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To: Chair & Members of the Planning
Committee

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Tuesday, 15th October 2019

Dear Councillor

PLANNING COMMITTEE – WEDNESDAY, 23RD OCTOBER, 2019 AT 10:00

Please find enclosed a copy of the supplementary report for the above meeting.

Yours faithfully



Joint Head of Corporate Governance & Monitoring Officer



We speak your language
Polish **Mówimy Twoim językiem**
Slovak **Rozprávame Vaším jazykom**
Chinese **我们会说你的语言**

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PLANNING COMMITTEE

Wednesday, 23rd October, 2019 at 10:00 in the Council Chamber, The Arc, Clowne

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COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE PLANNING MANAGER

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

Agenda Item No: 5

Planning Site Visits held on 21 October 2019 commencing at 10:00hours.

PRESENT:-

Councillors A Bailey, N Clarke, J Clifton, N Hoy, C Kane, T Munro, G Parkin, L Smyth and D Watson.

Officers: Chris Fridlington

APOLOGIES

Apologies were received from Councillors A Clarke, D McGregor, J Tait and J Wilson.

SITES VISITED

1) 18/00470/FUL: Park 38

The meeting concluded at 11:10 hours

Agenda Item No.6: Planning Applications to be determined

Updates:

Agenda Item 6(i): Barlborough (19/00256/VAR)

Variation of Condition 8 (Flood Attenuation Pond), 9 (Surface water drainage details), 20 (new access junction replacing roundabout) of Planning Permission 17/00298/VAR - Rear of 16 to 124 and South West of 124 and Between Brickyard Farm and Barlborough Links Chesterfield Road Barlborough

The local Ward Councillor and Barlborough Parish Council have both submitted further representations on this application following the publication of the officer report.

The District Councillor suggests that if the roundabout is no longer being provided then a maximum of 30mph should be imposed along with a Toucan crossing as:

- a) *there is a higher risk to the pedestrians and especially school children from the new development having to cross the road and to access public transport.*

- b) *Access to the Greenway via Slayely Lane is safer. After all we are trying to encourage more people to walk and cycle.*
- c) *A speed of 30mph along this section of Chesterfield Road will surely help towards the safety of the staggered junctions and less risk of collision and injuries as currently being experienced at the nearby Tallys End junction.*

The Parish Council also consider a 30mph speed limit should be imposed along this section of Chesterfield Road for very similar reasons and that the imposition of a lower speed limit should be a condition of any permission for this application.

Officer comment:

Since the publication of the officer report, the applicant has confirmed that a further contribution of £39,000 will be made towards highway improvements in the local area. This contribution is made in respect of the Treble Bob roundabout and Condition 9 in the officer report, which says:

No development within the application area shall be occupied or otherwise brought into use until the works to the A616/A619 roundabout as broadly indicated on drawing number LTP/2439/T1/05.02 Rev A, subject to detailed design, have been completed to the satisfaction of the Local Highway Authority through consultation with Highways England and open to traffic unless an alternative mechanism for facilitating improvements to this junction has been agreed with the Local Planning Authority through consultation with the Local Highway Authority and Highways England.

At this time, the Local Highway Authority and Highways England have agreed an alternative solution for Treble Bob, which means the improvements to this roundabout secured by the above condition are no longer required or necessary. The financial contribution otherwise mitigates for the applicant's own developments impact on the highway network at this point.

It is therefore, considered that the proposed contribution meets the relevant tests for planning obligations and in conjunction with the original offer of just over £111,000, the applicant's contributions towards local highway improvements would exceed £150,000. This money could be used for the following options:

- Promoting a Traffic Regulation Order changing the speed limit from 40mph to 30mph along this stretch of Chesterfield Road; and
- Part funding a third party to construct a new roundabout in this location; or
- Signalisation of the Tallys End Junction; or
- Creating a new exit from Tallys End on to Midland Way; or
- Gateway feature at the entrance to the village.

RECOMMENDATION

In light of the revised developer contributions towards highway improvements in the local area and the applicant's commitment to use an appropriate amount of this money to promote a Traffic Regulation Order; it is considered the remaining concerns about this application have been addressed.

Therefore, the officer recommendation of approval remains unchanged other than it is now recommended that clause A is amended as follows

- A. prior entry into a legal agreement to secure land for the provision of a roundabout and a combined financial contribution of no less than £150,000 towards highway improvements within the local area;**

It is also recommended Condition 9 is deleted because compliance with the revised Clause A would fully discharge the requirements of Condition 9.

Agenda Item 6(ii): Park 38 (18/00470/FUL)

Frontage part of a mixed use retail, leisure and employment development comprising the demolition of existing dwellings and farm buildings and the erection of Class A1 Retail Class A3/A4 food and drink units, and Class C1 hotel with associated car parking, landscaping and service areas on land known as Wincobank Farm, North of Cartwright Lane, South Normanton.

