



To: Chair & Members of the Planning Committee

The Arc
High Street
Clowne
S43 4JY

Contact: Alison Bluff
Telephone: 01246 242528
Email: alison.bluff@bolsover.gov.uk

Tuesday, 27th October 2020

Dear Councillor

PLANNING COMMITTEE

You are hereby summoned to attend a meeting of the Planning Committee of the Bolsover District Council to be held as a Virtual Meeting and in the Council Chamber (if required) on Wednesday, 4th November, 2020 at 10:00 hours.

Members will be sent the details on how to access the Virtual Meeting by email.

Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of "hybrid" meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual.

I would encourage you all to attend virtually.

Accordingly if you attend in person you will be deemed to have accepted the following disclaimer (overleaf) as applying.



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.

Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- Covid-19 ARC RTW RA001
- Working in Offices At The Arc During Covid-19 Pandemic Guidance – ARC – SSW001
- Meetings – EM001 - Committee and Council Meetings during the Covid-19 pandemic

These documents have been emailed to Members and are available on the Modern.Gov App library.

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

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 3 onwards.

Yours faithfully

A handwritten signature in black ink, reading "Sarah Steenberg". The signature is written in a cursive, flowing style.

Solicitor to the Council & Monitoring Officer

**PLANNING COMMITTEE
AGENDA**

Wednesday, 4th November 2020 at 10:00 hours taking place as a Virtual Meeting and in the Council Chamber (if required)

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 30 th September 2020.	5 - 13
	<u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN & COUNTRY PLANNING ACTS</u>	
5.	20/00185/OUT - Outline application for the erection of 48 dwellings and retention of the existing farmhouse with access and all other matters reserved, Townend Farm, Lees Lane, South Normanton.	14 - 37
6.	19/00005/REM - Approval of Reserved Matters application for details of appearance, landscaping, layout and scale in relation to the development of 238 homes, open space and associated infrastructure, along with discharge of conditions 6 (Phasing Programme), 8 (Framework Travel Plan), 11 (Highway Surface Water Disposal), 15 (Maintenance/Management of public areas) and 16 (hedgerow retention/creation) of the outline planning permission ref. 14/00080/OUTEA in respect of the areas of the site included in this application, Land Between Welbeck Road and Oxcroft Lane, Bolsover	38 - 62

**REPORTS OF THE ASSISTANT DIRECTOR OF DEVELOPMENT
AND PLANNING**

- | | | |
|-----------|--|----------------|
| 7. | Update on Section 106 Agreements | 63 - 69 |
| 8. | Local Enforcement Plan (Planning) | 70 - 79 |

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Virtual Meeting on Wednesday, 30 September 2020 at 10:00 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Chris Kane (Vice-Chair), Derek Adams, Allan Bailey, Anne Clarke, Nick Clarke, Jim Clifton, Paul Cooper, Maxine Dixon, Natalie Hoy, Duncan McGregor, Graham Parkin, Liz Smyth, Janet Tait, Deborah Watson, James Watson and Jen Wilson.

Officers:- Chris Fridlington (Assistant Director of Development and Planning), Sarah Kay (Planning Manager (Development Control)), Chris McKinney (Principal Planning Officer), Jenny Owen (Legal Executive) and Donna Cairns (Senior Governance Officer).

PL1-20/21 APOLOGIES FOR ABSENCE

There were no apologies for absence.

PL2-20/21 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

PL3-20/21 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.

There were no declarations made at the meeting.

In the interests of transparency, Councillor Allan Bailey requested that it be noted that he did not attend or participate in the meeting of Clowne Parish Council when application 20/00209/FUL was considered.

PL4-20/21 MINUTES

Councillor Nick Clarke requested that an amendment be made to the minutes to include a comment he had made in the meeting that pointed out that the Inspector's decision in an appeal relating to a neighbouring site was not to be considered as a precedent to be

PLANNING COMMITTEE

applied to the application being considered. Committee were advised that the Minutes did state that it was noted that the appeal decision was distinguished from the application before them, although the comment was not attributed to Councillor Nick Clarke.

The Chair considered that the Minutes sufficiently covered the point raised and no amendment was required.

Moved by Councillor Chris Kane and seconded by Councillor Duncan McGregor

RESOLVED - that the minutes of a meeting of the Planning Committee held on 12th February 2020 be approved as a true and correct record.

Councillor James Watson requested that his abstention be recorded in the Minutes.

PL5-20/21 20/00209/FUL - ERECTION OF 17 NO. DWELLINGS AND ASSOCIATED INFRASTRUCTURE - LAND WEST OF HOMELEA AND TAMARISK MANSFIELD ROAD, CLOWNE

Further details relating to the application were included in the Supplementary Report, which included additional recommended 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.

Mr and Mrs Whittaker attended the meeting remotely and spoke against the application.

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

Committee considered the application having regard to the Bolsover District Local Plan and the National Planning Policy Framework. The main issues considered in the determination of this application were:

- the principle of the development;
- highway safety considerations, including whether the development would be provided with a safe and suitable access and the impact of the development on the local road network;
- landscape and visual impact of the development;
- whether the development has a suitable design and layout and provides sufficient residential amenity;
- the ecology impacts of the development;
- potential contamination risks;
- drainage requirements;
- impacts on infrastructure, including recreation and leisure, education and health facilities; and
- heritage and archaeology impacts.

Members discussed the impact of plot 5 in particular on the amenity of neighbouring properties and were advised of the negotiations that had taken place regarding the design to mitigate the impact and the consequent details to ensure that relevant planning

PLANNING COMMITTEE

policy was complied with.

It was concluded that the previous permissions and Local Plan allocation for residential development weighed heavily in favour of granting planning permission for the current application because the acceptability of the current site for housing was well established. In all other respects, the application was considered to be acceptable in planning terms for the reasons set out in the report and although there were some minor technical issues outstanding, these were very likely resolvable and therefore they did not weigh negatively in the overall balance of considerations.

Committee discussed the proposal to include further recommendations in addition to those proposed by officers in the report and supplementary papers, which were to require the provision of electric vehicle charging points for all dwellings on the site and for the road within the site to be made up to an adoptable highway standard.

It was moved by Councillor Duncan McGregor and seconded by Councillor Chris Kane that the application be approved in line with the officer recommendation as set out in the report and supplementary papers, also to include the conditions proposed by Members as outlined above. On being put to the vote, the vote was tied. The Chair exercised his casting vote in favour of the motion. It was therefore:-

RESOLVED that subject to satisfactory resolution of the outstanding issues in respect of highway safety and surface water drainage, application 20/00209/FUL be approved subject to prior entry into a s.106 legal agreement containing the following planning obligations:

- A** Education contribution of £17,176.59 (Index Linked) for the provision of 1 infant pupil at Clowne Infant and Nursery School.
- B** A commuted sum of £14,586 (17 dwellings x £858 per dwelling) (Index Linked) to improve the following areas of green space:
 - Equipped Play Area: The Arc and / or The Edge
 - Recreation Ground / Semi-Natural Green Space: Improvements to foot / cycle links to the wider countryside and to Clowne Town Centre via The Edge and a new link to Mansfield Road
- C** A commuted sum of £17,374 (17 dwellings x £1022 per dwelling) (Index Linked) to be invested in improving playing pitches and their ancillary facilities at Gloves Lane Recreation Ground.

AND subject to the following conditions that are given below in draft precis form, and also to include conditions relating to the provision of electric vehicle charging points and the improvement of the road within the site up to adoptable standard, with the final wording to be agreed by the Planning Manager in consultation with the Chair and Vice Chair of the Planning Committee: -

1. The development shall be begun before the expiration of three years from the date of this permission.
2. List of approved plans
3. In this condition retained tree means an existing tree which is to be retained to

PLANNING COMMITTEE

comply with the approved Tree Retention Plan ref: 9516-T-02 A, as contained in the Arboricultural Assessment by fpcr dated May 2020 submitted with the planning application; and paragraphs (a) and (b) below shall apply for five years, after the occupation of the last building on the development.

- (a) No retained tree will be cut down, uprooted or destroyed, or topped or lopped, other than in accordance with the approved plans and particulars without the written approval of the Local Planning Authority.
 - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree must be of such size and species, and must be planted at such time, as approved in writing by the Local Planning Authority.
 - (c) Before any equipment, machinery or materials are brought on to the site, other than those reasonably necessary to implement this condition, protective barriers must be erected to protect the retained in accordance with the specifications contained in the Arboricultural Assessment by fpcr dated May 2020, and such barriers must be erected at a distance not less than the identified Root Protection Areas on drawing ref 9516-T-02 A, as contained in that assessment document. Nothing shall be stored or placed within the fenced area around a retained tree and the ground levels within the fenced area must not be altered, nor must any excavation take place, without the written consent of the Local Planning Authority.
 - (d) Where works within the areas covered under c are required, methods of working and construction for those operations must have been submitted to and approved in writing by the Local Planning Authority before such works are commenced and the development must only be carried out in accordance with those approved details.
4. The retained boundary hedgerows along the north, west, and south boundaries of the site must be retained in accordance with drawing ref 9516-T-02 A in the Arboricultural Assessment by fpcr dated May 2020 and protected from damage during construction by the erection of temporary protective barriers (as per condition 3 above) erected at least 2m from the centreline of the hedgerow before development commences on site. Any gaps in the retained hedgerow shall be reinforced and replanted and thereafter the hedgerow shall be maintained and replaced if necessary for a period of 5 years.
5. Notwithstanding the submitted details, no building will be occupied until full details of both hard and soft landscape works, to include details of all proposed means of enclosure and details of all trees and hedgerows to be retained and means for their protection during the course of the development, along with a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority and the works and implementation programme must be carried out as approved. Means of enclosure must be located to avoid the removal of any of the protected hedgerows referred to in condition 4 above.
6. 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.

PLANNING COMMITTEE

7. 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 CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification and demarcation of “biodiversity protection zones” (to include hedgerows and trees).
 - c) 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 and should include a badger working method statement).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person (as necessary).
 - h) Use of protective fences, exclusion barriers and warning signs.
8. A landscape and biodiversity enhancement and management plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The LBEMP should combine both the ecology and landscape disciplines and include the following:-
 - a) Description and location of features to be created, planted, enhanced and managed to include wetland habitat associated with the swale, species rich grassland habitat, scrub creation and tree planting.
 - b) Details of the type and locations of 20 integrated swift nest boxes/bricks,
 - c) Details of hedgehog access throughout the development to include type and location of access gates/holes.
 - d) Aims and objectives of management (retained hedgerows and green infrastructure)
 - e) Appropriate management methods and practices to achieve aims and objectives.
 - f) Prescriptions for management actions.
 - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).
 - h) Details of the body or organization responsible for implementation of the plan.
 - i) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.

The LBEMP shall also include 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 plan will be implemented in accordance with the approved details.

9. Prior to the occupation of any dwelling, a bat friendly lighting scheme for the

PLANNING COMMITTEE

access roads and footways shall have been submitted to and approved in writing by the Local Planning Authority; that scheme shall include details of implementation timescales and the approved scheme shall be implemented as approved.

10. Notwithstanding the provisions of Part 2: Minor Operations, Class A – gates, fences, walls etc., of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended), or any Order revoking and re-enacting that Order, no means of enclosure shall be erected within 2m of the centre line of the retained hedgerows to the north, west and southern boundaries of the application site (as identified on drawing ref 9516-T-02 A in the Arboricultural Assessment by fpcr dated May 2020), nor between the dwellings (excluding garages) and the footpath connection on plots 4, 5 and 6, except for any that may be permitted under condition 5, or unless planning permission has first been granted by the Local Planning Authority.
11. Notwithstanding the submitted information, before construction commences on the erection of any building or wall, specifications or representative samples of the materials to be used in all external wall and roof areas shall first have been submitted to and approved in writing by the Local Planning Authority.
12. Notwithstanding the provisions of Parts 1 and 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the dwelling on plot 5 shall not be extended or altered externally nor shall any incidental building, structure or enclosure be erected without the prior grant of planning permission.
13. The windows serving the living room and en-suite bathroom in the northern elevation of plot 5 (facing dwellings on Fallowfield) shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, which shall thereafter be retained unless planning permission has first been granted by the Local Planning Authority.
14. Before building work on any building or wall commence, a scheme showing the details of the proposed footpath connections to Fallowfield to the north, together with a timetable for implementation, must have been submitted to and approved in writing by the Local Planning Authority. The scheme must provide details of design, specification, gradient, sections and levels details (level details both on site and on the adjacent site) demonstrating that the footpath link to the adjacent development can be successfully achieved to a usable and adoptable standard. The approved scheme must be implemented in accordance with the details and timescales approved.
15. Drainage Conditions (pending further comments of the LLFA and to cover issues raised by BDC's drainage engineer).
16. Space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. The facilities shall be retained free from any impediment

PLANNING COMMITTEE

to their designated use throughout the construction period.

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

Councillor James Watson requested that his vote against the motion be recorded in the minutes.

(Planning Manager (Development Control))

PL6-20/21

APPEAL DECISIONS: JANUARY 2020 - JUNE 2020

Committee considered the report of the Planning Manager (Development Control) on the Planning Service's performance against the Government's quality of decision making targets.

During the 6 months since the last monitoring period, the Council had no appeals on major planning applications determined, had won 98.7% of appeals on non-major applications and had no appeals against enforcement notices.

PLANNING COMMITTEE

The Planning Manager gave a presentation, outlining the 5 appeals decisions that had been received from January 2020 to June 2020. 4 related to non-major developments and 1 to a validation dispute, which was deemed not to be valid. Of the non-major development appeals, 2 had been allowed and 2 had been dismissed. The two appeals which were dismissed related to inappropriate development in the Greenbelt, where the Inspector agreed with officer's interpretation and the decisions.

One of the appeals that was allowed related to extended opening hours of McDonald's at Tally's End, Balborough. The Inspector agreed to vary the conditions to allow an extra hour of opening in the morning and the evening. The Inspector disagreed with the Council's view on the impact on the neighbouring properties.

The second allowed appeal related to a dispute over whether a building had been in agricultural use, to allow the application to seek prior approval for its alternative use. The Inspector took a different view to the Council on whether the criteria had been fulfilled.

Both allowed appeals involved the Inspector reaching a different judgement on the particular cases and did not have any wider policy implications

The Council was exceeding its appeal decision targets and this indicated that the Council decision-making on planning applications and enforcement issues continued to be sound.

Moved by Councillor Tom Munro and seconded by Councillor Chris Kane

RESOLVED that the report be noted and that appeal decisions continue to be reported to Committee every 6 months.

(Planning Manager (Development Control))

PL7-20/21 REVISED TERMS OF REFERENCE FOR LOCAL PLAN STEERING GROUP

The Principal Planning Officer (Planning Policy) presented the report which sought approval for the revised name and terms of reference for the Local Plan Steering Group.

Following the successful implementation of the new Local Plan, the Group had considered a report which sought approval to rename the Local Plan Steering Group as the Local Plan Implementation Advisory Group and update its Terms of Reference to reflect the change of purpose. At an informal meeting in July, it was found that Members wished to stay involved during the implementation of the Local Plan and the delivery of its proposals and projects.

In addition to these changes, in light of the publication of the Planning White Paper and the Government's current consultation on proposals to reform the planning system the Terms of Reference were updated slightly from that discussed in July. This enabled the group to endorse the suspension of work on the Local Plan implementation projects and prioritise and dedicate resources to recommence plan-making tasks as required.

The group had been provided with outline proposals of projects to be undertaken and what further documents needed to be produced following the adoption of the new local plan.

PLANNING COMMITTEE

Moved by Councillor Duncan McGregor and seconded by Councillor Chris Kane

RESOLVED – That the proposed Terms of Reference for the Local Plan Implementation Advisory Group at Appendix 2 to this report be approved.

The meeting concluded at 12:20 hours.

PARISH

South Normanton Parish

APPLICATION Outline application for the erection of 48 dwellings and retention of the existing farmhouse with access and all other matters reserved

LOCATION Townend Farm Lees Lane South Normanton Alfreton

APPLICANT EPC United Kingdom plc

APPLICATION NO. 20/00185/OUT **FILE NO.** PP-08613793

CASE OFFICER Mr Peter Sawdon

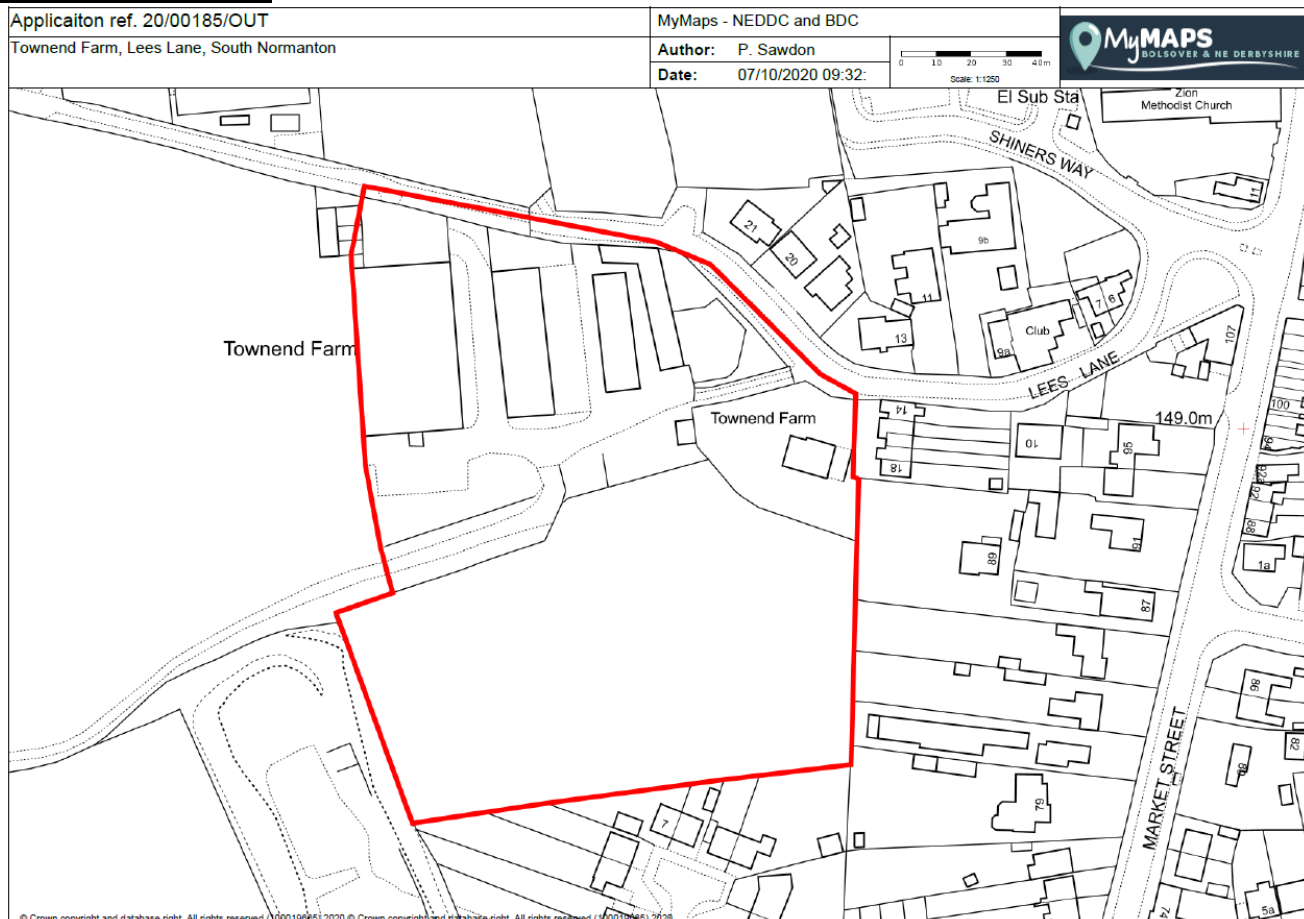
DATE RECEIVED 4th May 2020

SUMMARY

This application is referred to Planning Committee by case officer in consultation with the Planning Manager in view of the level of public interest in the scheme and to enable consideration of S106 matters by Planning Committee

In summary, the application is recommended for approval. This is an allocated site and the proposal is considered to represent sustainable development and accord with policy requirements. Sufficient contributions are being offered to meet the infrastructure requirements of the development.

