



To: Chair & Members of the Planning Committee

The Arc
High Street
Clowne
S43 4JY

Please note that there will be a Planning Briefing at 0945 hours before the start of the meeting. With the agreement of the Chair, the Committee has been rescheduled to commence at 1100 hours.

Contact: Donna Cairns
Telephone: 01246 242529
Email: donna.cairns@bolsover.gov.uk

Tuesday, 19th November 2019

Dear Councillor

PLANNING COMMITTEE

You are hereby summoned to attend a meeting of the Planning Committee of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Wednesday, 27th November, 2019 at **11:00 hours**.

Register of Members' Interests - 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 from page 2 onwards.

Yours faithfully

A handwritten signature in black ink that reads "Sarah Steenberg".

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**

**If you require this agenda in large print
or another format please call us on 01246 217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

PLANNING COMMITTEE AGENDA

Wednesday, 27th November, 2019 at 11:00 hours in the Council Chamber, The Arc, Clowne

Item No.	PART 1 – OPEN ITEMS	Page No.(s)
1.	Apologies For Absence	
2.	Urgent Items of Business	
	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.	Declarations of Interest	
	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.	Minutes	
	To consider the minutes of the last meeting held on 23 rd October 2019	4 - 20
5.	Notes of Site Visits	
	To consider the Notes of the Site Visits held on 22 nd November 2019	To Follow
	<i>These will follow in the supplementary report.</i>	
	<u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN & COUNTRY PLANNING ACTS</u>	
6.	18/00471/OUT - Rear part of a mixed use retail, leisure and employment development comprising the erection of Class B8 employment units with provision for trade counter and/or Class D2 gymnasium uses with all matters except for means of access reserved for subsequent approval (on land also known as Wincobank Farm, North of Cartwright Lane) - Land To The North And West Of Berristow Farm Mansfield Road South Normanton	21 - 55
7.	19/00432/OUT - Outline application for residential development with access detail submitted for approval for up to 20 dwellings (100% affordable) and all other matters to be reserved - Land behind Nicholson's Row, 43 To 69 Main Street, Church Drive and Long Lane Shirebrook	56 - 78

REPORTS OF THE HEAD OF PLANNING

- | | | |
|----|---|-----------|
| 8. | Adoption of 5 Local Development Orders to support the redevelopment of underutilised sites in the Council's ownership for custom and self build. | 79 - 111 |
| 9. | Conservation Area Appraisals | 112 - 120 |

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday 23rd October 2019 at 1000 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Derek Adams, Allan Bailey, , Nick Clarke, Jim Clifton, Paul Cooper, Steve Fritchley, Natalie Hoy, Chis Kane, Duncan McGregor, Graham Parkin, , Liz Smyth, Janet Tait, Deborah Watson, James Watson and Jen Wilson.

Officers:-

Chris Fridlington (Planning Manager (Development Control)), Jenny Owen (Legal Executive) and Donna Cairns (Senior Governance Officer).

0373. APOLOGIES

Apologies for absence were received on behalf of Councillors Anne Clarke and Dan Salt.

0374. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0375. DECLARATIONS OF INTEREST

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

In relation to Agenda Item 6 (ii) – Application No. 18/00470/FUL, Councillor Graham Parkin declared that he had participated in the discussion at South Normanton Parish Council and the Parish Council had submitted an objection. Councillor Parkin therefore did not take part in the discussion or vote on this application.

PLANNING COMMITTEE

0376. MINUTES – 25TH SEPTEMBER 2019

Moved by Councillor Derek Adams and seconded by Councillor Duncan McGregor **RESOLVED** that, subject to the above amendments, the minutes of a meeting of the Planning Committee held on 25th September 2019 be approved as a true and correct record.

0377. SITE VISIT NOTES – 21ST OCTOBER 2019

Moved by Councillor Deborah Watson and seconded by Councillor Liz Smyth **RESOLVED** that the notes of the site visit held on 21st October 2019 be approved as a true and correct record.

0378. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

- (i) 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

This application was deferred from the meeting of the Planning Committee on 25th September 2019 in order to obtain further advice from an independent Highways Consultant.

Further details relating to the application were included in the Supplementary Report, including an amended recommendation reflecting an additional financial contribution officer by the applicant towards highways improvements in the local area.

The Planning Manager (Development Control) presented the report which gave details of the application and highlighted the location and features of the site and key issues.

The agent on behalf of the applicant attended the meeting and spoke in support of the application.

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

The only matters for consideration in this application were whether the revised drainage system with underground tank was acceptable and technically feasible, taking into account sustainable drainage principles, and whether the revised access was safe and suitable for the proposed development.

On the basis of the independent advice from the highways consultant, it was considered that the T-Junction proposed in the application would provide a safe and suitable access to both the housing site and the commercial site subject to the detailed design considerations that would be considered at the s.278 stage of the development.

PLANNING COMMITTEE

It was also noted that the applicant offered to safeguard land for the provision of a suitable roundabout to provide for a left-turn solution out of Tally End and a sum of £150,000 was offered to be put towards a suitable roundabout at this location. Alternatively this money could be used towards other highways improvements within the local area.

Moved by Councillor Steve Fritchley and seconded by Councillor Janet Tait

RESOLVED that application 19/00256/VAR be approved subject to:

- 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;
- B. the following varied conditions:
 - i. The underground tank for the proposed sustainable drainage system for the housing development shall be located in accordance with the details shown on drawing No. E17/7044/004V (Revision V) produced by Haigh Huddleston and Associates.
 - ii. Prior to the occupation of any dwelling hereby permitted, a fully operational surface water drainage system shall have been completed on site in accordance with detailed plans and specifications first submitted to and agreed in writing by the local planning authority.
 - iii. Before any dwelling or other commercial building is first occupied, the new access junctions shall be formed onto the A619, Chesterfield Road generally in accordance with application drawing number LTP/3383/S1/01.01 Rev 0 produced by Local Transport Projects.

AND

- C. the following conditions repeated from the original permission (application no. 17/00298/VAR)

Safeguarded Trees and Hedgerows

- 1. The existing hedgerows and trees identified as to be safeguarded on the Design Concept and Illustrative masterplan drawings as contained within the Design and Access Statement and its addendum by FPCR LLP submitted with the application documents, shall be retained, and protected during construction works.

Ground Conditions

- 2. The proposed development shall be carried out in complete accordance with the implementation and mitigation measures contained within the gas risk assessment approved under discharge of conditions application no. 15/00406/DISCON.
- 3. A detailed remediation scheme to bring the whole site to a condition suitable for the intended uses by removing unacceptable risks to human health, buildings and other property, and the natural 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

PLANNING COMMITTEE

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.

4. The remediation scheme approved in accordance with condition 3 above, must be carried out in accordance with its terms, 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.
5. Following completion of measures identified in the remediation scheme approved in accordance with condition 3 above, a verification report (referred to in PPS23 as a validation 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. The verification report will also provide for any long term monitoring of pollutant linkages, maintenance and arrangements for contingency action as approved in writing by the Local Planning Authority.
6. 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, and where remediation is necessary a remediation scheme must be prepared, 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.
7. 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 Local Planning Authority for approval. Only the soil approved in writing by the LPA shall be used on site.
8. Piling or any other foundation designs using penetrative methods shall not be permitted unless it has been demonstrated to the Local Planning Authority and agreed in writing, that there is no resultant unacceptable risk to groundwater.

Highways

9. The development hereby approved shall take place in accordance with the agreed Framework Travel Plan for the site dated December 2008 and with reference D118649.
10. No development within either phase of the development shall be occupied or otherwise brought into use unless and until footways have been provided between the bus stop shelters on Chesterfield Road (north east of the vehicular access into the development) and the residential and commercial areas of the development.

Conditions relevant to the Housing Development

PLANNING COMMITTEE

11. Prior to the occupation of a dwelling (or in accordance with a scheme of implementation submitted to and approved in writing by the local planning authority) a controlled pedestrian crossing of the A616 dual carriageway to the northern side of the residential site shall be provided to link the footpath from the north east of the residential site with the footway to the northern side of the A616/A619 roundabout in accordance with details previously submitted to and approved in writing by the local planning authority.
12. Prior to the occupation of a dwelling (or in accordance with a scheme of implementation submitted to and approved in writing by the local planning authority) the footpath from the north east of the residential site shall connect with the footway to the western side of the A616/A619 roundabout in accordance with details previously submitted to and approved in writing by the local planning authority.
13. Prior to the occupation of a dwelling the new streets within the development shall have been laid out and constructed to at least base course, lit and drained to provide a link from the dwelling to the existing public highway.
14. Construction work shall not begin on the residential element of the proposal until a scheme for protecting the proposed residential development from road traffic background noise (principally from the M1 motorway) has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the residential development is occupied.
15. No dwellings shall be erected within 20 metres of the application site boundary with the M1 motorway.
16. There shall be no occupation of dwellings adjacent to 124 Chesterfield Road whilst ever those premises are used for a scaffold business.

Conditions relevant to the Commercial Development

17. Prior to discharges to the public sewer from the commercial phase of the development all surface water drainage from parking areas and hardstandings shall be passed through a petrol/oil interceptor with an overall capacity compatible with the site being drained.
18. Before any related premises are occupied on the commercial phase of the development the whole of the vehicle parking and manoeuvring area and all service areas (including secure/covered cycle parking) shall be formed, laid out, constructed and surfaced in concrete, tarmacadam or block pavers. All parking spaces shall be clearly and permanently delineated and shall be retained for their intended use at all times.
19. The access road serving the commercial phase of the development shall include a turning area suitable for large HGV's.

Legal Agreement

20. Prior to the first occupation of any dwelling or commercial unit hereby permitted, a

PLANNING COMMITTEE

completed deed of variation that links this permission to the varied obligations attached to 09/00370/OUTMAJ, or a completed s.106 legal agreement containing the same obligations, shall be submitted to the Local Planning Authority.

- (ii) **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 also known as Wincobank Farm, North of Cartwright Lane) - Land To The North And West Of Berristow Farm, Mansfield Road, South Normanton**

Further details relating to the application were included in the Supplementary Report.

The Planning Manager (Development Control) presented the report which gave details of the application and highlighted the location and features of the site and key issues.

Councillors Dexter Bullock, Mary Dooley and Andrew Joesbury attended the meeting and spoke in support of the application.

Matthew Williams of Williams Gallagher, representing the owners of Idlewells shopping centre and many other smaller business in the nearby towns, attended the meeting and spoke against the application.

The agent on behalf of the applicant attended the meeting and spoke in support of the application.

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

Members considered the identified conflict with the adopted Local Plan was diminished by the site allocation in the new Local Plan, which meant that the Council had already accepted the principle of development on this land through the plan making process.

An objection based on the site being outside of the settlement framework as defined by the adopted Local Plan would be unsustainable if any weight were to be attached to the new Local Plan.

Taking into account the status of the new Local Plan having been through examination in public and modifications, Members gave the new Local Plan significant weight and considered that the proposal would conflict with the allocation of this site for B1 and B2 uses in the new Local Plan.

However, Members were aware of additional but unallocated employment land coming forward in the local area and considered this would offset the loss of employment land in this particular location. This would also ensure the loss of this employment land would not compromise land availability for employment uses over the plan period across the District.

PLANNING COMMITTEE

Members were also aware of proposals to locate employment buildings on the rear part of the site allocation which also provided some mitigation for the loss of part of this land for B2 and B8 uses.

In considering the relevant merits of local employment opportunities provided by the proposals (primarily retail and service industry) and by the site allocation (primarily industry and logistics), Members considered that they were of equal value and were mindful the Council's Economic Development Team had advised the Council currently has no evidence to prioritise one sector over the other.

Members were also especially mindful of the fact that the Council's independent and impartial consultants had advised that both the sequential tests and retail impact tests had been passed and the advice offered on the retail impact assessment was confirmed to be correct with reference to the changed situation in Sutton in Ashfield as reported by objectors to the proposals.

With this in mind, Members acknowledged that the proposals would have adverse impacts on Mansfield and Sutton town centres and that these impacts were of grave concern to many objecting to the proposals but were satisfied the impacts of the proposals would not amount to a significant adverse impact on any town centre likely to be affected by these proposals.

Finally, Members weighed the benefits of granting planning permission against the adverse impacts of the scheme with regard to the diminished weight they placed on the relevant reasons for refusal listed in the officer report. Significant weight was placed on the benefits to the local area and local economy, including the local economies of the neighbouring authorities, of approving a development that would create more jobs than B2 and B8 uses on this site.

In reaching this conclusion, Members also took into account the jobs created by the development proposals would come forward more quickly than could be achieved by relying on the site allocation. While there was more certainty on delivery of the development proposals, there was no immediate likelihood B2 and B8 uses would come forward if this application were to have been refused in accordance with the officer recommendation.

Taking all the above factors into account, and on the individual planning merits of this case, Members concluded that the benefits of granting planning permission demonstrably and significantly offset and outweighed the adverse impacts of doing so subject to the conditions suggested by the applicant to place suitable controls on the retail proposals.

Accordingly, it was moved and seconded that the application be approved subject to conditions and that delegated authority be granted to the Planning Manager to refer these proposals to the Secretary of State and to impose appropriate planning conditions based on the applicant's suggested conditions, conditions recommended by statutory consultees and standard conditions relating to time limits, approved plans etc. on the permission to be granted for this development if the application is not called in.

PLANNING COMMITTEE

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor
RESOLVED that application 18/00470/FUL be approved, contrary to officer recommendation for the grounds set out above, and that authority be delegated to the Planning Manager (Development Control) to refer the proposal to the Secretary of State and to impose appropriate planning conditions based on the applicant's suggested conditions, conditions recommended by statutory consultees and standard conditions relating to time limits, approved plans etc. on the permission to be granted for this development if the application is not called in.

- (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 - Land to the North West of Broad Lane, Hodthorpe**

Further details relating to the application were included in the Supplementary Report.

The Planning Manager (Development Control) presented the report which gave details of the application and highlighted the location and features of the site and key issues.

This application was to vary the planning obligations in a completed S.106 legal agreement that was attached to an outline planning permission for residential development in Hodthorpe (14/00518/OUT).

Primarily for viability reasons, the applicant sought to delete the obligation to provide a new community building and proposed to provide a sum of £50,000 to Hodthorpe and Belparish Parish Council to fund improvements of facilities to Hodthorpe Community Social Club and for ongoing maintenance and administration costs associated with the running of this Social Club. The report set out the other committed sums in the S.106 legal agreement.

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

It was moved and seconded that the application be approved.

Councillor Jim Clifton moved an amendment that the application be deferred in order to allow officers to explore whether the agreed contribution to public art could be redirected to the NHS Derby and Derbyshire Clinical Commissioning Group ('the CCG') to provide funding to the Whitwell GP surgery being the closest to the development.

On being put to the vote, the vote on the amendment was tied. The Chair exercised his casting vote to vote against the amendment. The amendment was therefore lost.

A further amendment was proposed that the current application be approved but that officers also be asked to explore the possibility to redirect the funds for public arts to the CCG and bring back a further report on this proposal if successful. The mover and seconded of the original motion agreed to incorporate this amendment to the motion.

Moved by Councillor Duncan McGregor and seconded by Councillor Natalie Hoy
RESOLVED that

PLANNING COMMITTEE

- (1) the proposed changes to the wording of the S.106 obligations for outline planning permission 14/00518/OUT be approved and that the draft deed of variation be signed and completed by the Council with the effect of:
 - A. deleting the original obligation to provide a community building;
 - B. adding an additional obligation to provide a commuted sum for use on the existing Hodthorpe Community Social Club; and
 - C. to vary the obligation to provide an on-site play area.
 - (2) that officers consult with the NHS Derby and Derbyshire Clinical Commissioning Group and negotiate with the applicant regarding the possibility to redirect the agreed contribution to public arts to the CCG to support the Whitwell GP surgery.
- (iv) **19/00113/REM - Residential development of 101 dwellings and associated work (approval of reserved matters following outline planning permission 14/00518/OUT) - Land to the North West of Broad Lane, Hodthorpe**

Further details relating to the application were included in the Supplementary Report which included an amended recommendation which included a full set of proposed conditions.

The Planning Manager (Development Control) presented the report which gave details of the application and highlighted the location and features of the site and key issues.

Roy Butterfield attended the meeting and spoke against the application.

This application was submitted solely for approval of reserved matters which included scale, layout, appearance and landscaping.

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

Members discussed concerns relating to the potential overlooking of plots 30 and 31 and the potential impact on the amenity of neighbouring properties to this part of the development. Plots 31 and 32 were proposed to be 2.5 storeys.

It was proposed that any approval of the application be contingent upon these plots being replaced with 2 storey equivalent dwellings.

Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton
RESOLVED that application 19/00113/REM be approved subject to:

PLANNING COMMITTEE

- A. the prior approval and completion of the Deed of Variation subject of the parallel application 19/00549/OTHER;**
- B. Plots 30 and 31 being replaced with an appropriate two-storey equivalents; and**
- C. 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

PLANNING COMMITTEE

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.

PLANNING COMMITTEE

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.

PLANNING COMMITTEE

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.

PLANNING COMMITTEE

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

PLANNING COMMITTEE

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.

(Planning Manager (Development Control))

0379. PROPOSALS TO INCLUDE THE FORMER BOLSOVER HOSPITAL SITE ON PART 2 OF THE BROWNFIELD REGISTER

Committee considered the report of the Planning Manager (Development Control) which explained the process of granting permission in principle for residential development on previously developed land through the Brownfield Land Register and sought approval for

PLANNING COMMITTEE

granting permission in principle for residential development on the former Bolsover Hospital site located off Welbeck Road in Bolsover.

The report explained the reasons that the former Bolsover Hospital site should be entered on to Part 1 of the Brownfield Land Register. It was considered that as 'a matter of principle'; the site was available and suitable for housing and residential development of at least 5 dwellings could have been achieved on this site.

Committee were advised of the Council's power to grant permission in principle for residential development on sites listed in Part 1 of the Register, which the Council wished to allocate for housing. Part 2 of a Brownfield Land Register would comprise of sites listed in Part 1 of the Register that have subsequently been granted 'permission in principle' for residential development.

Once a site had been entered on to Part 2 of a Brownfield Land Register it would have also been granted 'permission in principle' by the Council. A developer would then need to apply for a technical details consent before starting any development on site. This was similar to the two stage process for an outline permission followed by a reserved matters application.

It was considered that listing the former Bolsover Hospital site on Part 2 of a Brownfield Land Register would promote and accelerate housing delivery within the District by reducing the risk and cost to the developer of first submitting an application for outline planning permission and then submitting a reserved matters application. It was proposed that the site be given permission for a minimum of 50 new houses and a maximum of 70 houses.

A completed s.106 legal agreement would also be needed to support an application for technical details consent which should include contributions towards local infrastructure, including on-site provision of 10% affordable housing and contributions to off-site open space and recreation provision education and health. Details of what was proposed in respect of the former Bolsover Hospital site contributions was set out in the report.

Before the site could be listed in Part 2 of the Brownfield Lane Register, consultation needed to be carried out with publicity by way of a site notice and information published on the Council's website. The Council also needed to consult with Old Bolsover Town Council and Derbyshire County Council.

It was therefore recommended that before any resolution to approve the proposal to enter the former Bolsover Hospital site on to Part 2 of the Council's Brownfield Land Register is taken into effect; public consultation is carried out and the permission only be granted if there are no overriding objections nor any significant amount of adverse representations arising from consultation on these proposals.

Moved by Councillor Steve Fritchley and seconded by Councillor Jen Wilson
RESOLVED that-

- (1) Subject to the outcome of public consultation, the former Bolsover Hospital site be entered on to Parts 1 and 2 of the Brownfield Land Register and permission in

PLANNING COMMITTEE

principle be granted for a minimum of 50 new houses and a maximum of 70 houses on this site.

- (2) Prior to entering the site on to Parts 1 and 2 of the Brownfield Land Register, the Council will consult with Derbyshire County Council and Old Bolsover Town Council and publicise the proposals by way of a site notice and information published on the Council's website, allowing 42 days for responses.
- (3) A resolution to grant permission in principle for residential development on the former Bolsover Hospital site shall take effect following this public consultation subject to no substantial objections being received on substantive planning grounds as a result of this consultation.
- (4) These proposals be returned to the Planning Committee for further consideration in the event that the Town Council or County Council object to these proposals with reference to relevant planning considerations and/or in the event the proposals give rise to twenty or more individual representations containing objections made on valid planning grounds.

(Planning Manager (Development Control))

The meeting concluded at 11.45 hours.