Three further letters of objection have been received from residents of South Normanton following publication of the officer report.

These reiterate the adverse traffic impacts of the proposal and the disruption this will cause to residents particularly when using the Berristow Lane/A38 roundabouts at peak shopping times; the increase in traffic through South Normanton avoiding the motorway junction roundabout and the additional air pollution from the additional traffic ("how can developers put money above the health and quality of life of residents in the area").

Officer comment: these issues are considered in the main report.

Also raised is whether there is provision for pedestrian traffic between EMDO and the proposal.

Officer comment: footways and crossing points are proposed.

RECOMMENDATION

The points raised in the above representations have already been covered in the original officer report. Therefore, no changes are proposed to the officer recommendation to refuse planning permission for this application.

Agenda Item 6(iii): 19/00549/OTHER

Variation of the wording of S106 Planning Obligations agreed for Outline planning permission 14/00518/OUT relating to the community facilities contribution and play area contribution on land to the North West of Broad Lane, Hodthorpe

Members of the Planning Committee are asked to note that a formal viability appraisal has not been completed by the applicant. However, the issue of viability is reasonably easy to understand. In short, there is a ransom strip that means the developer will need to pay £250,000 - £400,000 in additional costs to provide the footpath required to better connect the development to the village.

In planning terms, this footpath is considered to be essential whereas the original officer report sets out grave concerns that the original obligation to provide the village hall was not lawful and would therefore be unenforceable. In these respects, the proposed offer of £50,000 towards the existing community facility in Hodthorpe is considered to be more reasonably related in scale and kind to the proposed development

It is also considered the revised offer is reasonably necessary and directly related to the proposed development in that improvements to the community facility in Hodthorpe, which has limited public meeting places, would benefit the social wellbeing of future and existing occupants of the village.

Therefore, the officer recommendation remains unchanged and completion of the S106 deed of variation is expected imminently.

Agenda Item 6(iv): 19/00113/REM

Residential development of 101 dwellings and associated work (approval of reserved matters following outline planning permission 14/00518/OUT) on land to the North West of Broad Lane, Hodthorpe.

No additional consultation responses have been received. A slightly updated version of the drainage and levels plan, and the SuDS long section plan have been received but these are not considered to include significant changes and do not affect the recommendation.

One additional public representation received from a resident who has already sent a response. The resident feels that there has been a total disregard of the effects of the development on the current residents of Hodthorpe. Especially from traffic, highway safety, footfall, additional strain on services in relation to the size of Hodthorpe.

Officer Comment: These issues are addressed in the main report but essentially they are issues of principle which are only relevant at outline permission stage, not application for approval of reserved matters.

RECOMMENDATION

In light of the above, the officer recommendation remains unchanged but officers have now agreed a full set of conditions with the applicant, which includes a requirement for the approval of play space and equipment details (condition 16) since the final version of this detail has not yet been established. Therefore, the recommendation of approval has been amended as follows:

The application be APPROVED subject to

A. the prior approval and completion of the Deed of Variation subject of the parallel application 19/00549/OTHER; and

B. the following conditions

1. Except where specifically stated or otherwise approved through the discharge of the conditions below, the development hereby permitted shall be carried out in accordance with the following approved drawings and documents:-

Site Layout Plan 00979-D02-R
Boundary Treatment 00979 D03 REV B
Materials Schedule 00979 D04 REV C
Street Scenes 00979 D22 REV C
Street Scenes 00979 D23 REV B
Landscape Masterplan C-1656-01 REV E
Landscape Proposals 1 C-1656-02 REV E
Landscape Proposals 2 C-1656-03 REV E
Landscape Proposals 3 C-1656-04 REV D
Landscape Proposals 4 C-1656-05 REV E
Drainage and Levels Strategy 0163 1 REV E
Pond Sections 0163 – 9A
Environmental Noise Survey 28 Aug 2019
Supplementary Transport Assessment 22 Aug 2019
Design and Access Statement Rev B
House Types:-
House type Caddington 00979 D12 REV B
House type Lumley 00979 D21 REV 0
Halstead 00979 D10 REV C
Warwick 00979 D13 REV B
Windsor 00979 D14 REV B
Bamburgh 00979 D15 REV C
Rothway 00979 D16 REV B
Hardwick 00979 D17 REV A
Eaton 00979 D18 REV B
Staveley 00979 D19 REV A
Wentworth 00979 D20 REV A

R. To define the form of the development approved and for the avoidance of any doubt.

2. Further to condition 3 of the outline planning permission requiring the provision of a pedestrian/cycle link from the western end of the site to the existing settlement, the 3m wide footpath/cycle link shown on the approved site layout plan (00979 D02 Rev R) to St Martin's Walk shall be surfaced to an adoptable standard up to and linked with the carriageway on St Martins Walk beyond the southern boundary of the site and provided with dropped kerbs, all prior to the commencement of any other development on site. Details of the future maintenance responsibilities (and contact details) for the footpath/cycle link shall have been submitted to the Local Planning Authority for consideration and approval and the approved details shall be implemented before any of the dwellings are occupied.