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 20/00185/OUT

SITE & SURROUNDINGS

The site is 1.97ha of land located to the south of Lees Lane at South Normanton that is allocated for housing development in the adopted Local Plan by virtue of policy LC1.

The site comprises the former Townend Farm, consisting of an area of recently demolished redundant agricultural buildings associated with that farm and an additional area of undeveloped land to the south of those buildings.

The site contains a number of trees and hedgerows on its internal and external boundaries; the site frontage in the area of the proposed entrance to the site currently comprises a mature hedgerow that contains a number of trees; a large number of these, especially on the frontage and within the central areas of the site that are shown to be cleared on the indicative layout.

Residential developments bound the site to its south, east and north eastern sides. A small industrial area borders the site to its south western corner with open countryside generally to the west and north, along with South Normanton Football Club, also to the north (west) to the opposite side of Lees Lane. The area of open land to the north of the site that is between the football club and the current urban edge is within the settlement framework and is allocated for Edge of Town Centre developments, which may include retail, office, leisure or residential uses.

The site is in close proximity to the existing Rough Close Works and falls within the Outer Explosive Safeguarding Zone associated with the operation of that site.

PROPOSAL

This is an outline application to erect 48 dwellings on this site; the existing farmhouse on site would be retained. Details of the site access are included with the application for determination, but all other matters are reserved for later approval.

An indicative plan is submitted showing:

- 48 dwellings of a variety of types and sizes with associated parking facilities;
- A pumping station;
- 3 areas of formal open space, one with a play area;
- 9 rural areas of semi-rural open space;
- A replacement species rich hedgerow around the site boundary;
- Approximately 40 'street trees' within the development; and
- Indicative new trees/planting within garden areas.

As the following plan is for indicative purposes only, the detail on this drawing is not submitted for formal consideration and would not form part of any planning permission granted:



Supporting Documents (as submitted with original application)

- Application Form and Certificates
- Indicative Site Plan
- Location Plan
- Planning Statement
- Bat Presence/Absence Survey
- Preliminary Ecological Appraisal
- Highways Feasibility Study

AMENDMENTS/ADDITIONAL INFORMATION

20/05/2020 - Drainage Strategy and Flood Risk Assessment

27/05/2020 - Design and Access Statement

15/06/2020 – Response to highways issues regarding visibility splays and vehicle turning including the following documents/plans: -

- NTP17013-007 – Visibility splays.
- NTP17013-008 – Autotrack manoeuvres of 11.997m length refuse vehicle.
- Vehicle tracking data sheet for refuse wagon.

08/06/2020 - Levels Survey ref. JPC3887-1A

13/06/2020 - Coal Mining Risk Assessment

29/07/2020 – Barn Owl Report

11/09/2020

- Tree Survey ref. AWA3269
- Biodiversity Impact Assessment V2.0
- Feasibility Study (Indicative Layout) ref. 17-464 002 REV H

25/09/2020

- Reptile Report
- Updated Design, Access and Sustainability Statement
- Rebuttal Statement

20/10/20 - agreement to S106 contributions

21/10/20 - Feasibility Study (Indicative Layout) ref. 17-464 002 REV I

EIA SCREENING OPINION

The proposals that are the subject of this application are not Schedule 1 development but they are an urban development project as described in criteria 10b of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

However, the proposals are not in a sensitive location as defined by Regulation 2 and by virtue of their size and scale, they do not exceed the threshold for EIA development set out in Schedule 2.

Therefore, the proposals that are the subject of this application are not EIA development.

HISTORY

97/00129/FOREST	No Objections raised	Planting of a new deciduous woodland [<i>Consultation from the Forestry Commission</i>]
06/00580/FUL	Refused	Conversion of Bier to business use (Class B1) [<i>Small part of the north east corner of the current application site</i>]
20/00237/DETDEM	Prior approval not required	Prior notification for the demolition of the redundant agricultural buildings on site (excluding the existing farmhouse which is to be retained).

CONSULTATIONS

Archaeologist 15/06/2020

The site does not constitute a 'heritage asset' under the policies at NPPF chapter 16 and that no archaeological input is required.

Coal Authority 15/06/2020 and 23/06/2020

Following the receipt of a coal mining risk assessment in response to an initial objection, the

Coal Authority recommend conditions relating to investigation and, if necessary, mitigation in respect of any previous coal mining legacy that may affect the site. Conditions are suggested.

Derbyshire Wildlife Trust 18/06/2020 and 13/10/2020

Impacts of the development has for the most part been satisfactorily addressed. There will be a loss of biodiversity and the details in respect of replacement provision is unclear. A suitable replacement barn owl nest box will need to be provided off site and details of where the off-site provision can be made needs to be clarified. Off-site measures will be required to off-set the losses, including creation of nesting opportunities for Swallow. Conditions are suggested.

Drainage Engineer (Bolsover District Council) 21/05/2020

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

Environmental Protection Officer 26/06/2020

Recommends conditions to deal with: -

- the identification of potential contaminants and if necessary, remediation for any contaminants present; and
- the need for a noise assessment and where necessary mitigation to deal with any noise issues identified.

Health and Safety Executive 10/07/2020

The Explosives Inspectorate has no comment to make on the planning application provided that the development is not a vulnerable building.

Highways (Derbyshire County Council) 28/05/2020, 20/07/2020 and 09/10/2020

Subject to confirmation that visibility splays can be achieved, then no objections and recommend conditions and advisory notes, along with a request for contributions to funding, through a S106 Planning Obligation, for investigation into, and subsequent implementation of, traffic management should they provide necessary taking into account a monitoring period of 5 years post completion of development. Notes that the indicative schemes do not demonstrate compliance with highway standards in terms of internal junctions and proposed accesses onto Lees Lane; any (later) reserved matters application would have to demonstrate compliance.

Housing Strategy (Bolsover District Council) 18/05/2020

No objections subject to completion of a s.106 legal agreement to secure the affordable housing offer made by the applicant.

Lead Local Flood Authority (Derbyshire County Council) 09/06/2020 and 27/07/2020

Following the submission of additional information to demonstrate that all options for a gravity surface water drainage network to dispose of surface waste have been explored and that the

proposal for a pumped drainage network is a last resort, have raised no objections subject to the inclusion of conditions.

Leisure Services (Bolsover District Council) 17/06/2020 and 09/10/20

Advises on the amount of land required and/or contributions necessary to ensure compliance with adopted policy. Revised proposals are short of normal requirements and space indicated for play equipment would not be sufficient to provide this with the necessary buffer to neighbouring dwellings, so financial contributions are sought for play equipment, and other off site recreation ground and semi-natural green space improvements off site, along with further contributions to quality improvements of built and outdoor sports facilities.

NHS Clinical Commissioning Group 23/06/2020 and 24/09/2020

Request for contributions to increase clinical capacity at Village Surgery at both of their sites based in South Normanton with a branch surgery in Pinxton. In response to a question from the agent, additional information was submitted regarding capacity at the existing surgery to justify the contribution request.

Strategic Planning (Derbyshire County Council) 22/06/2020

County Councillor Coyle is totally opposed to the application due to the narrowness of Lees Lane and the difficulties in accessing current properties. Other existing activities also impact on this accessibility, including football club traffic and the Carnfield Club. Councillor Coyle also observes that The Glebe Junior School has been extended beyond what is reasonable. The main building is listed and little or nothing else can be done.

The officer's comments confirm that all schools in the area, those being The Green Infant School, Glebe Junior School and Frederick Gent School, have sufficient capacity to take the additional pupils projected to arise from this development and so no education contributions are sought.

An advisory note relating to High-Speed Broadband provision is recommended

Urban Design 18/06/2020 and 13/10/2020

The indicative layout is not supported and does not demonstrate a design led approach.

Additional consultations

The following have also been consulted, but no comments were received: -

- Head of Regeneration
- Severn Trent Water
- Ramblers Association
- Peak and Northern Footpaths Society
- Derbyshire County Council (Rights of Way)
- Refuse

PUBLICITY AND REPRESENTATIONS

The Application was publicised by means of a site notice, press advert and 38 neighbour letters.

Initial publicity resulted in 28 letters of representation from the occupants of 26 properties.

Following the submission of additional and revised information further publicity was carried out that resulted in a further 4 letters of representation.

In addition, a letter of representation has also been received from District and Parish Councillor Andrew Joesbury.

The representations made raise the following issues: -

Principle

No need for additional houses in South Normanton – currently 23 for sale and 10 for rent, many at lower values.

Houses will not be affordable.

Village is already having three new-build sites; we do not need more housing. Should ensure existing new developments are full before new ones are allowed.

Effects of more housing is compounded by new developments in Alfreton, close to South Normanton.

Loss of an essential green space in an otherwise overpopulated 'village'.

No capacity at local nurseries, schools, doctors' surgery, dentists and on local roads. Also a strain on Police, Fire and Ambulance services, Bin Men and Postal Workers.

Huge expansion of South Normanton over many years that cannot be sustained.

If houses really are needed, perhaps this could be just on the land where the farm buildings stand.

The build is not on the local plan.

The density of the development at 48 dwellings exceeds the Council allocation by 8.

Development is not in character with surrounding property with nearest properties being small bungalows.

The negative impacts significantly outweigh the benefits of the planning policy.

5 year housing supply figures for Amber Valley show that supply is exceeding demand so there is no need for more dwellings.

Can the council not just find a development site somewhere else, maybe the site up ball hill where the industrial park was going to be built?

Sadly it is social housing that is needed, so ideally 40% and no less should be for social housing.

Amenity

Impact of construction traffic and noise and dust from construction – reference is made to quality of life and shift workers. Problems recently experienced from noise during demolition works.

Noise from new dwellings.

Loss of peaceful amenity currently enjoyed due to open aspect and views from existing dwellings – several photographs have been provided.

This is currently a sleepy little lane; it is a shame to destroy another semi-rural location.

Investment should be put into improving the quality of life for residents already living in the area.

Overlooking from new dwellings with loss of privacy.

Increase in air pollution.

Will damage ozone layer and add to global warming.

Will affect the nature evident in country walks and pathways at the end of Lees Lane.

Green space is good for mental wellbeing.

Increased light pollution.

Concern that smaller housing association housing may mean get people that don't look after property and gardens and are unruly and noisy on top of the increased noise, light and air pollution we would also have to encounter.

Will result in increased crime.

Highway Safety

No capacity on local roads; Market Street is already busy with tailbacks and long waits.

There are more minor accidents.

Local roads impacted from the use of the nearby A38 and M1.

Lee's Lane is very narrow/not wide enough and unsuitable. Narrow footpaths – will put pedestrians at greater risk. Already have to go into the road pushchairs/mobility scooters to pass by cars that are parked on the footpaths. Many parked cars on either side of the lane with nowhere else to park (several dwellings have no off-street parking); unsuitable for construction traffic. There have been issues with access for lorries accessing to demolish the farm buildings. Used as an overflow car park to The Hub, the football club, Carnfield Club and other local businesses. Instances where special events at venues result in much larger volumes of traffic and parking. Several instances of damage to cars from vans and coaches using the lane. Several instances of damage to property from vehicles. Road is often impassable due to parked cars. Parked cars already impact on available forward visibility for drivers. Instances where requests are received from users of the road to move parked cars to facilitate access. Emergency vehicles will not be able to access properties. Existing problems on bin collection days.

Will impact on Shiners Way/Market Street junction.

Mist and ice conditions make safety worse; the road is not gritted.

Lees Lane has inadequate street lighting.

Local roads already unsafe and over congested.

Note road surveys done, but did this take into account the count line was ripped out of the road and wasn't in use for days, it just lay in the gutter.

Instead of housing investment should be put into restricting traffic through the village and making roads safe for residents.

Traffic data is 3 years old and there is now more traffic. Some data included relates to old and remote examples. More spectators often visit the football matched than referred to in the highway study.

Understand that the DDC Highways Engineer has been unable to visit the site due to Covid-19; that that they are unwilling to 'agree' to the contents of the transport statement and also unwilling to check the evidence provided however they are willing to accept the conclusions of the report at face value. Would urge you to ensure any advice taken is underpinned by a site visit before making any recommendation.

No provision for sustainable transport, even though the planning statement states that there will be.

Visibility for vehicles using existing access will be harmed.

The mouth of Lees Lane is used to turn vehicles in.

Bin wagon often has to reverse down Lees Lane.

Another access to the site is needed. It is suggested that access could be taken from the end of Shiners Way, extending the road down the side of The Hub to negate the need to use Lees Lane so there would be no detriment to the residents of Lees Lane.

Ecology/Biodiversity

Development will have a significant and permanent impact. Loss of habitat and foraging areas and effect on wildlife. Loss of wildflowers on which important bees rely. The site is a hunting ground for owls.

Animals present on and around the site include various bat species, newts, frogs, toads, damsel, dragonflies, grass snakes, tawny owl, barn owl, little owl, many different species of birds, badgers, hedgehogs, foxes, hares, rabbits, deer, pheasants, partridge, many species of butterflies, various insect life, including bees.

Detailed reference is made to planning and other legislation in respect of the need to have regard to the conservation of wildlife and the need for licences in certain cases.

Despite the findings of the wildlife reports, bats must live somewhere in the immediate vicinity and the farm buildings are the most obvious place, so suggest further investigations are needed.

Trees should be kept.

Ponds are present despite the report saying there are none, as are grass snakes.

Consider further wildlife surveys should be required as those submitted are out of date and irrelevant.

A video of a badger foraging in a garden has been provided.

Concerns about the impact humans are having globally and although this is a small area, it will contribute.

The loss of the farm buildings will already have resulted in impacts.

Even if the areas where buildings are is built on why build on the greenfield parts; less houses would mean less impacts.

No suitable replacement barn owl nesting opportunities were provided prior to the demolition of the existing buildings.

Drainage

Existing periods of standing water and flooding in existing gardens and the application field. Water drains from gardens into the field. Possible impact of water levels in gardens adjoining the site that may worsen problems for existing residents.

Victorian sewers can't cope. Existing problem with existing combined sewers backing up on North Close in times of heavy rain; an open relief drain was installed as a 'temporary measure' so that excess sewage spills out onto our rear curtilage areas and over into the field where the new development is planned, will sewage running into new dwellings' gardens?

Health and Safety

Development is too close to Rough Close Works explosive manufacturers.

Understood houses could not be built on the land because of the required distance to the explosives factory.

Would greatly increase the numbers of residence and cars trying to evacuate down Lee's Lane. Worry that this would be a danger and not able to be carried out in a timely fashion.

Other

Devaluation of property. Residents should be compensated.

Properties didn't receive consultation letters.

POLICY

Local Plan for Bolsover District

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 Local Plan policies include: -

- SS1: Sustainable Development
- SS3: Spatial Strategy and Scale of Development
- LC1: Housing Allocations
- LC2: Affordable Housing Through Market Housing
- LC3: Type and Mix of Housing
- WC4: Rough Close Works Explosive Safeguarding Zones
- SC1: Development within the Development Envelope
- SC2: Sustainable Design and Construction
- SC3: High Quality Development
- SC7: Flood Risk
- SC8: Landscape Character
- SC9: Biodiversity and Geodiversity
- SC10: Trees, Woodland and Hedgerows
- SC11: Environmental Quality (Amenity)
- SC12: Air Quality
- SC13: Water Quality
- SC14: Contaminated and Unstable Land
- SC15: Hazardous Substances Consent
- SC18: Scheduled Monuments and Archaeology
- ITCR5: Green Space and Play Provision
- ITCR7: Playing Pitches
- ITCR10: Supporting Sustainable Transport Patterns
- ITCR11: Parking Provision
- II1 Plan Delivery and the Role of Developer Contributions
- II2: Employment and Skills

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 96 and 98: Open space and recreation
- Paragraphs 108-111: Promoting sustainable transport
- Paragraph 118: Making effective use of land
- 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 178-181: Ground conditions and pollution

Supplementary Planning Documents

Successful Places: A Guide to Sustainable Housing Layout and Design - adopted Interim Supplementary Planning Document

Parking Standards – Consultation Draft Supplementary Planning Document

ASSESSMENT

Issues

It is considered that the main issues in the determination of this application are:

- the principle of the development;
- highway safety considerations, including whether the development would be provided with a safe and suitable access and the impact of the development on the local road network;
- landscape and visual impact of the development;
- whether the development can deliver a suitable design and layout and provides sufficient residential amenity;
- the ecology impacts of the development;
- potential contamination risks;
- drainage requirements;
- impacts on infrastructure, including recreation and leisure, education and health facilities; and
- heritage and archaeology impacts.

These issues are addressed in turn in the following sections of this report

Principle

This site is allocated by virtue of Policy LC1: Housing Allocations for housing development.

Policy LC1 states that in order to achieve sustainable development, the Local Planning Authority will impose conditions on planning permissions or seek to enter into a planning obligation to secure the expected requirements for each site as contained in the pre-amble to the policy and where relevant elsewhere in the plan.

The pre-amble to that policy states that the development of the site is expected to make minor improvements to Lees Lane and to contribute to increasing the capacity of local schools and GP surgery. In addition, the development will be expected to contribute to the provision of affordable housing.

Given the sites location very close to the centre of one of the District Council's larger emerging towns, with all of its amenities and transport connections, this is a highly sustainable site in location terms and subject to satisfying other criteria of the adopted Local Plan, the principle of housing development on the site is considered to be acceptable.

Access

The Highway Authority raises no objections to this proposal.

A Highways Assessment has been submitted in support of the application which indicates that the proposed access to site and the surrounding roads would be safe and not negatively impacted as part of this development. It has been identified that the development would not

cause unacceptable impact on highway safety and that the proposed access would be suitable.