PARISH South Normanton Parish

APPLICATION Rear part of a mixed use retail, leisure and employment development comprising the erection of Class B8 employment units with provision for trade counter and/or Class D2 gymnasium uses with all matters except for means of access reserved for subsequent approval (on land also known as Wincobank Farm, North of Cartwright Lane)

LOCATION Land To The North And West Of Berristow Farm Mansfield Road South Normanton

APPLICANT Mr Marcus Jolly, Limes Developments Ltd., Lincoln

APPLICATION NO. 18/00471/OUT **FILE NO.** PP-07262689

CASE OFFICER Mr T Ball

DATE RECEIVED 13th September 2018

SUMMARY

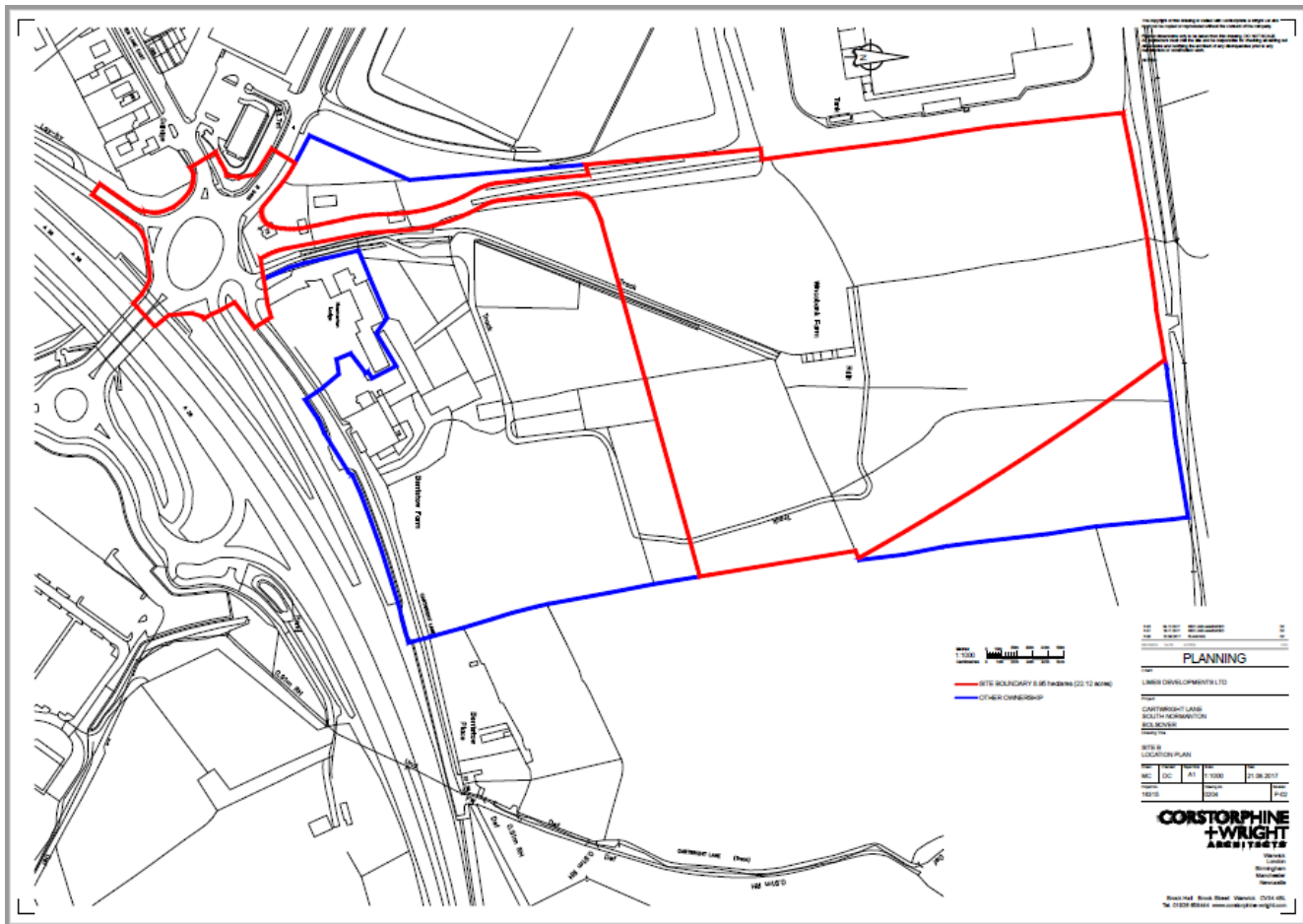
This application is one of two submitted together for a total of 15.37ha of land on the eastern side of South Normanton and known as 'Park 38'. This report relates to the application for the northern part of the site which seeks outline planning permission for the erection of Class B8 employment units with provision for trade counter and/or Class D2 Gymnasium Uses, with all matters reserved for future approval other than the means of access.

A separate but related application for full planning permission for retail and hotel uses (application no. 18/00470/FUL) on the southern part of the site utilising the same access off the enlarged Berristow Lane/Carter Lane East/A38 roundabout, has been considered by the Planning Committee which resolved to approve the application subject to referral to the Secretary of State (who decision on referral is delayed as a result of the purdah period due to the General Election).

This proposal is contrary to the policies of the adopted Bolsover District Local Plan being contrary to policy ENV3: Development in the Countryside. However, the emerging policies of the new Local Plan, in particular policy WC1 Employment Land Allocations, has considerable weight in the planning balance as the plan is at a very advanced stage having been through public examination with no changes proposed for this policy. Policy WC1 proposes B2 and B8 employment uses on this site.

The B8 and predominant element of this outline planning application is in accordance with the new Local Plan allocation and policy for this site. The D2 Gymnasium and trade counters uses are not in accordance with that policy. It is therefore recommended that the application be approved subject to an appropriate condition that would restrict the use of any buildings on the site to B8 uses.

Application Site



The red-edged application site for the outline application comprises farm land, areas of which are also used for horse grazing, to the east of warehouse/industrial units along Berristow Lane.

Also included in the site and to be used for the access to the proposal, is the site of a house with related outbuildings and outside storage at the junction of Berristow Lane and Cartwright Lane (73 Mansfield Road), which is to the west of Normanton Ledge Care Village.

Field boundaries within the site generally comprise well maintained hawthorn based hedgerows with occasional mature hedgerow trees. A track with hedging and trees to its sides extends from Cartwright Lane (between Normanton Lodge and 73 Mansfield Road) and crosses part of the site diagonally (continuing from the full planning application site). There are trees and overgrown hedgerow to the western side alongside existing industrial units off Berristow Lane.

The proposed retail site rises gently away from Cartwright Lane before dropping away more steeply northwards through the outline planning application site. The outline planning application site is therefore north facing and visible from Hilcote adjoining existing warehouse units to the west, off Berristow Lane. Adjoining to the north side is an access track from Berristow Lane serving an area of regenerating tipped land used for informal recreation with

agricultural land beyond.

To the east of the site is agricultural land which is identified as an Important Open Area in the adopted Local Plan and more recently is now identified as the route of HS2. The north-east corner of the applicants land is excluded from the application being an area within the HS2 safeguarding zone. Beyond further to the east, is the Fulwood Industrial Estate in Nottinghamshire.

PROPOSAL

This is an outline planning permission for employment development comprising units for warehousing and distribution activities (Class B8) with ancillary office floorspace; and a small group of trade counter type outlets, or alternatively, a gym or similar use. All matters except access are reserved for future approval.

An illustrative layout is given on a masterplan for the whole of the 'Park 38' Development. This shows two warehouse units providing 19,500 sq m floorspace and a 1860 sq m unit for the additional trade counter/gymnasium uses. 231 car parking spaces shown; no specific lorry trailer parking other than at loading bays.

An ecological mitigation area, including a buffer zone along the western boundary, of 3.1ha is shown to provide mitigation for losses to biodiversity by the combined development.

Access

To facilitate access to the site, the existing Carter Lane East/Berristow Lane/A38 junction roundabout will be enlarged to provide an additional arm to serve the proposed development using the site of 73 Mansfield Road. The access is adjacent to Normanton Lodge Care Village.

Supporting Documents

The application is accompanied by the following submitted documents:

- Planning and Retail Statement
- Design and Access Statement
- Transport Assessment
- Framework Travel Plan
- Flood Risk Assessment and Surface Water Drainage Strategy
- Ecological Appraisal
- Phase I Environmental Desktop Study
- Statement of Community Involvement
- Archaeological Desk-Based Assessment and Geophysical Survey
- Noise Impact Assessment
- Air Quality Assessment
- Tree Survey
- Coal Mining Risk Assessment
- Masterplan

- Masterplan Biodiversity Areas

AMENDMENTS

During the consideration of the application various amendments, revisions and additional information has been submitted which are described below.

Following concerns expressed by Derbyshire Wildlife Trust further work has been undertaken to address their concerns. A revised Masterplan has been produced showing greater areas retained for biodiversity mitigation, retaining some of the important hedgerows to the western side in a buffer zone, covering a total area of 3.73ha. Areas affected by the line of HS2 are also identified as additional biodiversity mitigation areas (1.28ha). The revised master plan also shows the retention of an existing tree within the car park area.

The Ecological Mitigation Compensation and Enhancement Plan included within the revised Ecological Appraisal sets out the principles of mitigation and retention. A biodiversity metric has been undertaken to give a base line value of 26.74 with the value of loss being 17.7. Overall the Biodiversity Impact Assessment Calculator predicts a Habitat Biodiversity Impact Score of +6.29 taking into account the proposed mitigation measures; there is a net loss to hedgerows.

The revised scheme is expected to generate Full Time Equivalent jobs of 315 plus 24 for the trade/gym total 339.

Summary of Relevant Submissions

Additional ecological information (extra climbed tree survey 16.08.19

Revised Proposed Masterplan (Rev P-08). 08.08.19

Revised Masterplan showing biodiversity areas. 05.08.19

Revised Ecological Appraisal taking account of comments made by DWT. 05.08.19

Air Quality Assessment Update (Response to request for additional analysis to address the Ministerial Direction). 13.12.18

Response to Mineral Planning Authority comments. 05.12.18

HISTORY

17/00232/SCREEN	Environmental Assessment not required	Mixed use retail, leisure and employment development
17/00498/FUL	Withdrawn	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 also known as Wincobank Farm,

17/00499/OUT	Withdrawn	North of Cartwright Lane) Rear part of a mixed use retail, leisure and employment development comprising the erection of Class B8 employment units with provision for trade counter and/or Class D2 gymnasium uses with all matters except for means of access reserved for subsequent approval (on land also known as Wincobank Farm, North of Cartwright Lane)
18/00470/FUL	Referred to SOS following resolution to approve.	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 also known as Wincobank Farm, North of Cartwright Lane)

CONSULTATIONS

Environmental Protection Officer (Environmental Health):

- *Contaminated Land:* Agree with recommendations of phase1 desk based study that the site has had a range of previous industrial uses and that a further intrusive investigation is required to ensure suitability of the site for the intended use including a gas risk assessment. Therefore recommends condition requiring such an assessment and submission/implementation of any necessary remediation scheme.
- *Noise:* Appreciate that the noise levels within the area are already fairly elevated due to the road network and existing industrial park and retail activities. However, do not wish to increase overall noise levels with this development. Concerns on a number of aspects in particular impacts on the adjacent nursing home; noise limits may need to be imposed on the industrial units. Proposed acoustic fence provides limited protection from HGV's approaching the site. No assessment of cumulative impact of noise emissions from plant and equipment. Would be seeking to achieve noise levels lower than current background levels to minimise overall noise levels being increased. Agree that a construction environmental management plan be submitted.

Conclusion that more can be done to improve the acoustic impact of the development. It is likely that suitable solutions can be found although this may place additional restrictions on the flexibility of the development. Therefore recommend conditions requiring further acoustic assessment with updated provisions to control sound, submission of site specific construction environmental management plan (CEMP).

- *Air Quality:* Significant concerns regarding the air quality assessment in view of the Ministerial Direction that was served on Bolsover District Council under the

Environment Act 1995 as part of the Ambient Air Directive with respect to the A38 directly leading up to and away from the proposed development. The submitted updated air quality assessment identified that there would be negligible impact as a result of the development although the modelling results differed in conclusion from our own modelled data carried out as part of the work required by Defra. Independent peer review concluded that the differences in model output related to technical differences in terms of the heights of the roads and the heights of the receptors. This was unlikely to significantly affect the conclusions of the assessment although the peer review identified that the report is robust and in line with current guidance, but it may not represent a clear worst case scenario; we remain cautious of the impact within this area as this is a significant development. It is calculated that by the time that this development is completed, the area should be in compliance with air quality standards for NOx as a result of several factors, including improvements to the designs of vehicles. However, the potential impact of HS2 is not included within either of these reviews. In view of the concerns regarding air quality within this area, we would like the applicant to consider proactive measures to provide further reassurance that the development will not jeopardise the work that is currently being undertaken to improve levels within this area. This could include measures such as alternative low emission energy sources for the site, requirements for low emission vehicle fleets for the commercial units, charging points for electric vehicles throughout the site, improved public transport arrangements etc. Therefore recommend conditions to cover these aspects. 04/08/19

Derbyshire Wildlife Trust (DWT):

Comments on Revised Ecological Appraisal with Biodiversity Metric and Revised Masterplan showing biodiversity areas, which have been prepared to address the concerns previously raised by DWT:

Satisfied that the ecological appraisal provides a thorough assessment that has addressed the issues identified in our previous responses.

Welcome the details of the change in biodiversity value as set out in the ecological report. Mitigation proposals for Mitigation Area are broadly acceptable, but we have concerns that transforming the species poor grassland to species rich grassland solely through sympathetic management is unlikely to be successful. Recommend that suitable enhancement measures are explicitly set out within the body of the EMMP.

Proposals in relation to protected species are considered to be acceptable.

It remains unclear how the long term management of the mitigation areas will be funded and secured and how long a period of management there will be. In order to ensure that the biodiversity gains outlined in the ecological report are realised we advise that the LPA should be satisfied that it can secure a period of management of ideally 25 years and/or in perpetuity for the land management.

Recommend conditions:

- Detailed bat mitigation strategy;
- The mitigation and habitat enhancement measures for great crested newt outlined in the ecological report should be implemented in full;
- No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive;
- No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.
- The Ecological Mitigation and Management Plan (EMMP) described in the Ecological Report shall be submitted to, and approved in writing by, the LPA prior to the commencement of the development. 28.08.19

DCC County Archaeologist:

The applicant has provided the results of a revised archaeological desk-based assessment and geophysical survey which address the requirement for heritage information at NPPF paras 189/190.

The desk-based assessment, walkover and geophysical survey have identified several strands of archaeological interest within the site:

- Remains of two colliery tramways survive;
- The site of a former colliery, this was a small operation originating in the mid 19th century and closed in 1889;
- an area of activity associated with the former colliery, plus medieval ridge and furrow across the site; underlying this is an early field system on a different alignment, possibly of prehistoric or Romano-British date.;
- The site of Berristow Farm may be of early date, with buildings shown in this approximate location on a map of 1699.

The archaeological interest outlined above is of local/regional significance and is most appropriately addressed through a conditioned scheme of work in line with NPPF para 199 to comprise:

- 1) pre-demolition recording of the historic Berristow Farm complex;
- 2) archaeological trial trenching to assess below-ground remains across the site as identified above;
- 3) mitigation excavation/recording of significant archaeological remains within the footprint of the development.

Parts 1) and 2) should take place at an early stage to enable delivery of part 3) before commencement of development work on site.

Recommends detail condition to cover these aspects. 22.10.18

Mineral Planning Authority (DCC):

Site is underlain by coal reserves. Coal Mining Risk Assessment submitted with the application states that they are of good quality and potentially of economic value, concluding that further investigation is necessary before development takes place.

Saved Policy MP17 of the Derby and Derbyshire Minerals Local Plan should, therefore, be taken into account in the assessment of this proposal. This states that the mineral planning authority will resist proposals for development which would sterilise economically workable mineral deposits, except where it is shown that there is an overriding need for the development and where prior extraction of the mineral cannot reasonably be undertaken or is unlikely to be practicable or environmentally acceptable.

More recent policy in the NPPF at paragraph 204 continues to encourage the prior extraction of minerals where practical and environmentally feasible, if it is considered necessary for non-mineral development to take place on the site. Policies in the emerging Derbyshire and Derby Minerals Local Plan Review will seek to safeguard the full extent of the surface coal resource in Derbyshire and this will ensure that the presence of workable minerals are taken into account in the consideration of proposals for non-mineral development.

The developer to provide a report which determines the practicality and viability of extracting the coal resource as part of the development. 08.11.18

Coal Authority:

The site has been subject to both recorded and historic unrecorded underground coal mining at shallow depth. There are two recorded mine entries (shafts) and their associated zones of influence located within the planning boundary.

In terms of the risks posed by the recorded mine entries, the submitted report confirms that both of the treated shafts within the planning boundary will require investigation to assess their condition to determine whether the treatment applied could be considered to be respective of the development proposed.

The Coal Authority concurs with the recommendations of the Report on a Coal Mining Risk Assessment (December 2017, prepared by Rogers Geotechnical Services Ltd); 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. Accordingly, no objection to the development subject to a pre-commencement condition requiring such works. 09.11.18

HS2:

No objections. Given interfaces between respective works programmes in that location it will come as no surprise that discussions are ongoing between HS2 and the applicant regarding the construction, logistics and proposed environmental mitigation. In that regard HS2 Ltd stresses the importance of such dialogue and collaboration continuing to ensure that the proposed scheme and HS2 can operate without conflict and work to mitigate any potential conflicts that may arise. 02.01.19

Highways England:

In April 2018 Highways England reviewed the original applications (17/00498/FUL and 17/00499/OUT), recommending that these not be approved until further information to determine the impacts of the proposed development on M1 J28 had been provided. We provided the applicant with our VISSIM model of the junction (validated to a 2017 base year) to support their impact assessment work, for which the modelling results were subsequently submitted for review.

In the AM peak period we expect an increase of approximately 40 vehicle trips at M1 J28. We have no concerns regarding junction operation in this peak as a result of the development, and a review of the VISSIM model confirms no change to queue lengths.

We expect a net increase of approximately 200 vehicle trips through the junction in the PM peak as a result of the development, which we note could result in the queue length on the M1 northbound off-slip increasing by 120m. This takes the maximum queue length on this approach to approximately 300m, although this can be accommodated within the stacking capacity of the existing off-slip link.

Although the operation of the M1 southbound off-slip is currently a significant safety concern due to queues reaching back to the M1 mainline, the addition of development traffic does not affect queues on this approach.

Considering these impacts, we do not consider there to be mitigation that can be provided which is fair and proportionate to the scale of impact on the operation of the junction. We therefore issued a no objections response in May 2018. Daily fluctuations for example, in traffic levels could mirror the impact of the additional development traffic.

As applications 17/00498/FUL and 17/00499/OUT were withdrawn, proposals were resubmitted in October 2018 under respective application references 18/00470/FUL and 18/00471/OUT. With the only change being that the overall quantum of development had been reduced by 5,574sqm we would expect a reduction in trips compared to previous proposals and therefore our previous no objections response remains unchanged. 11.01.19

Local Highway Authority (DCC):

Detail comments on the submitted Travel Plan. 15.11.19

Access proposals acceptable in principle. Some concerns about the level of parking provision. However a parking accumulation analysis indicates that overall within the site capacity will be available. As any shortfall in parking would be likely to cause congestion and on-street parking within the site rather than on the public highway an objection cannot be sustained.

No objections subject to conditions:

- Construction management plan;
- Detailed scheme for offsite highway works;
- Detailed phasing programme for the off-site highway works;
- Access gradient;
- Design of temporary access off Cartwright Lane;
- Access, parking, servicing etc areas before first occupation;
- Travel Plan to be revised. 14.11.18

Local Lead Flood Authority (DCC):

Majority of site drains to the north-west, to Normanton Brook. Part of the site drains to the south east.

To avoid any catchment transfer into the north west catchment, the applicant is proposing to drain the whole of the proposed sites impermeable area to the greenfield run-off rates for the north west catchment of the site alone, which the Lead Local Flood Authority (LLFA) strongly welcomes.

The applicant as per the submitted Flood Risk Assessment has considered and shall incorporate a range of SuDS features within the proposed development, this is in line with the National Planning Policy Framework.

The LLFA will require the production and submission of details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.

Therefore recommends conditions requiring detailed design and management plan for the surface water drainage of the site; assessment to demonstrate that the proposed destination accords with the drainage hierarchy; and details of surface water management during construction. Also provides detailed advisory notes. 09.11.18

Severn Trent Water:

Requests condition requiring drainage plans for the disposal of surface water and foul sewage prior to commencement. 14.12.18

Senior Engineer (BDC):

Subject to acceptance of SuDS by the LLFA must ensure that an Operation and Maintenance Plan is in place. Any temporary drainage during construction must give due consideration to the prevention of surface water run-off onto the highway and neighbouring properties.

12.11.18

Economic Development (BDC):

If Planning is minded to approve the planning applications that the local jobs planning condition should be applied and also for support to be given for the Regeneration Framework's plans for South Normanton town centre.

The number of jobs proposed under the two alternatives are noted. The jobs figures are employment density derived figures using information from the publically available `HCA Employment Density Guide 3rd Edition`. The applicant has reflected construction jobs in the response. It is noted the GVA data is based on the UK National Accounts Blue Book. No information is provided about the skills levels of jobs provided under either scheme.

The Council has strategies and plans to promote economic growth and skills across Bolsover District. The strategies support business growth and recognise the role of the market towns. From an Economic Development perspective, Retail and Business/Professional/Financial Services and Manufacturing/Advanced Manufacturing and Transport/Storage/Logistics are identified as priority sectors in the District (amongst other sectors). It is noted the two alternative schemes make different contributions to meeting these priorities. It is recognised that different development types will result in different jobs and skills levels depending on the end occupier for a scheme. No skills information has been made available about the schemes. We have no evidence currently available to prioritise one sector over another. Economic Development would request the inclusion of a planning condition to secure local opportunities for skills, training and employment in the District. 16.09.19

Planning Policy (BDC):

Detailed assessment against policies of the adopted development plan, the emerging Local plan and the Framework.

Concludes the proposal is contrary to policy ENV 3 - Development in the Countryside of the adopted Bolsover District Local Plan as it is within the countryside and is none of the types of development permitted by the policy.

In terms of material considerations that could indicate that the proposal should be approved, the emerging Local Plan allocates the two application sites as one allocation for 14 hectares of B2 / B8 uses only under policy WC1: Employment Land Allocations. This employment allocation has been tested at the Local Plan Examination and the Inspector has judged that it does not need to be modified to make the Local Plan sound or legally compliant. As such, the outline proposals for employment use on the northernmost part of the allocation are largely in conformity with the emerging Local Plan and this is considered to represent a material

South Normanton Parish Council:

The Council is very concerned with the following issues should the development go ahead: -

1. The increased level of traffic and extra congestion around the M1 Junction 28, and the roundabouts off the A38 to McArthur Glen.
2. The increased levels of air pollution due to extra traffic and extra congestion around the M1 Junction 28, and the roundabouts off the A38 to McArthur Glen.
3. The increased noise levels due to the increased level of traffic and extra congestion around the M1 Junction 28, and the roundabouts off the A38 to McArthur Glen.
4. The increased level of commercial vehicles that will travel through the centre of South Normanton to access the proposed development.

