

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 16th October 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 24th October 2018 at 1000 hours.

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

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

Yours faithfully



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

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**PLANNING COMMITTEE
AGENDA**

**Wednesday 24th October 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 a meeting held on 26 th September 2018	3 to 16
5.	Notes of a Site Visit held on 21 st September 2018	17
6.	Applications to be determined under the Town & Country Planning Acts.	
	(i) 17/00396/OUT - Residential development of up to 65 dwellings with public open space and a cycle/pedestrian link to Storth Lane including access Land to The Rear Of 17 To 95 Alfreton Road, Pinxton	18 to 54
	(ii) 18/00043/FUL - Construction of new dwelling, construction of new barn, conversion of existing barn to microbrewery/ kitchen with associated office Land To The West Of Bridge Close Hollin Hill Road Clowne	55 to 77

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

PRESENT:-

Members:-

Councillor T. Munro in the Chair

Councillors T. Alexander, P.M. Bowmer, T. Connerton, M.G. Crane, S.W. Fritchley, D. McGregor, S. Peake, K. Reid, P. Smith, K.F. Walker, D. Watson and J. Wilson.

Officers:-

C. Fridlington (Planning Manager (Development Control)) (from Minute No. 0324), R. Routledge (Interim Planning Policy Manager) (until Minute No. 0324), J. Fieldsend (Team Leader (Non Contentious) Solicitor), R. Scott (Principal Enforcement Officer) (until Minute No. 0323), J. Saggerson (Enforcement Officer) (until Minute No. 0323) and A. Brownsword (Senior Governance Officer)

0317. APOLOGIES

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

0318. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0319. DECLARATIONS OF INTEREST

There were no declarations of interest.

0320. ORDER OF BUSINESS

The Chairman consented to the order of business being changed.

0321. MINUTES – 1st AUGUST 2018

Moved by Councillor D. McGregor and seconded by Councillor S. Peake
RESOLVED that the minutes of a meeting of the Planning Committee held on 1st August 2018 be approved as a true and correct record.

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0322. SITE VISIT NOTES – 27TH JULY 2018

Moved by Councillor K.F. Walker and seconded by Councillor J. Wilson

RESOLVED that the notes of a Planning Site Visit held on 27th July 2018 be approved as a true and correct record.

0323. DRAFT ENFORCEMENT PLAN

The Enforcement Officer gave a presentation which gave information on:

- Enforcement Enquiries to the Department
- What is the Local Enforcement Plan
- Why do we need a Local Enforcement Plan
- Prioritising Complaints
- Reporting Alleged Breaches
- Investigation Stage
- Formal Action
- Implementation and Monitoring
- Case Studies

The report sought approval for publication of a Local Enforcement Plan to provide information on how the Council will respond to suspected breaches of planning control, tackle unauthorised developments and monitor the implementation of planning permissions.

It was noted that 6 monthly updates would be made to Committee to ensure appropriate oversight of process.

Questions were asked regarding non planning enquiries and it was noted that these would be directed to the relevant department. It was also noted that consultations would be carried out with parish councils.

Moved by Councillor D. McGregor and seconded by Councillor S.W. Fritchley

RESOLVED that (1) the proposals to publish a Local Enforcement Plan be noted and feedback be provided on the current draft,

(2) consultation take place on the draft Local Enforcement Plan subject to any amendments agreed by the Planning Committee,

(3) a publication version of the Local Enforcement Plan be approved following public consultation on the draft attached as Appendix A of the report.

(Principal Enforcement Officer)

The Principal Enforcement Officer and Enforcement Officer left the meeting.

The Planning Manager (Development Control) entered the meeting.

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0324. MODIFICATIONS TO THE PUBLICATION LOCAL PLAN FOR BOLSOVER DISTRICT

The Interim Planning Policy Manager presented the report which updated Members in relation to the Local Plan progress and the issues associated with it's development. The report also sought to delegate authority to the Chief Executive Officer to approve modifications to the Publication Local Plan for Bolsover District in consultation with the Leader and Deputy Leader of the Council and the Chair of Planning Committee.

It was noted that the Plan was submitted to the Inspectorate on 31st August with no further amendments. The Council was now awaiting details of the Inspector and when the Hearing sessions would be held.

A discussion regarding the delegated authority took place and it was suggested that the Local Plan Steering Group be included within the consultation.

Moved by Councillor K. Reid and seconded by Councillor S.W. Fritchley

RESOLVED that Delegated Authority be given to the Chief Executive Officer to approve Modifications to the Local Plan for Bolsover District policy and text prior to and during the Local Plan Examination Hearings (including but is not limited to the insertion or amendment of maps and illustrations within the document) in consultation with the Leader and Deputy Leader of the Council and the Chair of Planning Committee and the Local Plan Steering Group.

(Interim Planning Policy Manager)

The Interim Planning Policy Manager left the meeting.

0325. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

1. 17/00615/FUL - Demolition of existing buildings and erection of foodstore and retail terrace, car parking and associated works at Sherwood Lodge, Oxcroft Lane, Bolsover, Chesterfield

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

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

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Moved by Councillor M.G. Crane and seconded by Councillor D. McGregor

RESOLVED that Application No. 17/00615/FUL be APPROVED subject to (a) prior entry into a s.106 legal agreement requiring financial contributions of £5000 towards public art and £150,000 towards highways improvements and (b) subject to the following planning conditions:

Statutory Time Limit

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

Reason: In accordance with the provisions of s.91 of the Town and Country Planning Act 1990, as amended, and in the interests of the proper planning of the local area.

Amended Plans

2. The development hereby permitted shall be carried out in complete accordance with the amended plans, Drawing No.s:
 - 7177-SMR-00-ZZ-DR-A-2003-S3-P15 – Proposed Site Plan
 - 7177-SMR-00-ZZ-DR-A-2004-S3-P6 – Proposed External works
 - 7177-SMR-00-ZZ-DR-A-2005-S3-P8 - Site sections

 - 7177-SMR-00-GF-DR-A-2101-S3-P5 – Proposed Ground Floor Plan - Foodstore
 - 7177-SMR-00-ZZ-DR-A-2102-S3-P6 – Proposed Roof Plan – Foodstore
 - 7177-SMR-00-ZZ-DR-A-2103-S3-P7 – Proposed Elevations – Foodstore

 - 7177-SMR-00-GF-DR-A-2201-S4-P3 – Proposed Ground Floor Plan – Retail Units
 - 7177-SMR-00-ZZ-DR-A-2202-S4-P3 – Proposed Roof Plan – Retail Units
 - 7177-SMR-00-ZZ-DR-A-2203-S4-P3 – Proposed Elevations – Retail Units

Reason: For clarity and for avoidance of doubt and in the interests of the proper planning of the local area.

Archaeology

3. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the Local Planning Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Local Planning Authority. The scheme must include an assessment of significance and research questions; and:
 - i. The programme and methodology of site investigation and recording
 - ii. The programme for post investigation assessment
 - iii. Provision to be made for analysis of the site investigation and recording

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- iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation
 - vi. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
4. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 3 (above).
5. The development must not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under Condition 3 (above) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reasons: In order to secure appropriate investigation of potential archaeological deposits in accordance with saved Local Plan policy CON13 and national planning policies in the Framework.

Drainage

6. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

7. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works in full accordance with details that have been submitted to and approved by the Local Planning Authority. No development shall take place until details of the proposed means of disposal of surface water drainage , including but not exclusive to :-
- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) evidence of existing positive drainage to public sewer and the current points of connection ; and
 - c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate

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during a 1 in 1 year storm event, have been submitted to and approved by the Local Planning Authority .

Furthermore, Surface water run-off from hard-standing (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 49 spaces must pass through an oil , petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer .

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal as far as is practicable and to ensure the sufficient detail of the construction, operation and maintenance of a sustainable drainage system is provided to the Local Planning Authority in accordance with saved Local Plan policies GEN5 and GEN6 and national planning policies in the Framework.

Biodiversity and Landscaping

8. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority prior to works commencing.

Reason: In the interests of safeguarding ecological interests in accordance with saved Local Plan policy ENV5 and national planning policies in the Framework.

9. Before preparation of any groundworks and foundations on site for the development hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out in accordance with the approved details. These details shall include proposed boundary treatments, proposed finished levels and contours, hard surface finishes, including samples, details of any retaining walls, steps, railings, walls, gates or other supporting structures, car parking layouts, other vehicle and pedestrian access and circulation areas, minor artefacts and structures (e.g. street furniture, play equipment, refuse and other storage units).

The information shall also include indications of all existing trees and hedgerows on the land, including those to be retained, together with measures for their protection which shall comply in full with BS5837:2012 Trees in relation to design, demolition & construction – Recommendations, in the course of the development, together with a scheme for the subsequent maintenance of any trees, shrubs and hedges retained on the site and any proposed to be planted as part of the approved landscaping scheme. Soft landscape details shall include planting plans, written specifications, schedules of plants - noting species (which should be indigenous), planting sizes and proposed density.

Reason: To conserve the natural environment and enhance the character and appearance of the completed development, and to ensure the proposed

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development would not result in a net loss of biodiversity in accordance with saved Local Plan policies GEN 2 and ENV5 and national planning policies in the Framework.

10. Construction Method Statement

No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement must be adhered to throughout the construction period.

The Statement must provide for:

- a) The precise details of how construction phase vehicles will access the site from the public highway.
- b) The parking of vehicles of site operatives and visitors.
- c) Loading and unloading of plant and materials.
- d) Storage of plant and materials used in constructing the development and the provision of temporary offices.
- e) Wheel washing facilities.
- f) Measures to control the emission of dust and dirt during construction.
- g) Access and protection measures around the site for pedestrians, cyclists and other road users, including arrangements for diversions and the provision of associated directional signage if required.
- h) Measures to be taken to prevent pollution of the received ground and surface water.
- i) Hours that construction will take place on site.
- j) Details of the routes to be taken by construction traffic through the local road network to the site and any limitations on the times of vehicular movements to and from the site.

Reason: In the interests of highway safety and to safeguard residential amenity in accordance with saved Local Plan policy GEN2 and national planning policies in the Framework.

Highways

- 11. Before any other operations are commenced, a scheme of phasing and works programme for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include temporary and permanent means of access to the site and temporary and permanent on-site parking and manoeuvring provision.

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12. Prior to any operations commencing on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the County Highway Authority, for the proposed new junction into the site from Town End (A632). The scheme shall generally be in accordance with application drawing 17-2950SKHA-001 to provide a signalised junction, pedestrian crossing facilities and replacement bus stop and new shelter facilities. The approved scheme shall be implemented, laid out and constructed prior to the first occupation of any premises hereby permitted.

For the avoidance of doubt, the developer will be required to enter into an Agreement under Section 38/278 of the Highways Act 1980 and obtain appropriate Traffic Regulation Orders in order to comply with the requirements of this condition.

13. The premises, the subject of the application, shall not be taken into use until the access onto Oxcroft Lane has been laid out and constructed in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority, generally in accordance with the approved application drawing. Thereafter, this access point shall not be used by any vehicle with a gross access weight greater than 3.5 tonnes. For the avoidance of doubt, the applicant will be required to enter into an Agreement under Section 278 of the Highways Act 1980 to comply with this condition.
14. The premises, the subject of the application, shall not be taken into use until the permanent on-site car parking and manoeuvring space for staff and visitors to the site, the loading and unloading of service/delivery vehicles has been provided within the site, laid out in accordance with the approved application drawing and maintained throughout the life of the development free of any impediment to its designated use.
15. The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.

Reasons: In the interests of highway safety, efficient traffic movement and sustainable travel in accordance with saved Local Plan policies GEN1 and GEN2 and national planning policies in the Framework.

Amenity

16. Notwithstanding the information already provided, the development hereby approved shall not be brought into use unless and until:
 - a) Further information has been submitted regarding the acoustic assessment dated 21st February 2018 along with an updated scheme specifying the provisions to be made for the control of sound emanating from the site has been submitted to and approved in writing by the Local

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Planning Authority. The assessment shall identify and quantify all sound sources from the development and shall assess the significance of the sound impact, taking into account the uncertainty of the assessment at the boundary of any neighbouring dwellings in accordance with the methodology described in the British Standard BS4142:2014 Methods for rating and assessing industrial and commercial sound. The scheme shall also include details of a delivery management scheme.

- b) Upon completion of all works within the approved scheme a validation report shall be completed by a competent person and shall be submitted to and approved in writing by the Local Planning Authority.
 - c) The approved scheme has been implemented in full and retained thereafter.
17. A scheme to monitor and control noise and vibration generated during the construction phase of the development shall be submitted to and approved in writing by the local planning authority prior to work commencing. This should be included within a comprehensive Construction Environmental Management System
18. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

Reasons: To avoid unacceptable levels of noise, light pollution and disturbance with particular regard to the residential amenities of the nearest neighbouring residential properties in accordance with saved Local Plan policies GEN1 and GEN2

External Facing Materials

19. Before preparation of any foundations on site for the food store and retail units hereby approved, samples of materials to be used on the external surfaces of the approved buildings shall be made available for inspection on site and adequate notice given to the Local Planning Authority who will arrange inspection and thereafter approve in writing. The approved materials shall be used in the implementation of the development.

Reasons: In the interests of the character and appearance of the completed development in accordance with the requirements of saved Local Plan policy GEN2 with due regard to the location of the development within the designated Bolsover Conservation Area.

Operational Matters

20. The premises hereby permitted shall not be open for customers outside the

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following hours:

- a) 07:00 - Midnight on Mondays to Saturdays other than on bank holidays; and
 - b) 08.00-22.00 on Sundays and Bank Holidays
21. The premises labelled food store on the approved plans shall be used for a convenience food store and for no other purpose including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.
22. The terrace of retail units (numbered 1-5 on the approved plans) shall be used for A1, A3, AA and D1 uses and for no other purposes including any other purpose in Classes A and D of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

Reason: To enable the Local Planning Authority to regulate and control the development of land having regard to the exceptional circumstances that justified approval of the development.

(Planning Manager (Development Control))

2. 18/00238/FUL - Construction of a 3 bed dormer bungalow with double garage to the rear of 16 George Street, Pinxton at 16 George Street, Pinxton, Nottingham, NG16 6NP

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.

Councillor M. Dooley and Mr. C. Chambers attended the meeting and spoke against the application.

Mr. M. O'Reilly attended the meeting and spoke in support of the application. Mr. O'Reilly noted that the height of the garage had now been reduced to 4.44m to reduce impact.

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

Moved by Councillor K. Reid and seconded by Councillor T. Alexander

RESOLVED that Application No. 18/00238/FUL be APPROVED subject to conditions given in precis form below

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1. The development shall be begun before the expiration of three years from the date of this permission.
2. Prior to the construction of foundations, details of the finished ground levels and the proposed ground floor level(s) of the building(s) shall first have been submitted to and approved in writing by the local planning authority and the approved details shall be implemented.
3. Before the first occupation of the dwelling a new vehicular access shall be created to George Street in accordance with the application drawing, laid out and constructed in a hard bound material. The entire site frontage shall be cleared, and maintained thereafter clear, of any obstruction exceeding 1m in height relative to the road level for a distance of 2m into the site from the highway boundary in order to maximise the visibility available to drivers emerging onto the highway.
4. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking of residents' vehicles for the new dwelling and 16 George Street laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
5. The new parking and driveways hereby approved shall be made of porous materials or provision shall be made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse unless otherwise approved in writing by the Local Planning Authority.
6. Before construction commences on the erection of any building or wall representative samples of the materials to be used in all external wall and roof areas shall first have been submitted to and approved in writing by the Local Planning Authority.
7. Prior to first occupation a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries or divisions within the site, shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be maintained as approved.
8. Notwithstanding the provisions of Classes A, B and C of Parts 1 and 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) the dwelling shall not be extended or altered externally including the creation of new openings or alterations to the roof without the prior grant of planning permission.
9. All roof lights shall have a minimum cill height of 1.7m above the finished floor level of the room to which they serve.

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10. The development shall be undertaken entirely in accordance with the approved drawings:
 - 1/200 Revised block plan received 15/06/18
 - Revised elevation drawing received 15/06/18
 - Revised internal layout received 15/06/18
11. No part of the development hereby permitted shall take place until an assessment of the risks posed by any actual or potential land contamination, ground gas contamination or pollution of controlled waters has been carried out by a competent person in accordance with British Standard BS 10175:2011 Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), submitted to and approved in writing by the local planning authority.
 - a. Where contamination is found which poses unacceptable risks to human health and/or the environment, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority prior to any remedial works being carried out.
 - b. Prior to occupation the site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority
 - c. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended on the affected part of the site and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for the remediation works shall be submitted to and approved in writing by the local planning authority before any building/the related building on the affected part of the site is occupied or the affected part of the site is brought into the permitted use.
12. Prior to commencement of the erection of the garage hereby permitted, revised elevational drawings shall be submitted to and approved in writing by the Council showing the garage with a maximum ridge height of 4.5m . Thereafter, the garage shall be built in complete accordance with the approved plans

Reasons for Conditions

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

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2. To enable the Local Planning Authority to fully assess the development having regard to the ground levels on the site and/or the surrounding land in compliance with policy GEN 2 of the Bolsover District Local Plan.
3. In the interests of highway safety and in compliance with Policy GEN 1 of the Bolsover District Local Plan.
4. To ensure that adequate off-street parking is provided and retained for use to reduce the incidence of on-street parking and its attendant dangers and in compliance with policies GEN 1 and GEN 2 of the Bolsover District Local Plan.
5. To ensure satisfactory drainage of the development without flooding or pollution and in compliance with policy GEN5 of the Bolsover District Local Plan.
6. To ensure a satisfactory standard of external appearance and in compliance with policy GEN 2 of the Bolsover District Local Plan.
7. To preserve the amenities of the occupants of nearby properties and in the interests of the visual amenity of the area and in compliance with Policy GEN 2 of the Bolsover District Local Plan.
8. To enable the Local Planning Authority to retain control over future extensions and alterations in view of the form and density of the proposed development and in compliance with policy GEN 2 of the Bolsover District Local Plan.
9. To avoid the possibility of overlooking in the interests of preserving the amenities of residents and in compliance with policy GEN 2 of the Bolsover District Local Plan.
10. To ensure a satisfactory standard of development in the interests of amenity and for the avoidance of doubt and in compliance with Policy GEN 2 of the Bolsover District Local Plan.
11. To ensure that when developed the site is free from contamination, in the interests of health and safety and in compliance with policy GEN 4 of the Bolsover District Local Plan.

(Planning Manager (Development Control))

3. 18/00043/FUL - Construction of new dwelling, construction of new barn, conversion of existing barn to microbrewery/ kitchen with associated office at Land to the West of Bridge Close, Hollin Hill Road, Clowne

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.

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Mrs. E. Salt and Mr. C. Salt attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the National Planning Policy Framework and the Publication Version of the Local Plan.

A discussion took place regarding the challenging issues faced by the family.

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

RESOLVED that Application No. 18/00043/FUL be DEFERRED for further information.

(Planning Manager (Development Control))

The meeting concluded at 1147 hours.

PLANNING SITE VISIT

Planning Site Visits held on 21 September 2018 commencing at 1000 hours.

PRESENT:-

Members:-

Councillors T Alexander, T Munro (Chair), P Smith, KF Walker, D Watson and J Wilson

Officers:-

Chris Fridlington

1. APOLOGIES

Apologies were received from Councillors PM Bowmer, J Clifton, D McGregor and R Turner (Vice Chair).