The Highway Authority has considered the traffic and transport information submitted in respect of the above proposal and does not consider that there is an evidence base to suggest that the conclusion that the development would not have a significant adverse effect on capacity or safety of the local road network is incorrect. Certainly, there is no data that would support a reason for refusal of planning permission on the basis that the development would result in severe harm on the highway network, with reference to Paragraph 32 of the National Planning Policy Framework.

Amended details have been submitted in respect of the main access design at the request of The Highway Authority that considers that the access as amended is now suitable and acceptable for the development.

Given the propensity for parking on Lees Lane the Highway Authority has requested funding, through a Section 106 Planning Obligation, for investigation into, and any subsequent implementation of, traffic management should this prove necessary taking into account a monitoring period of 5 years post completion of the development. The agent initially questioned this request in view of the fact that this appeared to relate to an existing problem not arising as a result of this development and therefore, questioned whether this met the legal tests for such contributions in that they should fairly and reasonably relate to the development. Whilst the applicant has not provided a written response to this question, it has been established in conversation with the Highway Authority that whilst the prediction in the Transport Assessment is that Lees Lane should be able to operate within normal parameters, they would wish to ensure that this can be appropriately monitored and should it provide necessary, implement a Traffic Regulation Order through funding in a S106 agreement to ensure that the function of the highway can be maintained. The applicant has agreed to make this contribution subject to this being capped at a maximum of £5000 (this sum is based on The Highway Authority's verbal comment to the case officer that this sum is what is normally sought to ensure appropriate funding for this work, but that the final cost is normally below this and any unspent monies are then returned to the applicants).

In addition to the S106 contribution request, the Highway Authority has suggested conditions and advisory notes Authority that are proposed for inclusion in the event of planning permission being granted.

Landscape and visual impact of the proposed development

Whilst this is presently an open field with hedged boundaries it does not form part of any distinctive or sensitive landscape. It is not important to features or views or other particular qualities and such the development is considered to accord with Policy SC8 in this regard. Given the site is bounded by existing housing developments the proposal will assimilate within those in terms of its general landscape and wider visual impacts.

Design, Layout and Residential Amenity

Indicative layout drawings have been submitted to show layouts containing 48 dwellings; it is important to remember however, that as an outline planning application, except for the main access into the site, such that all matters of detail on that layout are reserved for later

approval; indeed the submitted (revised) Design and Access Statement states that “the layout is likely to change again once the development reaches the reserved matters stage”.

Whilst the local plan states that the site is expected to deliver approximately 40 dwellings, this is not a fixed policy requirement and subject to any layout, which would be considered in detail at reserved matters stage, demonstrating compliance with adopted policy, a larger number of dwellings can be accepted on the site.

That indicative scheme shows a layout that would result in the loss of large parts of the frontage landscaping and that within the central parts of the development site. The ecology impacts of this are discussed later in the report, but in design terms, the loss of the frontage landscaping is inevitable as a result of the sites allocation for housing. That allocation was assessed on the basis of any development being accessed from Lees Lane and in view of the alignment of that road, the provision of the access and the necessary associated visibility splays, this will inevitably result in the loss of a large amount of the frontage landscaping.

The internal hedgerow within the site that would be lost is identified as species poor and in its current position does not represent a feature of any particular valuable public visual amenity. Whilst alternative layouts could make provision for some retention of that hedgerow, there is not considered to be a planning case to require this; other hedgerows on the site’s periphery are shown to be retained.

In consultation with the Council’s Urban Design officer it has been concluded that the indicative drawings are not considered to be based on a robust design led approach which demonstrates an understanding of site context, constraints and opportunities, and use of this information to develop conceptual ideas and design responses.

Whilst the actual details on these indicative drawings are not considered to represent an acceptable form and layout for the final design of the site, they do provide a useful function in showing that 48 dwellings could be accommodated on site. The revised drawing shows a mixture of 2, 3 and 4 bed detached and semi-detached dwellings, along with the retained farmhouse and areas of open space and an area for the required drainage pumping station.

Notwithstanding this, there are numerous factors that may affect the final number of units (up or down) that can be delivered by the development. These can include such things as the need to meet policy objectives in terms of public open space provision, different house types, layout or other design changes, including the need to demonstrate compliance with the Council’s design guide, which the indicative layout doesn’t fully achieve. For these reasons, it is difficult to say with any certainty that, in design terms, 48 dwellings or thereabouts could definitely be accommodated on site without further detailed drawing submissions. As full details are reserved for later approval, this would also include the final number of dwellings although it is considered that consideration to an upper limit to housing numbers can be considered, although the planning reasons for this are based on highway safety considerations. Given the submitted Transport Assessment has considered the suitability of the highway networks for a development of up to 50 houses, it is considered reasonable to limit the development to not more than this number.

Given the design concerns, it is also considered that the Design and Access Statement to accompany the application (and the submitted layout) is not acceptable and it is

recommended that a revised statement should be included with any reserved matters application should permission be granted to demonstrate a suitable design led approach to any reserved matters submissions.

In terms of the amenities of future residents the Environmental Protection Officer (EPO) has some concerns regarding the proximity of the site to the football pitch and the level of noise that may affect the local residents from use within the weekends and evenings. In addition, it would appear that there are floodlights that could impact on the local residents so this should be reflected in the layout design. The EPO also notes there is an industrial estate within relatively close proximity of the south west corner of the site so consideration of this should be made when developing the site layout to minimise any potential impact. In view of the presence of the noise sources surrounding the site, the EPO considers that an acoustic survey would be required prior to the submission of any reserved matters so that suitable mitigation measures can be agreed if necessary. In particular, consideration will be required of the potential impact on the local residents from the football ground. A condition to require the submission of such a report and to implement and mitigation identified as necessary is therefore recommended in the event that planning permission is granted.

Subject to controls over final design as discussed above, it is considered that a proposal can be designed at reserved matters stage that satisfies policies of the Local Plan in terms of design, layout and amenity considerations.

Ecology/Biodiversity

The Derbyshire Wildlife Trust (DWT) has considered the submitted ecology information and consider that the impact of the development has for the most part now been satisfactorily assessed.

In relation to habitats (excluding hedgerows) the development will result in a loss of biodiversity that can only partially be addressed through on-site post development measures and therefore further measures will need to be delivered off-site. In terms of good practice the development should try and demonstrate a net gain, but the measures currently proposed will need to be significantly improved.

In relation to hedgerows there will be a loss of existing hedgerow, but the proposed mitigation should result in the replacement of these hedgerows to provide a slight net gain of hedgerows. Any gain in terms of hedgerow habitat will clearly be in the medium to long term as it will take time for the hedgerows to establish and start to support a range of native flora and fauna. It will also be dependent upon sympathetic long term management.

In relation to barn owls, suitably sited replacement nesting boxes for the loss of the buildings containing barn owl nest boxes will be needed that should preferably be off-site away from the site as this may not be suitable for barn owl due to increased road traffic, noise and other disturbances.

Appropriate mitigation and compensation needs to be provided for swallows to ensure that there is no net loss of nesting opportunities for swallow as a result of the development.

The DWT consider that the measures set out in the submitted report are considered acceptable in relation to potential impacts to reptiles and could be included within a working method statement (a condition is recommended).

The indirect impacts on an adjacent Local Wildlife Site (LWS) have not been addressed specifically. However, the core of the LWS lies 200m to the west and there is already some commercial activity in and around this far eastern section of the LWS. It would be beneficial to see some of the replacement tree planting located along the boundary with the LWS essentially at the far end of the proposed gardens in this area.

In conclusion the DWT advise that off-site measures will be required in order to avoid a net loss of biodiversity and ideally to provide a measurable net gain for biodiversity. The exact nature of these off-site measures are unclear at the moment and if planning permission is granted this will need to be secured by condition or within a S106 agreement. If the developer already has a parcel of land that can be used as a receptor for the off-site compensation habitats we would advise that the Local Planning Authority seeks confirmation of this from the developer and a map of the land parcel with further details of the habitats to be created.

In respect of this latter point, the applicant is EPC United Kingdom plc that has a varied land holding in this area, including farmland and woodland, in addition to its nearby industrial operations. The applicants have agreed to the principle of an off-site mitigation proposal for inclusion in any S106 agreement, the final details of which can be agreed in consultation with the Derbyshire Wildlife Trust to ensure its suitability.

Subject to the inclusion of the recommended conditions and the completion of the S106 obligation in respect of off-site mitigation, it is considered that the proposals can provide for suitable mitigation for its biodiversity impacts so that it can be made to accord with adopted policies in this respect..

Contamination

The Environmental Protection Officer (EPO) has reviewed the historical files and whilst this site has been used for agriculture, there is the potential for contamination to have occurred from the use of fertilizers etc. as well as the former use of the farm buildings or any storage etc. within the buildings or the surrounding area. Due to the proposed sensitive end use proposed, the EPO would recommend that a condition be included in the event that planning permission is granted for this site, for further assessment of the site to be undertaken in respect of contamination and, where that assessment shows it to be necessary, to carry out appropriate mitigation to deal with that contamination.

Drainage

Foul Water

No consultation response has been received from the water company in respect of foul drainage and it must be assumed therefore that they do not have any objections to the proposal; the final design and provision of foul drainage is also a matter dealt with under the Building Regulations.

Surface Water

Following the submission of additional information in response to their initial comments, the LLFA has confirmed that it has no objections in respect of surface water drainage and has

recommended conditions relating to the final design, implementation and management of any drainage scheme, including details for surface water management during the construction period; these recommended conditions also cover the comments raised by the Council's Drainage Engineer and are recommended for inclusion in the event of planning permission being granted.

Recreation and Leisure issues

Green Space and Play Provision

Whilst acknowledging that an increased amount of open space has been shown on the revised indicative layout plan, the Leisure Officer has noted that this is still below that required by Policy ICTR5 Open Space. Additionally it would not be possible to install an equipped play area in the area indicated and maintain a 20m buffer zone from the nearest dwellings such that a contribution for off-site play area improvements will be sought instead, in line with the provisions of that policy. An advisory note drawing to draw any developer's attention to the need to ensure any reserved matters details comply with this policy requirement is proposed in the event that planning permission is granted and it will be necessary to secure any financial contributions to off-site play provision by means of a S106 Planning Obligation.

In addition and also in line with this policy, a s106 commuted sum contribution is also considered necessary to improve the following areas of green space, all of which fall below the 60% quality standard:

- Equipped Play Area: Market Street Recreation Ground / Post Mill Centre play area
Recreation Ground / Semi-Natural Green Space: Market Street Recreation Ground and Broadmeadows Open Space.

Using the current policy formula the commuted sum payable would be £858 per dwelling (index linked).

Built & Outdoor Sports Facilities

As required by policy ITCR7, contributions to make needed quality improvements to playing pitches and their ancillary facilities at Market Street Recreation Ground and Common Meadows Recreation Ground will be needed and will need to be secured via a S106 Planning Obligation.

Using the current policy formula the commuted sum would be £1022 per dwelling (index linked).

Education

The County Education Authority has advised that there is capacity at all affected schools to accommodate any additional pupils that are likely to arise from a development of this scale and are not therefore seeking any Education contributions.

Health Facilities

The NHS Clinical Commissioning Group has identified a shortfall at 'The Village' medical practice (that operates two sites at South Normanton and Pinxton) to accommodate the likely increase in patients arising from this development and as such is seeking a financial contribution of £23,040. However as this figure is based on an assumption of 48 dwellings and the fact that this figure may change at reserved matters stage it is recommended that this be amended to a £480 per dwelling sum in order to ensure that the contributions is

proportionate to the final layout and design. The applicant has agreed to this contribution and this would have to be secured through a S106 planning obligation.

Heritage and Archaeology

Whilst the site is close to the boundary of an area of particular potential for Medieval Archaeology, the Council's Archaeological Advisor has stated that the site retains no significant built heritage. In terms of below-ground archaeology there is perhaps potential for remains of the original farmhouse, though this lies beneath the modern farm buildings and is likely to be much disturbed. The paddock at the rear has experienced less disturbance but given the limited area and lack of known archaeological indicators it must be considered very low potential. On balance therefore, he concludes that the site does not constitute a 'heritage asset' as per NPPF chapter 16 and that no archaeological input is required.

Employment and Skills

Policy I12 of the adopted Local Plan seeks the submission of an 'Employment and Skills Plan' (ESP) which will set out opportunities for, and enable access to, employment and up-skilling of local people through the construction phase of the development and, where appropriate, during first occupation of the development. The agent has indicated that this requirement can be included as a condition (in the event of planning permission being granted) and such a condition is recommended as a means of ensuring compliance with this policy.

CONCLUSION / PLANNING BALANCE

This is an allocated site that can, subject to an appropriate final reserved matters design proposal, be developed in accordance with adopted policies of the Local Plan, subject to the inclusion of suitable planning conditions, including a limit on the maximum number of dwellings permitted, and the completion of the necessary S106 Planning Obligation.

RECOMMENDATION

The current application be APPROVED subject to prior entry into a s.106 legal agreement containing the following planning obligations:

- 10% on-site affordable housing (for rent) provision (Policies LC2 and I12)*;
- Leisure contributions*: £858 per dwelling open space contribution; and £1022 contribution to built and outdoor sports facilities (Policies ITCR5, ITCR7 and I12);
- Off-site ecology mitigation (identification and provision of suitable land, as well as future management and maintenance of that mitigation);
- Health contribution* to be used to increase clinical capacity for Village Surgery at one or both of their sites - £23,040 is requested based on a 48 dwelling proposal, but given the outline nature of the proposals, this should be expressed as a £480 per dwelling contribution;
- Investigation into and ; subsequent implementation of traffic management, should this prove necessary, due to the propensity of parking on Lees Lane, taking into account a monitoring period of 5 years post completion of the development. Subject to a maximum sum of £5000*

*All financial contributions would be subject to indexation.

AND subject to the following conditions that are given in draft form, the final wording to be agreed by the Planning Manager in consultation with the Chair and Vice Chair of Planning Committee:

1. Approval of the details of the layout, scale, appearance, landscaping and those remaining access details beyond the main entry point into the site off Lees Lane (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. The proposed development is limited to a maximum number of 50 dwellings and any reserved matters application must be accompanied by a revised Design and Access Statement and Sustainability Statement. This shall demonstrate that the submitted reserved matters application proposal has followed a robust design led approach with appropriate regard to issues of sustainability.
4. The plans and particulars submitted in accordance with condition 1 above shall include:
 - a) a plan showing the location of, and allocating a reference number to, each existing tree on or overhanging the site which has a stem with a diameter, measured over the bark at a point of 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - b) the plan shall also show details of all hedgerows on and around the site, showing which hedgerows are to be retained;
 - c) details of the species, diameter of trees (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and hedgerow, and of each tree which is on land adjacent to the site and to which paragraphs (d) and (e) below apply;
 - d) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site and details of any reduction in height or width of any hedgerow;
 - e) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within 2m of any hedgerow and within the crown spread of any retained tree or of any tree on land adjacent to the site;
 - f) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree and hedgerow from damage before or during the course of development.
 - g) In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above and "retained hedgerow" means an existing hedge to be retained in accordance with the plan referred to in paragraph (b) above.

5. No removal of vegetation or work to buildings will take place between 1st February and 31st September 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.
6. Prior to the commencement of any groundworks on the site, a survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall have been undertaken and will have been submitted to and approved in writing by the Local Planning Authority.
7. No development will 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 CEMP (Biodiversity) must include the following:-
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) 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 and should include reptile and badger).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.The approved CEMP must be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
8. A landscape and biodiversity enhancement and management plan (LBEMP) must be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The LBEMP must combine both the ecology and landscape disciplines and ensure that there is no net loss of biodiversity and ideally providing a measurable net gain. It should include the following:-
 - a) Description and location of habitat and species features to be created, planted, enhanced and managed including type and locations of bird boxes (c.25 integrated swift boxes), integrated measures for swallow, Barn Owl mitigation (based on section 4 of the Barn Owl Report prepared by TEP July 2020), hedgehog access gaps in gardens and details of habitat creation.
 - b) Aims and objectives of management for species and habitat.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).

- f) Details of the body or organization responsible for implementation of the plan.
- g) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.

The LBEMP will also include details of the legal and funding mechanism(s) by which the long-term (25 years) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

9. No development shall take place, other than site clearance works, 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) Proposed Residential Development, Land off Lees Lane, South Normanton, Level 1 Flood Risk Assessment, by JPC Environmental Services, referenced: IE20/042/REVA/DS, dated May 2020 “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”
 - b) And 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.
10. No development, other than site clearance works, 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 reference ID: 7-080-20150323 of the planning practice guidance.
11. Prior to commencement of the development, other than site clearance works, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system 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.
12. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
13. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in

relation to that contamination.

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

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

(ii) an assessment of the potential risks to:

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

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

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

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

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

Following completion of measures identified in the approved remediation scheme, a verification report (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.

D. Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 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 condition 3.

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 Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

14. Prior or concurrent with the submission of any reserved matters application, a scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

- Bedrooms 30 dB LA_{eq} (15 Minutes) (2300 hrs – 0700 hrs)
- Living/Bedrooms 35 dB LA_{eq} (15 Minutes) (0700 hrs – 2300 hrs)
- All Other Habitable Rooms 40 dB LA_{eq} (15 Minutes) (0700 hrs – 2300 hrs)

- All Habitable Rooms 45 dB LA_{max} to occur no more than 6 times per night (2300 hrs – 0700 hrs)
- Any outdoor amenity areas 55 dB LA_{eq} (1 hour) (0700 hrs – 2300 hrs)

The scheme as approved shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full and retained thereafter.

15. Prior to the commencement of development, an 'Employment and Skills Plan' (ESP) which will set out opportunities for, and enable access to, employment and up-skilling of local people through the construction phase of the development, shall have been submitted to and approved in writing by the Local Planning Authority. The ESP shall be implemented as approved.

16. No part of the development can be of vulnerable construction, that being —
(a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible

panels larger than 1.5m² and extending over more than 50% or 120m² of the surface of any elevation;

(b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m² and extending over at least 50% of any elevation;

(c) a building of more than 400m² plan area with continuous or individual glazing panes larger than 1.5m² extending over at least 50% or 120m² of the plan area; or

(d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.

17. No development will commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations must be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.
18. Where the findings of the intrusive site investigations (required by condition 18 above) identify that coal mining legacy on the site poses a risk to surface stability, no development will commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works must be implemented on site in complete accordance with the approved details.
19. Before any other operations are commenced, except for site clearance, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
20. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.
21. Before any other operations are commenced the new junction shall be formed to Lees Lane and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in the non-critical direction i.e. to the left out of the site and 2.4m x to the tangent of the bend in the critical direction i.e. to the right out of the site measured along the nearside carriageway edge, in accordance with details that will have first submitted to and approved in writing by the Local Planning Authority as part of any reserved matters application. The area in advance of the visibility sightlines shall be constructed as footway and form part of the publicly maintainable highway.
22. Before any other operations are commenced (excluding creation of the new access, the subject of condition 22 above), any redundant vehicular and pedestrian access to

Lees Lane shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

23. The premises, the subject of the application, shall not be occupied until the proposed new estate streets within the application site have been designed and laid out, in accordance with Derbyshire County Council's Design Guide Delivering Streets and Places, and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.