The increased danger to pedestrians on the roads around the proposed development from additional traffic and additional air pollution. 27.09.19

Mansfield District Council:

Detailed 28 page letter submitted explaining their strong objection which relates primarily to the parallel retail proposal, however mention is made of the proposed D2 uses:

“The applicant appears to contradict themselves with regard to the proposed D2 use acknowledging that this would be a gym or health and fitness facility that *“would serve both employees as well as surrounding residents...”* (our MDC emphasis). The applicant states *“None of the centres assessed have such a facility as their anchor, or one of the main reasons to visit the centre.”* Again many of the smaller centres do have gyms that ensure commercial buildings aren’t otherwise vacant or under-occupied and they do generate some footfall for other businesses in the centre. Being located in designated shopping centres also means they are accessible by a choice of means of transport and as well as close to a large walk-in population.”

Amber Valley Borough Council:

Given the nature of the proposals, Amber Valley Borough Council has no comments to make in connection with the above application. Officers are of the opinion that the proposed development is not of a sufficient scale to be likely to have any significant adverse impact on Amber Valley. 02.01.19

Ashfield District Council:

Object to the trade counter and D2 gymnasium uses. These type of uses can be found within town centres, with gyms in particular ensuring commercial buildings remain occupied. It is considered that provision of these uses would have additional impacts on the town centres of Ashfield District and a further negative impact on the strategic road network with the A38. Suggest as per national government advice and guidance that applications for gym and retail

uses are directed towards town centres. These are town centre uses which should have been included in the sequential test for the parallel retail proposal. 19.11.18

PUBLICITY

Advertised in press as a departure to the Local Plan. 3 site notices posted. 15 Neighbours notified.

Representation:

From Normanton Lodge Care Village situated adjacent to the application site. Concern about noise from the supply of goods to the development, from vehicles entering the roundabout, from the development adjacent to where 80 residents will live. Restricted hours for deliveries should help contain this problem. Wishes to shape the proposal so that it works for all that have to live as neighbours.

Objections:

Pro-forma letters of objection received principally relating to the parallel retail planning application but including opposition to the proposed leisure use (i.e. the proposed D2 Gymnasium) within this outline application which would threaten existing businesses in Sutton, Mansfield and Alfreton town centres.

78 copies of the letter representing 78 businesses in Sutton-in Ashfield have been received.

103 copies of the letter representing approximately 89 businesses in Mansfield have been received.

In addition a further 13 copies of the letter have been received from other interested parties (no business details or remote to the area)

Nine letters of objection relating to the additional traffic from the development which will contribute to existing highway problems to the detriment of the residents of South Normanton, and add to noise and pollution.

Objections have also been received from Agents acting for owners of retail estates as follows:

Williams Gallagher on behalf of Eisinger Limited, owners of the Idlewells Shopping Centre, Sutton-in-Ashfield.

Main objection is to the retail development in the parallel application, however considers that the D2 gymnasium use should have been included in the sequential test and that such a use could be developed separately from the retail park development within existing town centres. As a town centre use it should also have been included within the retail impact assessment.

NTR Planning on behalf of the owner of the East Midlands Designer Outlet (EMDO) Aviva Life and Pensions UK Limited and McArthur Glen who are the property managers.

Main objection in relation to this application is the impact of service vehicles without impinging on each other and car parking facilities.

Aldergate Property Group (owner of site included in sequential test):

Primary objection to the retail proposal but also references objection to the leisure element of the outline proposal which is a town centre use.

POLICY

Bolsover District Local Plan ("the adopted Local Plan")

Planning law requires that applications for planning permission be determined in accordance with saved policies in the adopted Local Plan, unless material considerations indicate otherwise.

In this case, the proposals map for the BDLP shows the majority of the site as a site for large firms along with the area to the west, now occupied by various large warehouse units along Berristow Lane and subject of policy EMP9. However, EMP9 is not a saved policy of the adopted Local Plan because the site was originally allocated as a reserve site in case the Castlewood Business Park across the A38 was delayed or not developed. Large firms developed plots along Berristow Lane pending the Castlewood development. Subsequently the Castlewood development has now progressed and the allocation on the remaining land, now the subject of the current applications, was not saved (saving direction September 2007). Therefore, the allocation has been deleted and the policy is no longer relevant.

As a consequence, the site is now considered to lie outside the settlement framework for the purposes of the adopted Local Plan and in the countryside where the main applicable saved policy is ENV3: Development in the Countryside.

Other relevant and applicable saved policies include:

GEN 1: Minimum Requirements for Development

GEN 2: Impact of Development on the Environment

ENV 5: Nature Conservation Interests throughout the District

ENV 8: Development affecting Trees and Hedgerows

National Planning Policy Framework ('The Framework')

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and contains a presumption in favour of sustainable development and says decisions on planning applications should secure development which will improve the economic, social and environmental conditions of the area.

Paragraphs 86-87 (the sequential test) and 89-90 (retail impact assessment) of the Framework have some relevance to comments made by objectors to this application.

Paragraph 86 says local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 87 goes on to say when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Paragraph 89 says when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Paragraph 90 goes on to say where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

Publication Version of the Local Plan for Bolsover District (May 2018) ("the emerging Local Plan"):

Paragraph 48 of the National Planning Policy Framework says local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) 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
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The Publication Version of the Local Plan for Bolsover District (May 2018) is currently undergoing examination. Following the hearings the Inspector has provided her judgement on the necessary Main Modifications required to make the new Local Plan legally compliant and sound. Consultation has taken place on these modifications and the result sent to the

Inspector. The final Inspectors report is expected soon. As such the plan is therefore at a very advanced stage.

Within the Submitted Local Plan for Bolsover District, the application site is allocated under policy WC1: Employment Land Allocations on which the Council will support the development of the site for 14 hectares of B2 / B8 uses only. This restriction to B2 / B8 uses only formed a matter of discussion at the Examination and the applicant, who was objecting to the restriction to B2 / B8 uses only, and other objectors, who were objecting to any inclusion of retail uses on the Wincobank Farm site, were in attendance at the relevant Hearing session. The Inspector considered the arguments put forward by the Council and the objectors and the Inspector has essentially ruled within her judgement on the necessary Main Modifications that the restriction to B2 / B8 uses only does not need to be modified to make the Local Plan sound or legally compliant.

Accordingly, significant weight should be afforded to the most relevant applicable policies, which are:

WC1: Employment Land Allocations;

WC5: Retail, Town Centre and Local Centre Development.

Other

Adjoining the application site to the east is the safeguarded corridor for HS2.

ASSESSMENT

This application is one of two submitted together for a total of 15.37ha of land on the eastern side of South Normanton. This report relates to the application for the northern part of the site which seeks outline planning permission for the erection of Class B8 employment units with provision for trade counter and/or Class D2 Gymnasium Uses, with all matters reserved for future approval other than the means of access.

Class B8 is use for storage or as a distribution centre.

Class D2 (Assembly and Leisure) includes use as a cinema, concert hall, bingo hall, dance hall, swimming bath, skating rink, gymnasium, or use for other indoor or outdoor sports or recreations not involving motorised vehicles or firearms.

The applicant has specifically specified that the D2 use would only relate to gymnasium use (which would need to be subject to a specific restricting condition if such use is to be approved). Such uses are generally considered to be 'main town centre uses'. Trade counter use is *sui generis*, i.e. is not a specific use covered by the defined use classes in the Town & Country planning (Use Classes) Order 1987 (as amended).

A separate but related application for full planning permission for retail and hotel uses (application no. 18/00470/FUL) on the southern part of the site utilising the same access off the enlarged Berristow Lane/Carter Lane East/A38 roundabout, has been considered by the Planning Committee which resolved to approve the application subject to referral to the Secretary of State (who decision on referral is delayed as a result of the purdah period due to the General Election).

Principle of Development

Compliance with saved policies of the adopted Local Plan

The principal policy in the adopted Local Plan relevant to the general location of the proposal is policy ENV 3 - Development in the Countryside.

Policy ENV3 states that outside settlement frameworks planning permission will only be granted for development which:

- 1) Is necessary in such a location; or
- 2) Is required for the exploitation of sources of renewable energy; or
- 3) Would result in a significant improvement to the rural environment; or
- 4) Would benefit the local community through the reclamation or re-use of land.

It is considered that the proposed development fails to meet any of these four criteria and is therefore contrary to the adopted Local Plan. The proposal includes main town centre uses (as defined in The Framework) which are not normally 'necessary' in a countryside location; the proposal does not involve the exploitation of sources of renewable energy; would not improve the rural environment as it would introduce buildings of an urban character; and, does not involve the reclamation or re-use of land which is currently in productive agricultural

(and related discipline of the keeping of horses) use.

Therefore, it is considered the proposals are contrary to the saved policies of the adopted Local Plan, in particular policy ENV3: Development in the Countryside. However, the site is allocated for employment land in emerging Local Plan policies, which diminishes the extent to which the Council can object to the application based on the identified conflict with saved policy ENV3.

Compliance with emerging Policies in the new Local Plan

The emerging Local Plan allocates the site (along with the retail/hotel application area) solely for B2 (General Industrial) and B8 (Storage or distribution) uses (Policy WC1: Employment Land Allocations).

This employment allocation has been tested at the Local Plan Examination and the Inspector has judged that it does not need to be modified to make the emerging Local Plan sound or legally compliant.

Accordingly the emerging policies of the new Local Plan, which accord with the policies of the Framework, can be given significant weight in determining the application. The application is generally in accordance with these policies apart from the trade counter and gymnasium uses.

Gymnasium and Trade Counter uses

These are considered to be main town centre uses (as defined the Framework), and should therefore be located within such areas.

Many of the objections received to the application are related to these town centre uses reference being specifically made to the leisure uses. The leisure uses could be located in their own right in the surrounding town centres and such uses should have been included within the retail impact assessment and sequential test undertaken in conjunction with the parallel retail application.

However the applicant has stated:

“For the D2 use, this is included in the outline element of the scheme. It is expected that this would be a gym or health and fitness facility, and this would serve both employees as well as surrounding residents. Whilst the indicative masterplan expects that this could extend to some 1,858 sq m gross, it is possible that it would be smaller than this depending on the format. However, the critical point is that this is a supporting use to the main employment and retail function. None of the centres assessed have such a facility as their anchor, or one of the main reasons to visit the centre. Therefore, we are confident that its inclusion would not represent a significant adverse impact on existing centres. (para 7.36 of the Planning and Retail Statement)”.

Also:

“We have also considered the impact from the proposed A3 and D2 leisure uses. Due

to the modest scale of these uses in the context of the overall scheme and the function of the uses to serve the visitors to the retail development, as well as hotel guests and the workers at the proposed employment floorspace, their inclusion is entirely sensible and would not cause any significant adverse impact on existing centres". (Para 7.97 of the PRS)

However while the D2 gymnasium use may provide an added facility for the retail and hotel development, and indeed the employment uses proposed in this application, it remains contrary to the saved policies of the adopted local plan and those of the emerging Local Plan.

Also, with respect to the issues raised by the objectors, the point is that location of such a leisure use in the existing town centres would help improve their vitality and viability by adding to footfall and trade which could to a certain extent help counter the adverse impacts from the retail development on Park 38, if that development is approved and proceeds. Such a use in this location, as proposed by this outline application, could further discourage investment of similar facilities in these nearby centres (Sutton-in-Ashfield, Mansfield and Alfreton).

The D2 use would therefore be contrary to the saved policies of the adopted Local Plan and to the emerging policies of the new Local Plan which allocates the site solely for B2 and B8 uses. In addition the provision of such an 'ancillary' use may be more appropriately considered when the associated development has taken place

Trade counter uses which are generally related to smaller scale buildings and consist of storage uses but with a predominant retail use selling to calling members of the public and tradesman, similarly would be contrary to the saved policies of the adopted local plan and emerging local plan being more akin to retail uses rather than B2/B8 employment uses. A proposal for trade counter uses implies that the retail element is the significant aspect of the use rather than storage in a large building with an ancillary small scale retail element for visitors to the premises.

It is therefore reasonable and necessary to impose a condition on the land and any buildings that come forward on this site to shall be solely for B8 storage and/or distribution uses as defined by the Town & Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose at any time during the lifetime of the development.

This type of condition would ensure the proposals are in accordance with the site allocation in the emerging Local Plan and address objectors concerns about addition out of town centre uses on this part of the site to the rear of the Park 38 proposals. For the following reasons, there are no other considerations that weigh strongly for or against approval of this application:

Other Relevant Considerations

Traffic Impacts

Many objectors and several consultees raise traffic issues, particularly the extra traffic which will be drawn to the area and the consequent additional congestion, noise and air pollution. A

development of this nature will inevitably increase traffic in the area, including on the M1 and the operation of junction 28. There are local concerns about extra 'rat running' traffic through the village and issues of 'grid-lock' on the current Berristow Lane/A38 roundabouts at peak EMDO shopping times causing problems and delays for residents which will be made worse as a result of the traffic impacts from the development.

Highways England (the Highways Agency) do not consider there to be mitigation that can be provided which is fair and proportionate to the scale of impact on the operation of the motorway junction. Daily fluctuations, for example, in traffic levels could mirror the impact of the additional development traffic. They therefore offered no objections.

Derbyshire County Council (Local Highway Authority) consider that the access proposals into the site are acceptable in principle. They have some concerns about the level of parking provision, however as any shortfall in parking would be likely to cause congestion and on-street parking within the site rather than on the public highway do not consider that an objection could be sustained. They raise no concerns in relation to the operation of the local highway network. Various conditions are recommended (see consultation response above).

Air Quality

Many objectors and several consultees similarly, as a result of the additional traffic, raise issues of pollution and impact on air quality, particularly given the Ministerial direction in relation to air quality along the A38. The Council's Environmental Protection Officer has given detailed consideration to this issue (see Consultation response above) and does not object to the development while retaining concerns. In view of their concerns they recommend a condition requiring a scheme of Air Quality Improvement Measures. Proactive measures from the applicant would provide reassurance that the development would not jeopardise the work that is currently being undertaken to improve air quality within this area

Ecology

Derbyshire Wildlife trust have indicated that a thorough assessment has taken place and that the mitigation proposals are broadly acceptable. The assessment and comments are based on the development of both phases of the site and a requirement for conditions relating to matters of detail and future maintenance (see DWT consultation response above).

The current application involves the loss of areas of important hedgerows including trees. The main mitigation proposals (for the whole development) take place on land within the outline planning application site apart from an area (0.4ha) of enhanced grassland with new hedgerow to the east of the retail application site.

Appropriate conditions should ensure the mitigation proposals shown take place. .

Mineral Safeguarding

The Mineral Planning Authority (DCC) raised objection to the proposal as the site is underlain by coal reserves. A report which determines the practicality and viability of extracting the coal resource as part of the development is requested.

In response the applicant states:

- a) It is considered that the proposed development, will create significant employment, thus benefiting the local area. It is argued that this creates an overriding need for the development.
- b) It is considered that prior extraction of the mineral cannot reasonably be undertaken for the following reasons:
 - The site was formerly a part of a colliery, with two shafts being present within the development area. Therefore, it is likely the coal seams have been worked beneath the site. Re-opening old workings would not be feasible due to the health and safety risk to operatives. Moreover, as the area has been previously worked, there would be limited reserves and there would be a risk of collapse if further extraction by mining was permitted.
 - Open cast mining of the shallower seam could not be reasonably undertaken due to the potential dangers of excavating down to potentially worked seams. In addition, there would be adverse environmental impacts on the surrounding commercial properties.
 - The extraction of coal would result in a significant increase in traffic movements, hence pollution, on the A38 and at its junction with the M1.
- c) Insistence on extracting the limited reserves of coal beneath the site would prejudice the timing, hence viability of the proposed development.

The Minerals Planning Authority has provide no further comment. It is likely that the intrusive site investigation required by the Coal Authority will establish the situation regarding the coal mining legacy and presence of workable minerals. Such an investigation can be required by condition.

Other considerations:

Issues relating to the potential for contaminated land, protection/recording of archaeological interest, drainage of the site, noise (particularly in relation to impacts on Normanton Lodge Care Home) can all be controlled by appropriate conditions so that their impacts are addressed.

Conclusion

The proposal is contrary to the policies of the adopted Bolsover District Local Plan being contrary to policy ENV3: Development in the Countryside. However, the emerging policies of the new Local Plan, in particular policy WC1 Employment Land Allocations, has considerable weight in the planning balance as the plan is at a very advanced stage having been through public examination with no changes proposed for this policy.

The B8 and predominant element of this outline planning application is in accordance with the new Local Plan allocation and policy for this site. The D2 Gymnasium and trade counters uses are not in accordance with that policy. It is recommended that the B8 Use only be approved by the use of an appropriate condition.

RECOMMENDATION

The current application be **APPROVED** subject to the following conditions:

Reserved Matters

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. (*Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. (*Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)
3. The development hereby permitted shall commence within 3 years from the date of this permission or not later than 2 years from the date of approval of the last of the reserved matters, whichever is the later. (*Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*)

Approved Plans and Specifications

4. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

Corstorphine + Wright Plans and drawings:

0201 P-00	Existing Site Plan
0202 P-00	Existing Topographical Section
0204 P-02	Site B Location Plan – Outline Application
0301 P-08	Proposed Masterplan
0313 P-01	Masterplan Biodiversity Areas

Figure 8 Ecological Mitigation Compensation and Enhancement Plan as contained within the Ecological Appraisal (July 2019) by BSG ecology.

(Reason: For clarity and to ensure the development is developed in accordance with submitted plans and drawings to accord with the policies of the Bolsover District Local Plan in particular policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment) and ENV5 (Nature Conservation Interests throughout the District)

5. Notwithstanding the submitted plans drawings and supporting information and other than the associated access and ecological mitigation works, the land and any buildings hereby permitted shall be used solely for B8 storage or distribution uses as defined by the Town & Country Planning (Use Classes) Order 1987 (as amended) and for no

other purpose at any time during the lifetime of the development hereby permitted.

(Reason: To accord with the policies of the emerging Local Plan for Bolsover District in particular policy WC1: Employment Land Allocations, D2 gymnasium and trade counters are contrary to this policy and the saved policies of the adopted Bolsover District Local Plan being main town centres uses as defined by the National Planning Policy Framework.)

Archaeology:

6. a) 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 shall 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
 - 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
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) The development shall 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 (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

(In the interests of affording protection for any archaeological interest on the site and in compliance with policies GEN2 (Impact of Development on the Environment) and CON13 (Archaeological Sites and Ancient Monuments) of the Bolsover District Local Plan).

Coal mining legacy and reserves

7. Prior to the commencement of development an appropriate scheme of intrusive site investigations for shallow coal mine workings and any economically viable workable coal reserves shall be undertaken and a report of the findings together with a scheme for any necessary remedial works shall be submitted to and approved in writing by the local planning authority. The remedial works shall be implemented as so approved.

(To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be

identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework and policy GEN1 (Minimum Requirements for Development) of the Bolsover District Local Plan)

Drainage

8. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
 - a. the submitted Flood Risk Assessment Including Surface Water Strategy, Cartwright Lane, South Normanton, Bolsover, for Limes Development Ltd (June 2017 Rev D, Report Ref: 2327-FRA01) and any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team, and
 - b. DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of any building commencing.

(To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in compliance with policies GEN2 (Impact of Development on the Environment) and GEN5 (Land Drainage) of the Bolsover District Local Plan).

9. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 of the national planning practice guidance.

(To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options, in compliance with policies GEN2 (Impact of Development on the Environment) and GEN5 (Land Drainage) of the Bolsover District Local Plan).

10. Prior to commencement of the development, details indicating how additional surface water run-off from the site will be avoided during the construction phase shall be submitted to and approved by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

(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 policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment) and GEN5 (Land Drainage) of the Bolsover District Local Plan).

11. 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.

(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, and in compliance with policies GEN2 (Impact of Development on the Environment) and GEN6 (Sewerage and Sewage Disposal) of the Bolsover District Local Plan).

Employment Scheme

12. Before the development hereby approved commences, an Employment Scheme to enhance and maximise employment and training opportunities during the construction phase of the project shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority.
(To maximise potential local skills, training and employment opportunities).

13. Within 6 weeks prior to the approved development being first brought into operation, an Employment Scheme to enhance and maximise employment and training opportunities during first occupation, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full in accordance with the approved timetable unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority.
(To maximise potential local skills, training and employment opportunities).

Travel Plan

14. No part of the development permitted by this consent shall be occupied until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the

Local Planning Authority for approval for a period of five years from first occupation of the development permitted by this consent.

(In the interests of highway safety and to encourage the use of sustainable modes of travel and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

Highways

15. No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall 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.

(In the interests of highway safety and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

16. The gradient of the access into the site shall not exceed 1 in 30 for the first 10m into the site from the highway boundary.

(In the interests of highway safety and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

17. Prior to any other works commencing on site, any temporary access for construction purposes shall be constructed to Cartwright Lane, such access shall have a minimum width of 7.3m, visibility splays of 2.4m x 43m in each direction and a 10m radius on the western side with appropriate surfacing to inhibit the deposit of mud and debris on the public highway.

(In the interests of highway safety and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

18. Prior to the first occupation of any premises hereby permitted, the enlarged Berristow Lane roundabout and access road, together with servicing, car parking and manoeuvring space shall be laid out in accordance with the application drawings, constructed to base level, drained and lit and maintained throughout the life of the development free of any impediment to its designated use.

(In the interests of highway safety and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

Contaminated Land

19. a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed prior to the commencement of development 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 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 paragraph a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of paragraph 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 paragraph 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 Local Planning Authority shall be used on site.

(The site has the potential to be contaminated because of past uses on or near the site and to ensure all contaminated land is dealt with without risk to human health and wildlife in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan).