2. SITES VISITED

- 1) 16 George Street, Pinxton (18/00238/FUL)**
- 2) Sherwood Lodge, Bolsover (17/00615/FUL)**
- 3) Land off Hollin Hill, Clowne (18/00043/FUL)**

The meeting concluded at 12:00 hours

PARISH

Pinxton

APPLICATION	Residential development of up to 65 dwellings with public open space and a cycle/pedestrian link to Storth Lane including access		
LOCATION	Land to The Rear Of 17 To 95 Alfreton Road, Pinxton		
APPLICANT	Hardwick Nominees Ltd		
APPLICATION NO.	17/00396/OUT	FILE NO.	PP-06269155
CASE OFFICER	Mr Peter Sawdon		
DATE RECEIVED	3rd August 2017		

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Councillor Mary Dooley
REASON: Concerns regarding highway safety and environmental impacts from additional traffic on already congested roads that carry large numbers of lorries.

SITE

The application site extends to 3.14ha of land located at the northern end of Pinxton, between Alfreton Road on its north-eastern side, West End and Storth Lane on its southern side and the A38 on its western side (beyond an area of land also in the control of the applicant). This larger area of land also includes Alfred Street and George Street; and broadly speaking, residential properties back on to the site on three sides, with further open fields, also in the ownership

The site rises generally upwards from south to north from a low point of @120m AOD in its south western corner and @128m in its south eastern corner up to @135m in its northern corner.

PROPOSAL

This outline planning application proposes the residential development of up to 65 dwellings with public open space and a cycle/pedestrian link to Storth Lane. The application has all matters reserved for later consideration, with the exception of the means of access into the site, which is proposed to be taken from a single access point off Alfreton Road to the east of the site. Additional pedestrian access is shown to Alfred Street and West End to the south, with the creation of a footpath and cycle link through a proposed area of open space to the west, linking onto Storth Lane.

An indicative layout plan submitted with the planning application shows all dwellings located off a series of cul-de-sacs, with the majority taken off a single highway that would run through the centre of the site with development to either side of it. Dwellings on the western flank are shown facing the proposed open space area to the west.

The “valley” feature and land to the west, up to the A38, are outside the application area, and would be retained as undeveloped, open land. It is stated that the “valley” and its steep sides would be given over to the creation of semi-natural habitats, encouraging biodiversity.

The applicant is offering to establish a new recreational route from Storth Land through to Alfreton Road parallel with the A38. This offers connections to the existing bridleway which

runs from the opposite side of Storth Lane, with potential to connect to the wider rights of way network (this is again outside of the identified planning application site area). Notwithstanding this offer, it should be noted that this is not included in the planning application boundary as identified by the red line on the submitted site location plan, neither does the blue line on that plan (that indicates land in the ownership and/or control of the applicant) does not extend as far as the highway at the northern end of the site.

In addition to the submitted application forms and drawings, the application is supported by the following documents: -

- Coal Mining Risk Assessment
- Noise Impact Assessment
- Air Quality Assessment
- Soils and Agricultural Quality
- Arboricultural Survey
- Access Feasibility Study
- Transport Statement
- Archaeological Desk Based Assessment
- Geo-environmental Desk Study & Geotechnical Land Stability Report
- Flood Risk Assessment and Outline Drainage Strategy
- Biodiversity Survey and Report
- Design and Access Statement
- Ecological Phase 1 Habitat Survey

AMENDMENTS

Amended details submitted 11/4/18: -

- a) C172-15-01 Additional Information - summarising the submissions below
- b) FRA and Drainage Strategy update
- c) Outline Drainage Strategy drawing ref RC6466.00.C Rev A, to accompany item b).
- d) Pedestrian Access Layout Drawing ADC1559-DR-004 RevP1, showing the proposed cycle/pedestrian access on to the highway at the western end of the site
- e) Letter from ADC Infrastructure to accompany item d) and respond to the comments of the Highway Authority
- f) Site Constraints Map ref PINX-18-05
- g) Indicative Site Layout drawing ref PINX-17-03 Rev D.

Further amended details submitted 02/08/18: -

- a) C172-15-02 Additional Information - summarising the submissions below
- b) Letter providing a response to Derbyshire County Council Highways
- c) ADC1559 DR 004 P3 – Details of proposed pedestrian access onto Storth Lane
- d) Indicative Site Layout drawing ref PINX-17-03 Rev D

Confirmation of S106 contributions offer 14/09/18

Revised details for proposed footway/cycle access onto Alfreton Road – 09/10/18

Revised plans to include footway/cycle access referred to above including Location Plan; Block Plan/Existing Survey; Land Use Framework; and Indicative Layout – 12/10/18

HISTORY (if relevant)

- BLA364/3 - Refused as contrary to countryside protection policies that applied at that time 15/05/1964
- BLA573/6 – Refused as contrary to countryside protection policies that applied at that time; unnecessary due to an sufficient provision of residential developments in the area at that time; noise impacts from adjoining major highway and highway safety 23/08/1973
- BOL1087/469 - Refused as contrary to countryside protection policies that applied at that time; unnecessary due to an overprovision of residential developments in the area at that time and highway safety 26/02/1988
- BOL488/212 - Refused as contrary to countryside protection policies that applied at that time; unnecessary due to an overprovision of residential developments in the area at that time and highway safety 25/07/1988. Subsequent appeal dismissed 8th February 1989
- BOL.991/414 - Refused due to insufficient capacity at receiving water reclamation works, contrary to countryside protection policies that applied at that time; unnecessary due to an overprovision of residential developments in the area at that time and highway safety 23/07/1993. Subsequent appeal dismissed on 6/04/1994.
- BOL9607/0280 – Housing development appealed due to non-determination of the planning application by the Council. Dismissed on appeal on 17/02/1997 due to excess housing provision in the district and in the Pinxton sub-zone at that time. It would close a gap between Pinxton and South Normanton; decision would be premature for this reason and it was for the impending replacement local plan to determine on the issue of settlement separation. Resolved that an earlier issue in respect of water treatment works capacity had been resolved and that a safe access could be provided.

CONSULTATIONS

Derbyshire County Council (Flood Risk Management) – Conditions recommended 14/8/17. Confirmed that applicant has demonstrated that the site is unsuitable for SuDS drainage, with remainder of issues resolvable at reserved matters stage; applicant needs to ensure sufficient access to any attenuation ponds provided 26/5/18. Confirmation of need to include requested conditions to reflect amended information 10/08/18

Archaeologist - Although there are a number of strands of heritage interest within the site, none of them are of great significance, and I do not feel that there is a justification for further archaeological work under the policies at NPPF chapter 12. 24/08/2017

Derbyshire County Council developer contributions – Seeking contribution of £79,793.07 towards the provision of 7 junior places at Kirkstead Junior School to be achieved through remodelling to increase teaching accommodation. Also seek an advisory note regarding connection to high speed broadband. 29/08/17

Public Arts Officer – Seeking 1% public arts contribution 29/9/17

Crime Prevention Design Advisor - No objections to the principle of residential development on this site. Comments also provided on the indicative layout drawing. 29/08/2017

Highways England – No objections 31/8/17

Coal Authority – No objections subject to conditions to require further investigation and potential remediation in line with recommendations of submitted Coal Mining Risk Assessment Report. 4/9/17

BDC Engineer – 1. Subject to acceptance of the SUDS design by DCC (LLFA), we must ensure the developer submits an Operation and Maintenance Plan (in accordance with section 32 of the SUDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SUDS features together with contact details (a copy to be kept by Engineering Services). 2. The developer must ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties. 6/9/17

BDC Planning Policy - a decision to approve the application would be acceptable from a policy perspective 14/9/17

Environmental Health Officer – condition recommended regarding contamination and noise prevention 18/9/17

Pinxton Parish Council - objecting on the grounds that there are already sufficient houses in Pinxton; and the Parish Council believe there is a lack of infrastructure for a development this size the development would be against the emerging plan. 27/9/17

Leisure – Welcome the large areas of proposed open space and pedestrian and cycle links; proposed pedestrian links to Alfred Street and West End could be designed as emergency entry/exits and it is suggested these should be designed as pedestrian/cycle links to provide alternative accesses away from the main access. Request contribution of £785 per dwelling (2017 prices) to invest in Hill Top Park, which is just over 400m walking distance from the proposed development. Any land adopted by the Council would need to be subject to a negotiated maintenance contribution. Also a contribution of £934 per dwelling (2017 prices) towards built and outdoor sports facilities is requested. Suggestion that new recreation route on land parallel to A38 be developed to bridleway standard and could form part of a cycle route. 4/10/17

Derbyshire Wildlife Trust – conditions recommended 4/10/17

DCC (Highways) – Additional information requested 9/10/17. Not all issues resolved, but consider a suitable scheme could be achieved. Main unresolved issue is not demonstrating appropriate visibility for pedestrian/cycle link on to Storth Lane and recommend refusal on those grounds. 25/05. Maintain earlier objection due to adequacy of visibility sightlines at pedestrian crossing Storth Lane, but consider this could be re-located to address this point. As all other matters are now acceptable, subject to resolving the Storth Lane crossing issue would recommend conditions 14/09/18

Strategic Housing Officer – Seeking 10% affordable housing provision that should be 2 bedroom (4 person) houses for social rent or affordable rent 11/10/17

Urban Designer – Recommends amendments 20/10/17 and provision of additional comments to agents response 24/11/17

CCG – No comments received

PUBLICITY

By press advert, site notice and 84 neighbour letters. 38 letters of representation were received to initial publicity, with a further 9 representations received as a result of the re-publicity undertaken on receipt of revised and amended details. One of the letters received was on behalf of a local committee group called Pinxton Save Our Fields that is stated to have over 1050 Facebook members; it is stated that the general feeling of dismay regarding this application is palpable, with residents having very real and valid concerns.

The comments in the letters of representation are summarised below: -

Principle/Sustainability

Would reduce the already depleted fields within the village and be detrimental to the area in various ways including environmentally. Over the years there have been many other proposed developments on the site but all have been declined; why should this one be any different? Development proposals for this land have already been refused in 1973, 1994 and 1996. Since then nothing has changed to make the development more viable. The most recent planning application in 1996 was appealed and refused by a Planning Inspector appointed by the Secretary of State for the Environment. He stated 11 reasons for refusal including; overprovision of housing supply, harmful effects upon living conditions of neighbours, a detrimental effect to open land (ENV2), keeping the separation between and identify of South Normanton and Pinxton and noise pollution. These are all identical objections we have cited for this planning application, therefore is a case for refusal again.

This site is important in that it allows Pinxton and South Normanton a level of separation from each other as is recommended in the Local Plan. Pinxton will lose valuable green space when HS2 is built and we should preserve what we can whilst we can.

Pinxton is a dispersed settlement where development proposals should be considered very carefully: infilling could ruin the character of the village while estate development would overwhelm it can cause traffic generation.

This land represents one of the last open areas of green belt between Pinxton and South Normanton and I feel it should remain for agricultural or grazing land rather than being earmarked for building land. If this green space is left as open space it can only help the air pollution which is already substantial in this existing heavily traffic congested area.

There are lots of houses for sale in South Normanton and Pinxton; do we really need any more? Several of the houses on Alfreton Road have been for sale for over 6 months. Right move shows between 37 and 39 dwellings for sale over recent weeks of a consistent and varied mix of housing to suit all social groups and budgets.

It is understandable that new houses need to be built with the growing population of the U.K. however, at what point do local councils take a stand to say that these new dwellings will be at a detriment to the current community.

There are 55 vacant properties in Pinxton, of which 34 are long term; why should the Council

agree to 65 more? The new build development on George Street has ground to a halt with flooding in most of the trenches that have been built.

The Council's Local Plan dated October 2016 identifies that Pinxton does not require any further housing. This was also echoed at a Bolsover District Council planning committee meeting in October 2016 by Rob Routledge stating that there is 'No room for sustainable development in Pinxton'. And yet, this is the second time in 2017 that Pinxton's residents have had to pull together to oppose a large and unnecessary housing development. 'The Report on 5 Year supply for housing' only states one necessary site for building development which is the land to the rear of the Rectory, Town Street in Pinxton showing only 11 dwellings needed this therefore indicates the 65 dwellings proposed are unsustainable and not necessary.

We do not have a shortage of houses available in Pinxton Property. Fail to see the housing need for this number of extra houses in Pinxton when there have recently been 5 new bungalows built on the site of the former Greyhound Public House, the site owned by Smith & Co, on Wharf Road where the George Inn used to be has planned new housing waiting to be built and there are numerous homes for resale in the village. Rob Routledge, author of the Local Plan, states that there is no room for sustainable development in Pinxton. This application clearly contradicts this 5 year Plan. The Council's 5 Year Housing Supply report shows that the Council has a 5 year supply of deliverable houses. What has changed since that report in October 2016 to now to justify 65 more houses?

While we understand the plan is at draft stage, due to the extensive research and resource spent compiling the 5 year local plan, Mr Routledge's comments must hold serious weight. In The National Planning Policy Framework March 2012 Greg Clark MP (Minister for Planning) outlines the framework guidelines stating; 'Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations'

We argue that Pinxton is a village and needs protecting as such from over development for our children. Green spaces are a cherished part of our community's architecture and once gone we will never get them back.

'Change for the better'- We fail to see what benefits this proposed development would bring to the village, the road infrastructure is already stretched, the local amenities are stretched and there is not a shortage of houses in the area.

'Planning law requires that applications for planning permission must be determined in accordance with the development plan'. The author of the 5 year plan stated that there was no room for sustainable development in Pinxton. This application is in direct contradiction the Bolsover 5 year plan and the NPPF. The NPPF explains the 3 dimensions to Sustainable development: 1 Economic, 2 Social and 3 Environmental

We strongly argue that this development is not Sustainable
1 Economical - There will be no significant economic benefits to Pinxton. Looking at the size of the majority of the proposed properties and the relatively low paid job market in Pinxton it is fair to say that most residents will need to commute to work. This coupled with the location

within the village suggests that local shops/takeaways etc. in South Normanton will see the benefit from trade rather than those of Pinxton.

2 Social- We have shown how the 5 year plan has stated that no new housing is required in Pinxton. We have evidence of the amount of housing that is already available to buy and rent in Pinxton. In terms of future proofing the village we are aware of our ageing population and aware that we have a limited job market. To attract people to our village we need to protect it. The green spaces and the fact that it is not over developed will make Pinxton an attractive location for potential home buyers for years to come.

Pinxton is a strong community because we care about our village. We don't have much going for us, with a motorway to one boundary a dual carriage way to another and an industrial estate to the bottom, and of course the proposed H\$2 line. What we do have is our sense of community and our green spaces. Over development will lead to a loss of the village community feel of Pinxton. It will be detrimental to the community

3 Environmental- This development will not protect nor enhance the natural environment. It will remove a beautiful area of natural green land and replace it with buildings. We argue that air pollution is an issue around this area and have evidence that vegetation helps mitigate this.

Bus services are so poor that if you have a job you need transport. Many journeys include multiple bus changes. Why is nothing being done about the bus service?

We argue that this development would impact and reduce the boundary between Pinxton and South Normanton which is in contradiction with the Bolsover District Local Plan 2016. The plan indicates a number of important open areas. The IDA's act as an extra constraint on most forms of development, providing a clear and strong statement as to where the settlements will be prevented from growing. Alfreton Road - South Normanton - Alfreton is listed as an important open area. According to the plan these areas were drawn up: 'In order to prevent ribbon developments along highways linking towns and villages and to put a check an urban sprawl'. We have concerns that the positioning of this development would impact and reduce the boundary between Pinxton and South Normanton.

Site is adjoining an identified Important open area in the 2016 Local Plan, therefore has specified this land as a buffer between settlements i.e. Broadmeadows and Pinxton, meaning urban sprawl will take place with this ribbon development along the highway if this development takes place. Reference is made to the refusal of planning permission on land to the east of Alfreton Road as unacceptable development in an identified open break – this surely is a clear comparison to the proposed building plot and would lead to further merging of South Normanton, Broadmeadows and Pinxton, therefore is the case for refusal.

The National Planning Policy Framework identifies the need to protect areas of tranquillity and as Pinxton grows in size it is therefore reducing the green open space. The proposed development site is not public land but it is an area that boosts this tranquillity and many of the properties that neighbour this plot take advantage of this area of green tranquil space.

There is no clarity as to the height of the proposed buildings and the number of homes is specified but their size (number of bedrooms and number of storeys) is not given; there is a suggestion of building 18 three-storey houses. The indicative layout document (dated July

2017) is of interest as to the potential location of these particular houses but, as the Additional Information Document (C172-15-01) states, 'It is important to note that the Indicative Layout plan does not form part of the details submitted for approval with this outline planning application. Details of layout - together with scale, appearance and landscaping – will be submitted for approval at the reserved matters stage'. Thus, there is no guarantee that existing properties on Alfred Street and Alfreton Road will not be adversely affected.

Highway Safety

Alfreton Road (B6019) is the only arterial road in and out of Pinxton and this proposed development feeds directly into that road close to two critical junctions. The two main junctions in Pinxton are already congested. Other committed developments in South Normanton off Carnfield Hill will also add to problems at the Alfreton Road/Mansfield Road junction. It will add to the traffic problems and congestion by its proximity to the Town Street/Victoria Road/Brookhill Lane (traffic light controlled) junction and the Alfreton Road/West End junction. Congestion is already a problem at critical times of the day when traffic can be stacked back from the traffic lights on the Town Street junction. Traffic is often at a standstill. 53 additional vehicle movements in a peak hour (paragraph 8.4 of Report reference ADC1559 B (Transport Statement)) would increase the problems significantly.

Whilst the Report states: 'traffic increases...can be adequately accommodated', the projections are, at best conservative, and, at worst, flawed. One of the dates on the traffic census figures submitted in the above report (particularly that monitoring northbound traffic flow on Alfreton Road) was 27/04/17 which covered the Easter school holiday and has not factored in the significant increase in vehicles using Alfreton Road during peak times to access Frederick Gent School, or those using Alfreton Road to access the Infant and Primary schools in Pinxton itself. Traffic analysis should be based on normal working days and not Bank Holidays and School Holidays.

The traffic survey submitted by the Applicants was taken on 1 December 2016 when the northbound A38 was closed in the afternoon due to an incident. All the surrounding roads, including West End and Alfreton road were gridlocked for several hours. This is not indicated on the report. Normally, at peak times, there are traffic queues along West End to the A38 overbridge.

A traffic survey completed by BDC in 2015 identified Pinxton centre as an area of medium/high concern for congestion at peak times in the morning and afternoon, meaning that the delay per vehicle is between 1 minute 15 seconds and 2 minutes 30 between the times of 08:00 – 09:00 and 17:00 – 18:00. Although this research was carried out over 2 years ago this is a truer reflection of traffic through Pinxton.

Access to personal drives can already be very difficult.

Storth Lane is already used as a 'rat run' in times of congestion that will only be made worse.

Access to the proposed site would mean the removal/re-siting of the north bound bus stop on Alfreton Road in order to provide access to the site. It is difficult to see where it could be safely re-sited in the vicinity and provide safety for users of the bus stop and road. Will add significant difficulties for those wishing to access public transport from the areas this bus stop

serves and the nearest alternative bus stop is a significant distance away, particularly for those on the estates off West End. Visibility splay drawing fails to show the bus stop. Question the accuracy of the report's statements on this.