R. The sustainability of the site and the connectivity with the existing settlement of Hodthorpe would be unacceptably poor without a pedestrian/cycle link to the west side of the site such that planning permission ought not to be granted for the development without the link. The condition is imposed in accordance with policies GEN 1(2), TRA1 (2 and 3) and TRA15 of the Bolsover District Local Plan.

3. Existing hedgerows and trees on site shall be retained in accordance with the approved drawings (site layout plan 00979 D02 Rev R, and detailed landscape proposal sheets 1-4: C-1656-02 REV E, C-1656-03 REV E, C-1656-04 REV D and C-1656-05 REV E and shall be protected from damage by the provision of protective fencing which shall be in place before any heavy machinery is brought onto site to implement this permission. The fencing shall be retained until the development is completed. Nothing can be stored or placed within the fenced area and the ground levels within the fenced area must not be altered nor any excavation take place, without the written consent of the Local Planning Authority. In the event that a tree or section of hedgerow which should have been retained is removed without the permission of the local planning authority, it shall be replaced with specimens of similar maturity within the next planting season in accordance with planting details which have been submitted to and approved in writing by the local planning authority.

R. To ensure that all retained trees and hedges are adequately protected during the course of development; in compliance with Saved Policy ENV8 of the Bolsover District Local Plan.

4. Other than development to comply with condition 2 above, before any other development is commenced a construction management plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include, amongst other things, details of how noise, dust and vibration will be managed and mitigated throughout the course of the development including: hours of the day such noise making activity can be undertaken; provision of temporary board fencing to suppress noise during the excavation of at least the southern SuDS basin closest to adjacent dwellings; provision of wheel wash facilities where necessary; site compound location and soil storage areas (which should be within the proposed open space area to the northern side of the site) and any screening and pedestrian and cyclist protection. The approved construction management plan shall be implemented throughout the course of the development unless a variation to it has been approved in writing by the local planning authority.

R. To protect the amenity and safety of the area, noting that excavation through bedrock may be required and to accord with policy GEN1 and GEN2 of the Bolsover District Local Plan.

5. Prior to the erection of the approved hit and miss fencing adjacent to the southern and western site boundaries, the reinforcement planting to gap up the existing hedgerow shall have been undertaken in accordance with the approved site layout plan 00979 D02 Rev R, and detailed landscape proposal sheets 1-4: C-1656-02 REV E, C-1656-03 REV E, C-1656-04 REV D and C-1656-05 REV E. Thereafter the hedgerow shall be retained.

R. To preserve and enhance the biodiversity value of the site in accordance with policies GEN1 and GEN2 and ENV5 of the Bolsover District Local Plan.

6. Notwithstanding the submitted materials schedule the construction of the dwellings above ground level shall not commence until such time that representative samples of the materials to be used in all external walls and roof areas have first been submitted to and approved in writing by the Local Planning Authority.

R. To ensure a satisfactory appearance of the completed development; in compliance with Saved Policy GEN2 of the Bolsover District Local Plan.

7. Prior to the erection of the feature dry stone walls fronting properties at the entrance to the site, a representative sample section/panel of stone wall using natural magnesian limestone shall have been erected on site (or another site) for inspection and approval by the local planning authority. The stone walls shall then be provided on site in accordance with Drawing No 00979, D03 Rev B and in the manner approved for the sample panel.

R. To ensure a satisfactory appearance and to enhance the character and local distinctiveness of the completed development; in compliance with Saved Policy GEN2 of the Bolsover District Local Plan.

8. All boundary treatments shall be provided in accordance with Proposed Boundary Treatments Drawing No 00979, D03 Rev B and be fully implemented prior to occupation of the dwellings related to that part of the site. The boundary treatments shall then be retained and maintained as agreed for the life of the development.

R. To ensure a satisfactory appearance of the completed development; in compliance with Saved Policy GEN2 of the Bolsover District Local Plan.

9. Prior to the occupation of any dwelling its landscape planting shall be undertaken in accordance with the approved detailed landscape proposal sheets 1-4: C-1656-02 REV E, C-1656-03 REV E, C-1656-04 REV D and C-1656-05 REV E. The public open space, semi-natural open space, play space and SuDS areas all to the northern side of the site shall have been landscaped in accordance with the approved drawings in a planting season no later

than 12 months following completion of the dwellings.

R. To ensure that the site is appropriately landscaped in accordance with the approved plans, in the interests of amenity and biodiversity and to accord with policies GEN1, GEN2 and ENV5 of the Bolsover District Local Plan.