Noise

20. 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 September 2019 (Peter Brett Associates Project Ref: 41960/3001 rev 4) 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 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 shall be implemented in full and retained thereafter.

(To protect the noise environment and amenity of nearby residential properties, to avoid an increase in overall noise levels in the area and incompliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

Environmental Impacts

21. Prior to the start of any phase of development, a site specific construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall include details such as (but not limited to) working hours, noise and dust mitigation measures including demolition and construction methods and locations of any stockpiles/site compounds, use of temporary acoustic barriers, wheel washes etc. where required. This CEMP shall then be implemented throughout the course of the development.

(To protect the environment and amenity of nearby residential properties and incompliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan)

Air Quality

22. Prior to the first occupation of any unit developed on the site, a scheme of air quality improvement measures shall be submitted to and approved in writing by the Local Planning Authority. This shall include any mitigation measures such as (but not limited to) requirements for green infrastructure, electrical vehicle charging points and requirements for low emission vehicle fleets as appropriate. The approved scheme shall be implemented for the life of the development.

(To minimise and mitigate any potential impacts on air quality in the area as there is an on-going issue with respect to air quality along the A38 in the vicinity of the development, and in compliance with policies GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan).

Biodiversity

23. Prior to the commencement of development (which includes removal of trees and the demolition of buildings) a detailed bat mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority and a copy of the EPS license once obtained shall be submitted to the Local Planning Authority.
24. The mitigation and habitat enhancement measures for great crested newt outlined in the submitted ecological appraisal (sections 5.50 and 5.51) shall be implemented in full, a copy of the EPS licence, once obtained, shall be submitted to the Local Planning Authority.

25. No removal of hedgerows, trees, shrubs or brambles shall 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 details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Construction Environmental Management Plan (Biodiversity)

26. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.
- i. Risk assessment of potentially damaging construction activities.
 - ii. Identification of “biodiversity protection zones”.
 - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements e.g. for reptiles).
 - iv. The location and timing of sensitive works to avoid harm to biodiversity features.
 - v. The times during construction when specialist ecologists need to be present on site to oversee works.
 - vi. Responsible persons and lines of communication.
 - vii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - viii. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

27. Ecological Mitigation and Management Plan (EMMP)

The Ecological Mitigation and Management Plan (EMMP) described in the submitted Ecological Appraisal shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. The EMMP should include the following:

- i. Details of the Ecological Mitigation Areas and the habitats to be created and managed.
- ii. Aims and objectives of management.
- iii. Timescales for habitat creation and management
- iv. Appropriate management options for achieving aims and objectives.
- v. Prescriptions for management actions.
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- vii. Details of the body or organization responsible for implementation of the plan.

- viii. Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the EMMP are not being met.
- ix. Locations of bat boxes, bird boxes, hedgehog holes and habitat piles and/or other (include specifications/installation guidance/numbers)
- x. Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The approved EMMP shall be implemented in accordance with the approved details. *(Reason conditions 23 – 27 To mitigate for the loss of established biodiversity as a result of the development and to provide a net gain in compliance with policies ENV5 (Nature Conservation Interests throughout the District) and GEN2 (Impact of Development on the Environment) of the Bolsover District Local Plan and the policies of the National Planning Policy Framework).*

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

The decision contains several pre-commencement conditions which are so fundamental to the development permitted that:

- it would have been otherwise necessary to refuse the whole permission or
- are necessary to address issues that require information to show that the development will or can be made safe,
- or address other impacts which need to be assessed to make the development acceptable to minimise and mitigate adverse impacts from the development.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic

Human Rights Statement

The specific Articles of the European Commission on Human Rights (“the ECHR”) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and

protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.

Advisory Notes:

1. Local Lead Flood Authority (Derbyshire County Council):

Extensive advisory notes are provided with the LLFA consultation response dated 9th November 2018 which can be viewed on the Council's web site under the planning application reference number documents.

2. Severn Trent Water

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area of the development, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

3. Economic Development Team, Bolsover District Council:

For further information on the Employment Scheme referred to in conditions above, please contact Lisa Fox on 01246 242324 or Laura Khella on 01246 24230.

4. Local Highway Authority (Derbyshire County Council):

- a. Revisions and additions to the submitted Travel Plan are suggested by the Local Highway Authority in comments dated 15 November 2018 which can be viewed on the Council's web site under the planning application reference number documents.
- b. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website
http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp email highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.

- c. Pursuant to Sections 278/72 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 38/278 Agreements may be obtained from the Economy Transport and Environment Department at County Hall, Matlock. The applicant is advised to allow at least 12 weeks in any programme of works to obtain a Section 38/278 Agreement.
- d. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

PARISH Shirebrook Parish

APPLICATION Outline application for residential development with access detail submitted for approval for up to 20 dwellings (100% affordable) and all other matters to be reserved.

LOCATION Land behind Nicholson's Row, 43 To 69 Main Street, Church Drive and Long Lane Shirebrook.

APPLICANT Mr P Farmer 12 Nightingale Court Nightingale Close Rotherham

APPLICATION NO. 19/00432/OUT **FILE NO.** PP-08038180

CASE OFFICER Mr Steve Phillipson

DATE RECEIVED 27th July 2019

REFERRED TO COMMITTEE BY: Cllr Tait

REASON: The suitability of the infrastructure in this area to sustain 20 properties and concerns regarding the road safety. Also residents have come forward with multiple concerns.

SUMMARY

This is a sustainably located site near Shirebrook town centre which is not currently in use and is subject to fly-tipping. It is allocated for residential development in the adopted local plan and compliant with emerging local plan policy.

Outline planning permission for residential use was granted for it in 2015 but this has since expired. A recent application for outline permission for 22 dwellings was refused because it had not been demonstrated that 22 dwellings could be accommodated on site whilst still complying with the Council's policies and guidelines.

The current outline application has reduced the number of dwellings from 22 to 20 and this has freed up enough space to enable the Applicant to demonstrate that a future reserved matters application for 20 dwellings could comply with the Council's policies and guidelines. i.e. the Applicant has addressed the reasons for the refusal of the previous planning application.

The Applicant has also agreed to enter into a S106 obligation to require 100% of the dwellings be affordable housing. This benefit can now be given weight in the balance.

This is a housing association scheme, a not for profit organisation, and the provision of affordable housing of the type and tenure sought by the Council to help fulfil a substantial identified need for affordable housing and at a level (100% instead of 10%) which far exceeds the policy expectation is a substantial benefit.

Although the Applicant has not agreed to the other S106 requests for health and art it is understandable that an all affordable scheme could not stand other contributions and this is a position the Council has accepted recently for a similar 100% affordable housing scheme nearby in Shirebrook.

In addition the extent of the public benefits in terms of the contribution to meeting affordable

housing need is considered to outweigh the more modest benefits that could result from provision of the health and art contributions for this relatively small site because only small sums would be involved.

Therefore the application is recommended for approval subject to conditions to deal with technical issues.

Indicative Layout



OFFICER REPORT: APPLICATION NO. 19/00432/OUT

SITE

The site is 0.49 hectares in area and is close to the centre of Shirebrook Centre. It is an under used backland site which has grass, bramble and scrub cover and a few trees, mostly self-set Sycamore and the remnants of a central hedgerow. None of the trees are remarkable specimens. Fly tipping is evident.

Site Location Plan



The site is situated behind other commercial buildings along Main Street, bungalows of Nicholson's Row, a mix of houses and bungalows on Long Lane and church hall buildings of Church Drive. Vehicular access to the site is proposed from Long Lane. Ground levels fall generally from the North West down to the south and east with a maximum level difference of about 4.5m.

Adjacent to the North West corner of the site is a late 17th century stone barn which has previously had permission for residential conversion previously (15/00395/OUT) and would have historically formed part of a complex of farm buildings known as Hollycroft Farm. The stone farmhouse adjacent is now two dwellings. Further to the North West behind Hollycroft Farm buildings is the Grade II Listed Holy Trinity Church which sits at a higher ground level than the application site and is partially screened from the site by existing buildings, walls fencing and trees.

A public footpath passes north south through the site from Main Street down to Long Lane and the public open space beyond and residential areas to the south (definitive footpath 19).



It should also be noted that the application includes part of the existing side and front garden to Hollycroft – a dwelling on Long Lane shown above. The existing beech hedge to the front

would be removed to create the visibility splay needed for the site access. The beech hedge to its eastern boundary would also be removed.

PROPOSAL

Outline application for residential development of up to 20 dwellings (100% affordable) with access detail submitted, which is from Long Lane to the south side of the site. All other matters are reserved. An indicative site layout plan has been provided showing how the site might be laid out.

This plan (shown below) shows 2 pairs of two storey semi-detached houses fronting Long Lane, 5 two storey houses each side of a new street into the site, 2 one bed bungalows (where close to existing bungalows at a lower level on Long Lane); and 4 two storey apartments backing on to Main Street property arranged around a cul-de-sac and courtyard turning head. With the exception of the 1 bed bungalows all dwellings are shown as being 2 bed.



The application is accompanied by the following reports:-

Design and Access Statement – Concludes the site is highly sustainable and can accommodate the proposed number of dwellings; the indicative layout has evolved from the previous application relating to its density, greenery around parking and staggering of the plots. The scheme will now provide up to 20 dwellings all of which will be affordable dwellings which will help the Council meet the demand for affordable housing for Shirebrook and the wider area.

Tree Survey – Concludes – there are several trees on site with a small variety of species; all trees are category C or U and so should not pose a constraint to development.

Ecology Survey – Concludes that there is a patch of Japanese Knotweed on site which will need eradicating; none of the vegetation habitats on site are of any intrinsic value and are not worthy of protection; the site forms part of a commuting corridor (and foraging territory) for bat roosts close by, but off-site, hence development could affect the use of the roost and so a licence from Natural England should be obtained and mitigation measures approved to include maintenance of a green corridor and appropriate street lighting.

Heritage Asset Statement – Views of the Church from Long Lane will be affected. However the site is allocated for residential development and being within an existing built up area, use for residential will preserve the setting and improve the sites appearance by preventing fly tipping, vandalism and antisocial behaviour.

Drainage Strategy – includes the use of underground storage to restrict the peak run-off rate to reduce the risk of flooding down stream.

AMENDMENTS

Draft S106 legal agreement submitted agreeing to provide 100% of the dwellings constructed as part of the development as affordable dwellings in accordance with an Affordable Housing Scheme.

Revised Indicative Layout Plan 18/2143/SK003 Rev D

HISTORY (if relevant)

15/00395/OUT	Granted Conditionally	Outline planning approval for residential use with all matters reserved for later approval (including change of use of existing barn for use as a dwelling).
18/00647/OUT	Refused	Outline application with access from Long Lane for residential development of up to 22 dwellings (100% affordable) and all other matters to be reserved.

Refused because it had not been demonstrated that 22 dwellings could be accommodated on site whilst still complying with the Council's policies and guidelines. Concerns re solid rows of frontage parking, lack space for planting, stark street scene, loss for biodiversity, harm to the wider setting of the Church.

CONSULTATIONS

BDC (Environmental Health Officer)

No objections subject to a condition requiring an investigation for potential ground contamination.

BDC (Housing Strategy Officer)

Confirms that there is a substantial need and demand for affordable housing in Shirebrook. The SHMA 2013 estimated that 96 affordable homes should be built in the Shirebrook sub market each year. The spread of house types is broadly acceptable and this is a good site in terms of its accessibility to the centre of the town.

Has requested a few changes to the wording of the draft S106 obligation submitted requiring the housing to be all affordable.

BDC (Conservation Officer)

The significant views of the grade 2 listed Holy trinity Church in terms of its contribution as a heritage asset are from Main Street. Notes that views from the Church of the application site are limited. Looking towards the church the site does not contribute to the immediate setting of the Church but is part of its wider setting. Would prefer a more spacious design given the contribution of the site as a component of wider setting of the Church.

BDC Drainage Engineer

If using SuDS a maintenance plan is required. Ensure temporary drainage plans during construction aim to prevent surface water runoff to the highway or neighbouring properties.

BDC (Urban Design)

No objections subject to further refinements to be secured at reserved matters stage (verbal response).

Shirebrook Town Council

Councillors are still concerned about the density of properties and the associated traffic issues, lack of parking spaces and the size of the properties themselves.

DCC Archaeologist

There is potential for medieval 'backplot' archaeology (small scale industry, rubbish pits, cess pits, agricultural buildings rather than for the medieval houses themselves. A condition is recommended involving a written scheme of investigation for archaeological work trial trenching evaluation followed by targeted excavation of areas of significant archaeological remains.

DCC (Highways)

No objections in principle. The site can be served by an appropriate access. Conditions are recommended re:-

- Provision of new access
- Parking and manoeuvring space
- Wheel cleaning during construction
- Maintenance details for the street to be approved
- Prevention of surface water runoff to the highway.

Notes including a footpath diversion order will also be required.

DCC (Education)

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that: the normal area primary school would have sufficient capacity to accommodate the 4 primary level pupils arising from the proposed development; and the secondary school would have sufficient capacity to accommodate the 3 secondary pupils arising from the development.

DCC (Flood Risk)

Initially advised additional surface water details needed.

Following the submission of a drainage strategy and drainage layout DCC have been re-consulted but were not able to fully review the information at the time this report was written due to other urgent flood risk work currently necessary. They have advised that the proposal to connect to surface water sewer may be the most practical disposal for surface water although 5 l/s may not be the minimum practicable rate attainable. Also the drainage strategy is lacking information.

Derbyshire Wildlife Trust

There is believed to be a bat commuting route across the site. A green corridor to maintain this commuting route should be provided. This may comprise open space or a linear run of gardens but they advise that it should be planted with trees and/or hedgerow to strengthen the feature. It could also potentially comprise an avenue of street trees along the access road. Lighting will need to be carefully designed with this commuting route in mind.

Whilst the site in general appears to support habitats of relatively low ecological value e.g.

species-poor grassland and tall ruderal, the proposal will result in the loss of numerous trees and several lengths of hedgerow, which should be offset by proposed landscape planting. There is also Japanese knotweed on site which will require removal prior to development.

Yorkshire Water

No comments

Severn Trent Water

No objections subject to approval of drainage details.

(Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered).

Peak and North Footpath Soc'

No objections. Requests the footpath be surfaced and lit through to Main Street with anti-vehicle barriers to deter motorbikes.

Ramblers

No objections. Recommends motorcycle barriers, avoiding high enclosure fences, surfacing, any temporary closure to be kept to a minimum.

CCG (NHS)

Although no contribution for health was sought for the previous application the CCG now seeks a contribution for Health towards the Shires GP Practice of £9,600 to be used to increase capacity.

PUBLICITY

Advertised in the press and on site. Neighbours notified by letter. 3 objections received on the following grounds:-

Increased traffic.

Obstruction of private driveways.

On-street parking.

Access should be prevented from Main Street.

Narrow roads in the vicinity.

Obstruction of emergency services.

Lack of facilities to accommodate the level of housing.

No significant change from the previous application and issues not addressed.

Over-development for the size of the plot.

Should be detached properties fronting Long Lane in keeping with the street or face the new street.

The plans do not indicate a cycle path. Cyclists use the footpath route.

Could generate antisocial behaviour.
Noise during construction.

Also one further objection from a Councillor raising concerns/queries:
Queries whether the hedge to Hollycroft will be replanted outside the new fence.
Queries parking provision for residents of Hollycroft Farm
Proximity of footpath route to Hollycroft Farm boundary.
Concerned about the high density.

POLICY

Bolsover District Local Plan (BDLP)

Planning law requires that applications for planning permission be determined in accordance with saved policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant saved Local Plan policies include:-

HOU3 – Allocates this site for residential development in the adopted local plan. The policy specifically states that “No open space requirement is necessary for the development of this site, however, the route of public footpath No. 19 which runs through the site should be safeguarded.

GEN1 (Minimum Requirements for Development);
GEN2 (Impact of Development on the Environment);
GEN4 (Development on Contaminated Land);
GEN5 (Land Drainage);
GEN6 (Sewerage and Sewage Disposal);
GEN8 (Settlement Frameworks);
HOU5 (Outdoor Recreation and Play Space Provision for New Housing Developments);
HOU6 (Affordable Housing);
TRA1 (Location of New Development);
TRA12 (Protection of Existing Footpaths and Bridleways);
TRA13 (Provision for Cyclists);
TRA15 (Design of Roads and Paths to Serve New Development);
CON10 (Development Affecting the Setting of Listed Buildings);
CON13 (Archaeological Sites and Monuments)
ENV5 (Nature Conservation Interests throughout the District);
ENV8 (Development Affecting Trees and Hedgerows).

Publication Version of Bolsover District Local Plan (“the emerging Local Plan”)

Paragraph 48 of the National Planning policy Framework says local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) 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

- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The emerging Local Plan is now at a very advanced stage of preparation having almost completed examination in public. Therefore, it is appropriate to afford significant weight to its policies.

The most relevant policies in the emerging Local Plan include:-

Policy SS1: Sustainable Development
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 SC7: Flood Risk
Policy SC8: Landscape Character
Policy SC9: Biodiversity and Geodiversity
Policy SC10: Trees, Woodland and Hedgerows
Policy SC14: Contaminated and Unstable Land
Policy SC11: Environmental Quality (Amenity)
Policy SC17: Development affecting Listed Buildings and their settings
Policy SC18: Scheduled Monuments and Archaeology
Policy ITCR3: Protection of Footpaths and Bridleways
Policy ITCR5: Green Space and Play Provision Policy
Policy ITCR10: Supporting Sustainable Transport Patterns
Policy ITCR11: Parking Provision

National Planning Policy Framework ("The Framework")

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

Paragraphs 7-10: Achieving sustainable development
Paragraphs 47-48: Determining applications
Paragraphs 54-57: Planning conditions and obligations
Paragraphs 91, 92 and 94: Promoting healthy and safe communities
Paragraphs 108-111: Promoting sustainable transport
Paragraph 118: Making effective use of land
Paragraph 122-123: Achieving Appropriate Densities
Paragraphs 124-128: Achieving well-designed places
Paragraph 153: Meeting the challenge of climate change
Paragraph 165: Sustainable Drainage Systems
Paragraphs 170 and 175: Conserving and enhancing the natural environment
Paragraphs 184 and 189-197: Conserving and enhancing the historic environment

Other (specify)

Supplementary Planning Document - Successful Places: A Guide to Sustainable Housing Layout and Design (2013) <http://www.bolsover.gov.uk/planning/development-plan>

Statutory Duty for planning applications affecting listed buildings:

Section 66 creates a duty with respect to planning applications affecting a Listed Building or its setting in that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

ASSESSMENT

The main issues to consider associated with this proposal are: the principle of the development of this site for residential purposes; any benefits that would arise from the proposal; the effects of the development on the character and appearance of the area; impacts on the amenities of neighbouring residents; impact on heritage assets; impact on biodiversity interests and impact on highway safety.

The Principle of Development

With regard to development plan policy, the site is specifically allocated for residential development in the adopted Local Plan (2000) under policy HOU3, and it is within the development envelope as defined by the emerging Local Plan under policy SC1. Furthermore policy SS3 sets out a settlement hierarchy where development should be directed and Shirebrook is one of the towns identified as being the first preference. The proposal is also in accordance with The Framework in principle because it accords with the development plan (para' 11c).

The site is considered to have a very sustainable location close to the town centre and so benefits from the goods and services on offer without the need to rely on the private car. The site is within walking distance of the primary school, local park, employment estate and Shirebrook also has a secondary school and railway station within a reasonable distance.

Hence residential development is clearly acceptable in principle on this site.

Outline planning permission with access from Long Lane has been granted for this site in the past but a recent outline application for 22 dwellings has also been refused. This was because it had not been demonstrated that the amount of development proposed (22 dwellings) could be accommodated on site whilst still complying with the Council's policies and guidelines. Concerns were raised over the cramped nature and quality of design shown in the indicative plans re rows of solid frontage parking, lack space for planting, stark street scene, loss for biodiversity and harm to the wider setting of the Church.

The extent to which these concerns have been addressed by the indicative proposals with the current application for 20 dwellings is key to the acceptability of the current application. These matters are considered below.

In addition to the favourable policy position outline planning permission has been granted for this site in the past, although this has recently expired. This is considered to be a material

consideration in that the Council should be consistent in its decision making unless there has been a material change in circumstances since the previous decision that indicates that permission ought not to be granted.

The previous permission was granted under the same adopted local plan policies. The main change in circumstances since the previous approval are firstly, that permission is now sought for a specific number of dwellings (20); secondly, unlike the previous application approved this application does not include the conversion of the Hollycroft Farm stone barn (The barn area is now outside but adjacent to the current application site); and thirdly the application site now includes part of the front garden to Hollycroft House to achieve required visibility splays. The significance of these changes is considered below.

Benefits of the Proposal

The Applicant proposes that this site will comprise of 100% affordable housing even though there is no policy requirement to provide any affordable housing in this case (10% affordable housing is required for developments of 25 dwellings or more). The Applicant has provided a draft S106 obligation to this effect. The Housing Strategy Officer has confirmed that there is a substantial need and demand for affordable housing in Shirebrook and the spread of house types indicated is acceptable and this is a good site in terms of its accessibility to the centre of the town.

Therefore it is considered that the delivery of 20 extra affordable houses of the right type and in the right place which would be a substantial contribution towards meeting the annual need in Shirebrook (about 20% of the annual need) is a benefit of the proposal that should be given significant weight.

To secure the affordable housing offered as a reason for granting planning permission, any permission would need to be subject to the completion of the S106 obligation.

The proposal would also contribute to the housing supply, this is a benefit and should be given some weight but it is not needed as such to achieve a five year supply since this has already been identified.

The site is currently unmaintained and as a result is overgrown and untidy in appearance. It has been the subject of fly tipping and antisocial behaviour. The development should help to address these issues and improve the character of the area and safety for footpath users. This benefit should also be given some weight.