We would like to question why the Traffic statement makes reference to other transport infrastructure available to the site such as cycle paths but disregards the bus stops. We argue that moving/removal of the bus stops will impact on the public transport opportunities of both existing and potential new residents which is in contradiction of the NPPF. Both bus stop locations as they stand obviously impact on the visibility splay and will have potential to cause accidents should a new junction be built, we are confused why the applicant has not mentioned them on the Transport Statement.

The reason for the large amount of vehicles is because Pinxton is virtually a large cul-de-sac with no through road, so every heavy and large vehicle has to use Town Street and Alfreton Road to gain access to the industrial estate. Most people rely on private cars. Pinxton is crying out for another road to be built so this should be provided before more traffic movement is allowed.

Alfreton Road is the main route for Pinxton's young people accessing Frederick Gents secondary School in South Normanton. Storth Lane is also used. Footpaths are very narrow or non-existent at certain points. Those parents concerned for their children's safety and taking their children to the school by car will flow out on to Alfreton Road and then Pinxton Lane and add to the congestion at the junction with Mansfield Road, South Normanton. Adding another junction to the pedestrian route will add to the dangers. Any children seeking to use bicycles as a means of access to the secondary school (or generally) will face significant hazards caused by the increased traffic levels and the significant numbers of articulated vehicles that already use Alfreton Road. There is no cycle route and riding on the pavement is an offence. Hope that 'speed restrictions' would be necessary.

West End junction is already dangerous, particularly at peak times and for school children/vulnerable adults, as well as vehicles.

Main road is already a danger to walkers due to the heavy traffic that already exists that will only be made worse.

Attempting to cross the road on a mobility scooter can sometimes take about 5 or 10 minutes.

It is to be noted that the Surveyed Flows - AM Peak (Diagram 1) mentions 59 HGV two-way movements in the vicinity of the proposed exit from the site. Thus to suggest (paragraph 8.3) that 'There are good opportunities for cycle travel to and from the site' flies in the face of the hazards presented in its own traffic flow figures.

Transport Statement shows the Alfreton Road/Pinxton Lane junction to get very close to capacity as a result of the development; concern with the proposed solution to widen to two lanes that are not adequately addressed in the statement including: a very busy bus stop used by school pupils at peak times with little space for this to be re-sited and stopping buses add to the congestion; HGV traffic swinging into Pinxton Lane from Mansfield Road (from the motorway) require a very wide arc to navigate the junction (the state of the kerb on the corner

provides ample evidence) that mitigates with the plan to provide two lanes unless those turning right out of Pinxton are put at risk of being hit by these HGVs; and the HGVs coming out of Pinxton would immediately remove any benefit of the two lanes by the length of their vehicle and the bend to the junction. This road is the only way for HGV's to access Pinxton industrial areas.

Road is at saturation point with the large number of HGV's, particularly with recent new developments, including Reader Cement that has resulted in many more HGV's. Requirements for large vehicles often results in parked vehicles having to be moved to allow access and difficulties for two such vehicles to pass. At least 4 cement lorries every hour. Lorries are getting larger and carrying heavier loads.

Vehicular access would be more problematic. As residents we already have problems when leaving or accessing our residences onto an extremely narrow main road (Alfreton Road) which is currently subjected to countless Lorries and heavy traffic on a daily basis. This amount of traffic is already detrimental to residents attempting to leave or indeed gain access to their own properties and to have additional traffic from a large development would be totally unacceptable and unsafe. Although there are speed limit signs up they are not followed; speeding is already an issue. The installation of a speed warning sign on Alfreton Road indicates that speed is an issue. Adding more traffic to the area will make what is already dangerous road unbearable without further traffic calming measures introduced.

Whilst the Transport Statement mentions three accidents which occurred away from the proposed new junction, this does not reflect other known non-reported accidents within the vicinity including not included in those figures: those involving speed; minor damage to property; where an accident did not involve the emergency services; regular damage to telephone infrastructure. These incidents will not show on accident figures. Thus, the report's figures are selected to present these proposals in their most favourable light.

Object to the proposed access to the site off Storth Lane; an access from the development onto that road cannot be justified. This is a very narrow road with bad bends and areas of no pavement. We question the safety of pedestrians accessing the site. We note the provision of some pavement to the applicants plan but there is still large areas along this road where a pedestrian will be forced to walk along the narrow road. This again calls into question the sustainability of the site. It should also be noted that 2 wide vehicles struggle to pass together along this road, this combined with the addition of a junction is a potential hazard. Residents who live on Storth Lane already experience problems accessing/exiting their properties more traffic will only add to the potential risk and compound the existing traffic issues. Havoc is already created on dustbin day.

Major problems on local roads in the event of an accident on the A38 or M1; sometimes it is difficult to even get home.

The proposed cycle/pedestrian link onto Storth Lane at the point where this is to come out, there is only room for one vehicle to pass at any time; there is no footpath for the link to come out on and it is on a corner.

The provision of a cycle path/pedestrian access to Storth Lane is a commendable addition to the original plans but is inadequate for a number of reasons. First, it assumes that

pedestrians and cyclists would wish to use a route which does not take them to any of the amenities they would wish to access by such modes of transport. There are few public amenities (other than a footpath), no shops and no public transport points in this vicinity. It is acknowledged that access to the Frederick Gent School site could be gained by the footpath that runs alongside the A38, but this is unsuitable for cyclists and inadvisable for use by children after dark. Second, it recognizes the 'pinch-point' on Storth Lane (Additional information document C172-15-01 paragraph 2.2) but continues to suggest Alfred Street as an alternative exit from the site, which would bring cyclists down George Street and out onto Storth Lane/West End just south of that very pinch point where visibility is particularly poor. Third, the path/cycle track exits on to Storth Lane on the opposite side of the road from the pavement meaning that those using it as pedestrians would have to cross over the road on a bend just past the pinch-point described earlier. The alternative is to take the risk of walking in the direction of traffic flow to a particularly narrow point in the road. Fourth, local residents know this route along Storth Lane and West End to be a very busy route at key times, as it provides the only way for motorists to avoid the issues detailed above relating to Alfreton Road. Hardwick Nominees have provided no analysis of this traffic flow or capacity along this route where they are proposing to provide cycle and pedestrian access. This suggests it is little more than an afterthought.

Fail to see the point of the cycle access onto Alfred Street as anyone wanting to travel to North West would use the proposed access further up Storth Lane. Anyone wanting to travel east would use the main exit. There is only 1 legal exit route for cyclists traversing this cycle path from the proposed new development and this is via George Street. The access from George Street and onto Storth Lane is particularly perilous as there are no site lines and cars travel way in excess of the speed limit along this lane. Additionally there is no pavement to the north east and the road is particularly narrow at this point, meaning that pedestrian are severely at risk on this section so further foot traffic should not be encouraged. If the thought is that cyclists can use the jitty from Alfred Street to Storth Lane then this should not be allowed as this is a pedestrian route only and is certainly not wide enough to accommodate cyclists and pedestrians.

One of the benefits of living on a cul-de-sac is the peacefulness it brings as there is not a lot of traffic movement, which allows ours and our neighbours' children to play out on the street. Any additional traffic would be unwelcome as this would increase the dangers to the children and furthermore wherever push bikes can get motorcycles can also get.

The path shown decanting onto West End will also be extremely hazardous for users coming from the proposed development. Once again this path is at 90 degrees to the main road and there are no sight lines and no footpath on that side of the road.

Amenity

The properties of Alfreton Road and West End residents would be subjected to a loss of privacy, loss of light, more health and crime fears and the pollution would be in excess when taking into account the pollution we are already subjected to from the A38 & the motorway. Noise and disturbance would be advanced during any construction and once the development is complete. Noise will be generated by people, dogs and vehicles.

The submitted application will mean we will have to build a higher fence on the back of the

rear of our property due to privacy and security concerns. This will not only be a personal cost but also restrict the view and lower the price of our property.

Green outlook is particularly important. Writers have disabilities and it is one of the few quieter open spaces.

Houses will directly overlook garden at an elevated level which will limit daylight, create noise and more importantly remove privacy for my children. Concern that the scale of the development will be overbearing to its existing neighbours.

Will result in a huge loss of light in my rear garden and in the rooms which face towards the field and will also result in a very claustrophobic feel to this area.

Due to having a busy main road on the front of the property the primary bedrooms are located on the rear. At the moment the rear of the property is quiet and idyllic. This development will increase noise on the rear.

From the plans as they stand there is no indication as to the height of the proposed houses upon the plot. If there are three storey properties this would present an infringement of privacy and prevent light flow into existing properties. Number of bedrooms and number of storeys is not given on any drawings so no valid judgement can be made that these proposals will not affect the existing properties.

Adding to pollution levels by removing some trees and adding extra vehicles will have a significant impact upon those resident in the area. The levels of airborne pollutants is particularly high and the quality of the air will be affected detrimentally by these proposed changes/developments. The submitted air quality report acknowledges some exceedances of pollutant levels, but all of which are below; objector questions whether sufficient time has been spent carrying out the survey work and states that as the report is dated 21/04/17, this shows it was compiled during the schools Easter Holiday period, which begs the question as to when the analysis was undertaken and, for how long. It suggests that airborne pollutants are within present air quality guidelines without detailing the parameters of its own testing regime. This requires further examination at the least.

Bolsover District Council's AQM Annual Status Report 2017 shows that: -

- . Bolsover has 3 areas of concern - Junction 28 being a major focus for air management
- . There is a Quality Management area in South Normanton to monitor the air quality
- . Report shows a decrease to 361lg/m² which is below the 401lg/m² objective but it is still the highest in Bolsover

This report states 'Officers of the Environmental Health team will continue to consider the impact on existing dwellings and ensure new dwellings are not constructed in areas of unacceptable air quality through planning system'. Surely the highest air pollution levels in Bolsover would be deemed as unacceptable air quality?

We have concerns that a new housing development built so close to the A38/M1 junction will only add to the traffic and therefore the air quality issues around this area. The Junction off Alfreton road leading to the M1 Roundabout has become increasingly congested at peak

times, realistically the majority of the new home owners will commute to work and use this route in and out of the village.

The Forestry Commission Benefits of Green Infrastructure Evidence Note states that 'The role of vegetation in mitigating the effects of air pollution has been highlighted as one particular benefit of urban green spaces. Vegetation intercepts airborne particulate matter, reducing concentrates in air, thereby improving air quality. This reduces the amount of PM exposure to humans and in turn reduces the incidence of respiratory illness'.

This strengthens the argument that building on a vast area of vegetation in an area already affected by Air Pollution is counterproductive to the Council's objectives to decrease air pollution. The Applicant's Air Quality Assessment (R17.9518/2/DW) argues the effects of the development will be 'negligible'. We believe this report is at best naive at worst flawed. The proposed development will obviously increase traffic into the village; the field proposed for development is important to Pinxton; and the development will directly contradict the Council's objectives to reduce air pollution in this area and should not be developed.

Already have respiratory problems that will be made worse by increase in pollution.

Loss of/blocking views.

Will cast shade over rear garden.

We feel Article 8 from the Human Rights Act which is the right to a private family life has not been considered and in fact the dwellings will breach our right to protection from noise and would encroach on our privacy. At present we overlook the building plot meaning that the new houses will be directly facing into all of our bedroom windows and living/ family areas. The new dwellings will also impinge on the use of our garden as they will have direct sight onto this.

Opening up the field and developing a cycle path exposes my property which raises privacy and security concerns.

Health

The 2011 census states that Pinxton's residents who claim to be in very good health is below the National average and those claiming to be in very bad health is higher than the national average. This could be for a lot of reasons, ageing community, social and economic factors but does our immediate Environment have any effect? Pinxton also has a higher than average cancer rate. We argue that more research needs to be done into the reasons behind these issues to see if the causes are Environmental or Social. We will not be able to get the green space back once it has been developed.

Pinxton is at the apex of the intersection of two major highways – the A38 and M1. There is now incontrovertible scientific evidence that air pollution from major highways is a major determinant of poor health. As predicted by scientific studies, residents of Pinxton also have a high rate of cancer.

The effects of pollution from highways can be mitigated by green spaces, as well as being an aid to good mental health, as has been accepted by the UK government. Therefore, the

preservation of green space by not building behind Alfreton Road is an incontrovertible aid to better physical health of Pinxton, and building 65 houses on the field would be detrimental to the health of the community. This green space is effectively the 'lungs' of the area, and all experts recommend maintain green spaces.

The following blog highlights the link between green space and positive health: Stephen Morton of Public Health England wrote in his Blog dated 9th November 2016 (in the run up to the conference - Transforming Mental Health and Dementia Provision with the Natural Environment) 'We know people who live in the areas within our cities and towns that have more green or blue space have better mental health'. He continues 'There is a wealth of evidence on how the public's health can be improved by increasing access to green/blue space and improving the quality of our natural environment'. We ask you to look at the impact to the residents who will be directly affected by the proposed development as their immediate outlook of open green space will be removed. Evidence suggests that their health will suffer because of this. We ask you also to consider the advice in The National Planning Policy Framework 'Avoid noise and giving rise to significant adverse impacts on health and quality of life as result of new development'. The loss of green space to the homes around the development will have a detrimental effect to the residents' quality of health as demonstrated by Stephen Morton's report.

The Council needs to be seen to be doing its best to ensure the health and safety of its residents and following through its plans to completion and manage the consequences afterwards in line with guidance and definitions.

Infrastructure

Pinxton is a small village with no capacity to accommodate additional residents. GP services, local schools, library services and community centres etc. are already at capacity. Already waiting times of 2-3 weeks to see a GP.

Overcrowded schooling. Kirkstead Junior School is now rated by OFSTED as "Special Measures" which is not only a representation of the school and its teachers but also of the local authority. The latest report stating "the local authority has not kept an effective check on the work of school leaders to make improvements." Frederick Gent School, half of which is made up of students from Pinxton is currently in a state of "requires improvement". Fail to see how further increasing the number of students would help to turn this situation around. Frederick Gent Secondary School is failing due to rapidly increasing pupil numbers and has no room for expansion. Plans should be made to increase such facilities in line with the increased population and requirements of the NPPF. Requires serious consideration for the long term detrimental implications this development would bring to the village and its residents by depleting the current overstretched services even further.

Pinxton has very limited leisure and shopping facilities and is rapidly becoming a commuter village because of this.

The access point is the bus stop for the 93 bus, which is half hourly in either direction – and inadequate for extra population needing to get to work. Buses to Nottingham are a thin g of the past, so some children cannot access colleges in that direction.

Bolsover's Green Space Strategy identified 2 areas of deficiency on the corner of Brookhill Industrial Estate, including the Showmen's site and part of Woodfield Road. Argue that if an area is lacking green spaces, can we afford to lose any more?

NPPF states that Council's must 'identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreation and amenity value for this reason'. Whilst the land is not public it is prized by local residents for its tranquillity. Many have chosen to live there for this reason.

There are limited facilities in the local area as well as limited employment opportunities, an increase of population and unemployed individuals will only increase anti-social behaviour and problems for the local community.

Wildlife/Biodiversity

Devastation to natural British Wildlife; seems to be of little concern to business people. Will result in the loss of a further field and impacts on foxes, rabbits, squirrels, field mice, hedgehogs, bats and birds.

As it stands an abundance of wildlife currently reside in the proposed fields, with nature and wildlife constantly in the background of people's thoughts destroying this natural habitat would be a great loss.

Drainage/Flood Risk

The proposed site plans show what appears to be two ponds. Although the Background Paper 219774 - Opus Flood Risk Assessment states: 'The site lies within an area that has a "very low" risk of surface water flooding from overland flows caused by intense rainfall' this shows the inaccuracy of desk bound reports. Those of us overlooking the site know that drainage on the site is poor because of the nature of the soil on the land. At periods of heavy rainfall there can be significant amounts of lying water. The ponds and the poor drainage of the soil on the site could present problems of drainage and potential risks of flooding, particularly for residents on Alfred Street and West End. Note that further surveys are recommended, but questions the date of the survey of the existing ditch on site in June 2017 as this was during one of the longest spells of hot/dry weather for some years. Yet, it states, 'Along the site boundary behind properties off Alfred Street and West End, the surveyor advised that the ground appeared to be waterlogged and boggy, indicating that water drained to and then ponded in these areas. It is not known whether water soaks into the ground from this area or floods nearby properties'. This matter remains unaddressed in any of the plans submitted to the Council. In addition the Access, Planning and Design Statement states in paragraph 2.7 (page 3) that the land: 'has steeply sloping sides, and whilst much of it is dry for most of the year, parts do show signs of springs emerging. This "valley" takes some surface water runoff from the land southwards'. Whilst this area described lies outside of the proposed building site, it may impact upon the likelihood of potential flooding by the emerging springs and the surface water run-off into the proposed site.

The land to the rear of my property is subject to flooding and is not level ground which would require substantial development. I have concerns that any substantial excavation of the land could cause subsidence to properties within the vicinity as they border this area. We have witnessed regular flooding downhill from Alfreton Road through our property into the field

behind that is the subject of this application. Therefore, the proposed houses would be subject to flooding.

Importantly, paving and building on large areas of the field will also naturally disturb the natural water flow and drainage in and from the field. By preventing natural water absorption by the field, paving and building will cause further propensity to flooding in the village below the proposed development, and difficulty for the waste water handling of the village.

The sewers are over stressed, as they were built for Victorian times, and not for modern sanitation systems. The sewerage system would not be able to cope with the extra properties without major upgrade. Has anyone checked the sewers? The area near the sewage farm is usually flooded after heavy rain.

Photographs submitted showing waterlogged ground to the rear of dwellings on Alfred Street and photographs showing water running through the site of 16 West end, resulting in debris water and associated debris issuing onto the highway that is seen as a significant hazard to motorists. Note that Flood Risk Assessment & Outline Drainage Strategy plans to mitigate against the effect of 1 in 100 year flood event. 1 in 100-year flood event events seem to be happening a lot more frequently than their title would suggest. Due to the effects of climate change our weather is becoming less seasonal and much wetter. The survey carried out was undertaken during one of the driest periods in many years; this is the first time in many that the ground is dry enough to walk on. At times of torrential rain there are small tributaries running down the ancient furrows, of the former ridge and furrow field, which congregate in the area outside the rear of my property to form a significant stream, which then runs along the back of the houses on Alfred Street. This feature forms in spite of the huge soakaway effect of the field. If this area was to be developed over with a 'hard' landscape, it is likely to greatly exacerbate this problem and give rise to a potential flooding problem for the residents of Alfred Street.

Drainage reports are not user friendly. The use of two ponds to help alleviate the problem will create health and safety problems unless they are properly maintained. I am assuming that there will be families in the development in which case the ponds will need to be fenced off and the fencing will need to be maintained. Whose responsibility this will be on an ongoing basis? Additionally, stagnant water is a health hazard particularly in the summer months. Is the company going to ensure that the water is kept oxygenated and in good order?

Pond A in particular is adjacent to the main road through the site, and Alfred Street where the proposed cycle and pedestrian access points would be located. This makes it very visible and a serious danger, unless it is situated underground.

In order to compensate for the surface water run-off into pond B, this would place considerable reliance upon the hydrobrake flow control system. I feel that some planning safeguards need to be in place to ensure that piping from this system has the capacity to cope with any extreme flow that might be encountered in severe conditions. This is borne out by the comment in the DCC paper (2227249) which states, 'Should the application progress the LLFA would expect 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'. For this reason, I ask who would be responsible for

ensuring 'the features remain functional' for this and all other aspects of this complex planning application and its outcome as I suspect the burden will fall upon Bolsover District Council.

