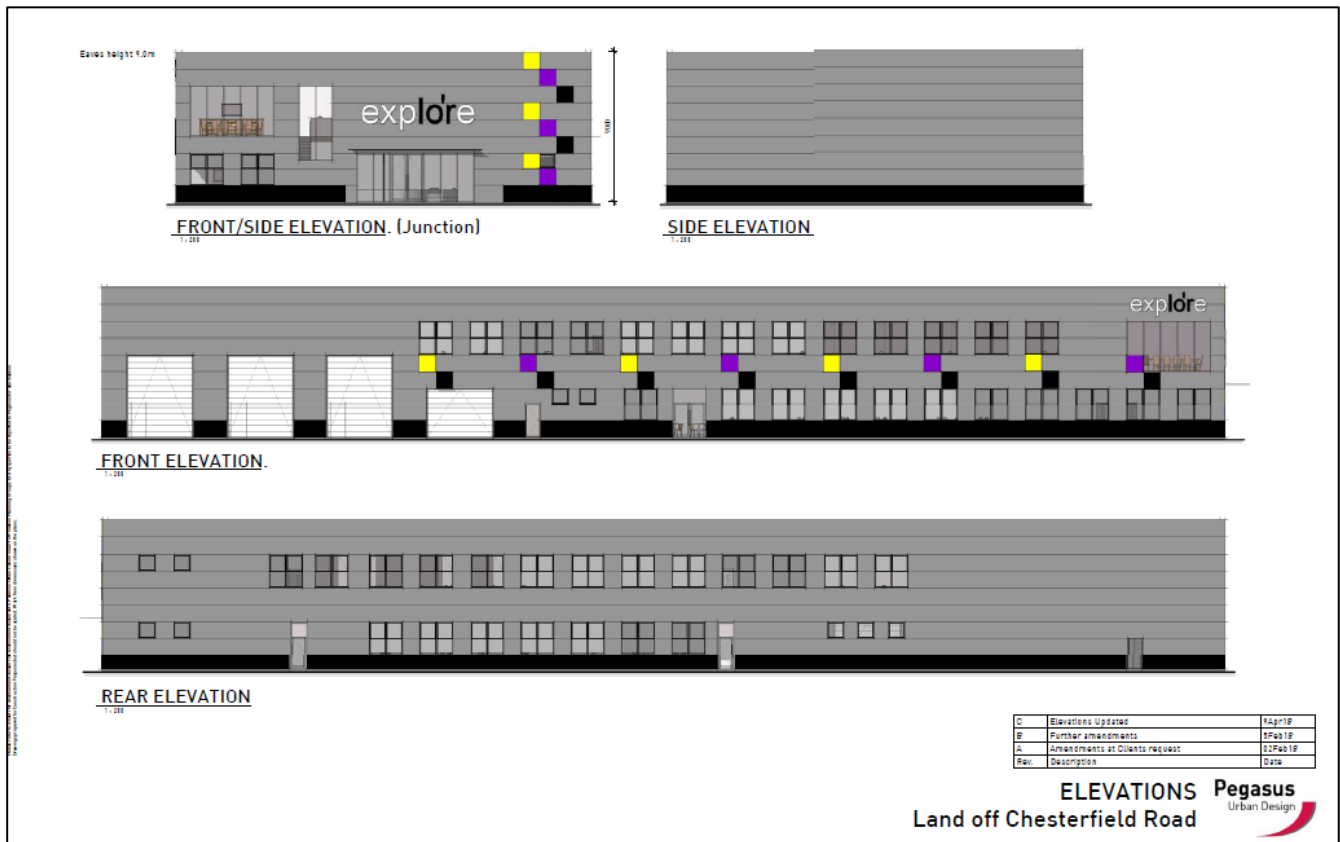
Proposed Layout (as amended)



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 that 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