Highway Safety

The access junction position proposed on Long Lane for the estate road is to be considered for approval at this stage. The Highway Authority has confirmed that the access position and design is acceptable and no objections are raised subject to conditions.

It is noted that concerns have been raised in representations about increased traffic generated and the capacity of the local highway system, the narrow width of Long Lane, amount of on-street parking, junction visibility etc. However since this site is allocated for residential development and the previous planning permission requires the use of Long Lane

as the access point, the Council must expect there to be some level of increased traffic accessing this site.

Therefore the issues to consider can only relate to the density of development proposed. If so many dwellings are proposed that the development would significantly and severely affect the road network or if it becomes impossible to provide an appropriate amount of car parking space to the detriment of highway safety, then it might not be appropriate to grant consent.

Although the density proposed (41 dwellings/ha) is a little higher than average for new developments (about 35/ha), with regard to increased traffic on the local highway system, it is considered that the additional vehicle trips that could be attributed to the higher density development as oppose to an average density would not be significant and so would not be a defensible reason to refuse planning permission. An average density would mean about 17 dwellings on this site instead of 20. i.e. 3 additional dwellings is not materially different in terms of traffic impact on the local road network.

With regard to parking provision, the indicative layout provided with this outline application demonstrates that 20 dwellings could be provided on site together with off-street parking space at a level which meets the Council's guidelines and policies. Hence the proposal should not result in an unacceptable degree of on-street parking and should not materially affect amenity at or access to existing dwellings.

The concern regarding loss of parking space for residents of Hollycroft Farm is noted. It is understood that they have used the application site for parking from time to time. However there is no right to park on land owned by others and that property does have some space for off-street parking within its own curtilage.

In summary it is considered that the level of development proposed would not generate traffic that would materially harm the road network, highway safety or amenity at existing dwellings.

Design, Layout and Effects on the Character and Appearance of the Area

With regard to the site access junction to Long Lane which is to be approved at this stage. It requires the loss of a section of the existing side garden and existing Beech hedgerow boundary to Hollycroft and the re-alignment of the route of footpath 19 along the west side footway of the new road. The Layout shows that a new 1.8m timber fence (now erected) and new Beech hedge on the outside (east side) of it that will be planted to replace the hedgerow removed. This would soften the appearance of the timber fence running along the footpath and side boundary of Holly Croft and would also help mitigate the ecological impact. A condition to require the planting and maintenance of the hedge is considered to be necessary.

This is an outline application with only access detail submitted for approval at this time. So details of layout, appearance, scale and landscaping are 'reserved' for approval at a later stage. Ordinarily therefore it would not be appropriate to give a lot of weight to indicative layout plans, since they are just that, indicative, and there will be further opportunity for improvements to be made at reserved matters stage.

However this application specifically includes a maximum number of dwellings to be provided on site; up to 20. So if planning permission is to be granted the Council must be satisfied that

it is possible to fit 20 dwellings on this site in a manner that would be acceptable having regard to planning policy, design guidelines, environmental impacts and all other material considerations. The Applicant has demonstrated this by means of an indicative layout plan.

The previous application for this site was for up to 22 dwellings and that application was refused because the Applicant was not able to demonstrate an acceptable scheme which complied with policy and guidelines. The current application is for 2 less dwellings and this has freed up enough space to show a development which has improved the street scene including frontage garden space, more planting and a parking solution which does not rely on solid banks of frontage parking. Garden space and separation between dwellings is also adequate and able to meet guidelines.

The current and previous indicative layouts are shown below for comparison:

Current



Previous



Given that a well-used public footpath passes through the site and there will be glimpses of the listed church to the northwest it is considered that the improvements illustrated to the streetscene are a material improvement over the previous application.

Comments made in representations about the two storey scale proposed and semi-detached nature of the dwellings shown to Long Lane are noted (single storey detached being preferred by the resident), however it is considered that these aspects of design as illustrated are not inappropriate for their setting. There are other two storey semi-detached properties further east on Long Lane.

Concerns have been raised in representations about the density of the development proposed. However high density in itself is not a problem; it is only a concern when the density is so high that it results in unacceptable impacts and unacceptable living conditions

that fail to meet the Council's guidelines and policies. It should be noted that Policy SS1 and SC2 of the Emerging Local Plan promotes the efficient use of land and Government Guidance in the framework at paragraphs 122-123 (Achieving Appropriate Densities) actively seeks development that makes efficient use of land.

Heritage Impacts

The most important views of the listed Church are from Main Street and intervisibility from the application is less important and limited by trees beyond the boundary of the application site. The inclusion of additional space between dwellings and planting shown on the current illustrative plan is considered to be sufficient to bring any anticipated effects on the listed building within those expected when the site was allocated. Any remaining harm would be less than NPPF "substantial harm" and so should be weighed against the public benefits of the proposal.

Hollycroft Farm House and stone barn is not listed but should be considered a non-designated heritage asset. At reserved matters stage it will be necessary to have regard to these buildings in terms of layout, design and materials. Unfortunately the barn is now outside of the application site boundary which means that it is not possible to control the redevelopment of this area as part of the same planning permission or to control the appearance of the broken down buildings beyond the application site boundary.

It is considered that any archaeological interest on site should be investigated and recorded. This could be achieved by means of an appropriate planning condition.

Residential Amenity at Existing Dwellings

Concerns were raised in representations for the previous application about impacts on amenity at existing dwellings including privacy, overbearing impact, noise etc. Not raised specifically for this application but a resident has said that their previous concerns raised had not been addressed. However, the indicative layouts provided show that it is likely that a scheme can be designed for 20 dwellings where any amenity impacts on neighbouring property would not be so significant as to fail to comply with the Council guidelines.

Furthermore, since this is an outline application with only access detail submitted for consideration we do not yet know what the precise impacts will be. They would be considered more fully at reserved matters stage.

Amenity impacts from the parking arrangements is dealt with above.

Residential Amenity at Proposed Dwellings

The indicative layout provided demonstrates that it is possible to design a layout for 20 dwellings which generally complies with the Council's guidelines in terms of private garden sizes, privacy distances between dwellings and daylighting etc.

Biodiversity

The Wildlife Trust advise that the site in general appears to support habitats of relatively low

ecological value.

Although the site contains a number of trees these are mainly multi-stemmed self-set sycamore, none of which are particularly good specimens worthy of a tree preservation order. Existing trees beyond the site near the Church would not be affected by the proposal.

The existing vegetation on site nevertheless has some biodiversity value and so its loss needs to be off-set by new planting and landscaping in order to comply with policy and the NPPF. The Wildlife Trust also seek the provision/maintenance of a green corridor for use as a commuting route by bats.

The indicative layout plan illustrates that the proposal could provide for some street tree planting, garden planting and replacement hedgerow planting and so, subject to the landscaping detail to be provided at reserved matters stage, it is considered likely that a commuting corridor for bats could be maintained and the impacts on biodiversity mitigated.

An informative note can be used to advise the Applicant to eradicate and dispose of any Japanese Knotweed in an appropriate manner.

Public Art and Health

Policy GEN17 states that the Council will seek to negotiate a contribution to public art at 1% of development costs. No art contribution has been agreed.

The CCG seek a contribution of £9,600 for expansion of capacity at the Shires Health Care facility. Emerging Local Plan Policy II1 supports such contributions to health care. However this contribution has not been agreed for viability reasons.

However given that the proposal is for 100% affordable housing for rent and the Housing Association is a not for profit organisation, it is accepted that there will be very little profit in this scheme for other S106 elements of planning gain. Their requirement could either make the scheme unviable or it would at least mean that the nature of the affordable tenure would need to be changed to a type which is of less benefit to the area in terms of the identified affordable housing need (e.g. to shared ownership). The benefits in terms of the delivery of affordable housing of the type currently proposed would be at a level which far exceeds expectations for a development of this size. It would normally take a 200 dwelling development to realise 20 affordable units applying the Council's policies HOU6 and LC2. It is considered that this is a benefit which outweighs the absence of modest contributions to art and health that can be sought for a 20 dwelling scheme on this occasion.

Furthermore In the interests of consistent decision making, it should be noted that for a recent 100% affordable housing scheme for 37 dwellings off The Summit at Shirebrook, Planning Committee resolved to approve that application despite acknowledging that the other S106 contributions requested, including those for health and art, had not been agreed.

Public Open Space

Not required by policy. There is public park close by to the south of the site.

Education

No capacity issues. No contributions requested.

Drainage

Whilst further advice was awaited from the DCC Flood Risk Team at the time this report was written (given the current flooding issues elsewhere), it is considered that the Applicant's proposals for surface water i.e. to use underground storage crate attenuation before discharge to the public sewer, seems likely to be acceptable subject to the approval of details by condition.

Ground Contamination

A condition will be necessary to require an investigation into possible ground contamination and mitigation if necessary.

Equalities

There are no known equalities issues that would affect the decision.

Human Rights

There are no known human rights issues that would not be dealt with by the proper assessment of this application.

Conclusions

The site is allocated for residential development in the Adopted Local Plan (2000) and it is located within the development envelope and in a preferred location as defined by the Emerging Local Plan and so residential development is clearly acceptable in principle.

The site is considered to have a very sustainable location and has been granted outline planning permission previously with an access in a similar position to that currently proposed.

The development would contribute to the supply of housing and could deliver much needed affordable housing of the right type and in the right place.

The site is overgrown and untidy in appearance. It has been the subject of fly tipping and antisocial behaviour and the development should help to address these issues and improve safety for pedestrians on the well-used definitive footpath which crosses through the site.

Although the Council has recently refused outline planning permission for a proposal for up to 22 dwellings, the current proposal is for up to 20 dwellings and this has freed up enough space to enable the Applicant to illustrate material improvements to be made over the previous scheme. The current illustrative layout shows a development which has an improved street scene, is able to provide front garden space, more planting and biodiversity mitigation and a parking solution which no longer relies on solid banks of frontage car parking. Garden

space and separation between dwellings is also adequate. Most significantly the illustrative plan is now able to illustrate a potential layout for 20 dwellings that complies with the Council's design guidelines and development plan policies. Government policies in the Framework indicate that permission should be approved under these circumstances.

A further change from the previous application refused is that the Applicant is now willing to complete a S106 obligation and has completed a draft agreement to ensure that 100% of the dwellings to be provided will be affordable housing for rent. This allows the Council to give this benefit significant weight in the balance as a reason to grant planning permission.

It is acknowledged that the normally required S106 contributions for public art and health are not being provided for. Nevertheless, the nature of the proposal for 100% affordable dwellings of the type needed is considered to be a benefit which outweighs the requirements for these other contributions.

Accordingly, the current application is recommended for approval.

RECOMMENDATION

The application be APPROVED subject to

A. The prior completion of a S106 obligation requiring the dwellings to be 100% affordable rent; and

B. The following conditions:

Reserved Matters

1. Approval of the details of the layout, scale, appearance, and landscaping (hereinafter called "the reserved matters") shall 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 permission shall relate to the application an access location as amended by the revised Indicative layout Plan 18/2143/SK003 Rev D.

Archaeology

4. (a) No development resulting in ground disturbance 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 shall 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
 - 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. (b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."
4. (c) The development shall 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 (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured."

Investigation for Potential Ground Contamination

5. Development other than that required to be carried out to discharge conditions 4 to 8 of this planning permission must not commence until parts A to D of condition 5 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 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 (LPA). 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 part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, 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 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.

Drainage

6. No below ground development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Nonstatutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the buildings commencing.
7. No below ground development shall commence on site or on a part of the site until provision has been made for the satisfactory disposal of foul water from the site or that part of the site in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

Ecology

8. The development shall be carried out in general accordance with the recommendations and mitigation/enhancement measures contained within the submitted Ecology/Protected Species Report (by Graham Colborne Dec 2018).

Finished Floor Levels

9. The plans and particulars submitted in accordance with the reserved matters application shall include details of existing and finished ground levels on and adjacent to the site and the proposed ground floor level(s) of the buildings.

Highway Safety, Access and Parking

10. Before any other above ground operations are commenced, a new vehicular and pedestrian access shall be created to Long Lane in accordance with application drawing number 18/2143/SK003 Rev D, laid out, constructed in a hard bound material and provided with 2.4m x 33m visibility splays in both directions, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height relative to adjoining nearside carriageway channel level.
11. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents', visitors' and service and delivery vehicles as demonstrated by swept path analysis, located, designed, laid out constructed and lit all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use. Each dwelling shall be provided with 2 off-street parking spaces.

12. The new access street shall not be provided until details of the proposed arrangements for future management and maintenance of the proposed street within the development have been submitted to and approved by the local planning authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
13. No dwelling shall be occupied until definitive footpath 19 (as realigned) has been laid out and surfaced to an adoptable standard and lit.
14. Measures first submitted to and approved in writing by the local planning authority shall be taken to prevent the discharge of water from the development onto the highway prior to the first occupation of any of the dwellings hereby permitted.
15. Prior to the occupation of any new dwelling, details and a scheme for the siting and design of a lockable gate to allow continued vehicular access to No's 1 and 2 Hollycroft Farm from Main Street but prevent general vehicular access from/to Main Street, shall have been submitted to and approved in writing by the local planning authority. Before any new dwelling is occupied and thereafter the approved scheme shall be implemented.

Thereafter all means of vehicular access to the site for the new dwellings hereby approved shall be from Long Lane. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no other access shall be formed or permitted unless planning permission is first obtained from the Local Planning Authority.

Hedgerow

16. Prior to the occupation of any new dwelling the Beech hedgerow to the east side of Hollycroft shall have been either translocated or planted (in a double staggered row at 35cm centres) in accordance with drawing 18/2143/SK003 Rev D and planting details which have been submitted to the Local Planning Authority and approved under condition 1 above (Landscaping Details reserved by condition 1). Thereafter the hedgerow shall be retained, and maintained and replanted as necessary.
-

Bolsover District Council

Planning Committee

27th November 2019

Adoption of 5 Local Development Orders to support the redevelopment of underutilised sites in the Council's ownership for custom and self build.

Report of the Head of Planning

This report is public

Purpose of the Report

- To set out the reasons for adopting Local Development Orders granting planning permission for residential development on five Council-owned sites.
- The report recommends adoption of Local Development Orders for custom and self build on these five sites subject to conditions.

1 Report Details

Introduction

- 1.1 It is government policy that local authorities should dispose of surplus and under-used land and property wherever possible. The Council also has fairly wide discretion to dispose of its assets (such as land or buildings) in any manner it wishes, subject to the provisions under sections 123 and 127 of the Local Government Act 1972 and section 87-89 of the Localism Act 2011.
- 1.2 In addition, the way the Council manages its land/property assets can have a significant impact both on the quality of services delivered to the public and the local environment. For example, the redevelopment of the sites have the capacity to:
 - reduce anti-social behaviour through eliminating poorly overlooked and poorly lit pieces of land
 - reduce fly tipping and the potential for fly tipping
 - Improve safety and perceived safety around people's homes; and
 - Accommodate new homes in sustainable locations.
- 1.3 The disposal of sites can also help to reduce the council's expenditure on maintaining pieces of land that have become a liability or no longer provide viable streams of income for the council.

- 1.4 With these objectives in mind, officers have identified a list of sites owned by the council which are not suitable for retention and which have been approved for disposal by elected members.
- 1.5 In particular, the sites approved for disposal are not considered suitable for the councils own house building projects (B @ Home or Dragon Fly) but a number of these sites are suitable for disposal.

Local Development Orders

- 1.6 Therefore, to assist with the disposal of these sites and subsequent redevelopment of garage sites (and other pieces of under-utilised) Council-owned land, officers consider a Local Development Order (“an LDO”) could be made by the Council (in its capacity as the local planning authority) to give a grant of planning permission for residential development in line with a planning brief drafted for each site and subject to prior approval of what would normally be considered reserved matters(i.e. landscaping, external appearance, layout and scale.
- 1.7 This type of LDO would encourage prospective buyers by providing a guarantee that the site is suitable for residential development ‘in principle’ and therefore reduces the risk involved in buying land without a permission in place.
- 1.8 At the same time, the LDO would facilitate development by: informing prospective buyers about the type of development likely to gain permission and reducing the costs for prospective buyers who can avoid the fess associated with submitting a planning application through the formal process.
- 1.9 The LDO has the benefit that it would allow the council to achieve best value for the sites with permissions in principle for residential development that would assist with regeneration across the District and help to address unmet housing demand across the district.

Custom and Self Build

- 1.10 In particular, the Council has not yet granted planning permission for a sufficient number of serviced plots to meet the demand for custom and self-build houses. National Planning Practice Guidance states that relevant authorities should consider how they can best support self-build and custom housebuilding in their area. This could include using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the custom and self-build register.
- 1.11 Therefore, an LDO could be used to discharge the Councils duties under the Self Build & Custom Housebuilding Act 2015 by only making the LDO route for residential development available to individuals registered on the custom and self-build register. For example:

- Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, that relates to their area when carrying out their planning, housing, land disposal and regeneration functions.
 - Section 2A(2) of the revised Self-build and Custom Housebuilding Act 2015 places a duty on relevant authorities to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.
- 1.12 In these terms, an appropriately worded LDO (or LDOs) could be able to simultaneously address Government policy on disposal of surplus land, address the Council's own objectives in terms of addressing the issues associated with retention of un-used or under-utilised garage sites and other land in its ownership and help the Council meet its targets in in terms of granting permission for serviced for custom and self-builders.

2 Conclusions and Reasons for Recommendation

- 2.1 In summary, an LDO would support the disposal of surplus land by providing more certainty to prospective buyers about the type of development suitable for the site and what is likely to be acceptable in planning terms.
- 2.2 An LDO would also be an effective tool to make the planning process easier and less costly, thereby encouraging the sale and development of the sites. In additional the LDO would encourage desirable improvement, within the scope of the Design Guide, on sites that are untidy and which don't contribute positively to the character or amenities of the local area.
- 2.3 An LDO would also allow the council to discharge its statutory duties under the Self Build and Custom Housebuilding Act 2015.
- 2.4 In this case, it is proposed to adopt LDOs for residential development on the following five sites:
- Hawthorne Avenue, Tibshelf (Appendix 1);
 - Hazel Grove B, South Normanton (Appendix 2);
 - Baker Street, Creswell (Appendix 3);
 - Blind Lane, Bolsover (Appendix 4);
 - 263A Creswell Road, Clowne (Appendix 5).
- 2.5 These sites have been chosen because they lie within the settlement framework where housing is acceptable in principle, have safe and suitable accesses and residential development on these sites is unlikely to have a harmful impact on the character, appearance and amenities of their local areas, subject to the following standard conditions:

- Prior approval of: external appearance, landscaping, layout and scale must be obtained from the Local Planning Authority prior to the commencement of any development;
 - The design of the proposed development of the dwelling house/s must be in accordance with the design principles set out in the Successful Places Design Guide;
 - Any new build dwelling granted prior approval under this order must be built in accordance with the approved plans;
 - Each dwelling must be provided with a minimum of two parking spaces and any designated parking spaces, manoeuvring areas for vehicles off the public highway and access to the public highway shall be maintained free of any obstruction throughout the lifetime of any new house granted prior approval under this Order; **AND**
 - site specific conditions set out in the detailed planning analysis of each site.
- 2.6 Appendices A-E to this report provide a further detailed planning analysis of each of these sites and these reports include any site-specific conditions and the reasons for those conditions.
- 2.7 The following condition should also be applied imposed to ensure that the LDOs are prioritised for custom and self-build in accordance with the principal reasons for their adoption:

Any new build dwelling granted prior approval under this order must meet the statutory definition of self build and custom housebuilding as defined in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

3 Consultation and Equality Impact

- 3.1 The current proposals for the adoption of multiple LDOs to support the redevelopment of garage sites and other council owned land have already been subject to formal consultation and where required, the draft LDOs have been amended with regard to relevant consultation responses.
- 3.2 In all other respects, the proposals are unlikely to have any negative impact on any person with a protected characteristic or group of people with a shared protected characteristics because the proposals are designed to improve the quality of local communities for everybody.
- 3.3 In the alternative, accessible homes (which meet the needs of those with limited mobility or specific lifestyle needs) can be proposed under the LDO process and the LDO would make it easier and more affordable for those wishing to make an application in order to build an accessible home that meets the requirements of themselves or their family members.

4 Alternative Options and Reasons for Rejection

- 4.1 Alternative options for the council to pursue could be to 'do nothing' or follow the more conventional routes of achieving a permission, which include:
- i. Applying for outline planning permission with reserved matters to follow
 - ii. Applying for full planning permission
 - iii. The Brownfield Register
- 4.2 The first option (i), provides certainty to prospective buyers but is more costly than the LDO route i.e. £462 x 0.1 hectare or part thereof and an additional £462 per dwelling to submit the reserved matters. In addition to the cost, there could be a waiting time of up to 8 weeks, although, if issues arise this can take longer.
- 4.3 The second option (ii), also provides certainty but offers no flexibility to the buyer on the type and appearance of development and would therefore not tie into the Custom & Self Build objectives. It would also be costly for the council i.e. £462 per dwelling in addition to commissioning technical drawings. Apart from the cost and rigidity there could be a waiting time of up to 8 weeks, although, if issues arise this can take longer.
- 4.4 The third option (iii), is to put the sites onto the Brownfield Register. However, the minimum size requirements of at least 0.25 hectares cannot be met by many of the garage sites or other pieces of council owned land. The process is also less well known and familiar to the market.
- 4.5 If the council were to do nothing, the sites would become an increasing liability and continue to detract from the character and amenities of the local area.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 If the Council were to accept applications of prior approval under the LDO without an application fee then there would be some loss of income. The normal fee for an application for full planning permission for a single dwelling would be £462.
- 5.1.2 Therefore, there would be a potential loss of income of c. £12,000 based on the loss of fee income from all 26 sites identified for disposal and suitable for residential development.
- 5.1.3 There is an option to recover some of the costs of office time by setting a fee of the councils choosing, should it opt to do so.