The design shows attenuation ponds at the north of Alfred Street and to the rear of properties on West End. These ponds could significantly increase the flood potential for the properties surrounding them if they are either not properly designed (especially given the wet conditions we face in the future) or they are not properly maintained. There is no mention of who be maintaining these ponds and connecting infrastructure. Will there be an agreement for the developers to maintain these features in perpetuity?

Land Stability

Question of the old opencast, that the Coal Authority is aware of? Has anyone checked with the Coal Authority as to where this took place?

Other

The revised plans do not address concerns previously raised.

Concerned at lack of notification of the planning application.

Property would be devalued

Applicant owns 89 Alfreton Road that is rented. Understood that applicant's intention was to demolish it to allow an access road to the land to the rear of the properties for any housing development; assume that there is no proposal for a planned access road between 87 and 91 Alfreton Road? If there was, neighbour would oppose any attempt to make changes to this boundary Any proposed access alongside the writer's would be opposed due to pollution, noise, property devaluation, loss of privacy and road safety to name but a few. Whilst aware that the land to the rear of these properties is not part of the current proposal, considers that planning for a similar development will be imminent as past experience dictates.

Hope the Council is prepared for a barrage of Council Tax rebate claims and money has been set aside for this.

The initial planning application indicated that possible matters that may need to be covered by S106 Planning Obligation would be: -

- a. Affordable housing
- b. Off-site junction improvements
- c. Provision of the Semi-natural greenspace / nature conservation area adjacent to the development
- d. Contribution to equipped play areas off-site
- e. Future management of informal open space provided by the development
- f. Provision of a pedestrian / cycle link from the development through to Storth Lane
- g. Provision of a new recreational route parallel to the A38
- h. Contributions towards educational places in the area

POLICY

Bolsover District Local Plan (BDLP)

The Bolsover District Local Plan (2000) planned for the period March 1995 to March 2005 and

made sufficient allocations for development within this period and extended the settlement frameworks of the relevant settlements accordingly. The site in question is within the settlement framework for Pinxton and so development in principal is acceptable.

Therefore, the following saved policies in the adopted Local Plan have relevance to this application:

- GEN 1 – Minimum Requirements for Development
- GEN 2 – Impact of Development on the Environment
- GEN 4 – Development on Contaminated Land
- GEN 5 – Land Drainage
- GEN 6 – Sewerage and Sewage Disposal
- GEN 7 – Land Stability
- GEN 8 – Settlement Frameworks
- GEN 10 – Important Open Areas
- GEN 11 – Development Adjoining the Settlement Framework Boundary
- GEN 17 – Public Art
- HOU 2 – Location of Housing Sites
- HOU 5 – Outdoor Recreation and Play Space Provision for New Housing Developments
- HOU 6 – Affordable Housing
- TRA 1 – Location of New Development
- TRA 10 – Traffic Management
- TRA 13 – Provision for Cyclists
- TRA 15 – Design of Roads and Paths to Serve New Development
- ENV 5 – Nature Conservation Interests throughout the District
- ENV 8 – Development affecting Trees and Hedgerows

Emerging Local Plan (at Publication Stage)

Paragraph 216 of the Framework says Local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In October 2016, the Council published the Consultation Draft Local Plan and in April 2018, the Council brought forward the publication version of this emerging plan. Relevant policies are as follows: -

- Policy SS1: Sustainable Development
- Policy SS2: Scale of Development
- Policy SS3: Spatial Strategy and Scale of Development
- Policy LC1: Housing Allocations
- Policy LC2: Affordable Housing through Market Housing
- Policy LC3: Type and Mix of Housing

Policy SC1: Development within the Development Envelope
Policy SC2: Sustainable Design and Construction
Policy SC3: High Quality Development
Policy SC9: Biodiversity and Geodiversity
Policy SC10: Trees, Woodland and Hedgerows
Policy SC11: Environmental Quality (Amenity)
Policy SC12: Air Quality
Policy SC13: Water Quality
Policy SC14: Contaminated and Unstable Land
Policy SC15: Hazardous Installations
Policy ITCR5: Green Space and Play Provision Policy
Policy ITCR7: Playing Pitches
Policy ITCR10: Supporting Sustainable Transport Patterns
Policy ITCR11: Parking Provision
Policy II1: Plan Delivery and the Role of Developer Contributions

National Planning Policy Framework

The replacement National Planning Policy Framework ('the Framework') was published on and states that the policies of that framework should be taken into account from that date. The relevant parts of the framework include: -

Section 2: Achieving sustainable development, including at Paragraph 11 the presumption in favour of sustainable development
Section 3: Plan Making: Includes Paragraph 34: Developer Contributions and Paragraph 48: Status of Development Plan.
Section 5: Delivering a sufficient supply of homes.
Section 8: Promoting healthy and safe communities
Section 9: Promoting Sustainable Transport
Section 11: Making effective use of land
Section 12: Achieving well designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Annexe 1: Implementation – refers to the weight to be given to relevant policies in existing plans and relevant policies in emerging plans.

Other (specify): Adopted Design Guide 'Successful Places'

ASSESSMENT

The principal policies in the adopted Plan relevant to the location and supply of new residential development are GEN 8 – Settlement Frameworks and HOU 2 – Location of Housing Sites. In light of the Council being able to demonstrate a 5 year supply of deliverable housing sites, these policies should be considered up-to-date.

In principle, this site is in compliance with broad locational policies of both the existing adopted plan and emerging plan in that the area proposed for housing development is shown within the settlement framework for Pinxton in the adopted Local Plan and is shown as a proposed allocated site within the development envelope in the emerging plan (Policies LC1

and SC1 relate). This location is considered in general terms to represent a suitable location for new development, as one of the District's large villages and more sustainable settlements.

The western edge of the site is designated an Important Open Area in the adopted and emerging Local Plans. However, this application seeks to retain this open space, as well as provide a further area of informal open space and semi-natural green space, thus complying with the relevant policies of both the adopted and emerging plans in this respect. The proposed pedestrian/cycle link to Storth Lane is also welcomed to improve connectivity, especially to the proposed Greenway to the west of Storth Lane as proposed in the emerging Local Plan.

Agricultural land Quality

The agricultural quality of the land is mainly sub-grade 3a with smaller areas of 3b, variably limited by wetness and/or slope. Policy ENV2 of the adopted Local Plan and Policy SS1 of the emerging plan aims to protect the best grades of agricultural land. The site is classed as grades 3a and 3b; 3a is at the lower end of the best and most versatile land whereas 3b does not fall within this classification. This policy is compatible with the NPPF which states that local authorities should direct development towards the poorest grade of agricultural land. Notwithstanding this statement, there is a tension between safeguarding good quality agricultural land and the wider objective of delivering sustainable development as required by the NPPF. Given the quality of parts of the site are at the lowest classification for best and most versatile land, with the remainder falling outside of that classification, there is not considered to be a significant impact from its loss that would outweigh the delivery of new housing development, that itself is in line with policy principles in terms of the location for new housing.

Layout and Design

As an outline planning application, layout and design is reserved for later approval. The submitted indicative layout drawing is not considered to be appropriate nor does it comply with the Council's published housing layout and design guidelines although the general areas for housing and associated open space provision are considered appropriate.

The proposals for footpath and cycle links to adjoining highways is also considered a positive benefit to the scheme to provide permeability and connectivity to and with the existing community around the site and will also provide alternative footpath and cycle routes (through this site) that would potentially reduce the need to travel along part or all of West End for some users, which has several areas with substandard footpath provision and narrow carriageways.

The Police Designing Out Crime Officer has also raised issues with some of the details on the indicative layout drawing as well as providing other general comments regarding crime prevention.

An advisory note that draws attention to the need for any development to have appropriate regard to the published guidelines and designing out crime issues is recommended in the event that planning permission is granted.

The site would involve the creation of a new settlement edge such that policy GEN11

(Development Adjoining the Settlement Framework Boundary) applies. Again this is something that can be addressed at reserved matters stage and can be referred to in the recommended advisory note.

Highways and Transportation

The Highway Authority has confirmed that it is satisfied with the content of the submitted Transport Statement and in noting the comments made in representations about the timing for survey dates, the Highway Authority considers that these are suitably representative.

The applicants have clarified issues with the Highway Authority that as now accepted that the main access and the non-vehicular access to Alfred Street are acceptable subject to final design details. An outstanding matter relates to the provision of the pedestrian and cycle access onto Storth Lane. The Highway Authority see the benefits of delivering this link to that highway that would add to the sustainability of the site by providing alternative access links for means other than the private car albeit the available visibility to and from pedestrians could lead to highway safety problems. Despite this however, the Highway Authority have stated that they consider an alternative layout to provide a footpath link to join the proposed link to the existing footway on Storth Lane to the north would be likely to overcome their concerns.

As a result of this amended details were submitted very recently, such that at the time of preparing this report the comments of the Highway Authority to those details are still awaited. An update to deal with this issue will be provided to the planning committee when it meets to consider this planning application. As the Highway Authority considered that this matter was likely resolvable, it has suggested conditions for inclusion in the event that planning permission is granted. For the most part the conditions are acceptable, subject to minor wording changes with the exception of the suggested condition relating to the Storth Lane link that will need amending to reflect the amended submission and also that for proposed car parking; as this is an issue for consideration at reserved matters stage, this is proposed to be included as an advisory note to guide the reserved matters submission.

Environmental Health (Contamination)

The submitted desk study has identified areas where further intrusive investigation will be required and on this basis has recommended the inclusion of a condition on any planning permission requiring further studies to establish the extent of any contamination and where necessary, appropriate mitigation.

Environmental Health (Noise)

Noise survey information has been submitted given the sites location adjacent to the A38 and some parts of the site would have noise exceedances that will need mitigation, but the Environmental Protection Officer has indicated that a scheme could be submitted that would be acceptable and has recommended a condition to be included on any planning permission that may be issued.

Environmental Health (Air Quality)

Based on a review of the Air Quality report and the Transport assessment, the Environmental Protection Officer considers that it is unlikely that the amount of extra houses and associated vehicles will have a significant impact on air quality in the area which is currently at an acceptable level based on current NOx monitoring in the area.

Biodiversity

The Derbyshire Wildlife Trust has reviewed the submitted habitat survey document that makes the following points in its assessment: -

- The site is considered unlikely to support amphibians due to the absence of waterbodies within 500 m. No amphibians were recorded when potential refugia was checked during the Phase 1 habitat survey.
- No evidence of badger activity was recorded on site, although individuals could cross the site from time to time.
- None of the trees or buildings on site display potential bat roost features.
- Site habitats are likely to support common bird species, with nesting and foraging opportunities. Only Green List species were noted on the day of survey.
- The heavily grazed nature of the grassland, in combination with barriers to dispersal in the local area, reduce the likelihood of use by reptiles. None were recorded when potential refugia was checked during the Phase 1 habitat survey.
- There is no suitable habitat for otter or water vole on, or close to, the site.
- The habitats on site are considered unlikely to support any notable invertebrates.

The Trust state that the habitat of highest ecological value is considered to be the hedgerow on the northern boundary. Whilst species-poor, it comprises native species and appears well-established. This is shown as retained within the Indicative Layout which is welcomed by the Trust that advises that no additional surveys are required.

The Trust recommend several conditions relating to protection of badgers, birds and bats and a requirement for a biodiversity enhancement strategy, as was recommended in the submitted Habitat Survey. Notwithstanding the requested conditions, given there is no evidence of bat or badger activity identified at the site, these conditions would be unreasonable and are not agreed to. The condition relating to bird protection duplicates the requirements of other legislation and so again is unnecessary. Advisory notes can be included in respect of these issues. It is recommended that a biodiversity enhancement condition is included to ensure that net biodiversity is achieved in line with requirements of adopted and emerging policy and guidance contained in the NPPF.

Drainage

The Flood Authority (Derbyshire County Council) has confirmed that the applicant has carried out soakaway testing to show that the site is unsuitable for the use of infiltration techniques. They raise no objections and recommend conditions relating to the approval of a final detailed drainage scheme and managing surface water run off during any construction phase, along with advisory notes. The suggested conditions also deal with the suggested controls included in the consultation response of the Council's Engineer.

Archaeology

Based on the submitted archaeological desk-based assessment of the site, the Archaeologist has advised that although there are a number of strands of heritage interest within the site, none of them are of great significance, and there is no justification for further archaeological work.

Land Stability

The Coal Authority agrees with recommendations contained in the submitted Coal Mining Risk Assessment Report that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. On this basis The Coal Authority recommends a Condition to secure that this is undertaken that is proposed to be included in a slightly amended form.

Affordable Housing

The Strategic Housing Officer has stated that there is a need for affordable housing in the district, as demonstrated by the Strategic Housing Market Assessment 2013 which estimated that 533 units of affordable housing would be required each year 2013-18 to fully meet housing need. In the South Normanton sub market area, which includes Pinxton, 104 units are required each year, although around 65 households will most likely find their own accommodation in the Private Rented Sector supported by Local Housing Allowance. On this basis, a 10% provision is sought that should be owned and managed by a Registered Provider.

The applicant has agreed to this provision that will have to be secured through the completion of a S106 Planning Obligation.

Recreation and Leisure

The Leisure Officer initially sought contributions to offsite provision for both informal neighbourhood open space and formal open space, as required and defined in policy HOU5 (Outdoor Recreation and Play Space Provision For New Housing Developments) of the adopted Bolsover District Local Plan. Despite this, it became apparent that the Hill Top play area where the contribution to informal open space would have been invested would have been over the normally required 400m walking distance of almost all dwellings on the development; additionally, the route to that play area would involve crossing a main road with limited pedestrian facilities on parts of its length and so was not deemed to be appropriate. For this reason it has been agreed with the applicant that any provision for informal play needs to be made on site, in line with requirements of policy HOU5, and a condition to this effect is proposed for inclusion.

In respect of formal provision, the applicant has agreed to make the required financial contributions (£971 per dwelling) that will need to be secured as part of a S106 Planning Obligation.

The inclusion of a condition and the completion of the legal agreement will ensure compliance with policy HOU5 of the adopted Bolsover District Local Plan.

The Leisure Officer also welcomes the provision of the proposed semi-natural greenspace / nature conservation area as shown on the submitted drawings.

The Leisure Officer has also welcomes the provision of the proposed footway links from the housing development to the adjoining roads and has made comments on the construction details of these access points. The final layout and design of these connections will need to be subject to further submissions and consideration at reserved matters stage.

In considering the offer of the new recreational route parallel to the A38, that is welcomed by the Leisure Officer, as stated earlier this is not in the planning application site boundary nor is sufficient shown to connect this to a public highway. Additionally, the route is physically separate from the planning application site and is not directly related to the proposed housing development as it does not provide any direct links to it. There is no policy requirement for the footpath link related to the application land and the only relationship it has to that land is that it is in the ownership of the applicant. For these reasons, whilst it would be desirable for the footpath to be provided, it is not considered that this fairly and reasonably relates to the proposed development, the development could not be refused without its provision and as such, no weight can be attributed to that offer in considering whether or not to grant planning permission and should not be made a requirement of any planning permission that may be issued. Should the developer wish to make the footpath provision by itself or in partnership with a public body, then this would need to be subject to a separate planning application and a note to this effect is recommended for inclusion.

Public Art

The Leisure Officer has also sought a 'Percent for Art' contribution and the applicant has made an offer of £10,000.

Whilst acknowledging that this is below 1% of the development cost, attention is drawn to emerging Policy SC3: *High Quality Development* that once adopted would only require contributions for sites in excess of 100 dwellings or has a site area greater than 3ha. This site would accommodate well under the 100 dwelling threshold, and whilst its total red line area comes in at @3.14ha, a large proportion of this is informal amenity open space that at 0.56ha is considered to be a benefit in itself.

Taking these factors into account, and considering adopted policy is worded to seek to negotiate a sum, rather than as an absolute requirement, it is considered that the offer of £10,000 is reasonable and should be considered to be acceptable and will need to be secured through a S106 Planning Obligation.

Education

Derbyshire County Council as Education Authority is seeking contribution of £79,793.07 towards the provision of 7 junior places at Kirkstead Junior School to be achieved through remodelling to increase teaching accommodation. The applicant has agreed to this contribution that will need to form part of the proposed S106 Planning Obligation.

Comments in representations (not already covered in the above assessment)

Objections claim that approval of the development would contravene the Human Rights Act. However it has generally been established in case law that that a normal planning balancing exercises would be enough to satisfy Convention requirements. There are no unusual impacts anticipated from the development that would indicate that the normal balance of planning issues is not applicable.

A representation raises concerns about adequacy of publicity. This letter was received before formal publicity had been undertaken, but the property wasn't notified directly as the dwelling does not have a shared boundary with the planning application site (in accordance with consultation practice and procedures). Publicity has been carried out in accordance with the

Council's normal procedures including press advert, site notices and neighbour letters.

Members will be aware that impact on property value is not considered to be a material planning consideration.

Conclusions

This site is for residential development within the identified settlement framework of both the adopted and proposed replacement Local Plans and would form a logical extension to the current built form of Pinxton. Whilst the proposal will have impacts it is considered that those impacts can be suitably controlled and mitigated by means of conditions on any planning permission issued, as well as through the completion of the proposed legal agreement. On this basis it is recommended that planning permission is granted for the proposed development.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No significant issues arise – will require further consideration at reserved matters stage

Equalities: No significant issues arise

Access for Disabled: No known issues

Trees (Preservation and Planting): See assessment

SSSI Impacts: N/A

Biodiversity: See assessment

Human Rights: No significant issues arise

RECOMMENDATION:

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

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

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

A. S106 Heads of Terms:

- 10% affordable housing;
- Education (£79,793.07 for 7 junior places at Kirkstead Junior School);
- Public art £10,000; and
- Off-site leisure (£51,025 [65 dwellings x £785 per dwelling]).

B. Conditions

1. Approval of the details of the layout, scale, appearance, means of access (except for the main access point to Alfرتون Road) and landscaping (hereinafter called "the reserved matters") must be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the

development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

3. This planning permission is for a maximum of 65 dwellings to be located generally in the location shown on the submitted Land Use Framework Drawing ref. BH172-01 rev. A, submitted on 12/10/18, and any reserved matters must demonstrate a layout and design that accords with the Council's adopted Housing Design Guide 'Successful Places: A Guide to Sustainable Housing Layout and Design'.
4. No development will take place until a detailed design and associated management and maintenance plan of surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority in accordance with:
 - a) Residential Development at Pinxton, Derbyshire Flood Risk Assessment and Outline Drainage Strategy, Reference: V-R6466/FRADS01 - Issue 1 (August, 2017) and,
 - b) DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015).

The approved drainage system must be implemented in accordance with the approved detailed design prior to the use of the building commencing.

5. Prior to commencement of the development, the applicant must submit for approval to the Local Planning Authority, details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system must be operating to the satisfaction of the Local Planning Authority, before the commencement of any works leading to increased surface water run-off from site, during the construction phase.
6. Prior to the submission of any reserved matters planning application, a scheme of intrusive site investigations for the shallow coal workings and highwall must have been submitted to and approved in writing by the Local Planning Authority that must be carried out as approved. Any subsequent Reserved Matters Planning Application must include:
 - * the submission of a report of findings arising from both of the intrusive site investigations;
 - * a layout plan which identifies an appropriate 'no build' zone for the highwall, if necessary;
 - * a scheme of remedial works and mitigation measures, if necessary, for the shallow coal workings and highwall for approval;

Any approved remedial works and mitigation measures must be implemented in full prior to the commencement of development, unless an alternative timescale for their implementation has previously been submitted to and approved in writing by the Local

Planning Authority.