24. 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 vehicles, including service / delivery vehicles, located, designed, laid out and constructed 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.

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.

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.

PARISH

Old Bolsover

APPLICATION

Approval of Reserved Matters application for details of appearance, landscaping, layout and scale in relation to the development of 238 homes, open space and associated infrastructure, along with discharge of conditions 6 (Phasing Programme), 8 (Framework Travel Plan), 11 (Highway Surface Water Disposal), 15 (Maintenance/Management of public areas), 16 (hedgerow retention/creation) and 19 (Noise Assessment) in respect of the areas of the site included in this application.

LOCATION

Land between Welbeck Road and Oxcroft Lane, Bolsover

APPLICANT

Persimmon Homes & Strata Homes

APPLICATION NO. 19/00005/REM

FILE NO.

CASE OFFICER Mr Peter Sawdon

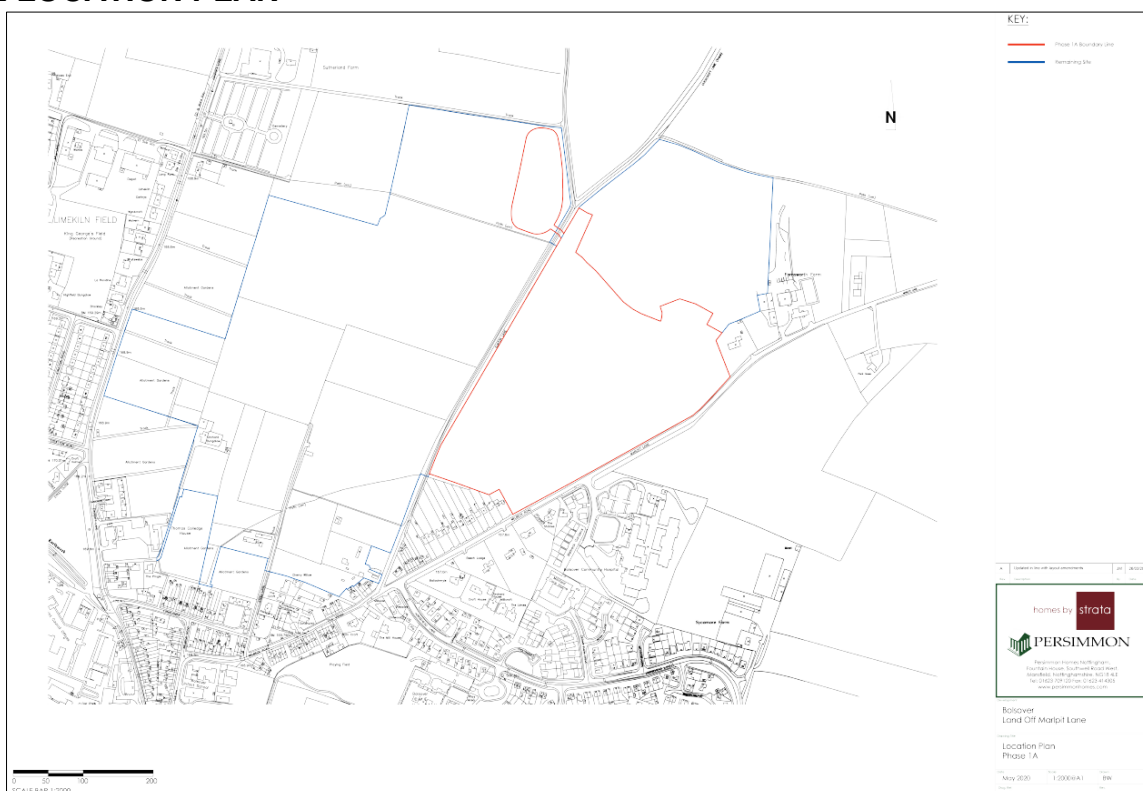
DATE RECEIVED 4th January 2019

SUMMARY

This application was originally reported to the Planning Committee in September 2019. It was originally referred by the case officer in consultation with Planning Manager and Chair of Planning Committee due to the site's strategic importance. The item is being brought back to committee to re-consider in the light of material amendments to that scheme that have been received.

In summary, the application is recommended for approval of reserved matters consent. The reserved matters are considered to accord with the parameters of the original outline planning permission and the submitted amendments are considered to have addressed the earlier resolution of the Planning Committee.

SITE LOCATION PLAN



SITE & SURROUNDINGS

The application site comprises approximately 10ha of agricultural land to the eastern portion of the approved 'Bolsover North' strategic housing expansion site. This part of that strategic site is located to the north east side of Bolsover and is to the east of Elmtan Lane and to the north west of Welbeck Road/Marlpit Lane; that site extends to approximately 38.96 hectares in size. Outline planning permission for residential and associated development of this land was granted in October 2017.

The boundaries of the site are predominantly formed by mature native hedgerows that separate and form the areas network of fields. The majority of the north eastern boundary of this proposal does not follow an existing field boundary and is therefore open to the immediate field network to the north, with the exception of the eastern corner where the site is bounded by a dwelling fronting onto Marlpit Lane. To the west, the site mainly extends up to Elmtan Lane, which is a bridleway to the north-west; the site extends slightly to the north west of Elmtan Lane to include the location for the SuDS drainage pond that will have to be provided for the development in this early phase of the scheme.

The site lies immediately adjacent to existing residential development to the south in the form of detached properties along Welbeck Road. Further detached dwellings are located to the south of Welbeck Road where that highway becomes Marlpit Lane Bolsover Hospital is also located, beyond which are further fields.

The site is within the settlement envelope and forms part of the Bolsover North Strategic Housing Allocation contained in the adopted Local Plan for Bolsover District.

BACKGROUND

Members may recall that it was resolved to grant Reserved Matters approval for this application at its meeting on the 25th September 2019. The resolution was: -

1. Application 19/00005/REM be approved subject to:
 - (i) agreement to retain the hedgerow at the rear of plots 81-83 on the south west boundary of the site, and the provision of the electric vehicle charging points on every dwelling, which would be subject of appropriate conditions; and
 - (ii) Satisfactory resolution of the outstanding issues including landscaping, design alterations and alterations to the travel plan document; and
2. That the resolution of these issues (at (i) and (ii) above), and the determination of any other conditions be delegated to the Head of Planning, following consultation with the Chair and Vice Chair of Planning Committee.

Despite negotiations on the outstanding matters having concluded, it came to light that an increase in surface water attenuation was needed before a decision was issued. This followed further detailed design work on drainage, which demonstrated a need for a larger attenuation pond to be located, in part, at the north side of this site. This required a re-plan of the layout and design, including a small increase in the size of the application site area to its north eastern edge, which was submitted as an amendment to this application in late May/early June 2020.

As the revised proposal is materially different to that reported to Planning Committee in September 2019, the scheme has been re-publicised and is being reported again to enable these revised details to be considered by the Committee.

PROPOSAL

This application is seeking: -

- reserved matters approval for Phase 1A of the Bolsover North strategic housing site in respect of details of appearance, landscaping, layout and scale in relation to the development of 238 homes, open space and associated infrastructure (details in respect of the main means of access into the site has already been approved by the outline planning permission); and
- approval for the discharge of the following conditions of the outline planning permission ref. 14/00080/OUTEA [in respect of the areas of the site included in the parts of Phase 1A that are the subject of the reserved matters application]:
 - 6 (Phasing Programme);
 - 8 (Framework Travel Plan);
 - 11 (Highway Surface Water Disposal);
 - 15 (Maintenance/Management of public areas);
 - 16 (Hedgerow retention/Creation); and
 - 19 (noise assessment)

N.B. the application as originally submitted included a request to discharge the following conditions of the original outline planning permission, but the final determination of these details have subsequently been withdrawn from this application and will need to form the subject of separate discharge of condition applications: -

- 14 (archaeology);
- 21 (foul drainage);
- 22 (improvement/extension of the existing sewerage system); and
- 23 (surface water drainage);

The development is proposed to be delivered by two developers:

- Strata would deliver the dwellings proposed on the section of the site to the south west side of the proposed spine road; and
- Persimmon Homes would deliver the dwellings to the north east of the spine road.



The proposed development would include the formation of the first section of the new spine road that will eventually connect to Longlands and which would become the main route for traffic travelling into Bolsover town centre from the north, effectively by-passing Welbeck Road. This would provide the vehicular access to the site off Marlpit Lane to the east as established by the outline planning permission. This first phase spine road will extend as far as Elmtun Lane, but will eventually cross over that lane to provide access to future phases of the development. The spine road is proposed to be a tree lined avenue in accordance with the design concepts established at the outline planning application stage and is proposed to incorporate a path of sufficient width to accommodate both pedestrians and cyclists on its southern side.

A green landscaped belt is proposed along the western boundary. A similar belt was initially proposed along the northern boundary, but the latest revisions now provide for a SuDS pond along the majority of the northern boundary, that would combine with landscaping and informal footpaths to form an open amenity space. The western belt is proposed to provide a buffer to Elmtun Lane as part of a green corridor through the site alongside that existing footpath/bridleway route.

The 238 dwellings would be built in development parcels off a new highway network. It is proposed that this would comprise 2, 2.5 and 3 storey dwellings.

The submitted Design and Access Statement indicates that dwellings would be built around four character areas:



- EAST VILLAGE
- THE GREEN - slightly lower density than the East Village. Areas of open space are included in the layout.
- ELMTON LANE CORRIDOR - comprised by larger plots of a lower scale and density. Areas of open space are included in the layout.
- COUNTRYSIDE EDGE - Two of the plots in Phase 1a are part of the Countryside Edge character area which is defined by larger, detached, 2 storey plots. The two plots proposed here (Roseberry house type) adhere to these characteristics and provide a smooth transition from Phase 1a into the further Phase 5.

AMENDMENTS

14/05/19:

- Revised Layout Plan ref. P18-2638.001 (Now superseded)
- Revised Design and Access Statement ref. P18-2638.001E (now superseded)

23/05/19

- Revised Layout Plan ref. P18-2638.001A (now superseded)

29/05/19

- The Greyfriars Village house type plan Rev. S (Now superseded)

19/06/19

- The Greyfriars Village house type plan ref. TGDP/MP-L/GRE

08/08/19

- Ref. P18-2638.002A ref. Materials plan ref. P18-2638.001E

19/08/19

- Revised design and access statement Ref. P18-2638.010G // AUGUST
- Landscape masterplan Ref. P18-2638.009C
- Planning layout Ref. P18-2638.001E
- Revised description to withdraw request to discharge conditions 14, 21, 22 and 23

11/09/19

- 2 e-mails with responses to question regarding hedge removal and response to Highway Authority consultation (including following documents)
- Ref. 6667_005-09 Road & Sewer Sections Phase1 - Highway drainage
- Ref. 6667_022-03 S38 Agreement Plan - Combined

12/09/19

- 6667_034-01-02 Plan showing Vehicle Tracking Phase 1 – Persimmon

16/09/19

- Revised phasing programme

24/09/20

- Withdrawal of condition 19 from the application and artists impressions and CGI images of proposed appearance of the development.

10/12/19

- Revised Planning Layout ref. P18-2638.001G

- Details of canopies to Persimmon dwellings

13/12/19

- Revised Landscape Masterplan ref. P18-2638.009E

11/02/20

- Souter Sutton Feature Walkthrough housetype ref. SU-PL-01 (PLOT 115)
- Revised Landscape Masterplan ref. P18-2638.009J
- Revised Boundary Treatments Plan ref. P18-2638.004E
- Revised Planning Layout ref. P18-2638.001J

27/02/20

- Revised Landscape Masterplan ref. P18-2638.009K
- Revised Boundary Treatments Plan ref. P18-2638.004G
- Revised Planning Layout ref. P18-2638.001K

23/04/20

- Revised Landscape Masterplan ref. P18-2638.009M
- Revised Boundary Treatments Plan ref. P18-2638.004J
- Revised Planning Layout ref. P18-2638.001K

29/05/20:

- Notification of material revisions to application with illustrative layout (details to follow)

03/06/20

- Revised Design and Access Statement;
- Revised location plan ref: BO-PL-01 Rev A;
- Revised planning layout Phase 1A ref: BO-PL-02 Rev A;
- Revised illustrative layout ref: 2386 05 A;
- Revised phasing plan ref: BO-PL-06 Rev A;
- Revised landscape masterplan ref: 2386 01 A;
- Detention basin no.1 phase 1 ref: 6667-016-02;
- Detention basin no.2 future development ref: 6667-016-02;
- Manhole schedule phase 1 – FWS ref: 6667-007-02C;
- Manhole schedule phase 1 – SWS ref: 6667-016-01B;
- Main Road & Sewer Plan Phase 1 ref: 6667-004-01J;
- Multiple road & sewer sections plan refs: 6667-004-02G; 6667-004-03G; 6667-004-04D; 6667-005-01C; 6667-005-02C; 6667-005-03C; 6667-005-04C; 6667-005-05C; 6667-005-06C; 6667-005-07C; 6667-005-08C; 6667-005-09C; 6667-005-10C; 6667-005-11C; and 6667-005-01D;
- Revised Strata house and garage types refs: MY 03-V1-4 (1182) & MY 10-V1-4 (1468); MY 03-V1-4 (1182) & MY 10-V1-4 (1468); MY 04-V10-4 (BOLOGNA) rev A (Two plans showing brick and stone variants); MY 04-V11-4 (CATANIA) rev B (Two plans showing brick and stone variants); MY 13-V1-4 (OPORTO) (Two plans showing brick and stone variants); MY 01-V3-4 (ROSAS); MY 09-V1-4 (VENICE); MY-SG2 (Single Garage); and Ref: MY-DG1 (Double Garage);
- Revised Persimmon house types refs: 638-PL-01 – Alnwick; 761-PL-01 – Hanbury; 870-PL-01 – Rufford; 951-PL-01 & 951-PL-02 – Souter; 987-PL-01 & 987-PL-02 – Sutton; 969-PL-01 & 969-PL-02 - Hatfield; 969-PL-03 & 969-PL-04 - Hatfield Corner; 999-PL-01 & 999-PL-02 – Clayton Corner; 1096-PL-01 and 1096-PL-02 -

Roseberry; 1187-PL-01 & 1187-PL-02 – Leicester; 1068-PL-01 - Greyfriars; 1222-PL-01 & 1222-PL-02 Chedworth; 1275-PL-01 & 1275-PL-02 - Winster; SGDGL-01 – Garages;

- Persimmon Charter plan Ref: BO-PL-07 Rev A; and
- Strata Boundary Treatments Refs: SD10.EX.17; SD10.EX.21; SD10.EX.50 Rev. A; SD10.EX.50; SD10.EX.155; SD10.EX.07;

23/06/2020

- Revised Landscape Masterplan Ref. 2386 01 B

17/09/2020

- Revised Materials Plan (Strata) Ref. BY00062-MAP REV B
- Amended Charter Plan (Persimmon) Ref. BO-PL-07 REV.B
- Amended Planning Layout Phase 1a Ref. BO-PL-02 REV B
- Amended Site Layout Plan - Strata Parcel Ref. 18-CL5-SEGB-BO-01 REV D
- Revised Persimmon house types refs: 638-PL-01 – Alnwick; 761-PL-01 – Hanbury; 870-PL-01 – Rufford; 951-PL-01 & 951-PL-02 – Souter; 987-PL-01 & 987-PL-02 – Sutton; 969-PL-01 & 969-PL-02 - Hatfield; 969-PL-03 & 969-PL-04 - Hatfield Corner; 999-PL-01 & 999-PL-02 – Clayton Corner; 1096-PL-01 and 1096-PL-02 - Roseberry; 1187-PL-01 & 1187-PL-02 – Leicester; 1068-PL-01 - Greyfriars; 1222-PL-01, 1222-PL-02, 1222-PL-03 & 1222-PL-04 Chedworth; 1275-PL-01 & 1275-PL-02 - Winster; SGDGL-01 – Garages;

19/10/2020 – clarification provided regarding the extent of considerations by this application in respect of details previously required by conditions 8 (Framework Travel Plan), 11 (Highway Surface Water) and 23 (Surface Water Drainage) of the outline planning permission ref. 14/00080/OUTMAJ.

21/10/2020 – Updated noise report to deal with enlarged application site area.

HISTORY

14/00080/OUTEA	Granted Conditionally 25.10.2017	Outline planning application (with all matters except access reserved for later consideration) for residential development in the region of 950 dwellings, provision of an extra care facility (approx 70 units) and an Infant School together with vehicular access points from Marlpit Lane, Oxcroft Lane and Longlands (with associated demolition of dwellings on Longlands and Welbeck Road), cycle and pedestrian access, associated car parking spaces and open space provision. The S106 Planning Obligation associated with that permission is close to completion but was not finalised at the time of preparing this report; in this respect development cannot commence on site until it is complete.
19/00647/DISCON	Current application not yet determined	Discharge of Conditions 11 (Highway Surface Water), 21 (Drainage Plans), 22 (Sewerage System) and 23 (Drainage Details) of planning permission 14/00080/OUTEA
19/00707/DISCON	Partially discharged	Discharge of Conditions 10 (Refuse Bin Storage Provision - On Strata parcel only), 12 (Future Maintenance & maintenance of the proposed streets - on Strata parcel only), 14B (Written Scheme of

Archaeological Investigation - for Phase 1A area only),
18 (Construction Management & Mitigation Plan - on
Strata parcel only) and 20 (Remediation - on Phase 1A
area only) of planning permission 14/00080/OUTEA

CONSULTATIONS

Archaeologist – 07/02/19

Comments made regarding the initial discharge of condition request for condition 14 of the outline planning permission (advising against the discharge of the condition), which has now been withdrawn from this planning application.

Derbyshire County Council (Flood Risk Management) 18/04/19, 07/05/19, 30/06/20

If this application is for a discharge of conditions then the LLFA will need additional information submitting. Details of if there will be a need for additional material to be added to the detention basin to reduce potential of scouring but also considerations for potential sediment accumulation are required, along with how the detention basin is to be landscaping and maintained.

Derbyshire County Council (Highways) – 1/3/19, 28/08/19, 12/09/19, 23/09/19; 24/09/19, 27/01/20, 21/02/20 and 26/06/20

The general (revised) site layout is generally acceptable subject to resolution of some detailed design points. This includes the need for additional information regarding conditions 8 (Framework Travel Plan) and 11 (Highway Surface Water Disposal).

Derbyshire Wildlife Trust – 10/09/19, 04/03/20, 15/07/20

No documentation as to how public areas will be managed and maintained in respect of condition 15 of the outline permission. The revised plans are drawing up in line with the hedgerow plan as required by condition 16 of the outline permission and previous advice regarding hedgerow replacement, retention and gapping up is included. The new attenuation basin offers an opportunity to incorporate additional biodiversity benefits through the provision of wild flower grassland, tree and shrub planting and wetland creation and details of planting / seeding mixes will need submitting for later approval. Hedgerow protection will be needed.