5.2 Legal Implication including Data Protection

- 5.2.1 The LDO process is regulated through the planning acts and once LDO is in place, the LDO would grant planning permission for residential development

subject to conditions. The Council's solicitors are satisfied that the process carried out by officers follows the legal process and that the LDOs subject of this report would grant lawful consents.

- 5.2.2 The proposed LDO would not otherwise grant planning permission for EIA development because the sites are not in a sensitive area (as defined by the EIA regulations) and the types of development that would be granted planning permission by the LDO would be highly unlikely to have any significant effects on the environmental quality of the local area (from an EIA perspective).
- 5.2.3 The LDO process does not give rise to any specific data protection issues other than the processing of personal details of any consultees responding to consultation on the LDOs, which have been dealt with in accordance with the Planning Service's existing privacy statement.

5.3 Human Resources Implications

- 5.3.1 These proposals do not give rise to any significant increase in existing workloads as the council has already employed additional resources to work on the disposal of the garage sites.

6 Recommendations

- 6.1 That Local Development Orders be adopted to grant planning permission for residential development on the following sites:
- Hawthorne Avenue, Tibshelf (Appendix 1);
 - Hazel Grove B, South Normanton (Appendix 2);
 - Baker Street, Creswell (Appendix 3);
 - Blind Lane, Bolsover (Appendix 4);
 - 263A Creswell Road, Clowne (Appendix 5)

SUBJECT TO the following standard conditions:

1. Prior approval of: external appearance, landscaping, layout and scale must be obtained from the Local Planning Authority prior to the commencement of any development
2. The design of the proposed development of the dwelling house/s must be in accordance with the design principles set out in the Successful Places Design Guide
3. Any new build dwelling granted prior approval under this order must be built in accordance with the approved plans.
4. Any new build dwelling granted prior approval under this order must meet the statutory definition of custom and/or self-build housing as defined in the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

5. Each dwelling must be provided with a minimum of two parking spaces and any designated parking spaces, manoeuvring areas for vehicles off the public highway and access to the public highway shall be maintained free of any obstruction throughout the lifetime of any new house granted prior approval under this Order; **and**
6. the site specific conditions set out in the detailed planning analysis of each site set out in appendices A-E to this report.

6.2 The reasons for the adoption of the Local Development Orders are:

- i. to allow the council to obtain best value for underutilised pieces of land whilst improving the environmental quality of the District
- ii. to attract private investment in this land through a simplified and less costly planning process which provides a guarantee the land can be developed
- iii. to address the council's duties under the Self-build and Custom Housebuilding Act 2015; and
- iv. to ensure a consistent high quality of design is achieved that provides a long-lasting legacy that will benefit the local community, improve the character and appearance of the local area and add variation to the existing housing stock.

7 **Decision Information**

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000 <input type="checkbox"/></i> <i>Capital - £150,000 <input type="checkbox"/></i> <i>NEDDC: Revenue - £100,000 <input type="checkbox"/></i> <i>Capital - £250,000 <input type="checkbox"/></i> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 **Document Information**

Appendix No	Title
1	19/00398/OTHER: Hawthorne Avenue, Tibshelf
2	19/00351/OTHER: Hazel Grove, South Normanton
3	19/00390/OTHER: Baker Street, Creswell
4	19/00370/OTHER: Blind Lane, Bolsover
5	19/00552/OTHER: Creswell Road, Clowne
Background Papers	
Successful Places: Design Guide	
Report Authors	Contact Number
Chris Fridlington/ Amelia Carter	EXT2265

APPENDIX 1: 19/00398/OTHER

PARISH Tibshelf Parish

APPLICATION Local development order for residential development

LOCATION Garage Block, Hawthorne Avenue, Tibshelf

APPLICATION NO. 19/00398/OTHER **FILE NO**

CASE OFFICER Amelia Carter

DATE RECEIVED 15/07/2019

SITE



The site is an existing garage site containing 3 pitched roof garages. The properties to the south of the site are a mixture of single and two storey semi-detached dwellings and to the west of the site a mixture of detached and semi-detached two storey dwellings. The northern side of the site borders the Tibshelf settlement framework boundary. Along this boundary is an overgrown hedgerow, including a mature and a multi-stem Ash tree, with views through the hedge of open countryside towards Hardwick Hall. No. 46 has vehicular access across the site to their garage, there is also a small pedestrian gate which provides access to the rear garden of 104, Chesterfield Road.

PROPOSAL

Local development order for residential development

AMENDMENTS

None

HISTORY (if relevant)

None

CONSULTATIONS

Derbyshire County Council Highways

- No objections

Tibshelf Parish Council

- Concerns over the close proximity of the access to a neighbouring dwelling

The Coal Authority

- The Coal Authority records indicate that the site is in an area of likely historic unrecorded coal mine workings at shallow depth and therefore a Coal Mining Risk Assessment or equivalent report should be required by condition if a Local Development Order is granted.

PUBLICITY

Site notice displayed and neighbours notified. We have received two representation which are summarised below:

- One neighbour comment objecting to the proposal based on: constrained access to the site, highway safety, residential privacy, and vehicular and pedestrian noise associated with development.
- Another neighbour objection based on the increasing demand of parking, additional traffic and concerns over safety of children on the street.

POLICY

Bolsover District Local Plan 2000 (BDLP) (Current Development Plan)

Policies GEN 1 (Minimum requirements for development) GEN 2 (Impact of Development on the environment) GEN 8 (Within the settlement frameworks shown on the proposals map) and GEN 11 (Development adjoining the settlement framework boundary).

Local Plan for Bolsover District 2019 (Emerging plan at advanced stage of adoption)

Policies SS3 (Spatial Strategy and Distribution of Development) SS11 (Development in Important Open Breaks).

National Planning Policy Framework

An overarching objective of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Sustainable development is a balance of economic, social and environmental issues.

Self-build and Custom Housebuilding Act 2015

National Planning Practice Guidance states that relevant authorities should consider

how they can best support self-build and custom housebuilding in their area. This could include using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the custom and self-build register. Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, that relates to their area when carrying out their planning, housing, land disposal and regeneration functions. The act provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

Other (specify)

Successful Places a Guide to Sustainable Housing Layout and Design
National Design Guide 2019

ASSESSMENT

Principle of Development

The site is within the development envelope of the large village of Tibshelf as indicated in SS3 and in the Policies Map. It is within walking distance of the shops, community facilities and transportation links in Tibshelf providing transport to larger towns and villages. The site is therefore considered to be in a reasonably sustainable location for new housing as set out in the Local Plan for Bolsover and in the requirements set out in the NPPF.

Impact on Street scene

The immediate street scene is made up of predominantly two storey, semi-detached dwellings. The proposed residential development should not appear unduly prominent or out of character in the street scene due to the fact the site is not visible from Hawthorne Avenue due to the position around the corner of the bend.

Residential amenity

The garage site appears to be a sufficient size to accommodate at least 1 two storey dwelling without harming the existing or future resident's amenity of their property. This is due to the distance and orientation of the site in relation to adjacent dwellings on both Hawthorne Avenue and Chesterfield Road and their respective gardens.

Local concerns and the Parish Council's comments on the proximity of the access to a neighbouring dwelling have also been noted but the site has a current use as a garage site and has a long history of vehicular movements. Residential development of the site is unlikely to increase vehicular movements from its original use as a garage site containing approximately 12 garages

The existing established trees around the perimeter of the site will also screen the development by providing a natural shield on 3 boundaries of the plot. There also appears to be adequate space for private outdoor amenity space, at least two car parking spaces and bin storage.

Site Access

The site is accessed via a private drive at the end of Hawthorne Avenue off the existing residential no-through road. Any redevelopment would require removal of the 3 garages which are currently on site. All 3 of the garages are rented, however, due to the size and location of the site within the development envelope it is considered an underutilized piece of land at present. Most of the dwellings close to the site have off road parking and Hawthorne Avenue is a relatively quiet no-through road. Any car parking displaced by the loss of the garages is unlikely to result in significant harm to highway safety.

The site has the capacity to accommodate at least two parking spaces with good visibility onto the street. The redevelopment of the garage site is not considered to be detrimental to highway safety and is considered to meet the requirements of Policies GEN 1 and GEN 2 of the Bolsover District Local Plan and the requirements of the NPPF in this respect.

Self Build & Custom Housebuilding

This site as an individual serviced plot could be ideal for an individual/s who want to be involved in the design and/or construction of their own home/s.

Other Considerations

The northern edge of the site borders open countryside and so any development should be in accordance with GEN 1 in the Bolsover District Local Plan 2000. The existing trees and hedgerow is considered to provide a natural buffer to the open countryside and have environmental and amenity value. Residential development is not considered to be detrimental to the open countryside so long as the existing trees and hedgerow are maintained to a good standard and so this will be required by condition.

Trees and Hedgerow

The site is capable of housing at least one dwelling but may be able to accommodate an additional dwelling, should a tree survey indicate that an additional dwelling will not disturb the root spread of the hedgerow and trees and subject to being acceptable in other planning terms.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No specific issues identified although development of the site would reduce opportunity for anti-social behaviour.

Equalities: No specific equalities issues identified.

Access for Disabled: Dwellings will need to meet the requirements of the building regulations.

Trees (Preservation and Planting): Tree survey required

SSSI Impacts: N/A

Biodiversity: No significant impact.

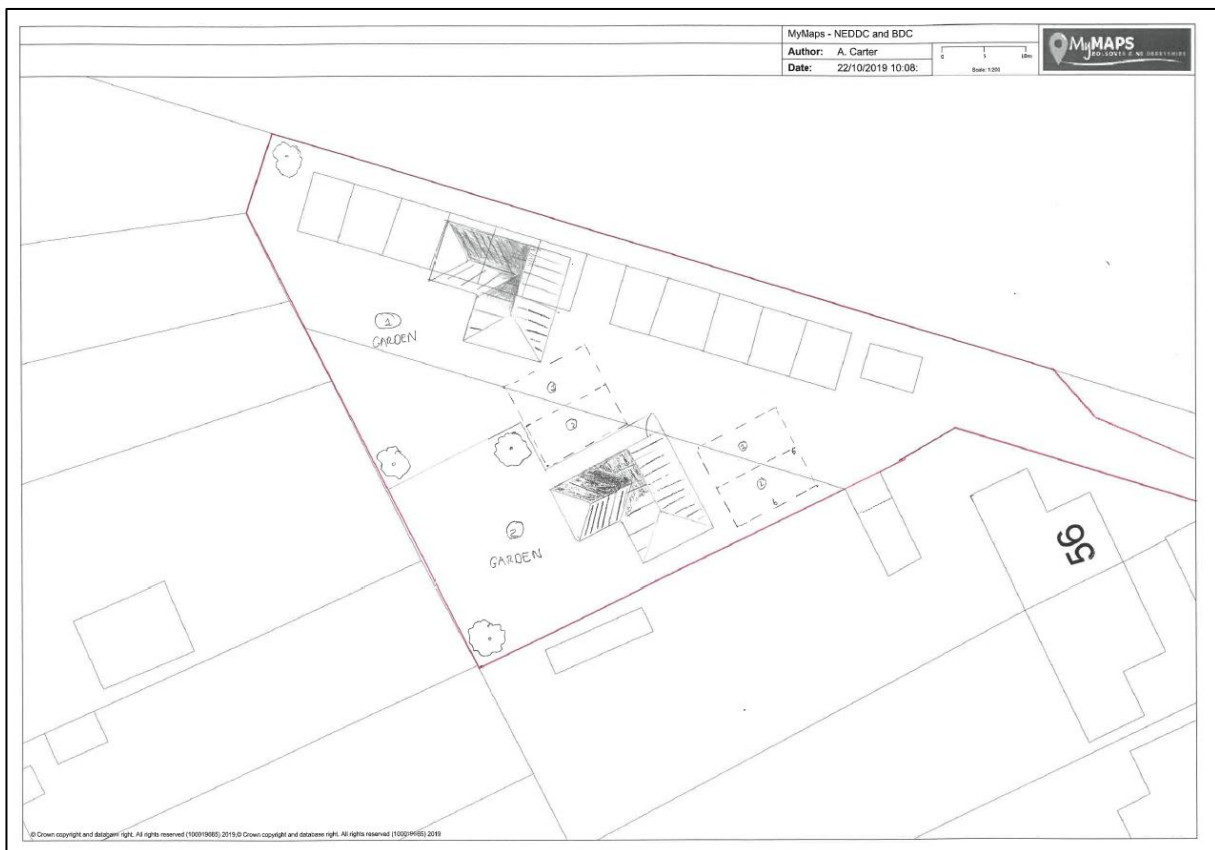
Human Rights: N/A

RECOMMENDATION

This site is suitable for Self and Custom Housebuilding because it lies within the development envelope of Tibshelf where housing is acceptable in principle. It has safe and suitable accesses and residential development on these sites is unlikely to have a harmful impact on the character, appearance and amenities of their local areas, subject to the following conditions:

- Prior approval of: external appearance, landscaping, layout and scale must be obtained from the Local Planning Authority prior to the commencement of any development
- The design of the proposed development of the dwelling house/s must be in accordance with the design principles set out in the Design Guide
- Any development must maintain the existing hedgerow and trees to the perimeter of the boundary.
- A tree survey will be required to determine the impact of development on tree roots, if the proposed development is planned to be in close proximity to the hedgerow and trees.

Indicative Development Potential: Minimum of one 2-storey Dwelling



APPENDIX 2: 19/00351/OTHER

PARISH South Normanton

APPLICATION LOCATION Local development order
Garage Site to the Rear of 33 and 35, Hazel Grove, South Normanton

APPLICANT Bolsover District Council, The Arc, High Street, Clowne S43 4JY

APPLICATION NO. 19/00351/OTHER **FILE NO**

CASE OFFICER Amelia Carter

DATE RECEIVED 04.07.2019

SITE



A grassed plot approx. 665.48 (m²) to the rear of properties on 33 and 35 Hazel Grove. The site slopes slightly to the north east corner by approx. 0.5m. On the northern edge of the site are a row of single storey dwellings. To the east of the site are the rear gardens of properties on Carter Lane West. To the south of the site is a row of semi-detached two storey dwellings.

SITE LOCATION PLAN



PROPOSAL

Local development order for residential development

AMENDMENTS

None

HISTORY (if relevant)

None

CONSULTATIONS

Derbyshire County Council Highways

- No objections

Parish Council

- No comments

Coal Authority

- The coal authority have confirmed the site is in an area of likely historic unrecorded coal mine workings at shallow depth. Ground instability arising from coal mining legacy has significant potential to pose a risk to development on this site and so a coal mining risk assessment will need to be carried out.

PUBLICITY

Site notices erected and neighbouring properties notified.

POLICY

Bolsover District Local Plan 2000 (BDLP) (Current Development Plan)

Policies GEN 1 (Minimum requirements for development) GEN 2 (Impact of Development on the environment) GEN 8 (Within the settlement frameworks shown on the proposals map).

Local Plan for Bolsover District 2019 (Emerging plan at advanced stage of adoption)

Policies SS3 (Spatial Strategy and Distribution of Development)

National Planning Policy Framework

An overarching objective of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Sustainable development is a balance of economic, social and environmental issues.

Self-build and Custom Housebuilding Act 2015

National Planning Practice Guidance states that relevant authorities should consider how they can best support self-build and custom housebuilding in their area. This could include using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the custom and self-build register.

Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, that relates to their area when carrying out their planning, housing, land disposal and regeneration functions. The act provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

Other (specify)

Successful Places a Guide to Sustainable Housing Layout and Design

ASSESSMENT

Principle of Development

The site is permissible in principle for development as it lies within the development envelope indicated on the Policies Map in the emerging development plan (Local Plan for Bolsover 2019) and the current development plan (Bolsover District Local plan 2000). It is therefore considered a sustainable location for housing in accordance with Policy GEN 8 of the Bolsover District Local Plan, Policy SS3 in the Local Plan for Bolsover and the requirements set out in the NPPF, due to its close proximity to the shops, schools and community facilities in South Normanton and wider transport links to other towns and villages.

Impact on Street scene

The immediate street scene is made up of predominantly semi-detached two storey dwellings and semidetached/ detached bungalows. A single storey detached dwelling, should not appear unduly prominent or out of character in the street scene due to the fact the site is not visible from Hazel Grove due to the position around the back of existing properties. An indicative layout of a potential proposal is appended to the end of this report.

Residential amenity

The garage site appears to be a sufficient size to accommodate residential development including adequate parking, bin storage and private outdoor amenity space. The proximity of the site to the rear of properties on Hazel Grove and Leamington Drive would restrict the dwelling to a single storey in order to maintain the resident's amenity of their properties and to reduce the feeling of an imposing or overbearing structure. This is especially important given the relatively short length of rear gardens on Hazel Grove. A careful building design should be considered in order to maintain suitable separation distances between dwellings and habitable room windows.

Site Access

The site is accessed via a narrow existing track between 31 and 33 Hazel Grove, it is unlikely that a single residential development would have an impact on highway safety as there is good visibility at the access point and the increase of traffic down Hazel Grove would be minimal.

Self Build & Custom Housebuilding

This site as an individual serviced plot would be ideal for an individual/s who want to be involved in the design and/or construction of their own home/s.

Other Considerations

None

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No specific issues identified.

Equalities: No specific equalities issues identified.

Access for Disabled: Dwellings will need to meet the requirements of the building regulations.

Trees (Preservation and Planting): Provides screening.

SSSI Impacts: N/A

Biodiversity: No significant impact.

Human Rights: N/A

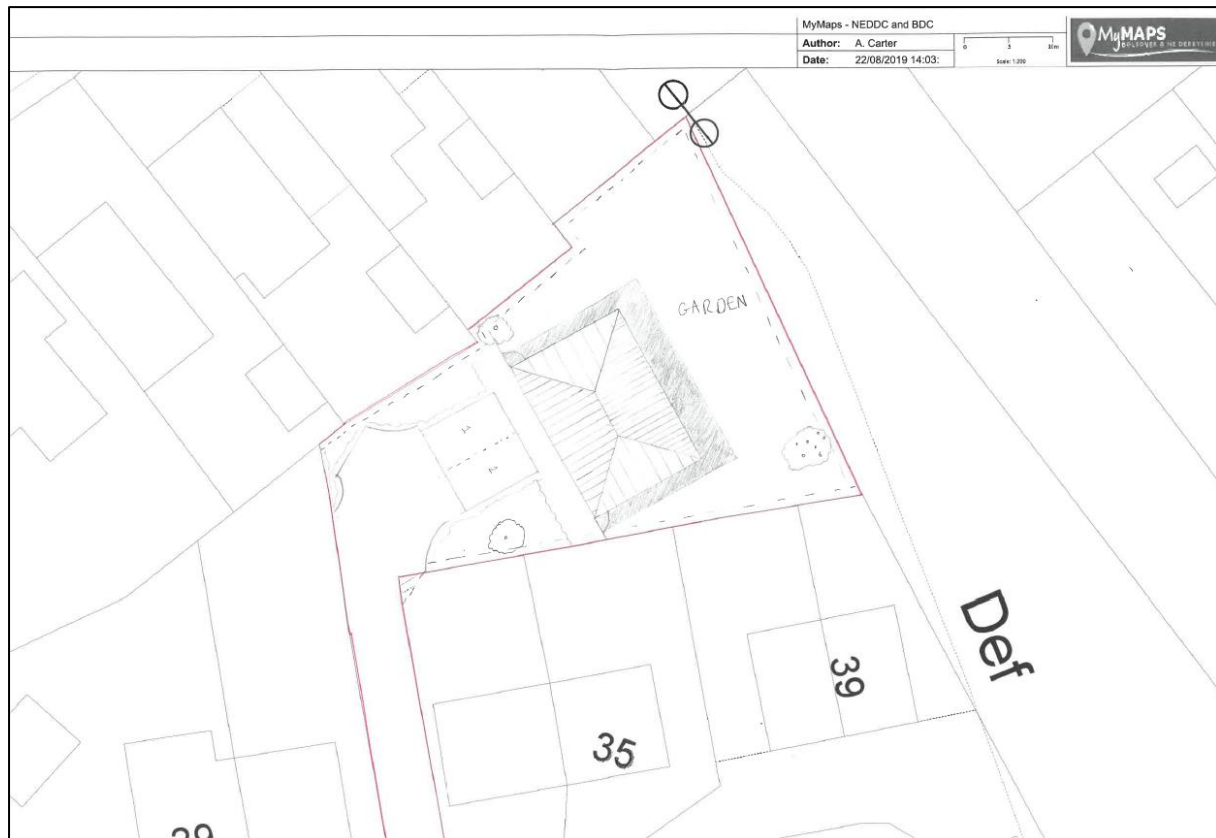
RECOMMENDATION

The site is suitable for Self and Custom Housebuilding because it lies within the development envelope of South Normanton where housing is acceptable in principle. It has safe and suitable accesses and residential development on these sites is unlikely to have a harmful impact on the character, appearance and amenities of their local areas, subject to the following conditions:

- Prior approval of: external appearance, landscaping, layout and scale must be obtained from the Local Planning Authority prior to the commencement of any development
- The design of the proposed development of the dwelling house/s must be in accordance with the design principles set out in the Design Guide

- Any development must maintain existing trees around the perimeter of the site (illustrated on Figure 1) – which provide a natural screen to the site and would soften any new development.
- A coal mining risk assessment will need to be carried out before development commences in order the land can be assessed, investigated and remediated where necessary.

Indicative Development Potential: Single-storey dwelling



APPENDIX 3: 19/00390/OTHER

PARISH Elmton with Creswell Parish

APPLICATION Local development order for residential development

LOCATION Garage Site To The Rear Of 15 – 21, Baker Street, Creswell

APPLICANT Bolsover District Council

APPLICATION NO. 19/00390/OTHER

CASE OFFICER Amelia Carter

DATE RECEIVED 12/07/2019

SITE



The site is an existing garage site containing 15 flat roof garages which are in a poor state of repair, site approx. 1177(m²). Baker Street is characterised by Edwardian terrace housing to the north but with the majority of housing surrounding the plot consisting of semidetached bungalows. To the west of the site is the Robin Hood railway line and Creswell train station.

