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To: Chair & Members of the Planning  
Committee

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Tuesday, 29th September 2020

Dear Councillor

**PLANNING COMMITTEE – WEDNESDAY, 30TH SEPTEMBER, 2020 AT 10:00 HOURS**

I refer to your recently circulated agenda for the above meeting and now enclose a copy of the supplementary report for agenda item 5.

Yours faithfully



Solicitor to the Council & 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, 30th September, 2020 at 10:00 in the Virtual Meeting*

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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 Applications to be determined

#### Updates:

#### Agenda Item 5: Land West Of Homelea and Tamarisk, Mansfield Road, Clowne (20/00209/FUL)

Full planning application for the erection of 17 no. dwellings and associated infrastructure.

#### Amendments

Amended drainage details to respond to issues raised by the Lead Local Flood Authority were submitted on 29/09/2020.

#### Publicity

Additional publicity on the latest revised plans (that are referred to in the report) has resulted in the receipt of an additional 5 letters of representation on behalf of 4 residents, 3 of whom had commented previously. These raised the following issues: -

- Proximity of new dwellings;
- Height of dwellings, including issues over raised ground levels.
- Particular comment is raised regarding the design and location of plot 5. It is stated that no new cross section details have been provided to demonstrate the impacts on the residents of 49 Fallowfield;
- Loss of privacy to dwellings and private gardens from overlooking;
- Impacts from noise and dust (one writer is a key NHS worker and is concerned at potential impact on rest);
- Safety of the footpath link and potential for this to give rise to anti-social behaviour;
- Risk of drainage into gardens;
- Insufficient parking and turning areas;
- Lack of green amenity space on site;
- Access to open space on Sterry House Farm that is maintained at the cost of residents of that development;
- Impacts on wildlife (greater protections should be given now than was provided in 2018 at the time of the original permission);
- The proposal diverges from the local plan and that no material considerations have been evidenced to support any divergence from the LP - is in conflict on sustainability, climate change, countryside landscape character and wildlife, green space and green infrastructure;
- Impact on infrastructure, including school capacity.

### Comment on representations

The representations received in the main re-iterate comments made in earlier representations and which are already discussed in the original report.

It is stated that amended cross sections were not submitted with the amended details, but such a plan was submitted and is included within the 'Design, Layout and Residential Amenity' section of the original report; as stated in that report, the latest amended design is considered to accord with the Council's published design guide and is considered to be acceptable. It is considered that sufficient information has been submitted to the Council to enable it to determine the application in respect of this issue.

### **Additional Consultations**

#### Derbyshire County Council Highways

The Highway Authority (HA) has noted that the applicants have reverted the scheme to propose a private road.

It considers the revised swept path drawings (to show the ability for bin wagons to turn) is acceptable.

There are still some minor layout issues with the junction, but the amended application site boundary means that the necessary land is available within the application site to make the necessary modifications, but there are concerns that control over all these has not been demonstrated; on this basis it will need to be demonstrated to Bolsover District Council's satisfaction that the necessary alterations are being deliverable over controlled land.

The (applicant's) suggestion that adoption may be pursued in future is noted by the HA; this would require amendments to the construction details and raises an issue regarding the supervision of any works by the HA, who recommends the applicant enters into an early S38 agreement (under the Highways Act) with that Authority should this be their final intention.

#### *Comments on the Highway Authority's response*

The issue over adoption has come about due to confusion regarding a note on an earlier submitted plan; the applicants had intended an adopted highway, whereas the Highway Authority had commented as though an un-adopted road was being proposed. To have amended these proposals to an adopted layout would potentially have delayed the determination of this application due to the re-design and re-consultation work that would have been needed. The applicants have a desire for the application to be determined due to contractual obligations, they have opted to amend the application to propose an un-adopted highway (that is acceptable to the Highway Authority).

The applicant has indicated that they may revert to an adopted highway and are aware that this is likely to necessitate the submission of a revised planning application.

In respect of the question of the applicants ability to implement the works, this arises from the fact that the applicants do not own the access road that leads to the adjacent High Ash Farm development and that highway is not yet adopted by the Highway Authority, but that highway is intended for adoption in due course. Notwithstanding this, that highway is included in the planning application site, which allows conditions to be included on any permission that may

be issued to control the design and implementation of the proposed highway works. Additionally, the applicants have provided confirmation from the landowner that there are no issues with carrying out the necessary works within the land in that landowner's control.

In view of the above, conditions are proposed for inclusion to control the design and implementation of the proposed highway improvements.

Advisory notes can be included regarding the HA's comments regarding any potential S38 agreement.

#### Derbyshire County Council Flood Team (LLFA)

Additional information is still required to demonstrate additional soakaway capacity in order to demonstrate the ability for the site to accommodate predicted surface water run-off.

#### *Comment on the Lead Local Flood Authority's response*

In response to the latest comments of the LLFA, the applicants have submitted further revisions in respect of surface water drainage and the comments of the LLFA have been sought. At the time of writing this update, those comments have only just been sent to the LLFA and so its response has not been received; however that Authority has advised that it is aiming to provide comments by the end of 29/09/2020, so a verbal update to Planning Committee should be possible when it meets.

Notwithstanding the fact that this issue isn't fully resolved, this is a technical matter that is capable of resolution.

Members will be aware that there is a hierarchy of drainage provision where SuDS drainage will be the preferred option and the applicant is working proactively to seek to provide SuDS if this is feasible. Should this prove unfeasible then a traditional piped drainage system can be accepted as an alternative. For this reason, should this issue not be fully resolved by the time that the Planning Committee meets, it is considered that the final resolution of this issue is not critical to the resolution of the Planning Committee as to whether or not planning permission should be granted. For this reason it is recommended that should members be minded to grant permission, suitable conditions be included to deal with the final design and implementation of the surface water drainage system.

#### **Conclusions**

None of the issues discussed above are considered to alter the recommendation to grant planning permission for this development and although the drainage issue is not fully resolved at the time of preparing this update report, this is not considered to be fundamental to the ability to make a resolution in respect of the planning application and the technical details of surface water drainage can be resolved through the ongoing discussions with the LLFA and suitably worded conditions.

#### **RECOMMENDATION**

The original recommendation remains unchanged, with the exception of the inclusion of the following highways conditions (All conditions in the original report and below are included in precis draft form with the final wording to be agreed by the Planning Manager in consultation with the Chair and Vice Chair of the Planning Committee): -

16. Space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. The facilities shall be retained free from any impediment to their designated use throughout the construction period.
17. Before any other operations are commenced a new vehicular access/ junction shall be formed to the new estate street serving adjacent development provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 33 metres in each direction measured along the nearside carriageway edge in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines shall be constructed as footway/ verge and form a part of the new estate street serving adjacent development.
18. No dwelling shall be occupied until space has been provided within the curtilage of that dwelling for the parking of residents/ visitors vehicles together with areas suitable for manoeuvring of service and delivery vehicles to enable such vehicles to enter and exit the new estate street serving the adjacent development site in a forward gear, all laid out, surfaced and maintained to the satisfaction of the Local Planning Authority throughout the life of the development free from any impediment to its designated use.
19. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for their designated purposes at all times thereafter.
20. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.