Environmental Protection Officer – 06/09/19, 07/08/20

Initially commented that based on the revised layout, recommend the inclusion of a condition to mitigate the predicted noise levels indicated in the submitted noise assessment. Unclear whether the revisions are significant in terms of the potential impact from existing sound sources; it would be useful for the acoustic assessment to be updated based on the current layout to clearly identify the properties potentially affected.

Force Designing Out Crime Officer – 18/02/19, 28/05/19, 09/09/19, 18/06/20, 24/09/20

No objections in principle subject to minor revisions to improve crime prevention measures

Leisure – 22/02/19, 09/09/19, 04/08/20, 09/10/20

Note inclusion of amendments to respond to a number of issues raised in the initial consultation. Welcome the areas of green space proposed and commitment to provide biodiversity improvements. Note requirements of outline planning permission such that no specific play provision needed in this phase, but proposed trim trail acceptable nevertheless, subject to maintenance in line with other areas of open space on this phase (it is stated that all areas of landscaping proposed within Phase 1 of the development which are not conveyed to specific residential dwellings will be maintained in perpetuity by

a Management Company). Should the developer seek adoption by the Council, commuted sums would be required to cover maintenance costs. Note S106 already makes adequate provision for built and outdoor sports facilities. Comments regarding the adequacy of paths and that appropriate cycle and pedestrian links should be provided, especially onto Elmton Lane.

Ramblers Association – 11/02/19

After comparison of the site plan with the council mapping portal it appears that Bolsover footpaths 31 and 33 and Bolsover BW 60 will not be adversely affected by the proposed changes to the site usage. Providing that this remains the case we would have no objections to offer. We would request that both Bolsover footpaths 31 and 33 and Bolsover Bridleway 60, (Elmton Lane), remain open and unobstructed during execution of any changes proposed. Careful thought should also be given to protection of the surface of Bolsover Bridleway 60 to ensure that this is not damaged by site traffic.

Urban Designer – 07/06/19, 09 & 12/09/19, 23/12/19, 30/04/20, 12/09/19, 23/12/19, 30/04/20, 10/08/20, 12/10/20

The amended scheme now largely reflects previous design discussions, but some detailed elements, mainly in respect of the northerly sections of the site remain unresolved.

Yorkshire Water – 25/02/19, 20/5/19, 10/07/20

No objections based on additional submitted details made following the initial submission; notes highway surface water will be diverted away from the public sewer that will free up capacity for foul sewage to drain from the site to the public sewer network. No objections or further comments have been raised to the latest amendments

PUBLICITY

Initial publicity was carried out by means of a press advert, site notice and 14 neighbour letters. Representations were received from the occupants of 7 nearby dwellings.

Publicity was repeated following the receipt of the amended details and resulted in the receipt of 2 further letters.

The letter of representation raise the following issues: -

Principle

- Do not agree with building on prime agricultural land or green space that has not been previously built on; reasons are largely environmental.
- I know you will just go ahead with the plans anyway as targets and money beats what taxpayers have to say.
- This application should be declined with prioritisation given to the Bolsover Hospital site, which has recently been acquired by Homes England for development as this is not a greenfield site. Along with the recent developments on Oxcroft Lane and Mooracre Lane, a further development at Bolsover Hospital would provide more than enough housing to meet the current quotas for Bolsover Town.
- Would ask that no allotments are lost during the development in line with public health reasoning. E.g. physical health promotion and emotional wellbeing.

Highway Safety

- Traffic from this and the development of the former hospital to produce a massive increase in road traffic directly onto Welbeck Road. Existing parking along Welbeck Road and outside the school at key times leads to traffic chaos. Will lead to jams,

more chaos and possible serious accidents.

- The road narrows along Welbeck Road to the east to such an extent that cars cannot pass. The number of vehicles travelling in this direction to/from Rotherham Road will significantly increase. The junction at Rotherham Road is also a safety concern for increased volumes of traffic and could potentially lead to a fatal collision.
- Welbeck Rd / Marlpit Lane is a 60mph zone that narrows to a single lane for a 90 metre stretch then it exits on to Rotherham Rd which is blind to traffic coming from the R.H. Side. When these two problems cause a bottle neck drivers will use Horsehead Lane as a rat run, this in turn will cause problems with parked cars outside the C of E school putting children at risk.
- Would like to see Marlpit lane become a minor road, for access only as it is presently being abused by speeding motorists. This is from horsehead lane to the Bolsover hospital site.
- All footpaths along these roads are also poor, narrow in places, poorly lit and none existent in places. At busy times and on bin day you have to walk in the road, at your peril.
Speed of the road is also a major concern.
- Traffic calming needs looking at between Horsehead Lane and Welbeck Gardens, speeds of 40 - 50mph plus when you have children walking to school! The extra fumes from all these cars past the properties that are very close to the road and also the school surely is detrimental to health.
- Bolsover Market Place is not able to handle the amount of traffic at present, particularly around the Bus Stops with there only being one pull in bus stop on the Market Place side causing congestion from both sets of traffic lights and all the way through past Hill Top junction.
- Further consideration needs to be given to the number of plant vehicles that would require access to the site if the development was to proceed, which would create a significant safety risk to residents in this area.

Infrastructure

- There will be a large increase in children. Where are the children going to be educated as the present schools are up to capacity? Would it be better to have the school built first?
- The building of houses before the construction of a school to accommodate the vast amount of children that will live in the first phase is not the best way forward in a up and coming town like Bolsover.
- Want the council to make sure that they did NOT permit ABOVE the minimum that the government are suggesting for each constituency, of affordable housing and that any development would need to adequately address the infrastructure for the people living in the houses before it goes ahead, in terms of leisure facilities, schools and roads.
- The Town itself is not geared up for all these properties. There is nothing to do for the youth, who end up making trouble in the town at night and with no police presence, they are having a field day! In the 5 months I have been living here have seen the deterioration. Broken glass everywhere, rubbish and vomit. Something not to be proud of. I thought Bolsover was a nice place to live.
- This development, along with other current and planned developments in Bolsover town will put strain on all services including doctors' surgeries. There are also no adequate leisure facilities in Bolsover town meaning travel to alternative locations at Clowne, Staveley and Chesterfield.

Design/Amenity impacts

- I object to the design of the site and in particular plan to build 2.5 storey homes, mainly plots 88-94, so close to an existing residential boundary. These houses are not in character and keeping with existing 2 storey properties being situated along Welbeck Road. The proximity to the boundary and roof windows in the proposed development is an intrusion of privacy.
- Landscaping – I object to the plans on the basis that the green areas should be included against all existing boundaries, particularly where there are existing residential properties classed as a sensitive edge. Plots 88-94 should be replaced by a green area with trees to mirror the ones along Elmton Lane and The Green where the proposed junction to Welbeck Road and Marlpit Lane is situated. This would reduce the impact of the development on the existing properties with trees that will grow to a suitable height to hide the site from view of existing properties and gardens.

Biodiversity

- Leave the hedge rows to the extremities of the estate intact. Covenants should specify the retention of hedgerows by occupants.
- Humans are destroying our hedgerows and cutting down our trees needlessly. As a result ... climate change and the decrease of native birds and wildlife are occurring at accelerated rates. At a micro level, Bolsover District Council could do something positive by NOT contributing to this further, by NOT developing green spaces. If the land were to be built on I would prefer it if the current hedgerows remained with additional hedgerows planted in between new properties, to allow wildlife such as hedgehogs and birds to dwell. It would also be a positive idea for a significant amount of native trees to be planted within the development to avoid flooding and also to provide a source of pollution control whereby the trees absorb co2 and pollutants, and to avoid risk to life.
- Want the developers to observe as many environmentally friendly products as they can as we are aware that the use of products such as cements is not environmentally friendly. The cost to our environment in using such products is too high given that global warming is hastening. Bolsover District Council Planners need to put this in place in their planning stipulations to the developers so that they are in part not contributing to the decline of our world. BDC have a responsibility here of significant proportions. We all have to do our bit and BDC need to listen to what is being said at a global level.
- If the houses were to be built I would like them to have green features such as solar panels, geo thermal heating or other even heating and electrical sources, and reflect the architectural character of Bolsover market town.
- There is a private access lane with access to Elmton Lane between the rear gardens of some dwellings fronting Welbeck Road and the application site with a hedgerow on the development side of that lane. It looks like this is proposed to be removed and replaced with a fence. This should be kept to create a small wildlife corridor to compliment the one that is already on the plans. A fence can be erected on the field side of the hedge leaving a haven for birds.
- Request native trees are planted individually and as small woodland area.

Other

- If the hedge on the private access lane accessed from to Elmton Lane between the rear gardens of some dwellings fronting Welbeck Road and the application site is removed, to protect privacy and prevent lane becoming a thoroughfare from the planned estate could a brick wall/pillars and wooden panels be constructed, not just

a wooden fence which could be ripped down or even a permanent barrier not something that can be removed leading to vandalism or fly tipping on our lane. Who will maintain this barrier?

- Queries about the adequacy of publicity and the usability of the website.

POLICY

Local Plan for Bolsover District ("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 most relevant saved Local Plan policies include:

- SS1: Sustainable Development
- SS4: Strategic Site Allocation – Bolsover North
- LC3: Type and Mix of Housing
- SC1: Development within the Development Envelope
- SC2: Sustainable Design and Construction
- SC3: High Quality Development
- SC7: Flood Risk
- SC8: Landscape Character
- SC9: Biodiversity and Geodiversity
- SC10: Trees, Woodland and Hedgerows
- SC11: Environmental Quality (Amenity)
- SC12: Air Quality
- SC13: Water Quality
- ITCR5: Green Space and Play Provision
- ITCR10: Supporting Sustainable Transport Patterns
- ITCR11: Parking Provision

National Planning Policy Framework

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 96 and 98: Open space and recreation

Paragraphs 108-111: Promoting sustainable transport

Paragraph 118: Making effective use of land

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 178-181: Ground conditions and pollution

Other (specify)

The Historic Environment Supplementary Planning Document (2006)

Planning (Listed Buildings and Conservation Areas) Act 1990 – section 72

A statutory duty that requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area."

Successful Places: A Guide to Sustainable Housing Layout and Design (2013)

ASSESSMENT

Principle of development

The principle of the re-development of this site is established by the previous grant of outline planning permission that included details of the main access into the site and the terms of a S106 Planning Obligation that has already agreed infrastructure contributions. The site also forms part of a Strategic Allocation as defined policy SS4 of the adopted Local Plan for Bolsover.

On this basis, the considerations relating to this proposal are restricted to the reserved matters insofar as they relate to means of access (other than the main site access that was approved with the outline planning permission), layout, scale, appearance, landscaping, ecology and highway safety.

A number of representations raise issues of principle that are already established and as such cannot be re-considered in the determination of this planning application. The issues of principle raised that cannot be considered therefore include:

- The development of a greenfield site;
- Impact of the development on the highway network and improvements to that network as a result;
- Infrastructure impacts, including schools, affordable housing, police, doctors' surgeries and leisure facilities;
- Any additional impacts from subsequently approved and possible future housing schemes (such schemes should take into account this development as a committed scheme in any assessments undertaken).

Layout and Design

Conditions 4 and 5 of the outline planning permission required: -

4. The submission of the reserved matters applications shall be broadly in accordance with the details shown in the revised Design and Access Statement dated February 2016 and the revised Illustrative Masterplan HG0750/MP-01 Rev.F dated 21/01/2016.

5. No later than concurrently with the submission of the first reserved matters within any phase a supplementary Design and Access Statement for that phase shall be submitted to the local planning authority for approval in writing. The supplementary Design and Access Statement shall seek to establish the design approach to inform any reserved matters proposals for that phase and should be compatible with the Design and Access Statement dated 14th February 2014 as supplemented and amended by the Design and Access Statement Addendum dated February 2016. Any subsequent reserved matters applications within that phase shall comply with the approved supplementary Design and Access Statement for that phase.

In respect of condition 4, it is considered that the reserved matters as submitted accords with the broad indications of the layout and distribution of dwellings indicated in the originally approved Design and Access Statement, as required by that condition.

A Design and Access Statement was submitted with the original planning application and a revised document has been submitted with the revisions, which is in accordance with the requirements of condition 5. Whilst these documents have been generally acceptable, there have been shortcomings in them and ideally further improvements to the latest

document would have been sought (had it been prepared in advance of detailed drawings as is the preferred approach), but given the process of detailed design negotiation has continued and has resulting in improvements in any event, and that outstanding detailed improvements can be controlled by conditions (see further discussion below), it is considered that further amendment of the DAS at this stage would not serve any beneficial purpose. On this basis it is considered that condition 5 of the outline planning permission can be accepted as having been satisfied in respect of this phase of the development.

The applicants have engaged in pre-application discussion and have continued and still continue, to positively amend the layout and design to address concerns raised through the consideration of the application. This has included amendments to house types, location of new dwellings (to ensure compliance with separation requirements) and enhancements to general distribution of dwellings and other details, including boundary treatments and other detailing, to help improve its appearance and relationship to existing neighbours. In line with the previous resolution of the Planning Committee in respect of this application, a commitment to electric car charging points is provided for that will be the subject of a condition in the event that planning permission is granted, as well as an agreement to keep the hedgerow at the rear of plots 81-83 of the southern 'Strata' half of the development.

The layout proposes to deliver key design features that were included in the originally approved Design and Access Statement, including the provision of an avenue of trees along the main highway route that will form the through route into Bolsover in later phases of the development, and the provision of an entrance feature ('The Green') at the main entrance into the site from Welbeck Road featuring a stone wall.

Although not included on the drawings available at the time of writing this report, the applicants have committed to the majority of a number of detailed design issues raised by the Force Design Out Crime Officer and the Council's Urban Design Officer. This is with the exception of three areas: -

- Connecting Private Drives – this had been requested to the front of plots 77-78 & 108-109 to improve permeability and encourage walking and cycling. This request has been declined as a footpath is to be provided to connect these areas (around the attenuation basin to the north), thus providing permeability on foot/cycle, such that providing a vehicle connection here wouldn't encourage walking/cycling.
- Turning head for the Pumping Station – We had sought a reduction in the size of the turning head adjacent to the proposed pumping station to diminish the incursion of this overall feature into the open corridor to the west. The applicants have indicated that this is not possible as the turning head has been designed to accommodate the requirements of the water company that would need access to this facility.
- Grading of the basin – changes to the shape and grading of this feature to create a more broad, shallow and naturalistic feature were requested, but the agent has reiterated their earlier comments that they do not consider they can do this as this would increase the amount of land needed and increase engineering costs, reducing the number of homes that could be built on the site and also increasing the engineering costs, thus risking the (financial) viability of the scheme.

In respect of the above details, whilst the above issues would improve the scheme further, it is acknowledged that the developers have agreed to the majority of the improvements sought and, in conversation with the Urban Design Officer, it is considered that the changes made are sufficient to make the scheme acceptable overall; this is subject to the

receipt of suitably amended drawings that to demonstrate the improvements that have been agreed to in principle. It should also be noted that the final detail for the drainage basins are not finalised at this point in any event, as these have to be subject to further submissions under conditions of the outline planning permission, although the amount of land available to deliver these is unlikely to be amended. Conditions to control both submitted and outstanding details and issues can be included and are considered necessary to ensure the design quality of the overall development.

In terms of neighbouring amenity, the layout generally accords with the Council's adopted guidelines for dwelling separation and space about dwellings. Whilst noting the concerns raised in representations about three storey dwellings being sited to the rear of existing properties fronting Welbeck Road, these dwellings are designed with the appearance of a 2 storey dwelling with rooms in the roof space. At 10m, the rear garden length of one of the proposed dwellings in this location falls short of the normally required 10.5m rear garden length, however, the new dwelling would be positioned at an angle to the two adjoining gardens, which themselves have large garden areas and it is not considered that this will result in significant harm that would make the scheme unacceptable in planning terms. Similarly, proposed garden lengths on three plots to the eastern corner of the site are under the normally required 10.5m garden length to the existing adjoining dwelling fronting Marlpit Lane on that side of the site; in this case the exiting mature boundary treatments to that property and the large garden associated with it will ensure that a reasonable level of privacy and amenity will be maintained for its occupants.

Full levels details have not been submitted with the reserved matters and in order to ensure that these are reasonable and do not raise any issues for neighbours it is considered that a condition requiring such details to be provided is proposed.

Subject to the receipt of plans to confirm the agreed amendments and the inclusion of conditions to address the design issues discussed above, on balance it is considered that key objectives will be achieved to make the scheme acceptable and in general compliance with the parameters of the original outline planning permission and the Council's adopted Design Guide 'Successful Places'.

Comments regarding green features for the new dwellings raised in representation are noted, however there is currently no specific policy requiring what features should be provided and if these were to be required as a matter of principal, then this should have been included as a condition on the outline planning permission and there is not considered to be an overriding reason in planning terms to make any additional requirements of the developers in this respect.

Landscaping and Ecology

Conditions 15 and 16 of the original outline planning permission required the following: -

- 15 The Landscaping details submitted to accompany any reserved matters application for any phase or sub-phase of the development shall be accompanied by details for the proposed means of permanent management and maintenance for all public areas (anything not proposed to be contained within the curtilage of an individual property, i.e. the grounds of any dwelling; education establishment; or extra care facility) at all times following completion of that phase or sub-phase of the development, including timescales for implementation. The agreed details shall be implemented in accordance with those details and maintained in the manner approved at all times thereafter.

16 Any reserved matters application for layout and landscaping shall provide for the retention and creation of hedgerows generally as identified on Hedgerow Plan HP-01 Revision A. Unless approval to vary the detail is approved as part of any reserved matters submission(s), the hedgerows to be retained on site (as defined on Drg No HG0750/HP-01 Rev. A) shall not be removed and shall be protected from damage during site preparation works and construction works by the erection of protective fencing set back at least 2m from the centreline of the hedge. There shall be no ground disturbance or storage of materials within the protected areas unless an exception is approved in writing by the Local Planning Authority.

In respect of the latest revisions, The Derbyshire Wildlife Trust has advised the following (these are summarised): -

- No documentation has been included that directly relates to Condition 15 - Maintenance/Management of public areas:
- Condition 16 – Hedgerow creation and retention:
 - The revised plans have been drawn up in line with the Hedgerow Plan that was approved as part of the Outline permission.
 - The addition of hedgerow along the northern boundary between the edge of the development and the new attenuation basin will help to mitigate for the loss of hedgerows within the development.
 - Design and Access statement has been suitably amended and that hedgerow replacement, retention and ‘gapping up’ of existing hedges is marked on the new Masterplan.
- The new attenuation basin offers an opportunity to incorporate additional biodiversity benefits through the provision of wild flower grassland, tree and shrub planting and wetland creation.
- Note that the Masterplan includes these elements and we advise the LPA to request details of planting / seeding mixes for further comments at a later stage.
- In relation to the provision and retention of hedgerows being shown on the reserved matters layout and masterplan, consider the condition has been met in line with the Hedgerow Plan HP-01 Revision A. Note that condition 16 requires the retained hedgerows to be protected during construction; it is important that this protection zone is incorporated into the working practices on site. It would make sense to include this as an action within the Construction Mitigation and Management Plan (Condition 18), and shown on working plans used by site contractors and the protective fencing will need to be in place prior to works starting that could damage hedgerows.