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

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme - A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise

agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part c.

E. Importation of soil - In the event that it is proposed to import soil onto site in connection with the development, the proposed soil must 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 must be submitted to the LPA for consideration. Only the soil approved in writing by the LPA will be used on site.

8. Prior to the first occupation of the any dwelling hereby approved a scheme of sound insulation must have been submitted to and approved in writing the Local Planning Authority. The scheme must be designed following the completion of a sound survey undertaken by a competent person. The scheme must take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme must be designed to achieve the following criteria with the ventilation operating:

- Bedrooms: 30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs)
- Living/Bedrooms: 35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
- All Other Habitable Rooms: 40 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
- All Habitable Rooms: 45 dB LAm_{ax} to occur no more than 6 times per hour
- Any outdoor amenity areas: 55 dB LAeq (1 hour) (0700 hrs - 2300 hrs)

Prior to the first occupation of any dwelling hereby approved the scheme as approved, insofar as it relates to that dwelling, must have been validated by a competent person and a validation report submitted to and approved in writing by the local planning authority.

9. Prior to the commencement of development a Biodiversity Enhancement Strategy as outlined in the submitted ecology report must have been submitted to and approved in writing by the Local Planning Authority. Such approved measures must be implemented in full and maintained at all times thereafter. The Strategy should include as a minimum:
 - Provision of bat and bird boxes,
 - Ecologically beneficial landscaping and SuDS design, and
 - Maintenance of connectivity for hedgehogs throughout gardens and public open space, including permeable boundary treatments and fencing gaps.
10. Any reserved matters application must include details of the location and layout of an area of play space to be provided at a rate of at least 20m² per property as per policy HOU5 of the Bolsover District Local Plan and its supporting text (paragraph 3.47). The details must include timescales for the provision of that facility and details for the long term management and maintenance for the space. The open space must be provided in accordance with any details and timescales approved under this condition and be maintained thereafter in accordance with the agreed management and maintenance document.
11. Prior to the occupation of any dwelling, a scheme of management and maintenance for the lifetime of the development of any areas that do not form part of the individual curtilage of any dwelling, or part of any adopted highway or adopted drainage features, must have been submitted to and approved in writing by the Local Planning Authority. The scheme must be implemented as approved.
12. Any reserved matters application must include a construction management plan or construction method statement for approval by the Local Planning Authority. The approved plan/statement must be adhered to throughout the construction period. The statement must provide for the storage of plant and materials, site accommodation, loading, unloading of goods' vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic restrictions.
13. No development will commence on site until the new access onto Alfreton Road has been constructed. The access must be laid out generally in accordance with application drawing ADC1559/02 revP3, having a carriageway width of 5.5m, 2 x 2m footways, be constructed to base, provided with a 6m radii and visibility sightlines of 2.4m x 43m in each direction, the area forward of which must be constructed as footway and taken into the highway.
14. Prior to the first occupation of any dwelling, the Alfreton Road footway along the entire site frontage must be reconstructed with a width of 2m, laid out and constructed in accordance with Derbyshire County Council's specifications for adopted highways.
15. Prior to the first occupation of any dwelling, the existing access onto West End must be permanently closed in accordance with details submitted and approved as part of any full or reserved matters application.

16. The new access onto Alfred Street must be restricted to pedestrians and cyclists only with no means of vehicular access between the new housing estate roads and the existing Alfred Street highway.
17. Any reserved matters application must include full details for the proposed new pedestrian/cycleway between the new housing estate roads and Storth Lane that must be laid out generally in the manner shown on drawing ref. ADC1559/004 Rev. P4 and which must be constructed in accordance Derbyshire County Council's specifications for adopted highways. That footpath link must be provided in accordance with the details granted reserved matters approval not later than the occupation of 50% of the dwellings for which reserved matters approval is granted.
18. The gradients of any footpath or footpath/cycleway must not exceed 1 in 20.
19. Notwithstanding the submitted information, a subsequent reserved matters application must include detailed design of the internal layout, including gradients, within the site in accordance with the guidance contained in the 6Cs' Design Guide and the "Manual for Streets" document issued by the Departments for Transport and Environment and Local Government.
20. No dwelling will be occupied until the proposed new estate street, between it and the existing public highway, has been laid out in accordance with the approved application drawings, constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads.
21. Any full or reserved matters application should be accompanied by a swept path analysis to demonstrate that service and emergency vehicles can successfully enter and manoeuvre within the site.
22. Prior to the first occupation of any dwelling, the Mansfield Road/Pinxton Lane highway mitigation must be completed generally in accordance with application drawing ADC1559/003 rev P2.

Reasons for Conditions

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
3. To ensure that the development is carried out in accordance with the terms of the planning application documents and the Council's adopted design guide in order to ensure a development of appropriate scale and high quality design and in accordance with the objectives of policies GEN1 and GEN2 of the adopted Bolsover District Council Local Plan and the National Planning Policy Framework.
4. To ensure that the proposed development does not increase onsite or offsite flood risk,

ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the Local Planning Authority in advance of full planning consent being granted and in compliance with the requirements of policy GEN5 of the adopted Bolsover District Local Plan.

5. To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development and in compliance with policy GEN5 of the adopted Bolsover District Local Plan.
6. To ensure the site is suitable for its intended use, to protect the quality of the water environment and in compliance with Policy GEN4 of the Bolsover District Local Plan.
7. In order to protect public health and ecology and in compliance with Policies GEN1(6), GEN2(11 and 14), GEN4 and ENV5 of the Bolsover District Local Plan.
8. To protect the amenity of future residents from airborne noise and in accordance with Policies GEN1(6) and GEN3 of the adopted Bolsover District Local Plan.
9. In order to mitigate the biodiversity impacts of the development and in accordance with Policies GEN2(11) and ENV5 of the Bolsover District Local Plan, having regard to appearance issues under Policies GEN1(4) and GEN2(1) of that plan.
10. To ensure a satisfactory standard of informal recreation space is provided within a reasonable period in the interests of the amenity of future residents and in compliance with Policy HOU5 of the Bolsover District Local Plan.
11. To ensure that any areas of incidental space are provided and maintained to a satisfactory standard for the lifetime of the development in the interests of the character and appearance of the development and the amenity of its residents and in compliance with Policies GEN1 and GEN2 of the Bolsover District Local Plan.
12. To ensure protection of the Principal Aquifer, public health, highway safety and ecology and in compliance with Policies GEN1, GEN2, GEN4, ENV5 and ENV6 of the Bolsover District Local Plan.
13. In the interests of highway safety and in compliance with Policies GEN1, GEN2 of the Bolsover District Local Plan.
14. In the interests of highway safety and in compliance with Policies GEN1, GEN2 of the Bolsover District Local Plan.
15. In the interests of highway safety and in compliance with Policies GEN1, GEN2 of the Bolsover District Local Plan.
16. In the interests of highway safety and in compliance with Policies GEN1, GEN2 of the Bolsover District Local Plan.

17. In the interests of highway safety and in compliance with Policies GEN1, GEN2 of the Bolsover District Local Plan.
18. In the interests of highway safety and in compliance with Policies GEN1, GEN2 of the Bolsover District Local Plan.
19. In the interests of highway safety and in compliance with Policies GEN1, GEN2 of the Bolsover District Local Plan.
20. In the interests of highway safety and in compliance with Policies GEN1, GEN2 of the Bolsover District Local Plan.
21. In the interests of highway safety and in compliance with Policies GEN1, GEN2 of the Bolsover District Local Plan.
22. In the interests of highway safety and in compliance with Policies GEN1, GEN2 of the Bolsover District Local Plan.

Statement of Decision Process

1. In compliance with guidance the National Planning Policy Framework the Council has negotiated amendments in respect of highway safety, drainage and design to render the scheme acceptable in line with policies of that document and the adopted Bolsover District Local Plan.

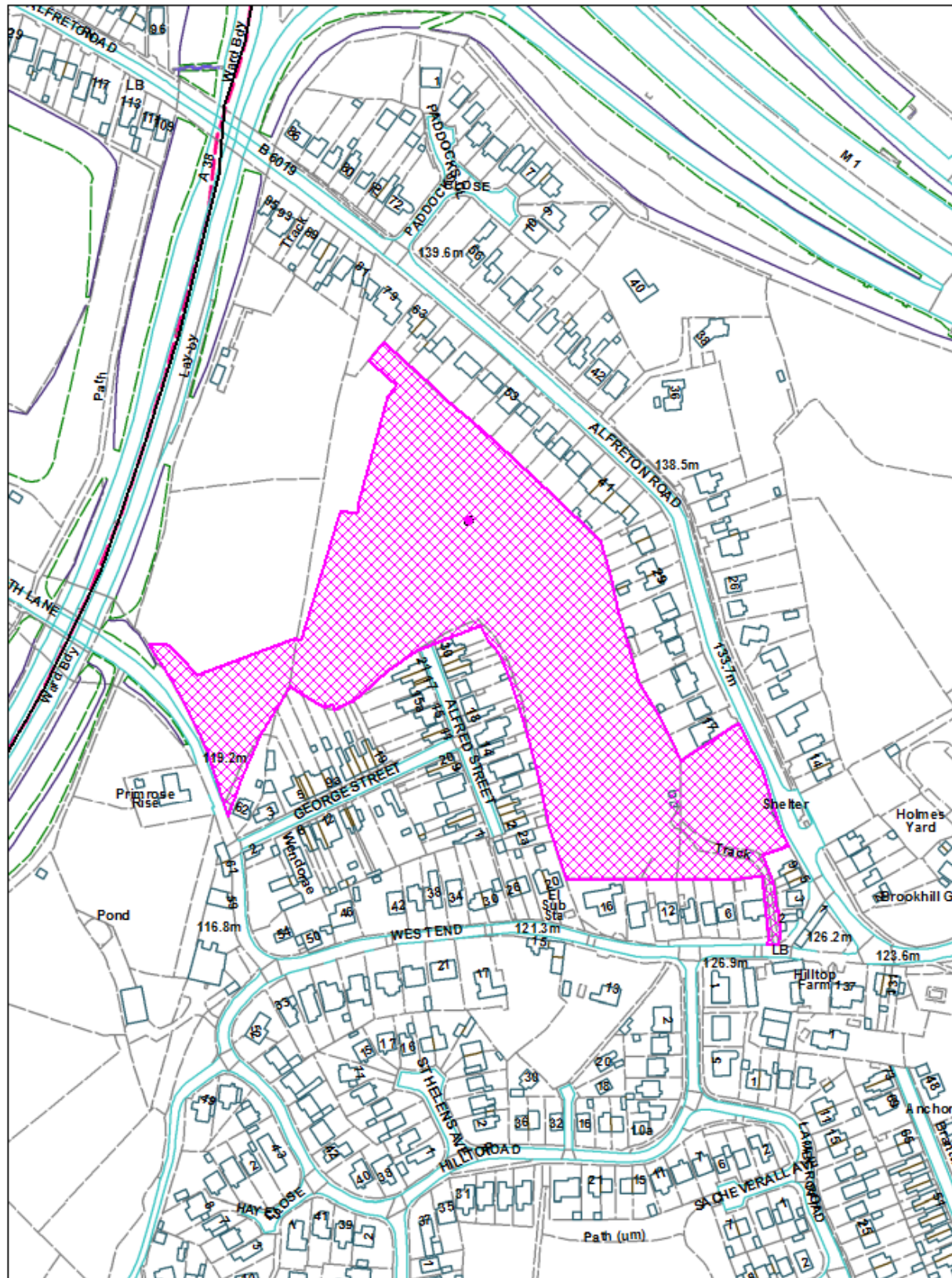
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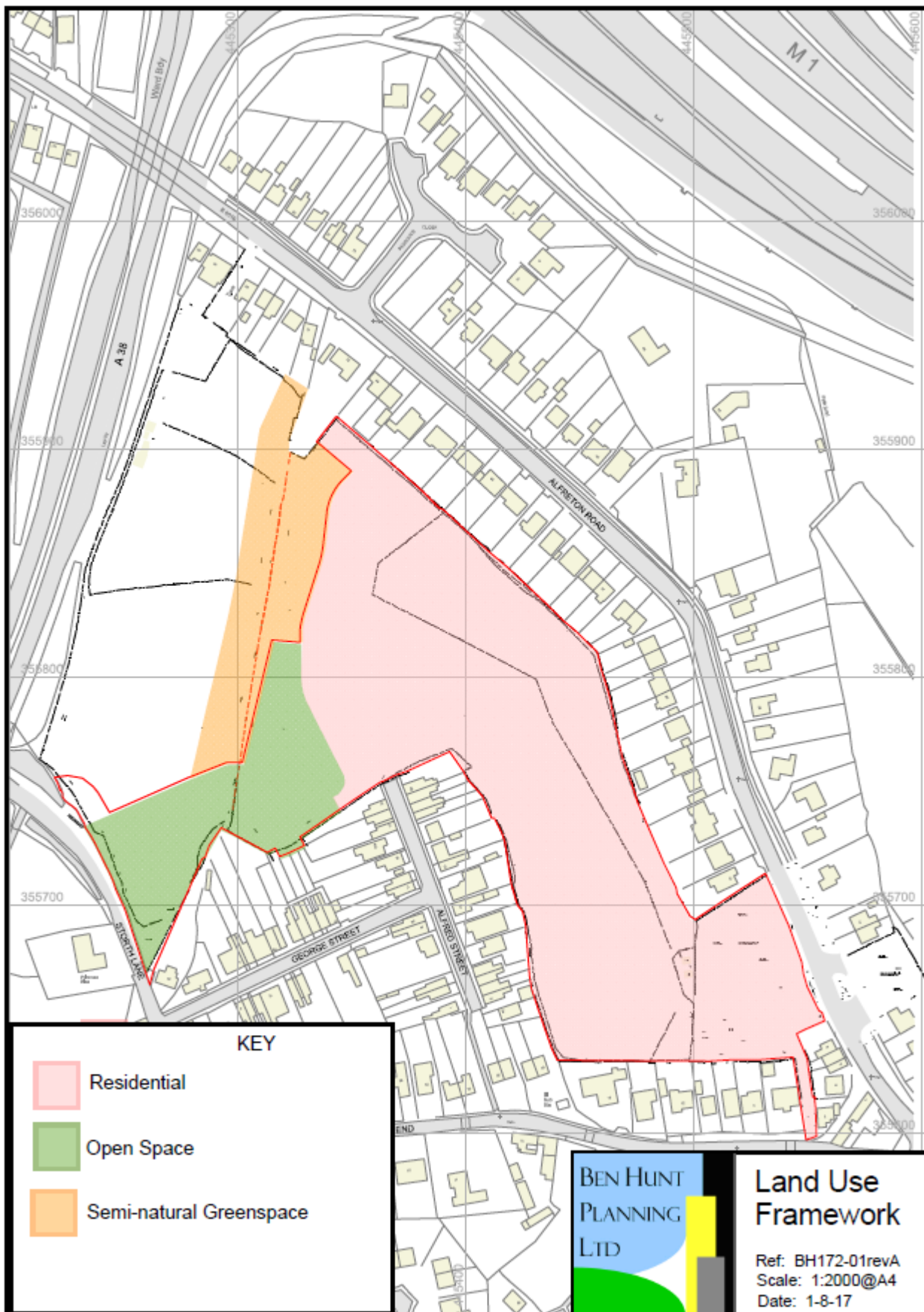
1. In respect of condition 3, whilst this seeks to contain dwellings to the area generally shown on the indicative layout plan, minor variations to this may be appropriate to facilitate appropriate infrastructure provision (i.e. SuDS drainage facilities and play space) and subject to achieving an appropriate design. In this respect, it must be noted that the submitted indicative layout drawing is not considered to be appropriate in that it is not considered to satisfy the Council's published housing layout and design guidance 'Successful Places'; any reserved matters planning application must be able to demonstrate compliance with that document and must also have regard to policy GEN11 (Development Adjoining the Settlement Framework Boundary) of the adopted Bolsover District Local Plan. Additionally regard must be had to responses from consultees, in particular those of The Force Designing Out Crime Officer who has concerns about the indicative layout and the two consultation replies of this Council's Urban Design Officer. Given the comments in these consultation responses, and the requirements of conditions of the planning permission relating to potential constraints, including noise and land stability, it cannot be assumed that it will definitely be possible to deliver 65 dwellings whilst meeting all of the associated requirements for the site. Please note that copies of consultation responses, along with copies of all other documents associated with this planning application can be viewed by searching on the application reference number on the planning application pages of this Council's website www.bolsover.gov.uk.

2. In respect of any details submitted in connection with conditions 4 and 5, any developer must refer to the advisory notes of Derbyshire County Council's Flood Risk Management Team as included in its consultation response to this planning application dated 10th August 2018 that can be viewed on the Planning Application pages of the Council's website. Regard must also be had to the consultation response of this Council's Drainage Engineer submitted on 6th September 2017.
3. In respect of condition 6, regard must be had to the content of the consultation response of the Coal Authority dated 4th September 2017.
4. In respect of condition 8, regard must be had to the related advisory note in the consultation response of the Council's Environmental Protection Officer dated 26th September 2017. Additionally, as advised by the Environmental Protection Officer and in the submitted Air Quality Assessment, any developer is encouraged to use low nitrogen oxide emitting boilers wherever possible and in line with good practice guidance; any gas fired boilers installed at the site should meet a minimum standard of <40mgNO/kWh.
5. Best practice working measures should be followed to safeguard any badgers that may cross the site from time to time. This includes covering deep excavations (> 1 m) and providing ramps in shallow excavations (< 1 m). All open pipework greater than 200 mm diameter should be capped at the end of each day and chemicals should be stored securely on site. These measures will also safeguard other urban mammals, including hedgehogs.
6. Any lighting scheme should ensure that appropriate measures are taken to minimise lightspill to hedgerows and newly created areas of open space in order to minimise the impacts on bats from any on site lighting provision.
7. No vegetation clearance should take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and where necessary, appropriate measures to protect nesting bird interest on the site shall be implemented.
8. The developer is encouraged to make separate enquiries with broadband providers in order to ensure that future occupants have access to sustainable communications infrastructure, and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections. Any new development should be served by a superfast broadband connection unless it can be demonstrated through consultation with the network providers that this would not be possible, practical or economically viable. More information on how to incorporate broadband services as part of the design of new development is available at the following website:
<https://www.gov.uk/government/>
9. Any developer must consult Derbyshire County Council's Public Transport Unit regarding the potential need to relocate the bus stop and shelter as part of the scheme due to its relative proximity to the access.

10. Whilst noting the offer of a footpath link parallel to the A38, this has not been made a requirement of this grant of planning permission and the grant of planning permission does not extend to the provision of that path; this is as that footpath provision is not considered to fairly and reasonably relate to the proposed development and not all the land necessary to provide that path was shown to be in the ownership and control of the applicant. Should any developer, landowner or public body wish to make this footpath provision then this would require a separate grant of planning permission.
11. Any reserved matters should make provision for car parking, which would normally be expected within each plot curtilage, for the parking of two vehicles for a 2 or 3 bedroom dwelling or three spaces for a 4 plus bedroom dwelling. For the avoidance of doubt, where a garage is counted as a parking space, the internal dimensions should be not less than 3m x 6m. Further guidance on car parking sizes can be found in the Council's adopted Design Guide 'Successful Places' that can be found on the Council's Website.
12. For the avoidance of doubt, the works for the provision of new junctions with the highway will need to be the subject of an Agreement under Section 278 of the Highways Act 1980.