Site Location Plan



PROPOSAL

Local development order for residential development

AMENDMENTS

None

HISTORY (if relevant)

None

CONSULTATIONS

Derbyshire County Council Highways: No objections

Parish Council: no response to date

PUBLICITY

Site notice and neighbours notified. No representations received.

POLICY

Bolsover District Local Plan 2000 (BDLP) (Current Development Plan)

Policies GEN 1(Minimum requirements for development) GEN 2(Impact of Development on the environment) GEN 8 (Within the settlement frameworks shown on the proposals map).

Local Plan for Bolsover District 2019 (Emerging plan at advanced stage of adoption)

Policies SS3 (Spatial Strategy and Distribution of Development)

National Planning Policy Framework

An overarching objective of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Sustainable development is a balance of economic, social and environmental issues.

Self-build and Custom Housebuilding Act 2015

National Planning Practice Guidance states that relevant authorities should consider how they can best support self-build and custom housebuilding in their area. This could include using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the custom and self-build register. Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, that relates to their area when carrying out their planning, housing, land disposal and regeneration functions. The act provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

Other (specify)

Successful Places a Guide to Sustainable Housing Layout and Design

ASSESSMENT

Principle of Development

The site is permissible in principle for development as it lies within the development envelope of Creswell indicated on the Policies Map in the emerging development plan (Local Plan for Bolsover 2019) and the current development plan (Bolsover District Local plan 2000). It is therefore considered a sustainable location for housing in accordance with Policy GEN 8 of the Bolsover District Local Plan, Policy SS3 in the Local Plan for Bolsover and the requirements set out in the NPPF, due to its close proximity to the shops, schools and community facilities in Creswell and wider transport links to other towns and villages.

Impact on Street scene

The immediate street scene is made up of mostly single storey semidetached dwellings with a single row of two storey Edwardian terrace housing on Baker Street. Development should not appear unduly prominent or out of character in the street scene. However, due to the nature of the site to the rear of existing properties the development is not at risk of being particularly impactful on the street scene, if it is restricted to a single storey.

There is an existing footpath connecting the garage site to Dover Street which would need to be closed in the event of residential development. The footpath is not considered to serve a huge benefit to connectivity of the local area and its closure would reduce the opportunity for anti-social behaviour. However, it could be attractive as extra garden space for either No 17 or 19, Dover Street.

Residential amenity

Residential development should be able to achieve a reasonable outlook for future residents whilst also providing adequate outdoor amenity space, off road parking and

bin storage. The site is large enough to accommodate development that is a reasonable distance to the rear gardens and habitable room windows of neighbouring properties.

Impact on Highway Safety

The site is accessed from Baker Street via an existing private drive between two semidetached dwellings. The development would remove all 15 garages on site. However, only 3 of these garages are rented and all of the garages are in a poor state of repair. Parking does appear congested on Baker Street, but there is the potential for off road parking for the bungalows on Baker Street. The site doesn't appear to be used for car parking due to cars blocking the entrance on a site visit. There is good visibility at the access and the site should be large enough to accommodate sufficient parking spaces as not to contribute to parking demand on Baker Street.

Site Access

The proposal is not likely to be considered to be detrimental to highway safety and is considered to meet the requirements of Policies GEN 1 and GEN 2 of the Bolsover District Local Plan and the requirements of the NPPF in this respect.

Self Build & Custom Housebuilding

This site as an individual serviced plot can be considered to be ideal for somebody who wants to be involved in the design and/or construction of their own home/s.

Other Considerations

The site is in close proximity to the railway line, whilst the line does not receive heavy traffic, a noise survey will need to be carried out in order to evaluate the noise impact on future residents.

On the northern edge of the site is a stone wall, which provides a boundary treatment to the rear gardens of properties on Baker Street. The wall is considered to provide character and amenity value to the site and therefore it is recommended that any development should retain the exposed stone wall as a feature.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No specific issues identified although development of the site would reduce opportunity for anti-social behaviour.

Equalities: No specific equalities issues identified.

Access for Disabled: Dwellings will need to meet the requirements of the building regulations.

Trees (Preservation and Planting): Some trees to the perimeter of the site on the boundary with the railway line with provide natural screening to the railway line.

SSSI Impacts: N/A

Biodiversity: No significant impact.

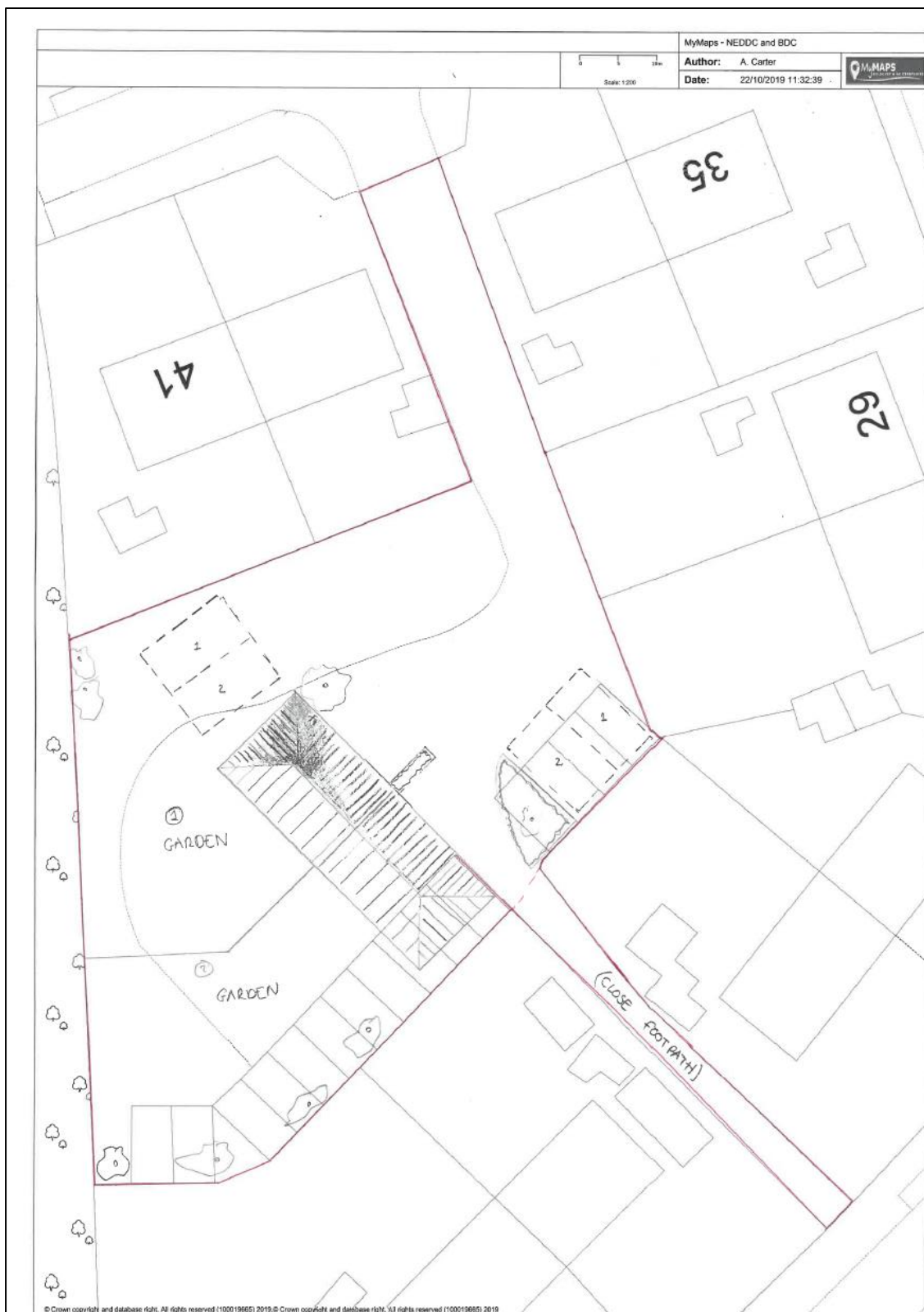
Human Rights: N/A

RECOMMENDATION

This site is suitable for Self and Custom Housebuilding) because it lies within the development envelope of Creswell where housing is acceptable in principle. It has safe and suitable accesses and residential development on this site would not have a harmful impact on the character, appearance and amenity of the local areas, subject to the following conditions:

- Prior approval of: external appearance, landscaping, layout and scale must be obtained from the Local Planning Authority prior to the commencement of any development
 - The design of the proposed development of the dwelling house/s must be in accordance with the design principles set out in the Design Guide
 - A noise survey will be required due to the proximity of the Robin Hood railway line that runs adjacent to the site.
 - Existing trees around the perimeter of the site should be maintained where possible.
 - The stone wall on the northern edge of the site should be retained as a feature.
-

Illustrative Development Potential: Two 2-storey Dwellings



PARISH Old Bolsover Parish

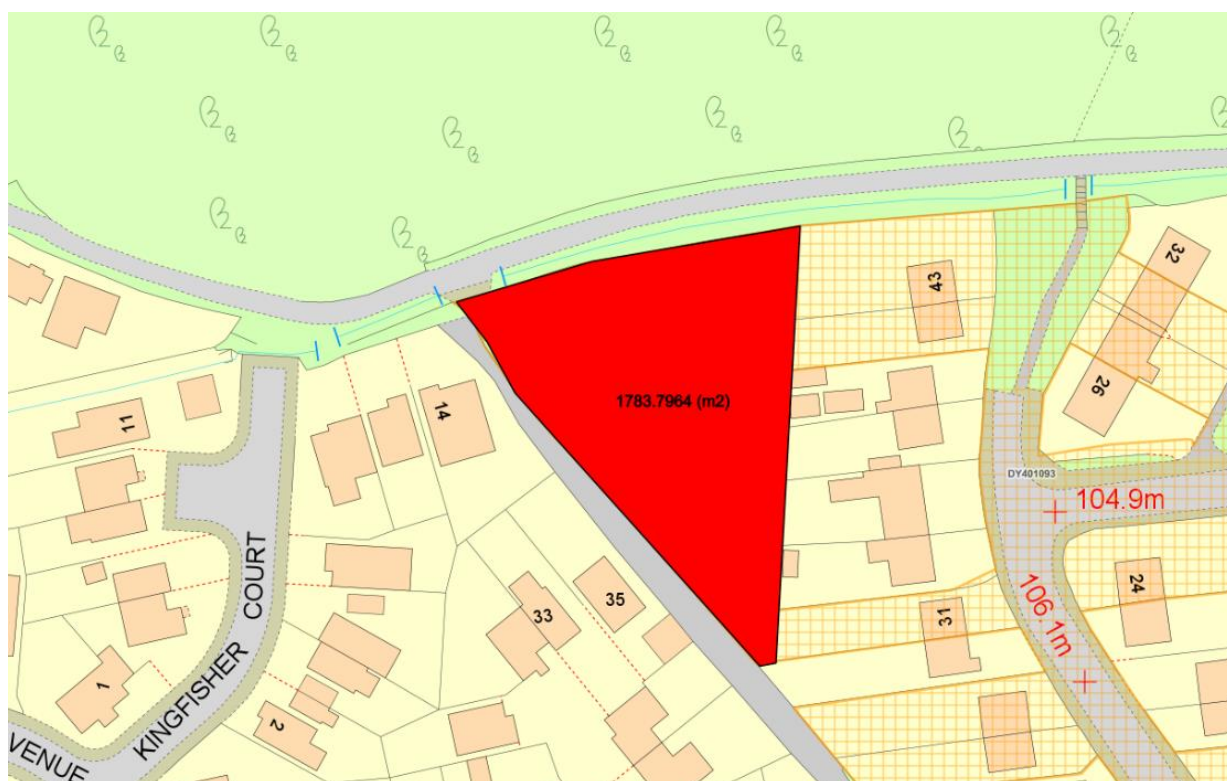
LOCATION Garage Site Rear Of 33 To 43 Iron Cliff Road, Blind Lane, Bolsover

CASE OFFICER Amelia Carter

DATE RECEIVED 09/07/2019

Overgrown grassed garage site approx.1783 (m²), some garages appear used with access to the rear gardens of properties on Iron Cliff Road. Access via Blind Lane on a narrow single track road. There are semidetached two storey dwellings to the east and west of the site. The dwellings on the west of the site are separated by a public footpath.

Site Location Plan



PROPOSAL

Local development order for residential development.

AMENDMENTS

None

HISTORY (if relevant)

None

CONSULTATIONS

Derbyshire County Council Highways

- No objections

Parish Council

- No response to date

Rights of Way

- No objections

-

PUBLICITY

Site notice and neighbours notified. No representations received.

POLICY

Bolsover District Local Plan 2000 (BDLP) (Current Development Plan)

Policies GEN 1 (Minimum requirements for development) GEN 2 (Impact of Development on the environment) GEN 8 (Within the settlement frameworks shown on the proposals map).

Local Plan for Bolsover District 2019 (Emerging plan at advanced stage of adoption)

Policies SS3_ (Spatial Strategy and Distribution of Development) and the Policies Map.

National Planning Policy Framework

An overarching objective of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Sustainable development is a balance of economic, social and environmental issues.

Self-build and Custom Housebuilding Act 2015

National Planning Practice Guidance states that relevant authorities should consider how they can best support self-build and custom housebuilding in their area. This could include using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the custom and self-build register.

Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, that relates to their area when carrying out their planning, housing, land disposal and regeneration functions. The act provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

Other (specify)

Successful Places a Guide to Sustainable Housing Layout and Design

ASSESSMENT

Principle of Development

The site is permissible in principle for development as it lies within the development envelope indicated on the Policies Map in the emerging development plan (Local Plan for Bolsover 2019) and the current development plan (Bolsover District Local plan 2000). It is therefore considered a reasonably sustainable location for housing in accordance with Policy GEN 8 of the Bolsover District Local Plan, Policy SS3 in the Local Plan for Bolsover and the requirements set out in the NPPF, due to its close proximity to the shops, schools and community facilities in Bolsover and wider transport links to other towns and villages.

Impact on Street scene

Blind Lane is characterised by period stone terraced cottages. At present, Blind Lane is on the edge of Bolsover on a rural and narrow road which acts as a no through road, despite connecting to a main road at the top of Bolsover Hill. The site is well screened from Blind Lane by overgrown vegetation and trees and it is not possible to see the site from Woodhouse Lane.

Residential amenity

The site appears large enough to accommodate, private outdoor amenity space, off road parking and bin storage, whilst providing an adequate outlook for future residents. The site also appears to be a sufficient distance from neighbouring properties as not to cause overlooking or infringe on the amenity of their properties.

Impact on Highway Safety

The site is accessed off Blind Lane via a single width rural track/road. The proposal would remove approx. 5 garages on site although it is assumed that they are used for storage due to the impracticality for residents of parking cars on the site. Due to the site's historical use as a garage site, the proposal of a dwelling/s on site is unlikely to increase the traffic down Blind Lane.

Self Build & Custom Housebuilding

This site as an individual serviced plot could be ideal for an individual/s who want to be involved in the design and/or construction of their own home/s.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No specific issues identified although development of the site would reduce opportunity for anti-social behaviour.

Equalities: No specific equalities issues identified.

Access for Disabled: Dwellings will need to meet the requirements of the building regulations.

Trees (Preservation and Planting): Collection of trees in middle of the site

SSSI Impacts: N/A

Biodiversity: No significant impact.

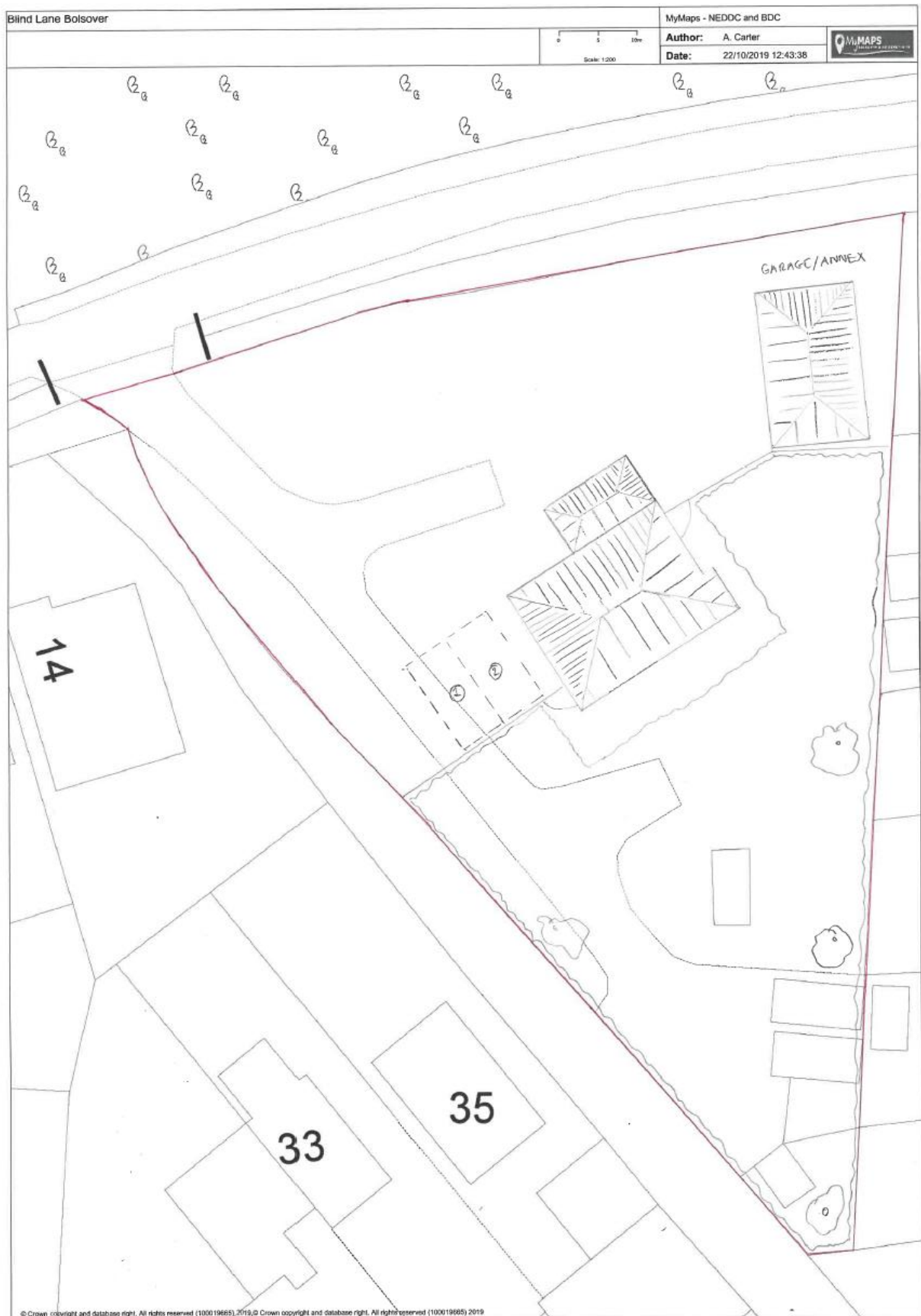
Human Rights: N/A

RECOMMENDATION

This site is suitable for Self and Custom Housebuilding because it lies within the development envelope of Bolsover where housing is acceptable in principle. It has safe and suitable accesses and residential development on this site is unlikely to have a harmful impact on the character, appearance and amenity of the local areas, subject to the following conditions:

- Prior approval of: external appearance, landscaping, layout and scale must be obtained from the Local Planning Authority prior to the commencement of any development
 - The design of the proposed development of the dwelling house/s must be in accordance with the design principles set out in the Design Guide
 - Trees and hedgerow to the perimeter of the site should be retained where possible
-

Indicative Development Potential: 2-storey Dwelling



APPENDIX 5: 19/00552/OTHER

PARISH Clowne Parish

APPLICATION Local development order for residential development

LOCATION 263A Creswell Road, Clowne, Chesterfield, S43 4NB

APPLICATION NO. 19/00552/OTHER

FILE NO

CASE OFFICER Amelia Carter

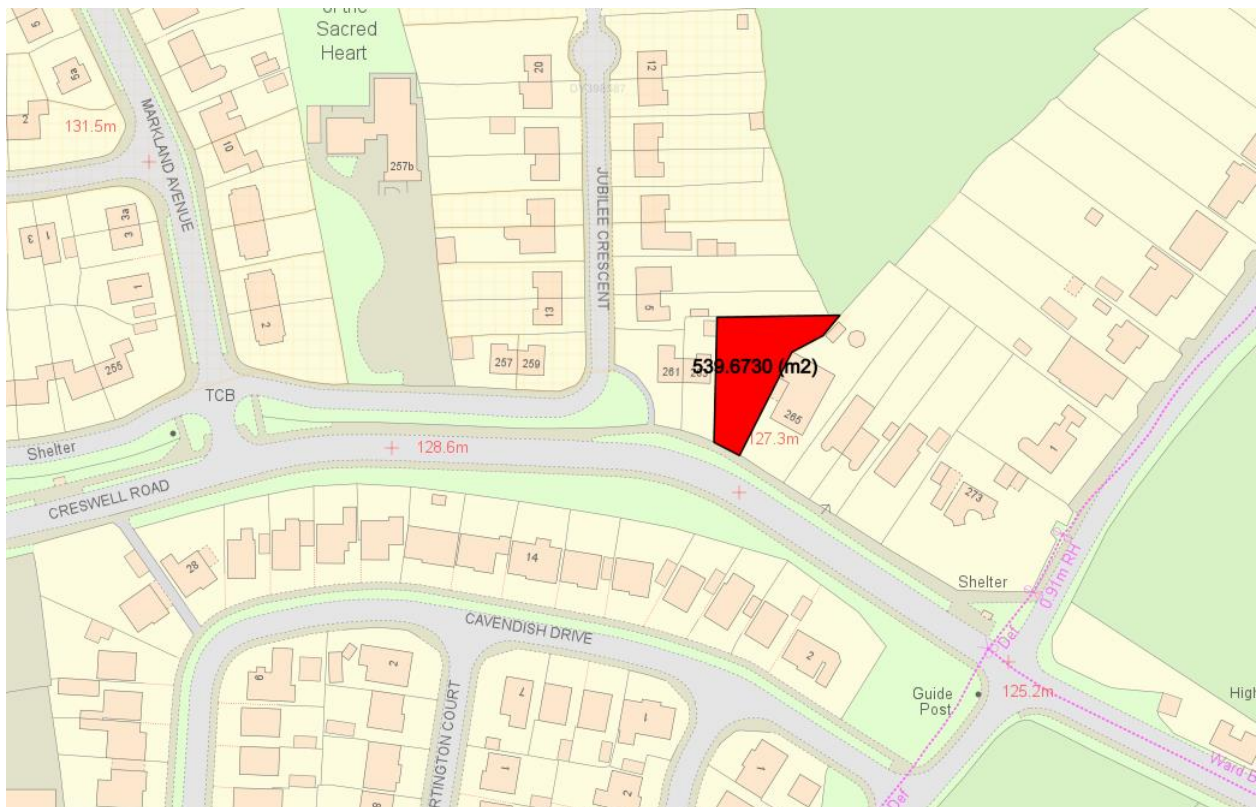
DATE RECEIVED 03/07/2019

SITE



Site approx. 539 (m²) pre-fab bungalow on site but has permission for demolition. Ample off road parking to the front and amenity space to the rear, footprint of garage/shed to the Eastern corner of the plot. To the west of the plot is a two storey semidetached property, to the east a dormer bungalow and the properties to the south on Cavendish Drive consist of mostly single storey dwellings.