It can be seen from the comments above that the latest revisions have resolved the majority of issues that were outstanding at the time this matter was previously considered by the planning committee. This also includes a commitment to retain the hedgerow to the south western boundary, in line with the resolution of that previous committee meeting. A condition to control the final details of landscaping is proposed.

As highlighted in the Wildlife Trust’s comments above, full details of management and maintenance of public areas are not provided and on this basis condition 15 has not been satisfied and a condition requiring additional information is proposed for inclusion in the event that reserved matters consent is given.

A question is raised in representations regarding the erection of fencing and responsibility for maintenance of any hedgerows and fencing between existing and new properties.

Boundary treatments are recommended to be controlled by condition, but ownership and maintenance of any means of enclosure is a private property matter and this is not therefore a material planning consideration.

Highway Safety

The Highway Authority's consultation response to the latest revised drawings is still awaited at the time of the preparation of this report; their most recent comments do confirm that the general (revised) site layout is generally acceptable subject to resolution of some detailed design points.

Comment has also been made regarding the need for some highway surfacing features, as well as commuted payments for some features; whilst this principally relates to adoption and so is a matter between the Highway Authority and the developer, the developer has been encouraged to retain non-standard highway features as a way of enhancing the overall quality of the development. In terms of the provision of street trees, provision is to be made in the S106 Planning Obligation associated with the outline permission for the necessary monies to cover the commuted subs to the highway authority for these.

The Highway Authority has indicated that it is satisfied that the details in respect of condition 6 (phasing programme) are generally acceptable. It initially raised a query regarding the timing for strategic drainage provision, but the programme document was amended to respond to this issue and is now considered acceptable.

The Highway Authority has previously raised several comments in respect of the requirements of condition 8 (Framework Travel Plan) and further submissions in this respect will be needed and the applicants have asked that this be made subject to a condition on any consent that is considered reasonable.

Full details of highway surface water drainage have not been submitted for the revised layout, which is subject to condition 11 of the outline planning permission and the applicants have requested that a conditions be included to allow for the determination of this detail at a later date, which is considered appropriate.

The Highway Authority previously stated that it considered that condition 12 of the original outline planning permission, relating to the future management and maintenance of roads, is presently insufficient. Notwithstanding this comment, this detail is not a specific requirement for determination under this reserved matters application, such that an advisory note can be included reminding the developer of their obligations in respect of this condition.

Whilst there are outstanding issues still require resolution, it is not considered that any of these are critical to the overall layout and design of the scheme and it is likely that these will be resolvable prior to the final issue of any decision. An update on this issue will be provided to the Committee Meeting.

Changes have been included to incorporate provision for cyclists, with the provision of a formal cycle path on the main axis road, as well as a commitment to increase the width to 3.0m of connecting paths onto Elmton Lane to facilitate its use by both pedestrians and cyclists. The provision of these facilities and links should encourage access to Elmton Lane by cyclists for recreation and travel purposes and such connections are considered important to help improve the sustainability of the development as well as encourage health benefits from the recreational use of that path. Conditions requiring their final

details and provision are recommended for inclusion in the event that consent is granted.

The Ramblers Association has noted that the public footpaths in the vicinity of the site will not be adversely affected by the proposal, but request that the paths remain open, unobstructed and undamaged during the development. Given the fact that the bridleway runs immediately alongside this first phase of the development, and is partly crossed at a small section of it in respect of the incorporation of the SuDS pond to the west, it is considered that an advisory note relating to the obligations of the developer not to obstruct or damage that footway should be included.

Flood Risk and drainage.

Relevant consultees have commented on the submitted planning application and in principle raise no objections to the detail, but have sought additional detailed information before the relevant conditions could be discharged.

As the discharge of conditions 21, 22 and 23 has been withdrawn from the planning application, an advisory note drawing the developers' attention to the comments of the consultees is proposed to advise them of those comments to help inform their future discharge of conditions applications that will have to be made in due course.

Noise

Condition 19 of the outline planning permission required the following: -

Any application for approval of reserved matters for the areas shown as Phases 1A and 5 in the originally submitted Design and Access Statement by Spawforths dated 14th February 2014 (in the vicinity of Farnsworth Farm to the east) shall include an assessment of an existing noise profile between the development site and neighbouring properties, for both airborne and impact sound. A report detailing this, and any recommended upgrading of the noise insulation for any new dwellings so as to prevent loss of amenity to the proposed residents from activities currently taking place in surrounding areas, shall be submitted to and approved by the Local Planning Authority. All such recommendations in the approved report shall be undertaken prior to first use of the affected dwellings identified in this submission.

A noise assessment was submitted with the original planning application. At the time of writing this report a revised assessment had just been received to deal with the enlarged application site, which incorporates dwellings closer to the originally identified noise source at Farnsworth Farm to the north east (off Marlpit Lane); the submission this report (even if not fully agreed) meets the first requirement of this condition.

Whilst the Environmental Protection Officer (EPO) has only just been re-consulted on the revised report, in respect of the originally submitted report, EPO noted that the assessment identified noise levels in parts of the development, both inside dwellings and in external amenity areas, which exceed normal guideline levels. From discussions with that officer, she was not satisfied that the proposed mitigation scheme satisfactorily demonstrated that suitable levels would be achieved with the suggestions it makes, but she was satisfied that the levels indicated and the nature of the development mean that these would be capable of mitigation by suitable glazing, acoustic fencing and mechanical ventilation, either individually or in combination.

From further discussions with the EPO prior to the receipt of the revised document, it is unlikely that the limited site extension will result in any significant change to her earlier comments regarding the original report. On this basis, conditions will likely be needed to

agree the final design and implementation of noise mitigation measures. Such a condition would be reasonable and necessary to ensure a reasonable level of amenity is achieved for occupants of the proposed new dwellings.

An update on this issue will be provided to the Committee Meeting.

CONCLUSION

The principle of development on this site is already established through the strategic Local Plan allocation and the previous grant of outline planning permission.

The submitted reserved matters are considered to accord with the parameters of the original outline planning permission and the Design and Access Statement approved by that permission.

The submitted amendments are considered to have addressed matters raised in the earlier resolution of the Planning Committee.

Whilst there are a few technical details that still need to be fully resolved, these are minor in nature and are not considered significant to reaching a resolution in respect of this proposal and it will be possible to include conditions on any consent issued to deal with these to make the development otherwise acceptable.

RECOMMENDATION

Grant subject to the following conditions that are provided below in draft form, the final wording to be agreed by the Planning Manager in consultation with the Chair and Vice Chair of Planning Committee: -

1. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents: -

- A DETAILED LIST OF PLANS WILL BE INCLUDED HERE TO REFLECT THE FINAL DETAILED DRAWING SUBMISSIONS.

[REASON: For the avoidance of doubt and having regard to the amended and additional documents submitted during the application in order to define the planning permission.]

2. The submitted hard and soft landscaping details submitted with the planning application, containing full details and specifications for all soft landscaping including replacement hedges, full details of all means of enclosure, highway and footpath surfacing and a detailed specification for the permanent management and maintenance for all public areas, are not hereby approved, and the requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA are not hereby discharged. Revised details must have been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA prior to the commencement of any development.

[REASON: To ensure that satisfactory landscaping is provided within a reasonable period and managed for the long term in the interests of visual amenity and biodiversity and in compliance with Policies SS1(h and i), SC2(d, h and i), SC3(a, b e, f and i). SC9 and SC10 of the Local Plan for Bolsover District.]

3. An electric vehicle recharging point shall be provided within the garage or on the exterior of each dwelling before the dwelling to which the recharging point relates is first occupied. All recharging points shall thereafter be retained. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps.

[REASON: To promote high standards of low carbon and energy efficient design, to improve air quality and in compliance with the requirements of Policy SS1(d), SC2(d) and SC3(k) of the Local Plan for Bolsover District.]

4. Notwithstanding the submitted details, revised details of all external walling and roofing materials shall have been submitted to and approved in writing for each dwelling prior to the construction of that dwelling above foundation level.

[REASON: To ensure a satisfactory standard of external appearance and in compliance with Policies SS1(h), SC1, SC2(g and i), and SC3(a, b and e) of the Local Plan for Bolsover District.]

5. Prior to any works commencing, except for the installation of any protective fencing for retained landscaping, archaeological works and site clearance works, details of the finished floor levels for all dwelling shall have been submitted to and approved in writing by the Local Planning Authority and the scheme as constructed shall fully accord with any approved details.

[REASON: To ensure a satisfactory standard of external appearance and amenity and in compliance with Policies SS1(h), SC1, SC2(h and i), and SC3(a, b, e and n) of the Local Plan for Bolsover District.]

6. All meter boxes should where practicable be located on elevations not fronting a highway and if located on such elevations, should be colour coded to tone in with the background material of each plot.

[REASON: [To ensure a satisfactory standard of external appearance and amenity and in compliance with Policy GEN2 of the Bolsover District Local Plan]

7. Prior to their installation, full details of the proposed Pumping Station and Electricity Sub-Stations must have been submitted to and approved in writing by the Local Planning Authority and the completed development must be carried out only in accordance with those approved details.

[REASON: To ensure a satisfactory standard of external appearance and amenity and in compliance with Policies SS1(h), SC1, SC2(g and i), and SC3(a, b and e) of the Local Plan for Bolsover District.]

8. Notwithstanding the submitted Noise Impact Assessment, prior to any development above foundation level, a revised scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority. The scheme shall be designed using the findings of the Noise Impact Assessment ref: NIA/8243/19/8190/v1/Marlpit Lane dated 8th January 2019 or an updated sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

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

The approved scheme shall been implemented in full and retained thereafter.

9. Prior to occupation of each dwelling identified as requiring noise mitigation measures by any assessment approved under the terms of this condition, the scheme as approved must be validated in respect of that dwelling by a competent person and a validation report must have been submitted to and approved in writing by the local planning authority in respect of that dwelling.
[REASON: In the interests of the amenities of the occupants of the proposed dwellings and in compliance with the requirements of Policy GEN3 of the Bolsover District Local Plan.]
10. Prior to occupation of any dwelling on site, the access arrangements and modifications to Marlpit Lane/ Welbeck Road shall be provided as shown on drawing Ref. P18-2638.001L – Planning Layout.
[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]
11. Prior to any works commencing, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works, a formal Section 38 Highways Adoption Agreement must be in place with the Local Highway Authority.
[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]
12. The carriageways of the proposed estate roads shall be constructed in accordance with details approved under Condition 9 above up to and including at least road base level, prior to the occupation of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including binder course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. 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 in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.
[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]
13. Internal estate street junctions shall be provided with 2.4m x 25m minimum visibility splays in each direction, measured to the nearside carriageway edge; the area in advance of the sightlines being laid out as an extended footway / margin, forming part of the estate street and not part of any adjoining plot or other third party land.
[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]
14. The estate streets shall be provided with 15m forward visibility sightlines around the inside of bends in the street alignment, as laid out in the County Council's Delivering streets and Places design guide; the area in advance of the sightlines being laid out as an extended footway, forming part of the estate street and not part of any adjoining plot or other third party land.
[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

15. Individual driveways shall be provided with 2.4m x 25m visibility splays in each direction to the new estate street, or other such dimension as may be agreed with the Local Planning Authority, measured to the nearside carriageway channel level; the area in advance of the sightlines remaining thereafter free from any obstructions to visibility over 1m high (600mm in the case of vegetation) relative to the nearside carriageway channel level.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

16. Where permanent turning arrangements for service and delivery vehicles have not been provided for a dwelling, that dwelling shall not be occupied unless and until a temporary turning facility, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority, has been provided. The temporary turning facilities shall be retained as approved at all times free from obstruction to its use for the turning of service and delivery vehicles until the permanent turning facility has been provided in accordance with the approved plans.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

17. No dwelling shall be occupied until space has been provided within the site curtilage / plot for the parking of residents and visitors vehicles associated with that dwelling, all to be laid out in accordance with the approved drawings and constructed as may be agreed in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use, for the parking of motor vehicles at all times.

[REASON: In the interests of highway safety and in accordance with the requirements of Policies SC3(e) and ITCR11 of the Local Plan for Bolsover District.]

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

[REASON: In the interests of highway safety and in accordance with the requirements of Policies SC3(e) and ITCR11 of the Local Plan for Bolsover District.]

19. No gates or other barriers, including any part of their opening arc, shall be permitted to open out over public highway areas. Gates should open inwards only or should be set back an appropriate distance within the site to accommodate opening.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

20. The proposed property access drives shall be no steeper than 1 in 10 for the first 6m from the nearside highway boundary and shall be provided with sufficient vertical curvature to prevent the grounding of vehicles when traversing to and from the highway.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

21. Prior to any works commencing, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works details shall be submitted to and approved in writing by the Local

Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access concerned and retained as such thereafter.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

22. The submitted Framework Travel Plan is not hereby approved and the requirements of condition 8 of outline planning permission ref. 14/00080/OUTEA is not hereby discharged. A Revised Framework Travel Plan must have been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA prior to any works commencing, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

23. The submitted highway surface water drainage scheme is not hereby approved and the requirements of condition 11 of the outline planning permission ref. 14/00080/OUTEA is not hereby discharged. Revised highway surface water drainage details must have been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of conditions 11 of outline planning permission ref. 14/00080/OUTEA prior to any works commencing, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

Statement of Decision Process

1. In compliance with the National Planning Policy Framework the Council has negotiated amendments, including partial withdrawal of elements of the original submission, and sought additional submissions in respect of site layout, highway safety, archaeology, flood risk, ecology, ground and noise in order to seek compliance with the outline planning permission, policies of the adopted Local Plan for Bolsover and the NPPF.

Notes

Attention is drawn to the attached notes in addition to any below:

1. It is confirmed that this grant of reserved matters permission includes approval of the following detail of outline planning permission ref, 14/00080/OUTEA.

- Condition 6 – revised site phasing programme submitted 16th September 2019, with accompanying revised phasing plan submitted on 3rd June 2020.

Whilst additional details were submitted in respect of conditions 8 (Framework Travel Plan), 11 (Highway Surface Water Disposal), 15 (Maintenance/Management of public areas); 16 (hedgerow retention/creation), and 19 (Noise Assessment), these details have not been fully discharged by this consent and are subject to additional conditions in this reserved matters consent above.

2. The applicant is reminded that in withdrawing the request to formally discharge conditions 14, 21, 22 and 23 of the outline planning permission ref. 14/00080/OUTEA, there remains a need to submit further discharge of conditions applications that require approval prior to the commencement of any development on site, in addition to any other requirements of conditions of that planning permission, this reserved matters approval and the associated S106 planning obligation. In respect of condition 23, whilst the submitted drawings show the location of the proposed attenuation ponds, the details for those ponds are not approved by this consent; this is as their final design will require formal submission and approval under the terms of this condition.
3. In respect of the necessary future discharge of conditions application in respect of conditions 14, 19, 21, 22 and 23 of the outline planning permission ref. 14/00080/OUTEA, the applicant is advised to review the consultation responses of the Archaeologist, Derbyshire County Council (Flood Risk Management), the Environmental Protection Officer and Yorkshire Water, which can be viewed on the Council's website at www.bolsover.gov.uk.
4. In respect of condition 2 any revised landscaping details will need to positively respond to the advice contained in the consultation responses of the Derbyshire Wildlife Trust dated 10th September 2019 and the Urban Design Officer dated 9th September 2019, which can be found on the Council's website at www.bolsover.gov.uk. Additional details demonstrating the management and maintenance of landscaping will be needed, to include a plan to clearly delineate all areas to be subject to formal management and maintenance included in that scheme. Where fencing is demonstrated to be necessary adjacent to retained hedgerows, this should be of an open design to allow access by wildlife and sunlight penetration to the hedge, and should provide sufficient openings at its base for hedgehogs. Where side garden boundaries run alongside proposed highways, these should be treated with solid boundary walls. Details of tree pits should be provided.
5. In respect of condition 8, the access arrangements relate to those as approved by the outline planning application as shown on drawing Ref.10020-GA-04 Rev H. The access arrangements will remain in place until the spine road is completed as shown on Drawing Ref. 10020-GA-04 Rev H.
6. The developer is reminded that the development of this site must also comply with any requirements of outline planning permission ref. 14/00080/OUTEA and the associated S106 Planning Obligation. Please note in this regard that the highway authority do not consider that sufficient information has been submitted to date to satisfy the requirement of condition 12 of that permission.
7. Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. It is an offence to ill-treat any animal; to kill, injure, sell or take protected species (with certain exceptions); or intentionally to damage, destroy or obstruct their places of shelter. It is thus an offence to take, damage or destroy a wild birds nest whilst in use or being built. No removal of hedgerows, trees, shrubs, brambles or nests should take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and measures to protect the nesting bird interest on the site have been put in place. Bats enjoy additional protection. It is an offence to kill, injure or disturb bats found without first notifying

English Nature. Some other animals are protected under their own legislation (e.g. the Protection of Badgers Act 1992).

8. The developer is reminded of the need to ensure that public footpaths adjacent to the site should remain open and unobstructed during the development of the site. Additionally it is requested that care is taken to protect the surface of Bolsover Bridleway 60 (Elmton Lane) to ensure that this is not damaged by site traffic.

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.

Bolsover District Council

Planning Committee

4th November 2020

Update on Section 106 Agreements

Report of the Planning Manager

Purpose of the Report

- To ensure that the District Council has a robust procedure for recording and monitoring Section 106 obligations (also referred to as S106 agreements).
- S106 agreements are a type of legal agreement between the Council and landowners/developers often completed alongside applications for planning permission for major developments. They are needed to deal with the additional pressures on infrastructure that result from the new development. They are only required where the effects of the development would otherwise be unacceptable in planning terms and where they cannot be dealt with by conditions of the planning permission.

1. Report Details

Background

- 1.1 In accordance with the Council's procedures for recording and monitoring Section 106 obligations this report is the status report and is intended to inform and give members the opportunity to assess the effectiveness of the monitoring procedures as well as receive up-to-date information on ongoing cases where planning obligations are involved. The report is intended to be quarterly but as consequence of covid-19 and staff changes at the start of the year the last S106 update report was 8th January 2020.
- 1.2 It is important to provide this information to members for two key reasons: (i) if obligations required to make a development acceptable in planning terms aren't properly discharged then there is a risk that necessary infrastructure will not be provided and there would be harm to the Council's reputation and public confidence in the Council's decision making; and (ii) there are strict criteria on how and when Section 106 contributions received by the District Council should be spent; if these criteria aren't met then there is a risk the proposed contribution will have to be returned to the developer and the associated infrastructure will not be provided.
- 1.3 Consequently, it is not only important that the District Council has a robust procedure for recording and monitoring Section 106 obligations, it is also important that there is appropriate oversight of how effectively these procedures work in practice: hence the purpose of this report.

