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To: Chair & Members of the
Planning Committee

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Tuesday 12th March 2024


Dear Councillor

PLANNING COMMITTEE – WEDNESDAY, 13TH MARCH, 2024 AT 10:00 HOURS

I refer to your recently circulated agenda for the above meeting and now enclose a copy of the supplementary update report in relation to the following item:

Item 5 - 22/00402/FUL - Full planning application comprising proposed link road between Shuttlewood Road and Oxcroft Lane, including demolition of Boleappleton Farm and associated outbuildings, ground level changes, and construction of 161 dwellings with public open spaces, access routes, landscaping and associated works - Land South West Of Brockley Wood Oxcroft Lane Bolsover

Yours faithfully



Solicitor to the Council & Monitoring Officer

Equalities Statement

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

Access for All statement

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PLANNING COMMITTEE

*Wednesday, 13th March, 2024 at 10:00 in the Council Chamber, The Arc,
Clowne*

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COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE ASSISTANT DIRECTOR OF PLANNING & PLANNING POLICY

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

Applications to be determined under the Town & Country Planning Acts

Planning Site Visits held on 8th March 2024 commencing at 10:00 hours.

PRESENT:-

Councillors:

Cllr Tom Munro, Cllr Janet Tait, Cllr Carol Wood and Cllr Phil Smith

Officers: Steve Phillipson

SITES VISITED

1. 22/00402/FUL – Oxcroft Lane Bolsover

The meeting concluded at 11:00 hours.

AGENDA ITEM 5 – 22/00402/FUL

FULL PLANNING APPLICATION COMPRISING PROPOSED LINK ROAD BETWEEN SHUTTLEWOOD ROAD AND OXCROFT LANE, INCLUDING DEMOLITION OF BOLEAPPLETON FARM AND ASSOCIATED OUTBUILDINGS, GROUND LEVEL CHANGES, AND CONSTRUCTION OF 161 DWELLINGS WITH PUBLIC OPEN SPACES, ACCESS ROUTES, LANDSCAPING AND ASSOCIATED WORKS – LAND SOUTHWEST OF BROCKLEY WOOD, OXCROFT LANE, BOLSOVER.

08/03/2024 Response from the Leisure Services Officer

With regard to green space and play provision (policy ITCR5): the Leisure Officer notes that the amount of green space to be provided on site is more than the policy requirement, although the majority of the over provision is semi-natural green space. The over provision of formal green space amounts to 0.23ha, whereas the over provision of semi-natural green space is 2.17ha.

Given the size of the proposed development and the area of green space to be provided, a larger equipped play area than the normal LEAP standard play area would be appropriate. On-site provision will be acceptable provided that it meets the definition of a village / neighbourhood or town park (as defined in the Bolsover Green Space Strategy) and contains at least two or three of the following uses: amenity green space / outdoor

sports / semi-natural green space / equipped play area. Therefore, a commuted sum in lieu of on site provision is not required (i.e. £171,303 in the absence of adequate on site provision is not required).

The proposed links should be suitable for use by pedestrians and cyclists to encourage active travel and should be of a suitable width ideally 3m, with adequate crossing points where they meet the link road, with dropped kerbs and surfaced in tarmac.

With regard to playing pitch provision (policy ITCR7): the Leisure Officer advises that the development is not of a size that could realistically include a pitch of a meaningful size. There is increasing demand for full size (11v11) pitches in Bolsover. There are currently 8 full size pitches within the parish, not all of which are currently in good playable condition. A s106 contribution for the enhancement / improvement of off-site built and outdoor sports facilities would be used (in addition to existing s106 contributions) to improve the standard of these pitches and ancillary facilities to allow more teams to be accommodated and to reduce the number of games cancelled.

Further negotiations regarding this have been undertaken with the Applicant.

Planning Officer Comments:

Green space and play provision on-site can be required by condition. See condition 26 as currently listed.