Site Location Plan



PROPOSAL

Local development order for residential development

AMENDMENTS

None

HISTORY (if relevant)

Site contains a sub-standard prefabricated bungalow which isn't financially viable to bring up to current building regulations.

CONSULTATIONS

Derbyshire County Council Highways

- No objections

Parish Council

PUBLICITY

Site notices erected and neighbours notified. No representations received.

POLICY

Bolsover District Local Plan 2000 (BDLP) (Current Development Plan)

Policies GEN 1(Minimum requirements for development) GEN 2(Impact of Development on the environment) GEN 8 (Within the settlement frameworks shown on the proposals map).

Local Plan for Bolsover District 2019 (Emerging plan at advanced stage of adoption)
Policies SS3 (Spatial Strategy and Distribution of Development) SS11 (Development in Important Open Breaks).

National Planning Policy Framework

An overarching objective of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Sustainable development is a balance of economic, social and environmental issues.

Self-build and Custom Housebuilding Act 2015

National Planning Practice Guidance states that relevant authorities should consider how they can best support self-build and custom housebuilding in their area. This could include using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the custom and self-build register. Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register, that relates to their area when carrying out their planning, housing, land disposal and regeneration functions. The act provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

Other (specify)

Successful Places a Guide to Sustainable Housing Layout and Design 2013
National Design Guide 2019

ASSESSMENT

Principle of Development

The site is permissible in principle for development as it lies within the development envelope indicated on the Policies Map in the emerging development plan (Local Plan for Bolsover 2019) and the current development plan (Bolsover District Local plan 2000). It is therefore considered a sustainable location for housing in accordance with Policy GEN 8 of the Bolsover District Local Plan, Policy SS3 in the Local Plan for Bolsover and the requirements set out in the NPPF, due to its close proximity to the shops, schools and community facilities in Clowne and wider transport links to other towns and villages.

Impact on Street scene

The immediate street scene is made up of predominantly post war two storey semidetached dwellings. The properties to the south of the plot are not visible from Creswell Road due to the boundary treatments and hedgerow. Any new development should be an improvement from the existing dwelling which is of substandard construction, and limited visual amenity value.

Residential amenity

The construction of a single storey dwelling is acceptable in principle, providing it does not impact on the outlook from and daylight entering the windows to the

adjacent dwelling. There is adequate space on site to accommodate off road parking, private outdoor amenity space and bin storage.

Site Access

The site has an existing safe and suitable access off Creswell Road, with adequate space on site to manoeuvre vehicles.

Self Build & Custom Housebuilding

This site as an individual serviced plot would be ideal for an individual/s who want to be involved in the design and/or construction of their own home/s.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No specific issues identified.

Equalities: No specific equalities issues identified.

Access for Disabled: Dwellings will need to meet the requirements of the building regulations.

Trees (Preservation and Planting): None

SSSI Impacts: N/A

Biodiversity: No significant impact.

Human Rights: N/A

RECOMMENDATION

This site is suitable for Self and Custom Housebuilding) because it lies within the development envelope of Clowne where housing is acceptable in principle. It has safe and suitable access and residential development on this site is unlikely to have a harmful impact on the character, appearance and amenity of the local areas, subject to the following conditions:

- Prior approval of: external appearance, landscaping, layout and scale must be obtained from the Local Planning Authority prior to the commencement of any development
 - The design of the proposed development of the dwelling house/s must be in accordance with the design principles set out in the Design Guide
 - The dwelling must not have an adverse effect on the light entering the adjacent properties window or negatively impact on the outlook from that window, and therefore a replacement single storey dwelling is recommended.
-

Bolsover District Council

Planning Committee

27th November 2019

Conservation Area Appraisals

Report of the Head of Planning

This report is public

Purpose of the Report

- To seek approval for the adoption of the following 6 Conservation Area Appraisals:
 - Pleasley Village
 - Barlborough
 - Bolsover
 - Palterton
 - Tibshelf
 - Clowne
- To seek approval for amendments to the Conservation Area boundaries of the designated Tibshelf and Barlborough Conservation Areas.
- To seek approval to carry out an appraisal of the suitability of the Oxcroft settlement for Conservation Area status.

1. Report Details

Legal and Policy Background

- 1.1 Bolsover District Council has a duty under section 69(2) of the Planning (Listed Buildings and Conservation Area) Act 1990 to review its designated Conservation Areas from time to time and assess the suitability of further areas for designation.
- 1.2 The National Planning Policy Framework (2019), Conserving and Enhancing the Historic Environment (section 16), advises that heritage assets should be conserved in a manner appropriate to their *significance* (paragraph 184). The guidance goes on to state that local planning authorities should ensure that a conservation area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

Conservation Area Appraisals

- 1.3 A Conservation Area Appraisal is a statement of significance that provides the supporting justification for a Conservation Area designation. It is a statement of what defines the character and appearance of a Conservation Area, identifying those elements in particular which are significant.
- 1.4 An appraisal gives a conservation area designation greater weight in appeals. It informs the Local Plan, providing the necessary detail to support Conservation policies. In providing an understanding of the particular *significance* of an area, an appraisal supports the Council in its obligation to 'preserve or enhance' when making decisions on development proposals.

Appraisal Coverage

- 1.5 There are 27 Conservation Areas in Bolsover District, 17 of which have formally adopted appraisals. It is intended that all of the District's conservation areas will have a formal written appraisal.
- 1.6 Of the 6 appraisals that are the subject of this report to Committee, Bolsover and Clowne are a reformatting of previously adopted appraisals (2010 and 2005 respectively). The other four (Tibshelf, Pleasley Village, Barlborough and Palterton) do not have a formal written appraisal.
- 1.7 These appraisals have been prioritised because these Conservation Areas are considered to be under most development pressure and where further development is likely to cause most harm to the special qualities of the respective designated Conservation Areas. The draft appraisals can be viewed online (see Appendix 3).
- 1.8 It is proposed that there will be a further presentation to Committee with first time appraisals for the following 6 Conservation Areas; Hardwick and Rowthorne, Upper Langwith, Southgate House, Stainsby, Elmlton, and Elmlton with Creswell Farmsteads. A revised appraisal for Whitwell will also be presented. Once completed, all of the District's 27 designated Conservation Areas will be supported by a Conservation Area Appraisal document.
- 1.9 Since commencing the current work a request has been received from the community of Oxcroft settlement to assess the suitability of Oxcroft for conservation area status. It is proposed that the appraisal of Oxcroft is taken forward following on from the appraisal of the existing designations. Once drafted, this would be brought before Committee for further consideration.

Proposed Boundary Changes

- 1.10 A defensible boundary is essential if the conservation area designation is to be legally robust. The relevance of boundaries may change over time due to a number of factors including new historic or architectural information coming to light or development subsequent to designation cutting across the boundary line. It follows that as well as extending the coverage of the designated area, a boundary change may result in a reduction in its size. Of the six conservation areas assessed, there are two conservation areas where boundary changes are proposed.

- 1.11 Within the Tibshelf Conservation Area, there are two proposed boundary changes. One revision is to exclude from the Conservation Area part of the modern development of Raven Avenue, built since designation. The other is to include within the Conservation Area, The Crown Public House and the traditional buildings facing it on High Street. The Crown is a former coaching inn and has historic significance. As a surviving traditional building it also makes a townscape contribution in terms of the traditional character and appearance of the High Street. The traditional stone buildings facing it are of good quality and contribute to the character of the High Street frontage. This proposed change will result in the Tibshelf Conservation Area having a continuous boundary (Appendix 1 Map).
- 1.12 Within the Barlborough Conservation Area, it is proposed to make one boundary change; to include Coronation Green. This small triangular area of former Common Land is at the A619 entrance to the village from Worksop. It has been the focus of commemorative tree planting to celebrate Royal Coronations for over 100 years (Appendix 2 Map).

Consultation

- 1.13 Local Members and the Parish Council were consulted on the proposed boundary changes to Tibshelf in February 2019. No objections were received. Those property owners affected by the proposed boundary changes were subsequently consulted in March 2019. No objections were received. Local Members and the Parish Council were consulted on the proposed boundary changes to Barlborough in February 2019. The Parish Council is the owner of the land proposed for inclusion. The request for its inclusion came from the Parish Council through the then District Councillor. No objections were received.

Promotion

- 1.14 It is proposed to publicise the appraisal documents through the individual Parish Councils. The Parish Councils will be advised to promote the documents by way of a notification on the Parish Notice board/the Parish Council web page, directing residents to the Bolsover District Council website where electronic copies of the document(s) are posted. A hard copy will be sent to each Parish Council for them to make available as they think appropriate and a further hard copy will be available for reference at The Arc Reception desk.

2 Conclusions and Reasons for Recommendation

- 2.1 The appraisals (subject of this report) have been prioritised because these Conservation Area are considered to be under most development pressure and where further development is likely to cause most harm to the special qualities of the respective designated Conservation Areas. The draft appraisals can be viewed online.
- 2.2 In defining the significance of each Conservation Area, the appraisals will enable prospective applicants and other agencies to understand the aims of the Council in designating the individual conservation areas and will act as a guide as to how this should be reflected in their approach to potential development proposals.

- 2.3 When assessing development proposals against conservation policies in the Local Plan, the appraisals will enable the Council to have a detailed understanding of the particular significance of each conservation area as a heritage asset against which a proposal is considered.
- 2.4 In completing these appraisals, it has also been found that the line of the existing Conservation Area boundary is no longer robust within two settlement areas due to development since designation or new information about historical or architectural significance coming to light.
- 2.5 The Council has a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the associated boundary amendments proposed at Barlborough and Tibshelf.

3 Consultation and Equality Impact

- 3.1 The report (paragraph 1.14 above) details the proposed approach to publicising the appraisals through the parish councils. The Conservation Area Appraisals can be made available in alternative formats on request and the documents have been written to be accessible.
- 3.2 There are no other reasons that these proposals could have any significant impact on a person with a special characteristic or people with shared special characteristics.

4 Alternative Options and Reasons for Rejection

- 4.1 A do nothing option would not comply with the Council's statutory duty to pay due regard to the conservation and enhancement of the special qualities of the District's designated Conservation Areas.
- 4.2 A do more option is constrained by the capacity available to complete the work.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 The main cost arising from these proposals is the cost of officer time. There are no other significant financial implications.
- 5.1.2 There is a reputational risk if the Council does not actively monitor and evaluate its designated Conservation Areas and the effectiveness of the associated Article 4 Directions.
- 5.1.3 There is a risk of harm to the special qualities of the District's Conservation Areas if they are not actively monitored and up to date Conservation Area Appraisals are not in place.

5.2 Legal Implications including Data Protection

- 5.2.1 The Council is placed under a statutory duty by the Planning (Listed Buildings and Conservation Areas) Act 1990 to undertake periodic reviews of Conservation Area

appraisals, which are also required by national planning policies set out in the National Planning Policy Framework (2019).

- 5.2.2 There are no data protection issues arising from these proposals and all third party representations on these proposals will be dealt with in accordance with the Planning Service's privacy statement.

5.3 Human Resources Implications

- 5.3.1 The Planning Service has funded additional resource because the established post holder (0.6FTE) has insufficient capacity to carry out this work.

6 Recommendations

- 6.1 That the Conservation Area Appraisal documents for Barlborough, Bolsover, Clowne, Pleasley Village, Tibshelf and Palterton, be adopted by the Council and the authority to make any minor amendments to these documents is delegated to the Heritage Conservation Manager.
- 6.2 That the proposed amendments to the Conservation Area of Tibshelf as shown in Appendix 1, be designated as a conservation area, as an extension to the Tibshelf Conservation Area to be known as Extension No. 1.
- 6.3 That the proposed amendment to the Conservation Area of Barlborough as shown in Appendix 2, be designated as a conservation area, as an extension to the Barlborough Conservation Area to be known as Extension No. 2.
- 6.4 That approval be given for the formal appraisal of Oxcroft settlement to assess whether it has the special architectural or historic interest to justify designation following the completion of the appraisals for the existing designated conservation areas.

7

Decision Information

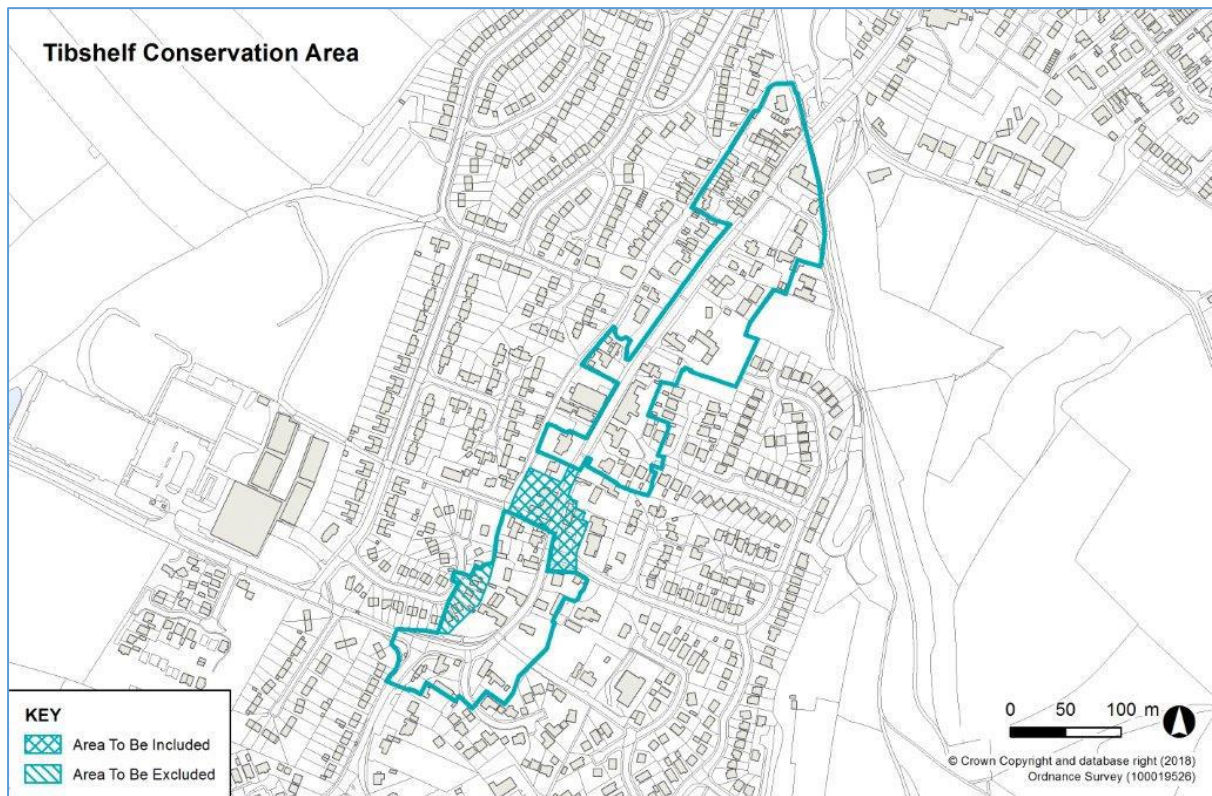
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	Ault Hucknall, Clowne (East), Clowne (West), Barlborough, Bolsover (North), Bolsover (South), Bolsover (East), Tibshelf.
Links to Corporate Plan priorities or Policy Framework	The Conservation Area Appraisals inform the application of conservation policies in the Bolsover District Local Plan and the Publication Version of the Bolsover District Local Plan

8

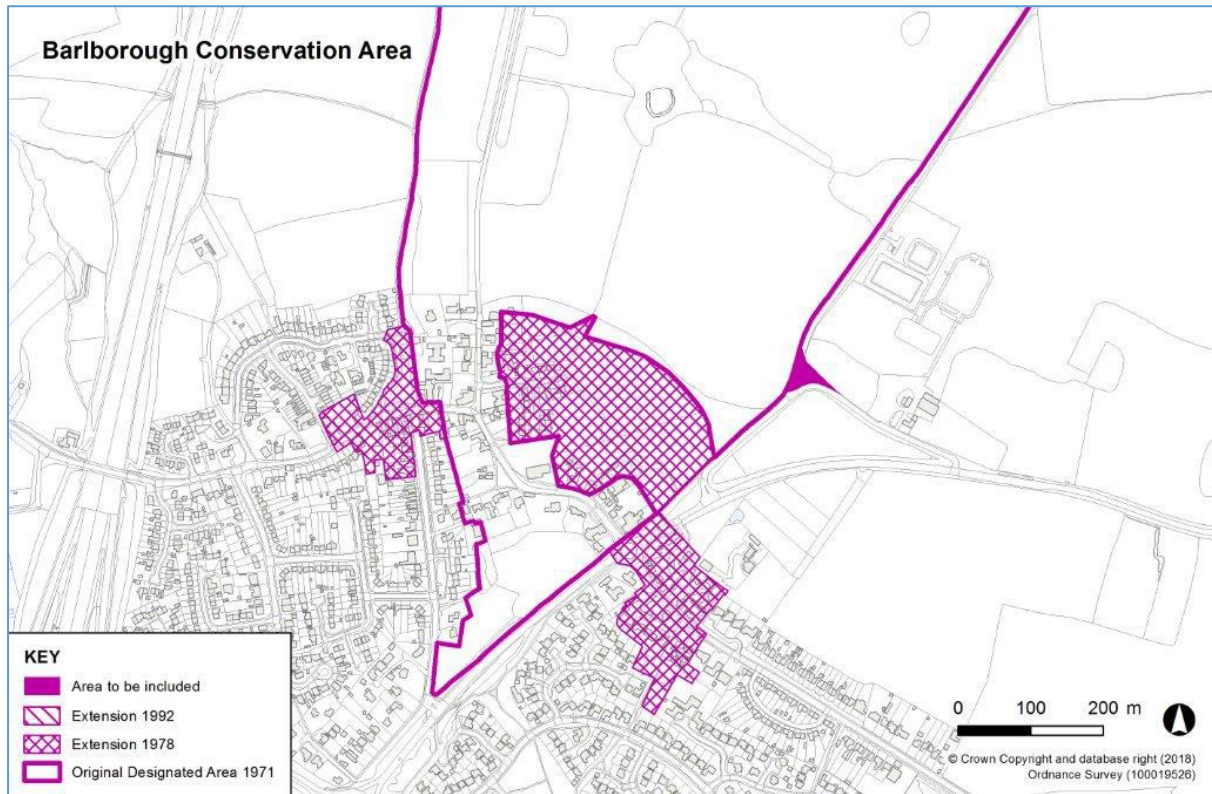
Document Information

Appendix No	Title	
1	Map: Proposed Boundary Changes Tibshelf	
2	Map: Proposed Boundary Changes Barlborough	
3	Location of Conservation Area Appraisal Documents	
Background Papers		
None		
Report Author		Contact Number
Julie-Anne Middleditch		EXT 2265

Appendix 1: Proposed Boundary Changes in Tibshelf



Appendix 2: Proposed Boundary Changes in Barlborough



Conservation Area Appraisal Documents

Due to their size, the following documents have not been printed and circulated with the agenda. A hard copy is available from Members Rooms or from Governance on request.

Alternatively they can also be view online via the following links:

Barlborough Draft Conservation Area Appraisal

<http://web.bolsover.gov.uk/reportsagendas/Reports/report23193.pdf>

Bolsover Draft Conservation Area Appraisal

<http://web.bolsover.gov.uk/reportsagendas/Reports/report23194.pdf>

Clowne Draft Conservation Area Appraisal

<http://web.bolsover.gov.uk/reportsagendas/Reports/report23195.pdf>

Palterton Draft Conservation Area Appraisal

<http://web.bolsover.gov.uk/reportsagendas/Reports/report23196.pdf>

Pleasley Draft Conservation Area Appraisal

<http://web.bolsover.gov.uk/reportsagendas/Reports/report23197.pdf>

Tibshelf Draft Conservation Area Appraisal

<http://web.bolsover.gov.uk/reportsagendas/Reports/report23198.pdf>