S106 Money Received in BDC Holding Account

- 1.4 The current financial spreadsheet is attached as Appendix 1. Line numbers referred to below are on the left hand side of the table at Appendix 1. The spreadsheet shows that there is currently a total balance on hand for all S106 contributions of £1,466,893.63.
- 1.5 In accordance with the Council's procedure the following cases are highlighted because the deadline for spending S106 money is approaching and within 1 year of the 5 year spending deadline on the Council:-
- a. Line 47 The Brambles Doe Lea, art work money. The majority of the sum received has now been spent, however £4,361.11 was not spent before the deadline. This will now need to be returned to the developer in accordance with the legal agreement (unless the Developer agrees otherwise – this has previously been reported to Planning Committee but the Arts Officer is still awaiting a response from the Developer on this matter. Alternative contacts representatives are now being in order to secure a response).
 - b. Line 61 Former Woodside Stables site, Rotherham Road, Clowne. £6,939.67 for public art needs to be spent before 14/01/21.
 - c. Line 62 Former Woodside Stables site, Rotherham Road, Clowne. £36,672.75 (of which £32,277 has been committed to a project) for outdoor sports needs to be spent before 14/01/21.
 - d. Line 63 Former Woodside Stables site, Rotherham Road, Clowne. £195.29 for play space needs to be spent before 14/01/21.
(the deadline for spending sums b – d above has been previously report to Planning Committee. The Arts Officer and Leisure Officer are aware of the spending deadline and are working with the Parish Council to deliver schemes. However there is now very little time remaining to spend the money before it needs to be returned).
- 1.6 There are no other areas of concern in respects of spending deadlines for payments received and the deadlines for expenditure.
- 1.7 The following new S106 payments have been received by the District Council since the previous report issued to Committee Members on 08/01/2020 :-
- | | | |
|-------------------|--------------|----------|
| Langwith Junction | Health | £16,000 |
| Langwith Junction | Play | £52,000 |
| Oxcroft Lane | Sport | £128,710 |
| High Ash Farm | Play | £10,945 |
| High Ash Farm | Education | £18,195 |
| High Ash Farm | Footpath | £12,587 |
| Skinner Street | Footpath | £30,464 |
| Skinner Street | Biodiversity | £15,036 |

S106 Obligations Soon Due on Active Development Sites

- 1.8 In terms of current development sites, there are a number of sites where development has been commenced and officers are monitoring progress against S106 trigger points. The current monitoring list includes:-

- Chesterfield Road, Barlborough (13/00002/VARMAJ and 16/00187/REM). Permission for 157 dwellings plus offices and industrial units. 12 dwellings occupied so far so no obligations triggered yet. Obligations include:-
 - Sports £765/dwg, half at 50% dwgs occupied, half at 75% occupation.
 - Open space plus maintenance if adopted triggered at 33% of dwgs occupied.
 - Education £2,255/dwg on occupation of 75 dwgs.
 - Affordable Housing 10% at 60% of occupation.
 - Highways £111,450.34 payment for improvements to Treble Bob roundabout; £39,364.75 roundabout contribution at 60th dwelling occupied.
- Broad Lane, Hodthorpe (14/00518/OUT) 101 dwellings. New site commenced. No occupations yet. Obligations not yet triggered include:-
 - Sport £888 per dwelling before 70 dwellings occupied.
 - Play £747 per dwelling, scheme before 10th and provided before 70th dwelling.
 - Art £984 per dwelling at 70 but less the cost of natural stone boundary walling.
 - Affordable Housing 10% on site at 70 dwellings.
 - £50,000 to use on the Social Club before 10 dwellings occupied.
- The Edge, Mansfield Road, Clowne (12/00529/OUTMAJ). Permission for 149 dwellings now completed. £100,000 maintenance sum payable to BDC when Public Open Space adopted following resolution of snagging issues still being pursued.
- High Ash Farm, Mansfield Rd, Clowne (14/00057/OUTMAJ and 18/00084/OTHER). Permission for 41 dwellings. 38 are now occupied. Obligation triggers have been reached and payments received this year (see 1.7 above) for Play, Education, Footpath link, and the market housing delivery targets met discharging the Affordable Housing obligation. However the £10,000 art obligation is currently outstanding.
- Creswell Road Clowne (14/00603/FUL) permission for 28 dwellings. 14 dwellings occupied so far but trigger not reached (20 occupations – formal leisure contribution £24,144).
- Oxcroft Lane, Bolsover (15/00076/OUT). Permission for 127 dwellings. 4 occupations so far. Obligations have been largely paid in advance. The following have been received this year:-
 - £128,710 Sport by BDC 10/03/2020; and by DCC:
 - £316,111 and £38,105 Education 06/03/2020
 - £167,361 Highway improvements 02/09/2020
 - £2,500 Travel Plan 02/09/2020
 - £55,787 Mill Lane improvements 02/09/2020

The following are outstanding:-

- Fund up to 3 TRO's to value of £5000 each.
- Play Space to accord with scheme.
- Affordable Housing 10% on site in accordance with the scheme approved before 70% of market dwellings occupied.
- Mooracre Lane Bolsover (17/00234/FUL). Permission for 212 dwellings. 83 dwellings now occupied. Various S106 obligations (highways, affordable housing, bus service, primary education, POS and play, SuDS, no ransom strips) with various phased triggers. The first triggers were due is at 60 occupations for first phase education and road network payments. DCC have confirmed receipt of the first travel plan and traffic

monitoring contributions (£7,390 and £2,960 on 30/04/19). DCC have agreed to a time extension for payment of the 60 unit trigger education and highway obligations until 01/12/2020 due to Covid-19.

- Sherwood Lodge, Bolsover (17/00615/FUL) Retail development. Store now opened. The following sums have been received this year:-
 - £37 interest (plus £5,097) Art
 - £151,613 Highway improvements to DCC
 - £1000 Travel Plan monitoring to DCC (1 of 5)
- Blind Lane, Bolsover (16/00463/OUT, 18/00481/REM) permission for 218 dwellings. New site commenced. No occupations to date. Obligations not yet triggered include:-
 - Sport £191,250 50% at 150 dwellings, 50% at 200.
 - Play on site and £80,000 to improve Houghton Rd rec', at 50 dwellings.
 - Education £179,618 Phased at: 25 dwellings 10%, invitation of tenders for education works 40%, appointment of contractor 50%.
 - Affordable 30% at 20% below market value.
 - Health £81,562 Phased at: 25 dwellings 10%, on notice health care works will be undertaken, 40%, appointment of contractor 50%.
- Site adjacent to Pattison Street Shuttlewood (19/00083/FUL). Permission for 78 dwellings. 11 occupations to date. Obligations not yet triggered include:-
 - Education: £91,192 prior to 50% occupation and a further £91,192 prior to 75% occupation.
 - Affordable Housing: 8 units on site. Contracted before 50% occupied or if not provided on site £18750 per affordable dwelling.
- Brookvale Shirebrook Keepmoat (14/00594/OUT) First phase 153 dwellings now completed. Second phase for 200 dwellings with 35 occupations on that phase. All s106 obligations discharged but central POS play area and multiuse games area is to be provided shortly at 200 occupations on site (by condition rather than S106).
- Station Road, Langwith Junction (16/00530/FUL). Permission for 68 dwellings. Trigger for payment is 34 dwellings occupied. Now at 50 occupations so the trigger has been reached. Payments have been received as reported at 1.7 above and all obligations have been discharged.
- Mansfield Road Tibshelf (13/00182/OUT). Permission for 170 dwellings. All units now completed and occupied and all obligations have been discharged. Not previously reported to Committee on 08/01/2020 but the Second phase payments for the following were received 20/12/2019:-
 - Formal Sports and Recreation in the parish, payment 2 of 2 £82,759.
 - Health, Staffa Tibshelf Surgery, payment 2 of 2 £33,807.
 - Infant and Junior £284,470.74 (to DCC)
 - Secondary £327,783.66. (to DCC).
- Rosewood Lodge Farm, Alfreton Road, South Normanton (14/00531/OUT). Permission for 144 dwellings. Now at 50 occupations. Obligations are triggered prior to occupation of any dwelling and the following have already been received and reported: Sports/rec, Education, Health. The following are outstanding:-
 - Art Scheme (to £10,000) with timetable for implementation. Not yet formally submitted but the developer is in discussions with the Arts Officer.

- Affordable – to be provided only if delivery targets not met for market housing.
- Thornhill Drive, South Normanton (17/00148/OUT). Permission for 29 dwellings. 6 dwellings occupied so far. S106 obligations not yet triggered include:-
 - Sports £33,264 at 15 dwellings occupied
 - Play £28,260 at 15 dwellings occupied
 - Art £10,000 at 15 dwellings occupied
 - Affordable housing 10% at 23 dwellings
 - Health £10,955 at 15 dwellings occupied.

2 Conclusions and Reasons for Recommendation

- 2.1 The report is for information to give Members the opportunity to assess the effectiveness of the monitoring procedures as well as receive up-to-date information on ongoing cases where planning obligations are involved.

3 Consultation and Equality Impact

- 3.1 There has been no public consultation in respect of this report, and there are no negative equality impacts identified. Officers consider that increasing member oversight of compliance with s.106 legal agreements should promote equality of opportunity for local residents through ensuring obligations are met.

4 Alternative Options and Reasons for Rejection

- 4.1 Reporting the status of current s.106 legal agreements to Planning Committee address recommendations made in the 2016 audit report and has been agreed by members of the Planning Committee. Therefore, officers have not considered alternative options.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 If obligations required to make a development acceptable in planning terms aren't properly discharged then there is a risk of harm to the Council's reputation and public confidence in the Council's decision making. If financial contributions are not spent within a defined period then the money has to be returned to the developer and normally returned with interest. Therefore, there are finance and risk implications if procedures for recording and monitoring s.106 legal agreements are not sufficiently robust.

5.2 Legal Implications including Data Protection

- 5.2.1 There are no data protection implications insofar as s.106 legal agreements are part of the statutory planning register and are therefore public documents. S.106 of the 1990 Act provides the legal framework for the acceptance and discharge of s.106 legal obligations and the procedure notes address the key legislative provisions of this section of the 1990 Act.

5.3 Human Resources Implications

- 5.3.1 None.

6 **Recommendation**

6.1 That Planning Committee notes this report.

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: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	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	<ul style="list-style-type: none"> • Unlocking Our Growth Potential (main aim); • Providing our Customers with Excellent Services • Supporting Our Communities to be Healthier, Safer, Cleaner and Greener; • Transforming Our Organisation.

8 **Document Information**

Appendix No	Title				
1	Financial Spreadsheet				
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)					
<table border="1"> <tr> <th>Report Author</th> <th>Contact Number</th> </tr> <tr> <td>Steve Phillipson</td> <td>Ext. 2248</td> </tr> </table>		Report Author	Contact Number	Steve Phillipson	Ext. 2248
Report Author	Contact Number				
Steve Phillipson	Ext. 2248				

APPENDIX 1 – FINANCIAL SPREADSHEET

Funding of budgets from S106 holding accounts - B9220553 + B9180561													
Related Cost Centre	Description	Planning Application Number	Related Cost Centre	Exp and Income Code	Proj Code	Expenditure Allocated at current year	Unspent expenditure t/f'd back in year	Actual Expenditure in year	Income Received	Restriction Balance at 31/3/21	B9180561 Concition Balance at 31/3/21	Use by future years	Comments
G172	Affordable Housing Totals	14/00057/OUTMAJ	G172	4093 9123	4042	18,195.00	(0.88)	18,195.12	0.00	0.00	0.00	19.03.25	5 years (No legal clawback - but could still be challenged if not spent)
G171	High Ash Farm, Clowne		G171	4087 9114	4023	18,196.00	(0.88)	18,195.12	0.00	0.00	0.00	19.03.25	5 years from receipt DO - contact made - awaiting resp.
G171	Education Totals	05/00735	G171	4087 9114	4023	4,361.00	(4,361.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G125	C The Brambles, Doe Lea	14/00226/FUL	G125	4087 9114	4029	6,939.00	(6,939.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G125	C Woodside Stables, Rotherham Rr Clowne	14/00226/FUL	G125	4087 9114	4034	5,165.00	(5,165.00)	0.00	(0.20)	0.00	0.00	19.03.25	5 years from payment of sundry debtor
G125	? Carter Lane West South Normanton	14/00551/FUL	G125	4087 9114	4030	16,572.00	(16,572.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G125	Sturry House Farm, Clowne	15/00455/FUL	G125	4087 9114	4030	10,176.00	(10,176.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G125	Spa Croft, Doe Hill Lane, Tibshelf	17/00209/FUL	G125	4087 9114	4037	37.00	(37.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G125	Former Sherwood Lodge Site, Bolsover	17/00615/FUL	G125	4087 9114	4039	43,250.00	(43,250.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G125	Percent for Art Totals		G125										
G170	C The Brambles, Doe Lea	05/00735	G170	4090 9120	4006	18,023.00	(18,023.00)	0.00	0.00	0.00	0.00	19.03.25	no clawback on remaining amount
G170	C Woodside Stables, Rotherham Rr Clowne	14/00226/FUL	G170	4090 9120	4029	36,673.00	(4,395.00)	32,277.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G170	? Carter Lane West South Normanton	14/00551/FUL	G170	4090 9120	4034	2,711.00	(446.00)	2,265.00	0.00	0.00	0.00	19.03.25	5 years from payment of sundry debtor
G170	? Babington St, Former Allotment Gardens, Tibshelf	03/00755/FULMAJ 0	G170	4090 9120	4031	0.00	0.00	0.00	0.00	0.00	0.00	19.03.25	no clawback per SP
G170	? Meridian Close, Bolsover	17/00314/FUL	G170	4090 9120	4035	24,547.00	(24,547.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G170	? Mansfield Road, Tibshelf	13/00182/OUT	G170	4090 9120	4036	81,394.00	(81,394.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from the date of receipt of the final payment
G170	Rosewood Lodge Farm, South Normanton	14/00531/OUT	G170	4090 9120	4038	129,347.00	(126,252.00)	3,095.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G170	Oxcroft Lane, Bolsover	15/00076/OUT	G170	4090 9120	4041	0.00	0.00	0.00	0.00	0.00	0.00	19.03.25	5 years (No legal clawback - but could still be challenged if not spent)
G126	R Outdoor Sport (Formal) Totals	BOL9504/0126	G126	4091 9121	4019	292,695.00	(255,058.00)	37,637.00	0.00	0.00	0.00	19.03.25	no clawback
G126	R Heritage Drive, Clowne (GL Homes)	04/00066	G126	4091 9121	4002	10,644.00	(10,644.00)	0.00	0.00	0.00	0.00	19.03.25	no clawback
G126	C Hazemere Park (Skinner St) Creswell		G126	4091 9121	4002	6,285.00	(6,285.00)	0.00	0.00	0.00	0.00	19.03.25	no clawback
G126	R Rangewood Rd Development, S/N	00/00378	G126	4091 9121	4005	4,465.00	(4,465.00)	0.00	0.00	0.00	0.00	19.03.25	no clawback
G126	C The Brambles, Doe Lea	05/00735	G126	4091 9121	4023	5,824.00	(624.00)	5,200.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G126	C Woodside Stables, Rotherham Rr Clowne	14/00226/FUL	G126	4091 9121	4029	195.00	(195.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from payment of sundry debtor
G126	? Carter Lane West South Normanton	14/00551/FUL	G126	4091 9121	4034	12,766.00	(12,766.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt assumed
G126	? Thurgate Way (phase 2)	14/00055/OUT	G126	4091 9121	4033	2,015.00	(2,015.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G126	? Sturry House Farm, Clowne	15/00455/FUL	G126	4091 9121	4030	12,107.00	(9,121.00)	2,986.00	0.00	0.00	0.00	19.03.25	no clawback per SP
G126	? Babington St, Former Allotment Gardens, Tibshelf	03/00755/FULMAJ 0	G126	4091 9121	4031	0.00	0.00	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G126	Meridian Close, Bolsover	17/00314/FUL	G126	4091 9121	4035	27,475.00	(27,475.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G126	Spa Croft, Doe Hill Lane, Tibshelf	17/00209/FUL	G126	4091 9121	4037	27,855.00	(27,855.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G126	Station Rd, Langwith Junction	16/00530/FUL	G126	4091 9121	4040	52,000.00	(52,000.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G126	High Ash Farm, Clowne	14/00057/OUTMAJ	G126	4091 9121	4042	0.00	0.00	0.00	0.00	0.00	0.00	19.03.25	5 years (No legal clawback - but could still be challenged if not spent)
G126	Open Space (Informal) Totals		G126										
G226	? Carter Lane West South Normanton	14/00551/FUL	G226	4118 9170	4028	161,632.00	(153,446.00)	8,186.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G226	C Brookvale - South Shirebrook	14/00594/OUT	G226	4118 9170	4028	569,000.00	(569,000.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from completion not receipt - SP email update 26/06/20
G226	High Ash Farm, Clowne	14/00367/OUTMAJ	G226	4118 9170	4042	12,588.00	(0.81)	12,587.19	0.00	0.00	0.00	19.03.25	5 years (No legal clawback - but could still be challenged if not spent)
G226	Land at Skinner Street, Creswell	15/00368/FUL	G226	4118 9170	4043	0.00	0.00	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G226	Highways Totals		G226										
G227	? Thurgate Way (phase 2)	14/00055/OUT	G227	4119 9171	4033	581,888.00	(569,000.81)	12,887.19	0.00	0.00	0.00	19.03.25	5 years from receipt assumed
G227	? Mansfield Road, Tibshelf	13/00182/OUT	G227	4119 9171	4036	33,249.00	(33,249.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G227	Rosewood Lodge Farm, South Normanton	14/00531/OUT	G227	4119 9171	4038	80,141.00	(80,141.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G227	Station Rd, Langwith Junction	16/00530/FUL	G227	4119 9171	4040	0.00	0.00	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G227	Health Totals		G227										
G031	Land To The Rear Of Nos 34 To 54 Skinner Street, (19/00475/FUL	G031	4128 9122	4043	143,622.00	(143,622.00)	0.00	0.00	0.00	0.00	19.03.25	5 years from receipt
G031	Biodiversity Totals		G031										
						1,240,883.00	(1,164,277.69)	76,605.31	0.00	0.00	0.00	19.03.25	5 years from receipt

Bolsover District Council

Planning Committee

4th November 2020

Local Enforcement Plan (Planning)

Report of the Principal Enforcement Officer / Planning Manager

This report is public

Purpose of the Report

- To report progress on the service targets set out in the Local Enforcement Plan.