The S106 contribution of £208,656 to upgrade playing pitch provision off-site (policy ITCR7) has been agreed with the Applicant.

Timing of the Link Road Provision

The delivery of the link road between Shuttlewood Road and Oxcroft Lane is fundamental to the acceptability of the proposal. Suggested condition 20, as written in the main report sets the timing of the delivery of the link road to be prior to the occupation of any dwelling. However, the Applicant says that this would create difficulties with cash flow for the project which needs some returns to help fund the significant up front costs with this project. The Applicant requests that the timing of the delivery of the road link be set at 40 occupations.

Planning Officer Comments:

This is acceptable provided that there is a means to ensure that the site does not remain partially implemented, i.e. to prevent the developer walking away after 39 dwellings are sold without providing the link road or a contribution towards it.

The matter has been discussed with the Council's Solicitor who has advised that a S106 requirement rather than a planning condition would give more assurance that the link road will be delivered.

It is considered that a S106 requirement to deliver the link road before 40 dwellings have been occupied or 2.5 years (30 months) of commencement, whichever is the sooner, is an appropriate means to secure delivery of the link road within an acceptable timeframe.

Affordable Housing

The Applicant has highlighted a mistake in the officer report in that the affordable housing offer is reported as being 100% affordable rent. However, 25% of these are proposed as “First Homes” to align with Central Government requirements within the 2021 Written Ministerial Statement.

The Applicant would also like to clarify that the 1 bed units are referred to as ‘apartments’ in the report but the Applicant believes that they should more properly be referred to as two storey, 1-bed dwellings arranged in a quadrant (i.e. quarter houses).

Planning Officer Comments:

A home meeting the criteria of a “First Home” meets the Governments definition of ‘affordable housing’ for planning purposes. The First Homes Criteria means:

A First Home must be discounted by a minimum of 30% against the market value in perpetuity and there are eligibility criteria which must be met including that it must not be sold to any household with a combined annual income in excess of £80,000, and local and essential worker criteria.

The Ministerial Statement (24th May 2021) states: “The Government recognises the importance of social rent as part of the affordable housing tenure mix. A local authority should prioritise securing their policy requirements on social rent, once they have secured the 25% First Homes requirement.

To align with Government advice a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. On this basis the affordable housing tenure mix proposed is considered to be acceptable and policy compliant.

Recommendation

Recommendation A (page 36) be amended to read:

A. Affordable Housing 10% on site – (Tenure mix of 7.5% Affordable rent, 2.5% First Homes).

Part G of the recommendation (page 36) in the main report be amended to read:
Playing Pitch Contribution - £208,656.

(The onsite aspects including amenity green space, semi-natural green space and equipped play area being required in a scheme to be approved by condition).

A new S106 requirement H be added to the Recommendation (page 36) in the main report to read:

H. Provision of the proposed link road between Oxcroft Lane and Shuttlewood Road to at least base course level (in accordance with drawing 600512-HEX-XX-XX-DR-TP-0111 Rev PO7) before 40 dwellings have been occupied or within 2.5 years (30 months) of commencement, whichever is the sooner.

Condition 20 (page 42) be replaced with the following condition:

20. Before the proposed Shuttlewood Road junction can be used during the construction phase of development, Shuttlewood Road shall be realigned and the new junction shall be provided in accordance with drawing 600152 HEX XX XX DR TP 0106 Rev P04.

Condition 21 (page 42) be replaced with the following condition:

Before any dwelling is occupied the access junction, estate roads, turning and parking facilities necessary to serve that dwelling shall have been provided to at least base course level in accordance with the following drawings:

- Oxcroft Lane Access 600152 HEX XX XX DR TP 0105 rev P03
- Shuttlewood Road Access 600152 HEX XX XX DR TP 0106 Rev P04
- Highways Layout 600512-HEX-XX-XX-DR-TP-0111 Rev PO7
- Planning Layout N2023 008N