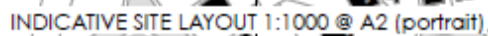
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PARISH

Clowne

APPLICATION	Construction of new dwelling, construction of new barn, conversion of existing barn to microbrewery/ kitchen with associated office.		
LOCATION	Land To The West Of Bridge Close Hollin Hill Road Clowne		
APPLICANT	Mr & Mrs Salt 10 Church View Clowne ChesterfieldS43 4LN		
APPLICATION NO.	18/00043/FUL	FILE NO.	PP-06574992
CASE OFFICER	Mr Chris Fridlington		
DATE RECEIVED	19th January 2018		

SUPPLEMENTARY REPORT

BACKGROUND

The current application proposes (1) construction of a new barn (2) conversion of an existing barn to microbrewery, and (3) the erection of a new house on land off Hollin Hill on the edge of Clowne. The new house would be sited broadly on the footprint of a derelict barn that currently lies adjacent to the southern boundary of the application site. The new barn would be sited opposite the new house and between the existing stables and converted barn so the whole development would be arranged around a central courtyard to the rear of a property known as Bridge Close.

Full details of the proposals are contained in the original officer report (attached to this report as Appendix A) but the application was originally recommended for refusal by officers for the following reasons:

The current application does not meet the requirements of HOU9 because there is no essential need for the new house proposed in countryside outside of the settlement framework. Therefore, the proposals for a new house are considered to be contrary to relevant national planning policies and saved Local Plan policies GEN8 and ENV3 because the house is not necessary in this location.

It is also considered the proposals would not result in such a significant improvement to the rural environment or such a significant benefit to the local community through the reclamation or re-use of land that there are exceptional circumstances in which permission may be granted for a house in this location under the enhancement criteria in relevant national planning policies and ENV3.

The original officer report and officer recommendation of refusal was first considered by the Planning Committee in September 2018.

PURPOSE OF THIS REPORT

At the meeting of the Planning Committee in September 2018, a decision was not made on this application because members indicated that they were actually minded to approve this application with particular reference to the benefits of allowing two locally-based businesses

(one being a start-up business) to develop and expand on the site. The applicants also raised a number of issues at the meeting in September that required further consideration. Therefore, a final decision on this application was deferred.

Consequently, the specific purpose of this supplementary report is to allow members of the Planning Committee to now make a final decision on the current application by providing additional information on the particular economic and social dimensions of this case that could form the reasons for approval of this application. In addition, this report recommends conditions and a s.106 legal agreement, which officers consider would be necessary if permission were to be granted for this application. However, this report must be read in conjunction with the original officer report (attached as Appendix A), which provides a fuller discussion of all other relevant planning considerations.

ASSESSMENT

In this case, officers originally concluded that the proposed development would be acceptable in planning terms other than the location of the site was outside of the settlement framework and there was insufficient justification to grant planning permission for residential development in this location in the countryside contrary to the Council's adopted housing policies.

This was a finely balanced judgment because the proposals would be unlikely to have a harmful impact on the local area and it could be seen that granting planning permission would give rise to some social, economic and environmental benefits. However, in the first instance, additional information presented by the applicants at the meeting of the Planning Committee in September requires further assessment with regard to the public sector duty set out in the Equality Act 2010.

Public Sector Duty

In accordance with the public sector duty in the Equality Act 2010, the Council does need to consider how its decision making on this application would affect a person with a disability, which is a protected characteristic as defined in the same Act. This is because the information provided by the applicants indicates there are two family members who live with the applicants that have a disability which affects their ability to carry out normal day to day activities. The information provided by the applicants suggests the proposed house would help promote equality of opportunity for both these two family members and help meet their currently unmet needs.

In addition, the information provided by the applicants suggests the opportunity to live in the new house with better access to Eco Therapy, for example, would have a positive impact on their own physical and emotional welfare. This is important because the information submitted to the Council by the applicants indicate that they have taken on 'carer's roles' for the two family members with protected characteristics whose needs are not being met in their current accommodation or in any other way according to the information made available to the Council.

Therefore, a decision to approve this application could be deemed to be consistent with the public sector duty set out in the Equality Act 2010 because an approval would provide the applicants the opportunity to use private money to build a new house to help meet the unmet needs of the household and minimise disadvantages currently suffered by the two family members because of their protected characteristics.

A decision to approve this application on this basis could also be deemed to be consistent with national planning policies which say it is important that the needs of groups with specific housing requirements should be addressed and go on to say: in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

However, the proposed house does not incorporate any special adaptations or allow the two family members with protected characteristics to live independently. So, the new house would not necessarily continue to meet the needs of either of these two family members over the longer term given that there are no particular design features built into the new house that addresses their needs other than its location. These issues make it difficult for officers to recommend granting planning permission for a permanent house in the countryside 'solely' to meet what may be a 'transient' need based on the applicants' current circumstances.

Nonetheless, if members were minded to approve the application with regard to the public sector duty, as outlined above, officers would recommend prior entry into a legal agreement that limits occupation of the new house to the applicants and their family for three years following completion of the new house and it first being taken into use. This type of legal agreement would be reasonable and necessary to ensure that the new house would meet the need identified by the applicants that could be deemed to justify granting the new house planning permission contrary to adopted policies in the Bolsover District Local Plan.

The Business Case

The current application seeks permission to convert and subdivide the existing barn on the site to form a microbrewery, a commercial grade kitchen and a small office. The office would be shared by the microbrewery business and the operator of the commercial kitchen and used for the administration of the adjacent land in ownership (currently partly-used for growing hops). The commercial kitchen would be used for creating candles, soaps and similar scented products that would be made from natural ingredients.

Information submitted by the applicant indicates the microbrewery proposals, in particular, are realistic and reasonably likely to happen. The business proposals are also both related to the management of land in the applicants' control (c. 3 hectares) because it is intended to grow hops for the microbrewery and scented plants for use in the commercial kitchen on this land. In addition, the proposed house would help prevention of crime because someone living on the site would provide more security for the site itself and the associated land holding.

In this case, if it were to be considered that the business proposals amounted to an 'essential need' for a dwelling for a rural worker, then the proposals would comply with the thrust of saved Local Plan policy HOU9 and the specific provisions of Paragraph 79 of the revised Framework. These policies allow for new housing outside of the settlement framework for a rural worker to be able to live permanently at or near their place of work in the countryside on an exceptional basis.

If members were minded to approve this application on this basis then it would be necessary to place an occupancy restriction on the new house so it would be lived in by a person (and their dependents) who were employed solely or mainly in either of the businesses operating from the converted barn. This type of condition would be reasonable and necessary to ensure that the new house would continue to remain available to future employees of the business(es) operating from the site rather than be sold on the open market to meet general demand, for example.

An occupancy condition would also be reasonable and necessary because the residential amenities of the new house would be affected by the proximity of the new house to the business premises and this level of amenity would only be acceptable (from a planning perspective) if the person or people occupying the new house were employed by the business(es) operating from the site.

Equally, consideration should be given to a phasing condition that would only allow construction on the new house to commence once the existing barn had been converted. This would be reasonable and necessary insofar as there would need to be an existing business operating from the site for the new house to be occupied in compliance with the proposed occupancy restriction.

Relationship between the needs of the applicant and the business case

Notably, when the need for a new house in the countryside arises from a start-up business, as in this case: officers would normally recommend approval of temporary accommodation (such as a mobile home). This is mainly because an approval for temporary accommodation allows an applicant to live on site (or close to their place of work) to be better placed to build up their business to demonstrate that there is a longer term need for permanent on-site accommodation for a rural worker. This approach gives all parties greater certainty and less likelihood of a subsequent application to remove an occupancy condition attached to a permanent house in the countryside because the business proposals were subsequently found to be unviable or unsustainable for whatever reason

In this case, there would be less need to consider whether temporary accommodation would be more appropriate to test the long term viability of the business in this case if the new house would also meet an unmet need (of the family members with a protected characteristic) as identified above – provided that a legal agreement secured first occupancy of the new house by the applicants' family. In these respects, officers consider it is actually a combination of the opportunity to meet the unmet needs of the two family members with protected characteristics and the relative strength of the applicants'

business case that constitute the exceptional circumstances that would form the reasons for approval of this application.

This approach would minimise the risks involved with granting planning permission for a permanent house based on the business case for an 'untested' business, and provide a long term planning purpose for granting planning permission for the new house if the family members with a protected characteristic were to move out of the house in the future.

If this application were to be approved on the basis of this combination of the applicants 'personal circumstances' and their business case, a condition restricting occupancy of the new house to a rural worker employed by either of the two on-site businesses would still be necessary. This is because the applicants could not be reasonably expected to live so close to the converted building (once it has been taken into a commercial use) unless it was on a live/work basis. Similarly, a phasing condition would still be necessary to ensure that the conversion of the barn happens at an early stage of the development to ensure the wider economic benefits of granting planning permission for this application would be achieved.

Other Matters

In all other respects, the original officer report concluded that the proposed development would not harm the environmental quality of the local area subject to planning conditions ensuring that any odours from the commercial kitchen would be properly dealt with in the interests of safeguarding the amenities of neighbouring and nearby residential properties.

Alongside a condition related to odour, it would also be reasonable and necessary to reserve approval of design details to ensure that the completed development would be of an appropriately high quality if permission were to be granted for this application. These types of conditions would require approval of samples and/or specifications of external cladding materials prior to the erection and conversion of buildings on the site and the details of any roof-mounted solar arrays prior to their installation.

As noted above, a legal agreement requiring the new house to be first occupied by the applicants, a phasing condition and an occupancy condition would also be recommended alongside conditions imposing a time limit for commencement and requiring the development to be completed in accordance with the approved plans, which would otherwise be required in the interests of the proper planning of the local area.

Finally, in addition to the previous agricultural use of the land, historical mapping indicates the site may have been subjected to other potentially contaminative uses, including a sewage works and allotment gardens. There is also likely to be infilled ground in the vicinity of the site (along the former railway line) which can also be a potential source of contamination. Therefore, given the sensitivity of the proposed development, a condition dealing with potential contaminants would also be required if permission were to be granted for this application.

Conclusions

In conclusion, the development proposed in this application can be made acceptable in planning terms, subject to appropriate planning conditions and a legal agreement, if it is accepted that there are exceptional circumstances that would justify permission being granted for a new house in the countryside in this case.

Although the issues remain finely balanced, on the basis that an approval would provide an opportunity to address the unmet needs of this particular household and allow two locally-based businesses to develop and expand; it is considered there is sufficient justification to recommend conditional approval of the current application.

RECOMMENDATION

The current application be APPROVED subject to

A. prior entry into a S.106 legal agreement specifying named first occupants of the proposed dwelling and restricting occupancy of the dwelling to those named occupants for three years from first occupation; and

B. the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the approved plans.
3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

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

accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

E. Importation of soil

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

4. Prior to the conversion of the existing building hereby permitted, samples and specifications of all external facing materials and a scheme for the extraction, dispersal and control of odour, together with details of all elements of the inlet and extract systems and associated noise assessment shall be submitted to and agreed in writing by the local planning authority. Thereafter, the proposed conversion must be carried out in complete accordance with the approved details.
5. The dwelling hereby permitted shall not be occupied until the conversion of the existing building has been completed in accordance with the approved plans and the details approved under Condition 4 (above).
6. Prior to the erection of the new dwelling and/or the new storage building hereby permitted, samples and specifications of all external facing materials shall be submitted to and agreed in writing by the local planning authority. Thereafter, the proposed conversion must be carried out in complete accordance with the approved details.
7. Prior to the installation of any roof-mounted solar array on any of the buildings on the land in the applicants' control, samples and specifications of the solar arrays shall be submitted to and agreed in writing by the local planning authority. Thereafter, the proposed solar arrays must be installed in complete accordance with the approved details.
8. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed or last employed in the microbrewery and/or commercial kitchen (also consented by this permission), or a widow or widower of such a person, and to any resident dependants.

APPENDIX A: ORIGINAL OFFICER REPORT

PARISH Clowne

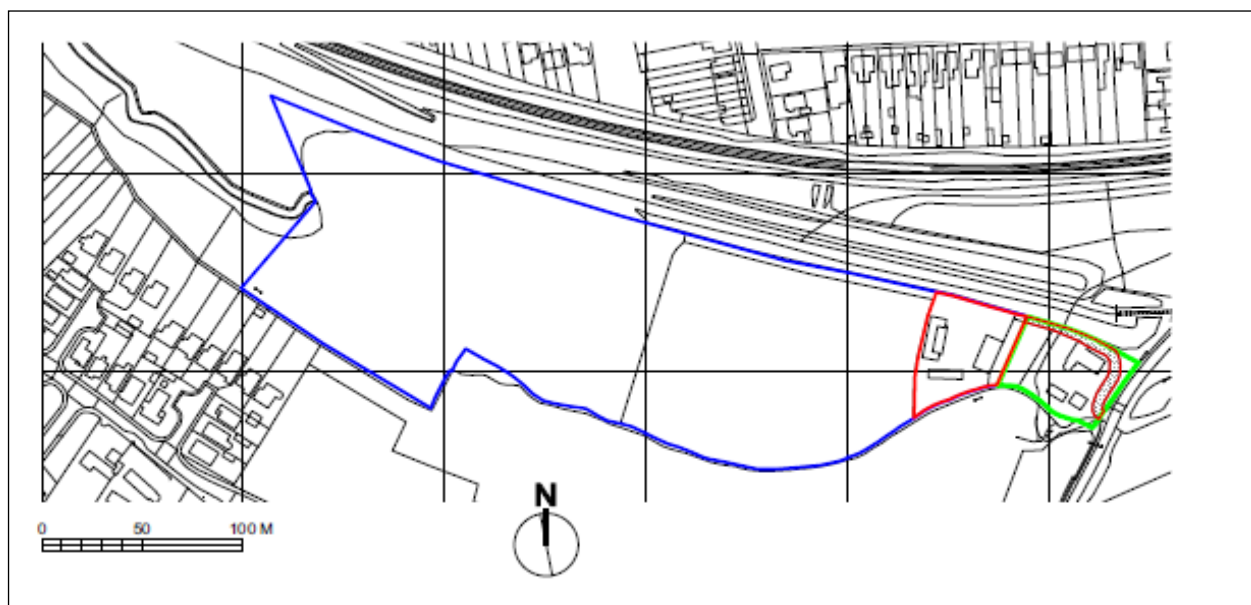
APPLICATION Construction of new dwelling, construction of new barn, conversion of existing barn to microbrewery/ kitchen with associated office.
LOCATION Land to the West of Bridge Close, Hollin Hill Road, Clowne
APPLICANT Mr & Mrs Salt 10 Church View Clowne Chesterfield S43 4LN
APPLICATION NO. 18/00043/FUL **FILE NO.** PP-06574992
CASE OFFICER Mr Chris Fridlington
DATE RECEIVED 19th January 2018

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Planning Manager
REASON: To ensure transparency in the department's decision taking into account the planning history attached to the site, the Heritage Conservation Manager's support for the design of the proposed development, and the potential support for these proposals in national planning policies in the revised National Planning Policy Framework.

SITE

The application site lies on land off Hollin Hill that lies outside of the settlement framework but adjacent to the designated Clowne Conservation Area. The site is accessed from a shared driveway that runs around the northern side of an existing dwelling known as Bridge Close. Clowne Linear Park runs parallel to part of this driveway and the northern boundary of the site and a small stream runs along the southern boundary of the application site. There is mature planting along both these boundaries and some planting between the site and Bridge Close, which is on land at a lower level to the application site.

Location Plan



The application site is currently occupied by three buildings: a 4 bay steel framed barn with blockwork and profiled sheet walls and roof; a timber framed and clad stable block for 8 horses (permission granted 2007 - 07/00295/FUL), and a single storey derelict barn.

Existing Barn



Stables



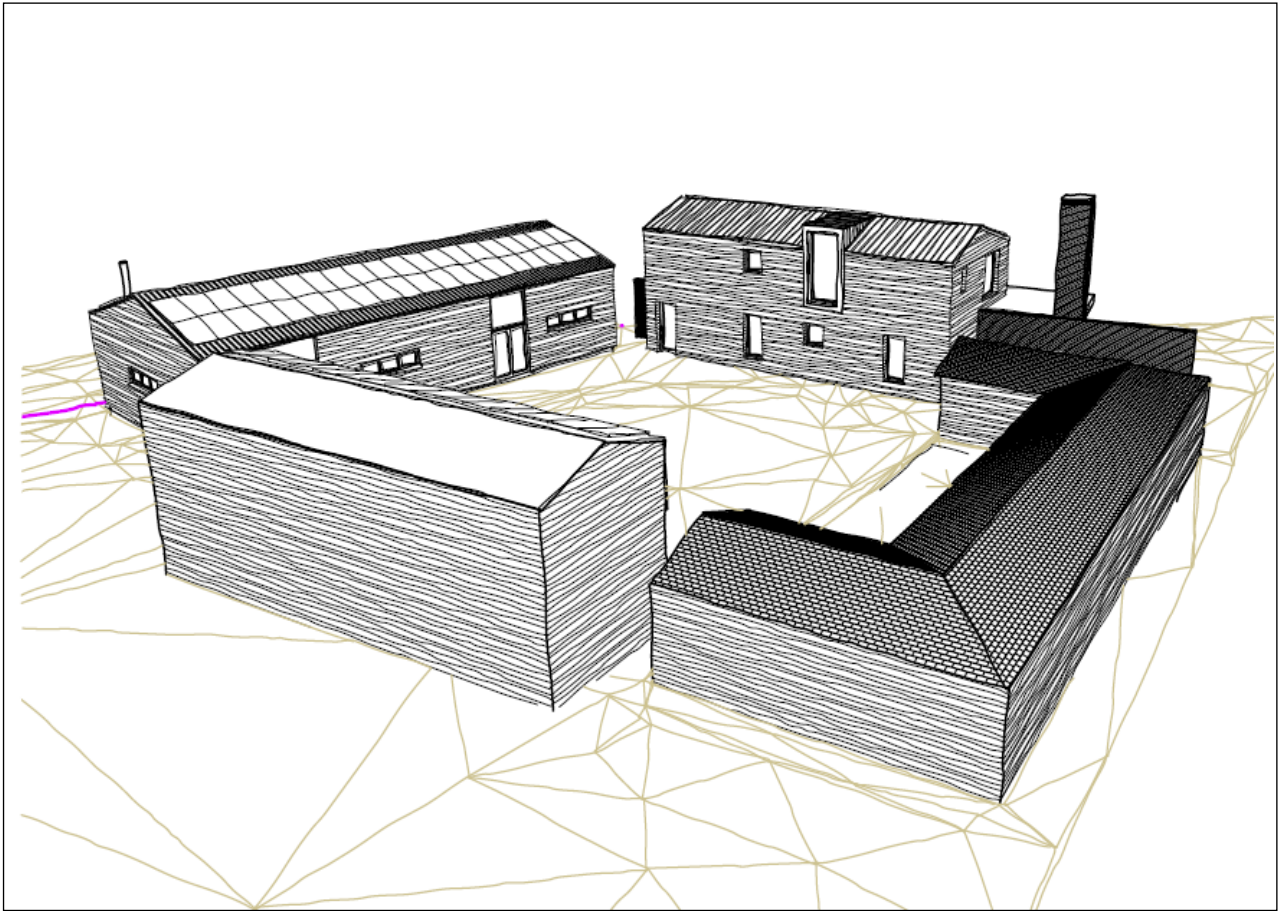
Derelict Barn



PROPOSAL

The current application proposes (1) construction of a new barn (2) conversion of the existing barn to microbrewery, and (3) the erection of a new house. The visualisation (overleaf) shows how the new house would be sited broadly on the footprint of the derelict barn adjacent to the southern boundary of the application site. The new barn would be sited between the existing stables and barn (opposite the new house) so the whole development would be arranged around a central courtyard.