1 Report Details

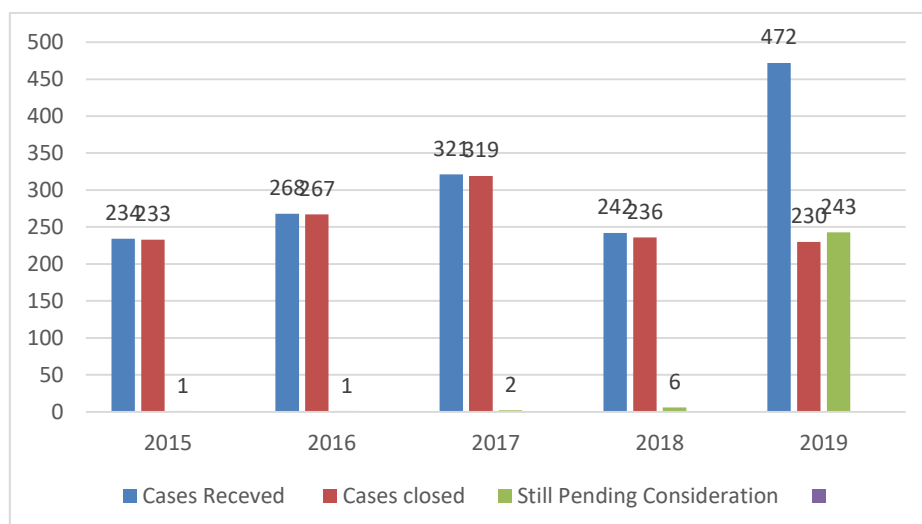
Background

- 1.1 The Local Enforcement Plan was adopted by the Planning Committee in 2019. The Plan sets out the following service standards that Planning Enforcement Officers consider are specific, measurable, achievable and realistic:
 - The site of a high priority case will be visited on the same day the suspected breach of planning control has been identified, wherever possible, and a decision on what further action is required will be taken within **24 hours** of that site visit.
 - The site of a medium priority case will be visited within **two weeks** of identifying a suspected breach of planning control. A decision on what further action to take will be made within four weeks of that site visit.
 - The site of a low priority case will be visited within **six weeks** of identifying a suspected breach of planning controls. A decision on what further action to take will be made within six weeks of that site visit.
- 1.2 These service standards have been designed to facilitate prompt investigation of suspected breaches of planning control and encourage making timely decisions on how to progress individual cases.
- 1.3 The purpose of this report is to evaluate the performance of the Planning Enforcement Service against these service standards for the period 01 July 2019 to 30th June 2020. This report is the second planning enforcement report presented to the Planning Committee. The third report will be presented in February 2021 to conclude the 2020 statistics. Reports are expected to be submitted 6 monthly.

Performance

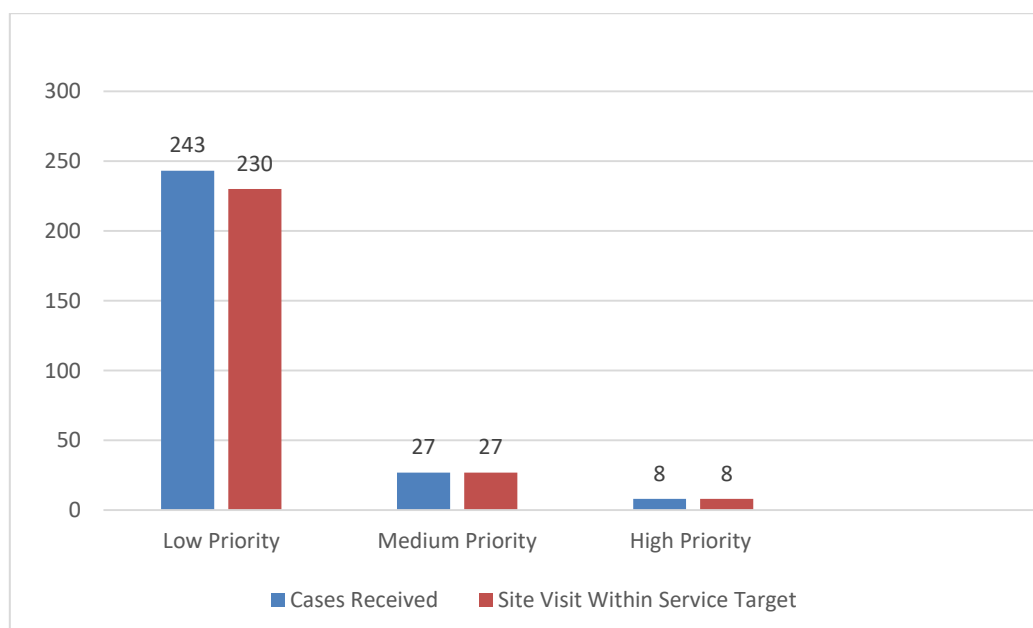
- 1.4 The previous report to Members in July 2019 explained that whilst workload pressures placed high demands on the two full-time equivalent (FTE) Enforcement Officers the number of enquiries relative to enquiries closed as well as successive years back to 2015 was manageable. The report further explained that whilst the enquiries to the department have been managed in a reactive fashion this has been at the expense of other planning enforcement projects in the district, especially relating to Conservation Areas / Article 4 directions and an increase in developers breaching pre-commencement conditions (amongst other pending projects).
- 1.5 Graph 1 (Workflows) below shows the number of enquires received by the planning department over the last five calendar years (there are no outstanding cases older than 2015). Over this five year period, the enforcement team has tried to operate with an establishment of 2 FTE officers but for 18 months (2016-2017) there was only 1 FTE officer dealing with all unauthorised developments. A similar situation occurred for 3 months in 2019 when a full-time officer left the employment of the Council and pending the recruitment of a replacement officer. This meant that many low priority enforcement cases had to await investigation, as did the issue of some Enforcement Notices (that were not high priority cases) until the enforcement section was again at full capacity. The enforcement section is now fully staffed.
- 1.6 Whilst graph 1 below shows a significant increase in complaints in 2019 (472 cases) this was due to a proactive investigation into a project relating to the Creswell Model Village (CMV). Following a multi-million pound investment into the CMV and to preserve the longevity of that investment, the Council invoked an Article 4 direction to remove certain householder permitted development.
- 1.7 To enable a proactive investigation into the CMV with the aim of considering future options regarding unauthorised householder development, one FTE Enforcement Officer was employed on a 12 month contract to progress with the Creswell Model Village Project.
- 1.8 Whilst the CMV project is not yet complete it is hoped that the results and recommendations of that investigation should be reported to the Planning Committee early in 2021.
- 1.9 Discounting the enquires that have been raised as a consequence of the CMV project, the actual number of enquires received by the department relating to alleged unauthorised development in 2019 equates to 278, which is a figure similar to previous years.

Graph 1: Workflows



- 1.10 Graph 2 below shows that of the 278 actual enquires that were received in 2019 (excluding the CMV Project) the enforcement team managed to visit 100% of high (8 cases) and medium priorities (27 cases) within the service target. However of the 243 low priority cases 14 cases were not inspected within the 42 day target. This was due to the loss of a full-time member of staff and pending a replacement.

Graph 2: Site Visits within Service Targets 2019
(Excluding Creswell Model Village Project)



- 1.11 Table 1 below shows the numbers of cases and the number of cases by priority that have been closed in 2019 as well as the number that remain pending consideration.

Table 1 Workflows; 2019 (Excluding Creswell Model Village Project)
Number of cases closed and t still pending consideration.

2020	No. of Enquiries	Closed Cases		Cases Pending	
Total	278	230	83%	48	17%
Low Priority	243	210	86%	33	14%
Medium Priority	27	16	59%	11	41%
High Priority	8	4	50%	4	50%

- 1.12 Graph 3 and Table 2 below together shows the number of enquires received into the department between January 1st 2020 and 30th June 2020 (6 Month period). The data shows that during the first six months of 2020, 163 enquires were received. Despite the implications of remote working, project work and the coronavirus pandemic and the national lockdown, the enforcement team still managed to visit 100% of high and medium priorities within the service standard i.e. the team visited all 10 of the high priority cases reported within 24 hours, and all 20 of the reported medium priority cases within two weeks. Regrettably, 4 low priority enquires were not met within the 42 day initial inspection period. This was due to the initial National Coronavirus Lockdown.

Graph 3: January 2020 – June 2020 (First Six Month 2020)

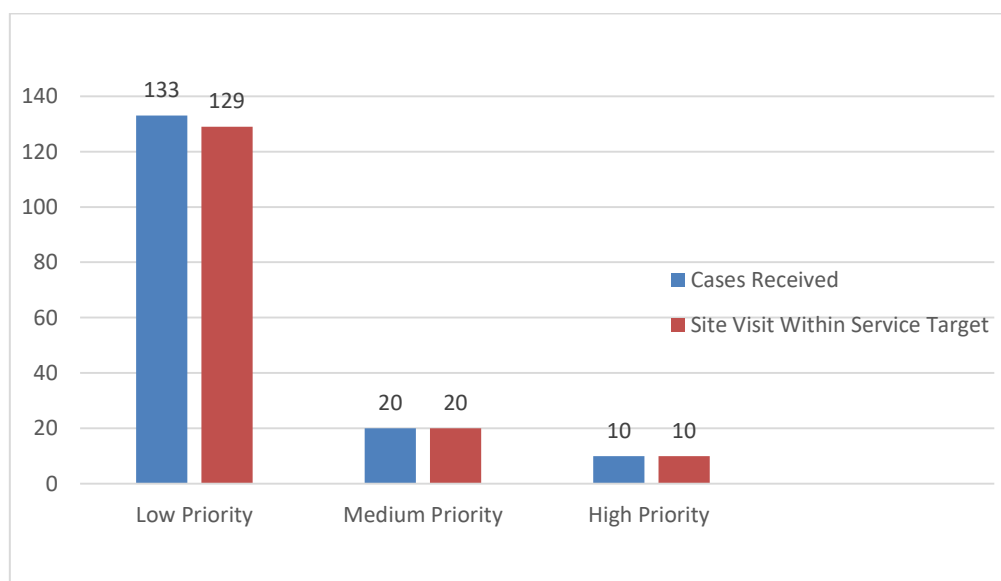


Table 2 Workflows; 01 January 2020 – 30 June 2020

2020	No. of Enquiries	Closed Cases		Cases Pending	
Total	163	121	74%	41	26%
Low Priority	133	102	77%	31	23%
Medium Priority	20	10	50%	10	50%
High Priority	10	9	90%	1	10%

- 1.13 Table 3 below shows the number of historic cases that have been closed over the last five years as well as the number of cases that officers continue to process.

Table 3 Historic Cases:

Year	No. of Enquiries	Closed Cases	Cases Pending
2015	234	233	1
2016	268	267	1
2017	321	319	2
2018	242	236	6
2019 <i>(Excluding Creswell Model Village)</i>	278	230	48
2020 <i>(1st January – 30th June)</i>	163	121	42

- 1.14 To the end of June 2020 the enforcement team have 100 cases pending, by industry standards this can be considered exemplary.

- 1.15 In many of the cases in Table 3 above, the delays are caused by the process of adhering with the Corporate Enforcement Plan which requires working proactively with landowners, and dealing with the submission of a retrospective application and subsequent appeal of refusal of planning permission for that application.
- 1.16 For example, the team has served a formal Listed Building Enforcement Notice in respect of unauthorised works to a Grade II Listed Building in Pinxton, which was a case first reported in 2018. A significant amount of resource was required to serve this Notice because of the nature of the works and the technicalities of drafting up the Notice, which required the input of a Principal Planner, Principal Enforcement Officer, the Planning Manager and the Council's heritage conservation specialist as well as colleagues in the legal department. Similarly in 2019, a valid high hedges complaint was submitted to the Council which was equally resource intensive in preparing the reports and issuing the Remedial Notice after presentation at the High Hedges committee (a site that continues to be monitored).
- 1.17 Obviously if the Planning Service continued to receive a large volume of new low priority enquires whilst dealing with high priority cases, there is the potential for some slippage against service standards for the initial visit on low priority cases, which might then mean these cases take longer to bring to a conclusion than we would prefer to see. However the current 3 x FTE should facilitate all targets being met.
- 1.18 As the analysis of the last five years shows, we have previously been able to 'catch up' with pending cases by following the principles in the Local Enforcement Plan and in particular, by using formal enforcement action as a last resort in most low and some medium priority cases.
- 1.19 Equally, by dealing expeditiously with minor breaches of planning control, we can give more resource to tackling breaches of planning control that have an unacceptable adverse impact on the character and appearance of the local area and/or have an unacceptable adverse impact on the living conditions of local residents.
- 1.20 Table 4 below shows all the cases that have now progressed to taking some form of enforcement action. Some of these cases have remained pending due to resource issues during the training and mentoring (opportunities for new members of staff) of new officers, the loss of a Planning Manager which required the Principal Enforcement Officer to focus on ensuring the Planning Department continued to function (pending the appointment of a new Planning Manager), project work, including the Creswell Model Village and the development of a planning condition monitoring regime to allow for sites to be proactively monitored to ensure any pre-commencement conditions and other planning conditions are monitored through the lifetime of the development of a site, as well the Coronavirus Pandemic lockdown.

Table 4: Status of Historic Cases

Reference	Location Allegation	Status
E16/211 Medium priority case	Barlborough Unauthorised alterations to the property and boundaries.	Appeal Allowed. Monitoring to ensure development is carried out in accordance with the approved planning permission.
E17/086 Medium priority case	Clowne Alleged hard-landscaping, front extension and erection of walls.	Monitoring site following recent negotiations with Conservation Officers.
E17/178 Medium priority case	South Normanton Change of use of carpet warehouse to tyre fitting unit.	Preparing Enforcement Notice for issue November 2020.
E18/061 Medium priority case	Shirebrook Alleged unauthorised change of use to a C3 dwelling house Shirebrook.	Pending consideration: Working with landowner to regularise the use of the building.
E18/069 Low priority case	South Normanton Land On Corner Of Duke Street And, Main Street.	Issued S215 Notice to tidy land / working with Empty Properties Officer.
E18/092 Medium priority case	Barlborough Siting and permanent residential use of static caravans.	Awaiting Planning Inspectorate Decision.
E18/145 Low priority case	Clowne Untidy Land / building / residential use of static caravans.	Pending consideration.
E18/163 Low priority case	Bolsover High Hedges complaint.	Remedial Notice issued continue to monitor.
E18/187 High Priority Case	Pinxton Unauthorised alterations to a Listed Building.	Awaiting Planning Inspectorate Appeal Decision.

- 1.21 With regard's Table 4 (above) Enforcement Officers are progressing with issuing two enforcement notices before the end of the 2020; E17/178, and E18/061.
- 1.22 Of the 48 cases still pending consideration from 2019 (Table 1), officers are progressing with the preparation of one Enforcement Notice for a site in Clowne relating to the change of use of the land (agricultural to haulage) including operational development. All remaining 2019 cases still pending consideration will be reported as historic cases in the report to Planning Committee in February 2021.

- 1.23 Following the successful 12 month contract of a temporary Enforcement Officer, the enforcement team has now been increased to three FTE (one of whom is undertaking a planning degree) enabling the proactive monitoring of development sites to ensure compliance with planning decision notices.
- 1.24 It is hoped that from 2021 the increase in officers in the enforcement team will enable those officers to determine retrospective planning applications, certificates of lawful use, as well as the determination of applications for the discharge of planning conditions. This will reduce workflows to Development Management (DM) Officers, enable a proactive enforcement service, and ensure long term resilience, especially in relation to the forthcoming changes in the Planning White Paper, whilst also developing key DM planning skills for Enforcement Officers.

2 Conclusions and Reasons for Recommendation

- 2.1 Whilst officers consider that the Local Enforcement Plan is working, insofar as it is allowing the enforcement team to ensure there are sufficient resources to make sure breaches of planning control are dealt with effectively and efficiently, it is also considered that the enforcement team is performing well against the service standards with regard to promptly visiting sites where cases have been reported to the Planning Service and making first contact with the suspected offender. Furthermore, headway is being made on two proactive projects, firstly the CMV Project and secondly the proactive monitoring and enforcement of all small major and major sites to ensure compliance with planning decisions.
- 2.2 Consequently, officers would recommend that this report is noted and further monitoring reports are resumed and submitted to the Planning Committee on a half-yearly basis to allow members to retain appropriate oversight of these issues and the effectiveness of the Council's planning enforcement function.
- 2.3 In these respects, Members will already be aware that effective planning enforcement is important to:
- tackle breaches of planning control which would otherwise have an unacceptable impact on the amenity of the area;
 - maintain the integrity of the decision-making process by tackling unauthorised development that would not normally get planning permission; and,
 - Maintain public confidence in the Council's decision-making processes by ensuring conditions and planning obligations needed to make development acceptable in planning terms are complied with.
- 2.4 Members are reminded that a review of the Local Enforcement Plan is due to take place before March 2022. Early indications would suggest that the Low Priority targets could be tightened on the basis of their now being 3 FTE officers in the enforcement section of the planning department. However this must be considered alongside meeting other objectives including project work and the proactive monitoring and enforcement regime of approved sites; a regime that could reduce the number of enquiries into the department.

3 Consultation and Equality Impact

- 3.1 The above report has not been subject to consultation because it is mainly for information rather than for the purposes of policy-making or decision-making. For the same reasons, it not considered that the above report gives rise to any issues under the public sector duty set out in the Equality Act 2010.

4 Alternative Options and Reasons for Rejection

- 4.1 Members of the Planning Committee have oversight of planning enforcement and it is considered appropriate to report on performance against the Local Enforcement Plan and highlight issues within planning enforcement on a regular basis. Therefore, options other than producing this type of report for Members on a half-yearly basis have not been considered in any detail.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 There are no significant cost implications involved with reporting performance against the Local Enforcement Plan but as noted below, this monitoring report may give rise to further consideration of the resources required by the enforcement team to work effectively.

5.2 Legal Implications including Data Protection

- 5.2.1 Producing this type of monitoring report is consistent with advice in the Local Enforcement Plan that says the Plan will be monitored and reviewed to ensure it remains consistent with case law and/or any subsequent changes in national guidance or legislation and continues to enable planning enforcement to be carried out effectively within the District. However, there is no legal requirement to produce a monitoring report.
- 5.2.2 The above report does not contain any personal data.
- 5.2.3 Where the case is still pending consideration, the property address has been anonymised to provide a reasonable amount of privacy for the landowners involved. Where the property is subject to formal action, the presence of an Enforcement Notice is a matter of public record and that information is publically available.
- 5.2.4 Therefore, the way property addresses have been reported in the above report is considered to be consistent with the key principles in the GDPR.

5.3 Human Resources Implications

- 5.3.1 The adoption of a Local Enforcement Plan should help officers make the most efficient and effective use of resources by setting clear priorities and establishing a clear framework to work within. However, monitoring progress against service standards in the Plan may identify additional resource is needed to enable planning enforcement to be carried out effectively within the District.

6 Recommendations

6.1 This report is noted

6.2 The planning department's performance against the Service Standards in the Local Enforcement Plan and updates on planning enforcement continue to be reported to Planning Committee on a half-yearly basis.

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</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: 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	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Richard Scott	Ext. 2264