10. The public open space, semi-natural open space, play space and SuDS areas all to the northern side of the site shall be retained for their intended uses only. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Part 2 of Schedule 2, Article 3, no fences gates or walls (other than those approved with this planning permission) shall be erected on this area unless permission has been obtained from the Local Planning Authority.

R. To preserve the amenity and integrity of public open space identified on the approved plans in compliance with policies GEN1, GEN2, GEN5 and HOU5 of the Bolsover District Local Plan.

11. Prior to the occupation of any of the dwellings a scheme of works to provide bat and bird boxes and also to provide hedgehog gaps within fencing shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented.

R. To preserve and enhance the biodiversity value of the site in accordance with policies GEN1 and GEN2 and ENV5 of the Bolsover District Local Plan.

12. The carriageways and footways of the proposed estate roads shall be constructed between each dwelling and the existing highway in accordance with the approved layout plan 00979 D02 Rev R, up to and including at least road base level, prior to the occupation of any dwelling intended to take access from that road. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths shall be completed with final surface course no later than 12 months following completion of the dwellings, unless a later time period has been agreed in writing by the Local Planning Authority.

R. In the interests of highway safety and in compliance with policies GEN1, GEN2 and TRA1 of the Bolsover District Local Plan.

13. No dwelling shall be occupied until a vehicular access has been provided to that plot in accordance with the approved layout plan 00979 D02 Rev R with 2.4m x 25m visibility splays at a height of 1m relative to the nearside road level. Thereafter the access and visibility splays shall be maintained.

R. In the interests of highway safety and in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan.

14. Any gates adjacent to the new estate street or the public highway shall open inwards only.

R. In the interests of highway safety and in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan.

15. The first 5m from the highway of the proposed access driveways shall not be surfaced with a loose material (i.e. unbound chippings or gravel etc).

To prevent loose chippings reaching the footways and carriageway in the interests of pedestrian and vehicle safety and amenity and to accord with policies GEN1 and GEN 2 of the Bolsover District Local Plan.

16. Before the 10th dwelling on site has been occupied a scheme detailing the play space equipment to be provided on site shall have been submitted to the local planning authority for consideration and approval. The approved scheme shall be implemented before the 70th market dwelling on site has been occupied.

R. To ensure that adequate provision is made for children's play on site in accordance with policy HOU5 of the Bolsover District Local Plan.

Informative Notes including:

1. The Applicant is reminded of the need to comply with the conditions of the outline planning permission (14/00518/OUT) in addition to the conditions of this approval of reserved matters. The current status of the outline conditions is set out below:-

Condition 1 (Approval of reserved matters): Discharged

Condition 2 (Time period for commencement): Not discharged. Development must commence within two years of this reserved matters approval.

Condition 3 (Provision of footpath and cycle link to St Martin's Walk): Not discharged. A Grampian condition which must be discharged prior to commencement of any development. Details of the layout of the link within the application site have been provided with this application for approval of reserved matters (this aspect is approved) but not details of how the link will integrate with St Martin's Walk beyond the application site boundary. Neither has construction detail or maintenance detail been provided for approval. Once approved the detail must be implemented prior to commencement of development. Condition 2 of this reserved matters approval also imposes some additional requirements.

Condition 4 (Compliance with indicative layout plan): Discharged.

Condition 5 (Revised Design and Access Statement): Discharged.

Condition 6 (Ground investigation and remediation): Not discharged.

Condition 7 (foul and surface water drainage details): The drainage details submitted with application for approval of reserved matters are approved and condition 7 is discharged in part only. Details are outstanding for the maintenance responsibilities and contact details for maintenance for the Sustainable Drainage System including the attenuation basins. The development must not be occupied until the outstanding detail has been provided and the approved detail implemented.

Condition 8 (assessment of adequacy of railway crossing): Not discharged.

Condition 9 (railway noise report): The noise report submitted (by noise.co.uk 12/02/19) is approved for the purposes of complying with condition 9 of the outline planning permission. The mitigation measures recommended in the report in terms of enhanced glazing and ventilation for affected properties must now be undertaken as the development progresses to comply with and discharge condition 9.

Condition 10 (Ecological Mitigation and Enhancement Scheme): Is discharged in part, superseded by the approved landscape drawings the implementation of which is a conditional requirement of this reserved matters permission.

Condition 11 (Landscape Management Plan): Condition 11 is not approved. A landscape management plan which covers the longer term maintenance of the Public Open Space and SuDS areas is required.

Condition 12 (Play area details): Not yet approved or discharged.

Condition 13 (ground level detail): Discharged.

Condition 14 (temporary access): Not yet discharged.

Condition 15 (provision of access junction): Not yet discharged.

Condition 16 (access gradient): Compliance condition.

Condition 17 (parking space): Compliance condition.

Condition 18 (travel plan): Compliance condition.