Visualisation of Proposals



AMENDMENTS

Additional information has been submitted to support the application including an updated heritage statement and business case. There have been no amendments to the plans submitted with the original application.

HISTORY

In May 2010, planning permission was refused for the demolition of an existing barn and erection of two storey dwelling (application no. 10/00072/FUL). The subsequent appeal was dismissed because the proposed dwelling was located outside of the settlement framework and because the proposal would cause harm to the rural character and appearance of the site and its surroundings and fail to preserve the character, appearance and setting of the Clowne Conservation Area by virtue of its siting and design.

In 2007, permission was granted for the erection of the existing stable block and a new barn to replace the derelict barn on the application site (07/00295/FUL).

CONSULTATIONS

Bolsover District Council (Engineers) – No objections.

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

Bolsover District Council (Heritage Conservation Manager) - No objections but comments that the scheme is well considered and aims to convert existing agricultural buildings and introduce a new dwelling whilst referencing the character of the existing site and its buildings.

Clowne Parish Council – No response to date.

Derbyshire County Council (Flood Team) – No objections.

Derbyshire County Council (Highways) – No objections subject to conditions.

Environment Agency – No response to date.

Severn Trent Water – No response to date.

PUBLICITY

The application has been publicised by site notice and neighbour notification and one representation has been received by the Council, which supports the proposals by saying that the development is innovative and would improve the site.

POLICY

Bolsover District Local Plan

Relevant saved Local Plan policies include:

GEN 1 Minimum requirements for development)
GEN 2 (Impact of the development on the countryside)
GEN 4 (Development on contaminated land)
GEN8 (Settlement Frameworks)
ENV 3 (Development in the countryside)
ENV4 (Reuse and adaptation of rural buildings)
ENV 5 (Nature conservation interests throughout the district)
HOU9 (Essential new dwellings in the countryside)
CON 4 (Development adjoining conservation areas)
CON 10 Development affecting the setting of listed buildings)

Publication Version of the Local Plan

The Publication Version of the Local Plan has now been submitted to the Secretary of State but there are no emerging policies that are significantly different from the thrust of saved Local Plan policies in the existing Local Plan. Notably, the application site remains outside of the settlement framework and is not designated for residential development in the Publication Version of the Local Plan.

National Planning Policy Framework

The National Planning Policy Framework was revised in July 2018. The paragraphs in the revised Framework that are most relevant to the current application include:

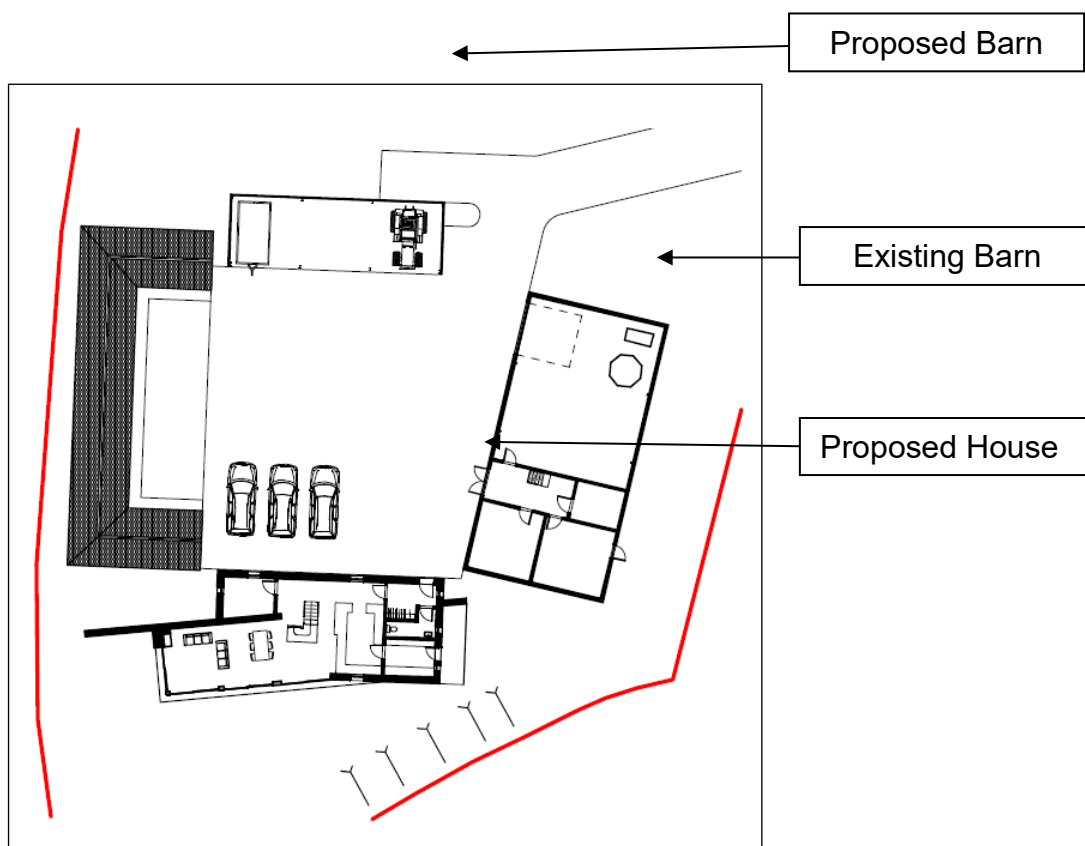
- Paragraph 8: Achieving sustainable development
- Paragraph 11: Presumption in favour of sustainable development
- Paragraph 34: Development contributions
- Paragraphs 47-50: Determining applications
- Paragraph 54-57: Planning conditions and obligations
- Paragraph 67: Identifying land for homes
- Paragraphs 73-74: Maintaining supply and delivery
- Paragraph 76: Timescales for commencement of permission
- Paragraphs 83 & 84: Supporting a prosperous rural economy
- Paragraph 92 & 94: Promoting healthy and safe communities
- Paragraph 127: Achieving well-designed places
- Paragraphs 184 & 189-193: Proposals affecting heritage assets

ASSESSMENT

Construction of a new barn

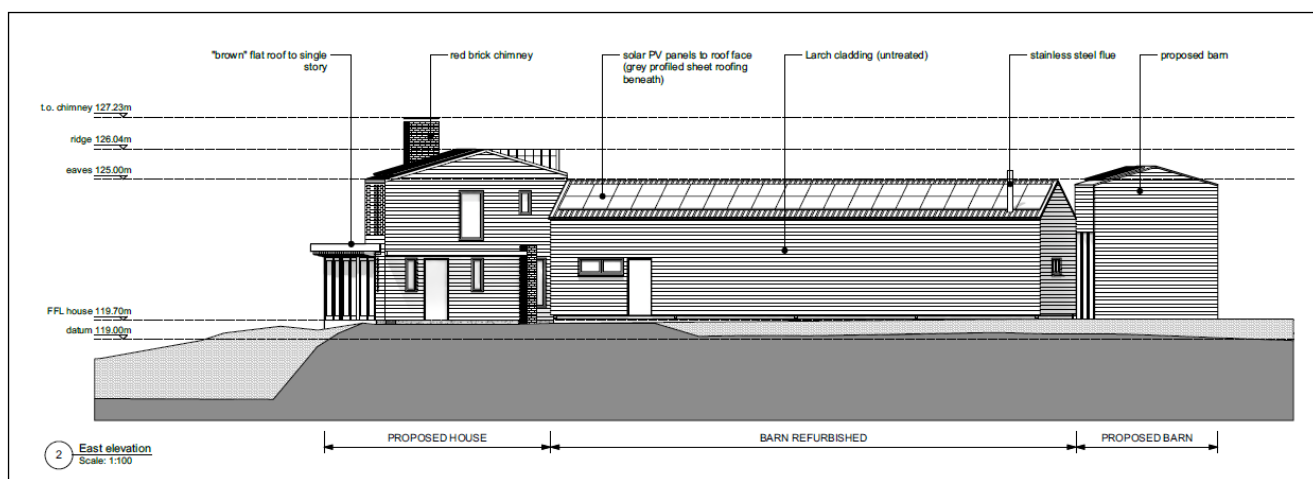
Previously, planning permission has been granted for a new barn on the application site (07/00295/FUL) and this permission remains extant because it was implemented when the existing stable block was built. However, this barn would have been located on the site proposed for the new house (see below).

Site Layout



The new barn (proposed in this application) is required for the dry storage of hay, the drying of hops, and the storage of implements and it would be a steel-framed building clad in horizontal open jointed timber. This type of building used in association with land management would normally be acceptable in the countryside under ENV3, which allows for development that is necessary in the countryside. However, as noted above, the new barn proposed in this application is only 'needed' because the new house would be constructed in the position of the new barn approved previously under application no. 07/00295/FUL.

East-facing Elevation



Therefore, the acceptability of the new barn proposed in this application rests on the acceptability of the new house insofar as the consented barn would be located tighter to the southern boundary of the site where it would have less visual impact than the barn proposed in this application. In addition, there appears to be no obvious or essential requirement for two new barns on the application site and if the house was not consented; there is fall-back position that would allow the applicant to build the barn consented under the existing permission (07/00295/FUL).

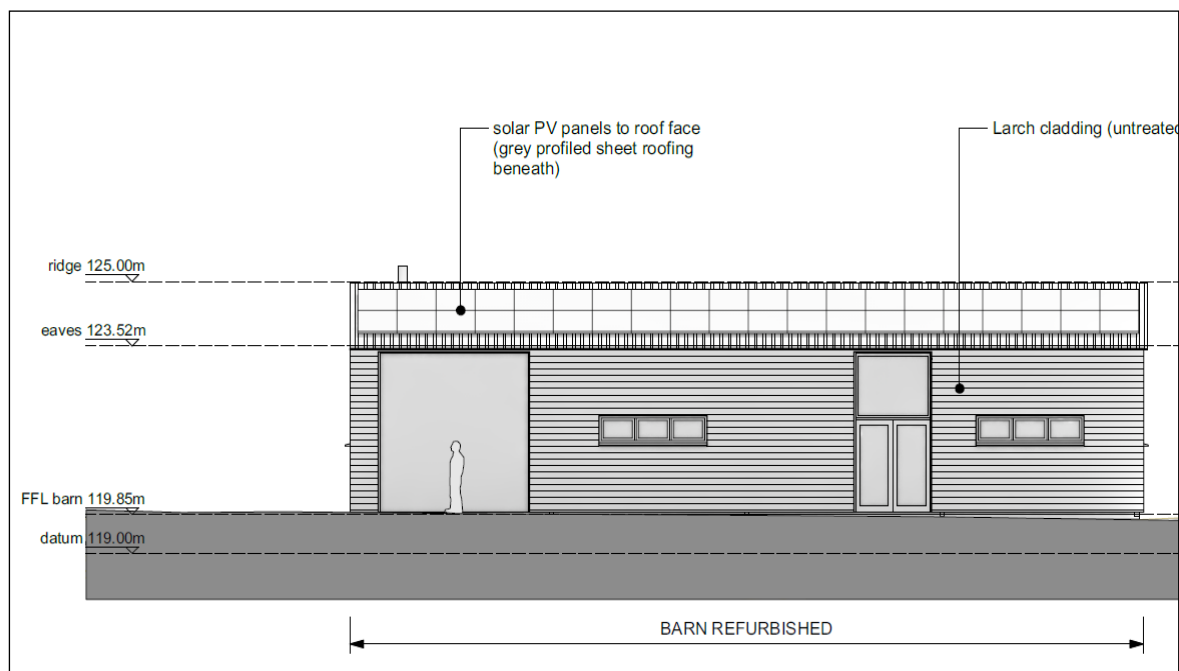
Conversion of the existing barn to microbrewery and commercial kitchen

The current application proposes to convert and subdivide the existing barn on the site to form a microbrewery, a commercial grade kitchen and a small office. The office would be used for the administration of the adjacent land in ownership (currently partly-used for growing hops) and shared by the microbrewery business and the operator of the commercial kitchen. The commercial kitchen would be used for creating candles, soaps and similar scented products that would be made from natural ingredients.

The submitted plans (overleaf) show that the walls will be clad with timber boarding and the roof will be covered with new profiled sheeting, similar to the sheeting on the existing building. Solar photovoltaic panels are proposed to both roof faces whereas there would be a limited amount of new openings in the existing building. Overall, it is considered that the converted building would retain the appearance of a rural building and this helps to minimise the visual impact of these proposals on the surrounding Conservation Area, nearby listed St John the Baptist's church, and the wider landscape in accordance with saved Local Plan policies CON4, CON10 and GEN2.

Saved Local Plan policy ENV4 and national planning policies in the revised National Planning Policy Framework also support the proposed re-use and adaptation of the existing barn and there are no objections to the proposals to convert the existing barn on highway safety grounds. In addition, it is highly unlikely that the proposed use would be unneighbourly other than the Environmental Health Protection Officers are recommending conditions to deal with the potential for odour. Therefore, there are no overriding objections to the proposals for conversion of the existing barn to microbrewery and commercial kitchen (when assessed in isolation) subject to appropriate planning conditions.

External appearance of converted barn



Erection of a new house

Saved Local Plan policies GEN8 and ENV3 only allow for residential development in the countryside outside of the settlement framework in very limited circumstances. The proposed house would be located outside of the settlement framework and therefore, must be carefully justified to meet the requirements of ENV3 that allow for development that 'needs' to be in the countryside. Saved Local Plan policy HOU9 or Paragraph 79 of the revised Framework both allow for new dwellings in the countryside to meet an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

The need for the house proposed in this application is related mostly to the above proposals for conversion of the existing barn to a commercial use and could allow both applicants to make a success of their respective business proposals. The business proposals are both related to the management of land in the applicants' control (c. 3 hectares) because it is intended to grow hops for the microbrewery and scented plants for use in the commercial kitchen on this land. The proposed house would also help prevention of crime because someone living on the site would provide more security for the site itself and the associated land holding.

However, the justification for the dwelling falls short of that required for a new house in the countryside for an occupational worker because there is no 'essential' requirement for either applicant to be on the site at most times during the night and day throughout the year to manage the land or either business operating from the converted barn. Equally, whilst both the applicants' businesses would benefit from the marketing aspects (and practical aspects) of growing all or part of their product on their own land; it is also clear that neither business is

dependent on being in the proposed location outside of the existing settlement framework to operate successfully.

Therefore, the proposals do not comply with saved Local Plan policy HOU9 or Paragraph 79 of the revised Framework in the absence of an 'essential need for the dwelling' and as such: the dwelling is not necessary to meet the needs of a rural-based rural business in this location contrary to the requirements of saved Local Plan policy ENV3.

However, there are other exceptions in Paragraph 79 of the revised Framework that might allow consent for a new house in the countryside to be granted including where the design of the new house would be of exceptional quality, in that its design would be:

- truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

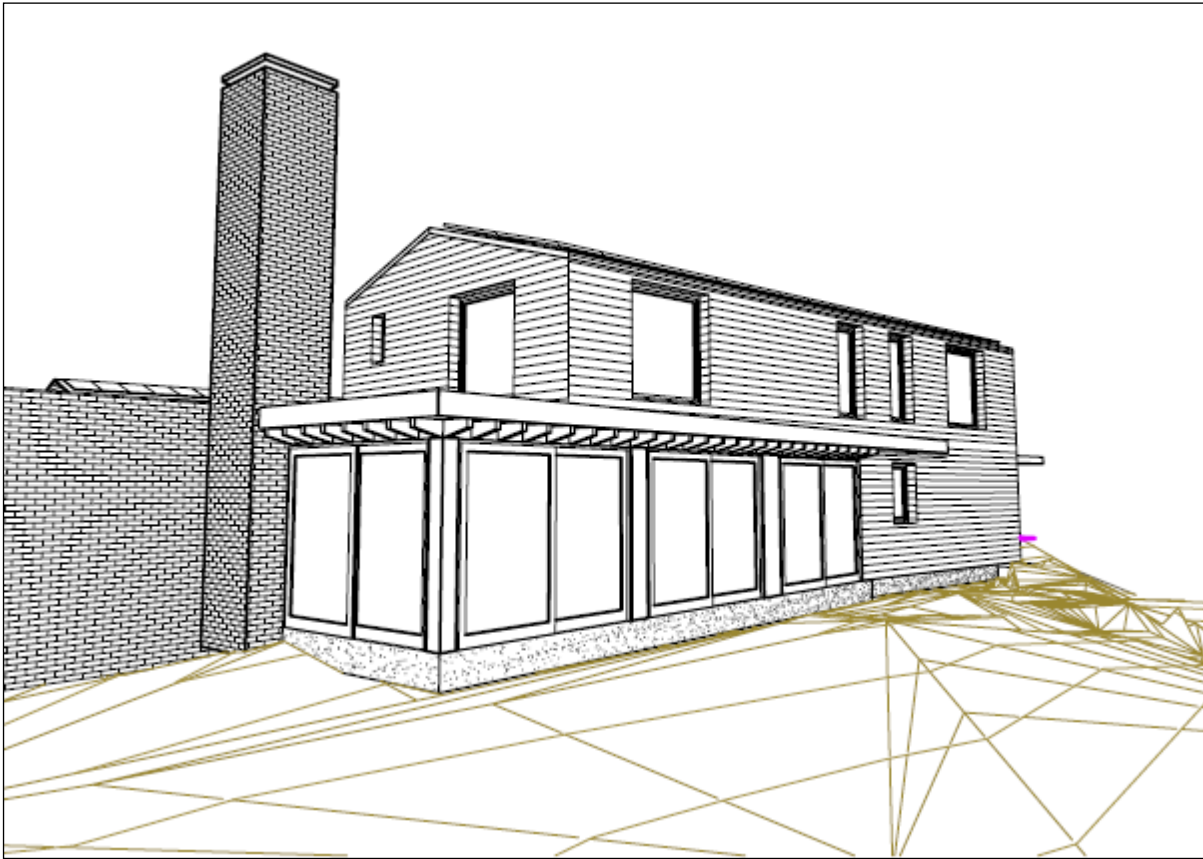
In this case, the Council's Heritage Conservation Manager considers that the scheme is well considered and aims to convert existing agricultural buildings and introduce a new dwelling whilst referencing the character of the existing site and its buildings.

Design Quality

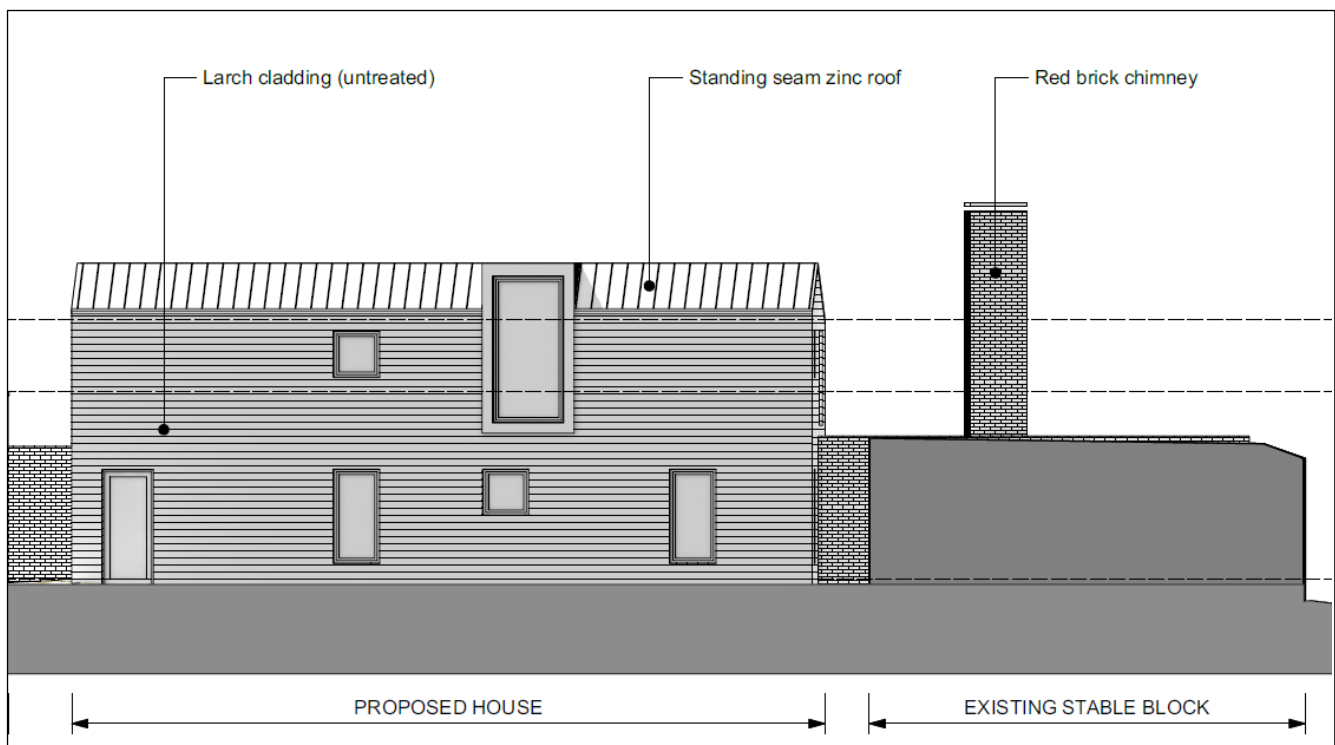
As shown on the submitted plans (overleaf), the proposed house is composed around a central building that has been designed to look like a farm building. The walls of this part of the new house would be clad in timber and would have a zinc-covered roof with solar photovoltaic panels to the south facing roof face. A glazed single-storey element forms an intersecting design feature linked to the south facing elevation of the main part of the building, which would have a 'brown' roof to encourage biodiversity and slow surface water runoff. This adds interest to the building as would a sheltering brick-built fin wall that would extend beyond either end of the house and a brick-built chimney. The use of red-brick and the presence of the chimney is intended to echo Clowne's industrial heritage.

The north facing elevation of the new house (also shown overleaf) is much plainer with only the irregular shaped windows adding interest and overall the new house would fall short of being a truly innovative design as described in national planning policies. Although it is acknowledged it would be distinctive, there is nothing truly ground-breaking in either the form and massing or the individual elements of the new house, the proposed construction materials or the environmental performance of the building.

South Facing Elevation



North-Facing Elevation



Enabling Development

Although the dwelling might not be permissible because it is not of 'exceptional quality', for the above reasons, it should still be taken into account that the dwelling could otherwise be considered enabling development that could enhance the quality of the local area including the setting of the adjacent Conservation Area. Paragraph 79 of the revised Framework also says, amongst other things, isolated homes in the countryside will not be permissible unless:

- the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- the development would re-use redundant or disused buildings and enhance its immediate setting;

In addition, Paragraph 202 of the revised Framework says local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies. Saved Local Plan policy ENV3 also allows for development outside of the settlement framework where the development would result in a significant improvement to the rural environment or would benefit the local community through the reclamation or re-use of land.

In this case, it is reasonable to say the new house, and the development as a whole, would not have a negative impact on the surrounding Conservation Area partly because the main views into the site would be dominated by buildings that would be of a similar appearance to farm buildings. The buildings would also be sited in a relatively discrete location screened from most public vantage points by mature trees and the chimney would more likely be seen as a 'quirky feature' in the landscape rather than a particularly intrusive and alien development.

Furthermore, the proposed development would result in the existing buildings being improved and the derelict barn being removed. However, these enhancements would have a limited impact on the overall environmental quality of the local area partly because the buildings are, as above, sited in a relatively discrete location screened from most public vantage points by mature trees. In addition, the presence of farm buildings and stabling in a rural area is not unusual and a consent has already been granted for a replacement for the derelict barn. There is also no reason to consider that the site itself or the existing buildings are currently in a non-conforming use that would justify a new house to enable re-location of an existing unneighbourly business, for example.

Therefore, the new house cannot be justified as enabling development that would warrant an exception to saved Local Plan policies primarily because the value of a new open market house is not proportionate to the value of the enhancements to the public realm that could be achieved by granting permission for this application on an exceptional basis. The provision of a new open market house on the land is also not considered to be a proportionate way to offset the private costs of carrying out improvements to the buildings that would not be excessive compared to the 'normal' business costs of maintaining land and buildings on a small holding of land.

Consequently, whilst there are no overriding objections to the proposals on conservation grounds, the house does not meet the requirements of ENV3 or national policies in terms of being necessary enabling development that would give rise to significant public benefits or substantial enhancement to the special qualities of the adjacent Conservation Area and/or the environmental quality of the local area more generally.

The Planning Balance

In light of the above assessment, it is considered that the current application does not meet the requirements of HOU9 because there is no essential need for the new house proposed in countryside outside of the settlement framework. Therefore, the proposals for a new house are considered to be contrary to relevant national planning policies and saved Local Plan policies GEN8 and ENV3 because the house is not necessary in this location.

It is also considered the proposals would not result in such a significant improvement to the rural environment or such a significant benefit to the local community through the reclamation or re-use of land that there are exceptional circumstances in which permission may be granted for a house in this location under the enhancement criteria in relevant national planning policies and ENV3.

The new barn proposed in this application is also difficult to accept insofar as the barn consented previously could be sited in a preferable location if permission were to be refused for the house proposed in this application.

However, it has to be acknowledged that the new barn, new house and converted building would have a limited visual impact on the surrounding Conservation Area and the wider landscape. Equally, the site is on the edge of Clowne in a reasonably sustainable location in terms of access to services and facilities and the applicants have completed and intend to carry out further environmental improvements on their land such as tree planting and habitat creation.

In addition, a new barn and conversion of the existing barn to allow for commercial uses on the site, as proposed in this application, would be acceptable in this location and the business uses that would be accommodated in the converted barn would provide some economic benefits. The business plans submitted with the application show that the microbrewery is a realistic business proposition that is likely to be successful. Similarly, the operations taking place in the commercial kitchen could expand into a larger market if the conversion of the existing barn were to be granted planning permission. In both cases, the respective businesses intend to emphasise their local connections and use locally produced hops and scented plants.

Therefore, although these businesses would not create a significant amount of jobs, they would still provide local employment opportunities and have some positive impacts on the local economy. Similarly, the actual development would give rise to some limited economic benefits for the local area during the construction period but the provision of one house cannot be said to meet any shortfall in housing supply in any meaningful way. There is also no case made out to say the new house would meet an identified need for affordable housing.

In addition, there is no compelling case that the house is required to accommodate a person with a registered disability and it is not considered that there is an essential need for the house insofar as it would allow the applicants to live closer to close relatives who might require their care.

It is therefore concluded that the personal circumstances of the applicants cannot be taken into account in the determination of this appeal but the proposals, as a whole would give rise to some wider public benefits along all three dimensions of sustainable development: i.e. the proposals would support the start-up and expansion of two locally-based businesses; give rise to some local employment opportunities; contribute positively to the local economy; and contribute to some localised environmental improvements including micro-generation of renewable energy.

However, it is also concluded that these benefits are not sufficient to offset or outweigh the identified conflict with national planning policies and saved Local Plan policies GEN8: HOU9 and ENV3 in the absence of an overriding need for the new house in this location outside of the settlement framework.

Accordingly, the current application is recommended for refusal.

RECOMMENDATION

The application be REFUSED for the following reasons:

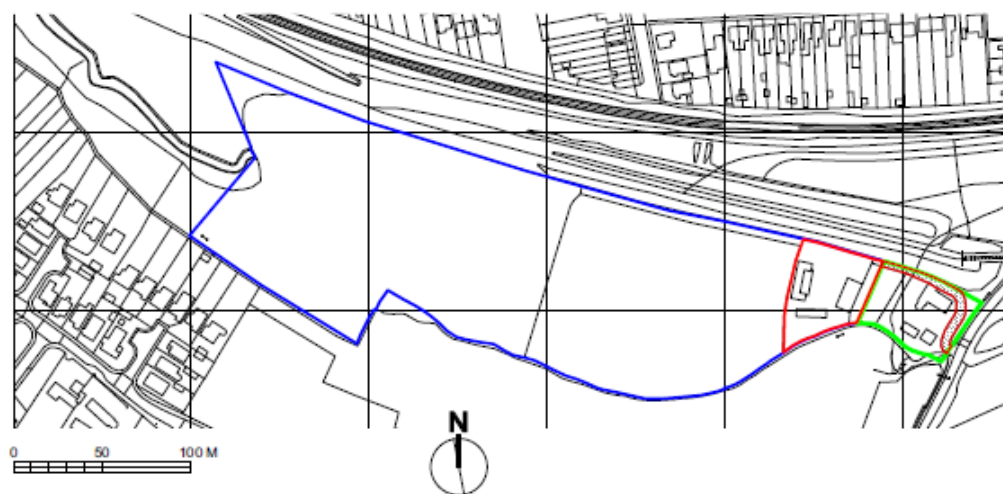
The current application does not meet the requirements of HOU9 because there is no essential need for the new house proposed in countryside outside of the settlement framework. Therefore, the proposals for a new house are considered to be contrary to relevant national planning policies and saved Local Plan policies GEN8 and ENV3 because the house is not necessary in this location.

It is also considered the proposals would not result in such a significant improvement to the rural environment or such a significant benefit to the local community through the reclamation or re-use of land that there are exceptional circumstances in which permission may be granted for a house in this location under the enhancement criteria in relevant national planning policies and ENV3.

Statement of Decision Process

Officers have sought to work positively and pro-actively with the applicants and their agent to address the policy issues set out in full in the officer report. However, amended plans would not address the fundamental reasons for refusal of this application.

Site Location Plan



Key:

- Site boundary
- Other land in same ownership
- Bridge Hill Close (applicant's parents)

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 19 October 2018 commencing at 10:00hours.

PRESENT:-

Members: Councillors T Alexander, J Clifton, P. Cooper, P. Cooper, T Munro (Chair), S Peake, D Watson and J Wilson.

Officer: Peter Sawdon

APOLOGIES

Apologies were received from Councillors PM Bowmer, M Crane, S Fritchley, D McGregor, K Reid and R Turner (Vice Chair).

SITES VISITED

1) Land to the Rear of 17 To 95 Alfreton Road, Pinxton (17/00396/OUT).

The meeting concluded at 11:40 hours

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

Agenda item No: 6.1: Land to the Rear of 17 to 95 Alfreton Road, Pinxton (17/00396/OUT).

The original report makes reference to amended details regarding the proposed pedestrian and cycle link onto Storth Lane on which the comments of the Highway Authority were awaited, which have now been received. The Highway Authority are now raising no objections but have suggested an amended condition to include a requirement for a pedestrian guard barrier; the agent has agreed to the suggested amended condition.

Since completion of the report, two additional letters of representation have been received. Both raise issues in respect of impacts from traffic including:

- Volume of traffic, especially heavy Lorries and associated congestion
- Traffic speeds on Alfreton Road
- Weekly accidents in and around Alfreton Road and worsening of congestion that results from this
- Difficulty in leaving private drives onto Alfreton Road

- Adding a further road junction close to West End junction
- Amount of traffic at that junction given this would be the single point of entry and exit from the development site onto Alfreton Road.
- Air quality effects of all the traffic that will be worsened by traffic from this development that is already affecting people's lives; residents can't open front windows as a result.
- Strongly believe that there needs to be further infrastructure in place, namely another road linking this land to the A38 and M1 other than Alfreton Road.
- Additional issues in the vicinity of the access due to presence of two bus stops and parked cars.⁵

The representations received do not alter the considerations in respect of highway safety or air quality and do not alter the conclusions or recommendations in this respect.

The Chair of Planning Committee has asked for clarification regarding the comments made in letters of representation suggesting that the Interim Planning Policy Manager stated that there is 'No room for sustainable development in Pinxton', along with additional comments on the basis that the Council have a five year housing supply. In this respect the Interim Planning Policy Manager has stated: -

"I note that the quotes relate back to October 2016, when there was local concern over the possible development of land at Town End in Pinxton, and at which time we had not allocated any sites within the village as we had "not been able to identify any suitable sites". Suitable would also mean sustainable, viable, deliverable and available, in this instance. Whilst the quotes slightly confuse issues around the 5 year supply and the Local Plan, I would confirm that in October 2016 we were unaware of any suitable sites for further growth within Pinxton. The site that had been promoted (off Talbot Road to the south east of the village) was not considered due to traffic issues to be suitable or sustainable.

The site now subject to the application has been within the development envelope for the area since the 2000 Adopted Local Plan, and had not come forward for development. We also had not had the site promoted to us during all of the earlier work on the Local Plan and therefore we considered that it was not a site we could claim was available and deliverable, and amended the village envelope at this point to exclude it, leaving us with no development sites in one of our larger villages.

Subsequently, this site was promoted to us and was included in the Publication Draft Local Plan in 2018, which we submitted to the Secretary of State on 31st August 2018.

It is currently subject to one Local Plan objection which states:

"I don't think there is a capacity for the village to have a new estate. Couple of new houses where the pubs were that's fine but not whole estates. The roads are already too busy, schools and surgery is already overcrowded, it's easy to say it will have easy access to a38 but why should people be travelling out of the village to seek medical advice or education"

You will note that the Planning Policy comments on the application clearly state that in terms of the current position:

“In principle, this site is in compliance with broad locational policies of both the existing adopted plan and emerging plan in that the area proposed for housing development is shown within the settlement framework for Pinxton in the adopted Local Plan and is shown as a proposed allocated site within the development envelope in the emerging plan (Policies LC1 and SC1 relate). This location is considered in general terms to represent a suitable location for new development, as one of the District’s large villages and more sustainable settlements”.

It is these comments and not considerations back in 2016 that did not include this site, which should be noted.”

Conclusions

None of the above points raise any issues that affect the principle conclusions of the original report that considers the site is a suitable housing site and so do not affect the main recommendation to grant planning permission. The conclusion of the issue relating to the proposed pedestrian and cycle access to Storth Lane do mean the need for an amendment to recommended condition 17.

Recommendation:

As included in the original report with the exception of a revised condition 17 as follows: -

17. Any reserved matters application shall include full details for the proposed new pedestrian/cycleway between the new housing estate roads and Storth Lane. The route must be laid out generally in the manner shown on drawing ref. ADC1559/004 Rev. P4, constructed in accordance Derbyshire County Council’s specifications for adopted highways and the crossing points provided with visibility sightlines of 2m x 51m to the south and 2m x 48m to the north. The footpath link shall be provided in accordance with the details granted reserved matters approval not later than the occupation of 50% of the dwellings for which reserved matters approval is granted. Notwithstanding the submitted drawing and for the avoidance of doubt, a pedestrian guard barrier shall be provided at the point where the footpath/cycleway meets Storth Lane.

Agenda item No: 6.2: Land off Hollin Hill, Clowne (18/00043/FUL)

The applicants have submitted further medical information relating to the two family members with protected characteristics, which confirms both have medical conditions that have been diagnosed by a suitably qualified medical practitioner through the NHS. In addition, it should be noted that the proposed businesses (microbrewery and scented products) may provide employment opportunities for the two family members with protected characteristics, who might otherwise find it difficult to find employment.

There are no further representations to report but additional drawings have been submitted to clarify the external appearance of (1) the new barn (2) the converted barn, and (3) the new house.

Finally, if the Council were to approve this application solely on the basis that all other planning considerations were simply outweighed by the needs of an individual (or individuals) with a protected characteristic (or the needs of an individual justified an exception to policy in its own right) then there is a risk that a 'precedent' would be set by such a decision.

However, in this case, the opportunity to meet the needs of an individual (or individuals) with a protected characteristic is just one of a range of planning considerations that have been afforded weight by officers in the planning balance. The other distinguishing features of this case that also weigh in favour of a recommendation of approval include:

- the relationship between the site and the settlement framework and the proximity of the site to local services and facilities;
- the limited encroachment of the proposed development into open countryside and the limited visual impact of the proposals;
- the bespoke live-work proposals and the potential employment opportunities for two individuals with protected characteristics; and
- the potential to bring under-utilised buildings back into a productive use.

In these respects, the proposals are considered to be acceptable on the individual planning merits of the case and the officer recommendation remains unchanged other than a change to the wording of Condition 2, which now incorporates the drawing no.s to correctly identify the 'approved plans' as set out below:

RECOMMENDATION

The current application be APPROVED subject to

A. prior entry into a S.106 legal agreement specifying named first occupants of the proposed dwelling and restricting occupancy of the dwelling to those named occupants for three years from first occupation; and

B. the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the approved plans, Drawing No.s:
 - 17-126-08-02 (Revision A)
 - 17-126-08-10
 - 17-126-08-11
 - 17-126-08-12
 - 17-126-08-13
 - 17-126-08-14

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

A. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

E. Importation of soil

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

4. Prior to the conversion of the existing building hereby permitted, samples and specifications of all external facing materials and a scheme for the extraction, dispersal and control of odour, together with details of all elements of the inlet and extract systems and associated noise assessment shall be submitted to and agreed in writing by the local planning authority. Thereafter, the proposed conversion must be carried out in complete accordance with the approved details.
5. The dwelling hereby permitted shall not be occupied until the conversion of the existing building has been completed in accordance with the approved plans and the details approved under Condition 4 (above).
6. Prior to the erection of the new dwelling and/or the new storage building hereby permitted, samples and specifications of all external facing materials shall be submitted to and agreed in writing by the local planning authority. Thereafter, the

proposed conversion must be carried out in complete accordance with the approved details.

7. Prior to the installation of any roof-mounted solar array on any of the buildings on the land in the applicants' control, samples and specifications of the solar arrays shall be submitted to and agreed in writing by the local planning authority. Thereafter, the proposed solar arrays must be installed in complete accordance with the approved details.
8. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed or last employed in the microbrewery and/or commercial kitchen (also consented by this permission), or a widow or widower of such a person, and to any resident dependants.