

The Arc  
High Street  
Clowne  
S43 4JY

To: Chair & Members of the  
Planning Committee

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Friday, 26<sup>th</sup> May 2023

Dear Councillor

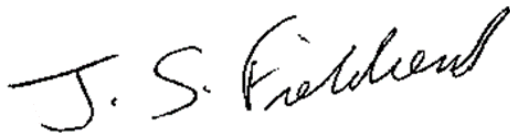
**PLANNING COMMITTEE**

You are hereby summoned to attend a meeting of the Planning Committee of the Bolsover District Council to be held in the Council Chamber on Wednesday, 7th June, 2023 at 10:00 hours.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 3.

Yours faithfully



Solicitor to the Council & Monitoring Officer

## **Equalities Statement**

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

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

### **Access for All statement**

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- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

**PLANNING COMMITTEE  
AGENDA**

*Wednesday, 7th June, 2023 at 10:00 hours taking place in the Council Chamber,  
The Arc, Clowne*

Item No.		Page No.(s)
1.	<b>Apologies for Absence</b>	
2.	<b>Urgent Items of Business</b>	
	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.	<b>Declarations of Interest</b>	
	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.	<b>Minutes</b>	4 - 13
	To consider the minutes of the last meeting held on 1 <sup>st</sup> March 2023.	
	<b><u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN &amp; COUNTRY PLANNING ACTS</u></b>	
5.	<b>22/00380/FUL - Demolition of existing bungalows and assisted living building. Replacement with 23no. new dwellings (comprising 8no. houses and 15no. bungalows), and a 20no. flat independent living building - Development Site at Woburn Close, Blackwell</b>	14 - 47
	<b><u>REPORT OF THE INTERIM HEAD OF DEVELOPMENT MANAGEMENT</u></b>	
6.	<b>Oxcroft Settlement Conservation Area</b>	48 - 89
	<b><u>REPORT OF THE INTERIM HEAD OF PLANNING POLICY</u></b>	
7.	<b>Quarterly update on Section 106 Agreement Monitoring</b>	90 - 98

## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Wednesday 1<sup>st</sup> March 2023 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Derek Adams, Allan Bailey, Nick Clarke, Jim Clifton, Chris Kane and Duncan McGregor.

Officers:- Sarah Kay (Planning Manager – Development Control), Jenny Owen (Legal Executive), Chris McKinney (Planning Policy and Housing Strategy Manager), Jonathan Gaynor (Principal Enforcement Officer), Mark Penfold (Planner) and Hannah Douthwaite (Governance and Civic Officer).

### **PL48 – 22/23. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **PL49 – 22/23. URGENT ITEMS OF BUSINESS**

There were no urgent items of business to consider.

### **PL50 – 22/23. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **PL51 – 22/23. MINUTES – 25<sup>TH</sup> JANUARY 2023**

Moved by Councillor Derek Adams and seconded by Councillor Nick Clarke

**RESOLVED** that the Minutes of a Planning Committee meeting held on 25<sup>th</sup> January 2023 be approved as a correct record.

## PLANNING COMMITTEE

**PL52 – 22/23. 21/00424/OUT - OUTLINE PLANNING APPLICATION (WITH DETAILS OF ACCESS, LAYOUT, SCALE AND LANDSCAPING SUBMITTED) FOR ERECTION OF 2 WAREHOUSE UNITS (CLASS B2/B8) UP TO 68,000 SQ. M GROSS, WITH ANCILLARY OFFICE ACCOMMODATION; CONSTRUCTION OF NEW ACCESS ROAD; PROVISION OF SERVICE YARDS AND INTERNAL VEHICLE CIRCULATION AND PARKING AREAS; ERECTION OF COVERED CYCLE PARKING AREAS, PUMP HOUSE AND SPRINKLER TANK, GATE HOUSES AND PERIMETER FENCING; ASSOCIATED DRAINAGE WORKS, SITE LEVELLING AND LANDSCAPING; AND REALIGNMENT OF EXISTING PUBLIC RIGHT OF WAY - LAND TO THE NORTH OF THE M1 AND SOUTH WEST OF OXCROFT JUNCTION WOODTHORPE ROAD SHUTTLEWOOD**

The Planning Manager presented a detailed report in relation to the above application, which sought outline approval for 2 large warehouse buildings located next to the northern side of the Markham Vale Employment Site.

The application site straddled the administrative boundaries between Chesterfield Borough Council and Bolsover District Council; Unit A was located in Bolsover District and Unit B was located in Chesterfield Borough. At its planning committee meeting held on 12th December 2022, Chesterfield Borough Council had considered the application and had resolved to grant planning permission subject to the completion of a S106 obligation.

The entrance to the site would be off the access route from the existing road serving Gist Ltd off Seymour Link Road. The proposal was expected to create approximately 880 jobs with good links to the M1.

Footpath 29 crossed the site north/south, which would be less direct if the application was to be approved, however, the new footpath would be fully surfaced.

Chris Creighton (agent) attended the meeting and spoke for the application.

Councillors queried whether the proposed development already had an end user lined up. The agent confirmed that nothing was firmly in place, however, the site itself had received a good level of interest and there was high demand for units within the area.

Local bus companies had been approached relating to routes that would serve the site but currently none wished to extend their services, however, this could change in the future if the development was approved.

Moved by Councillor Duncan McGregor and seconded by Councillor Tom Munro that the application be approved.

For the motion: 3

Against the motion: 3 (including Councillor Jim Clifton)

Abstention: 1

As the votes were tied, the Chair exercised his casting vote and voted for the application.

## **PLANNING COMMITTEE**

It was therefore **RESOLVED** that (1) the application be approved and;

(2) the Planning Manager of Development Control be given delegated authority to both formulate the final wording of the conditions (as per the current recommendation) and also to omit some of the conditions in their entirety if they do not pass the legal tests for conditions or are relevant to Chesterfield Borough only.

### **Statement of Decision Process**

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

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

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

### **Equalities Statement**

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

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

### **Human Rights Statement**

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

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

## PLANNING COMMITTEE

**PL53 – 22/23. 22/00389/FUL - EXTENSION TO STABLE BUILDING TO PROVIDE ANCILLARY FACILITIES - THE STABLES, FEATHERBED LANE, BOLSOVER, CHESTERFIELD**

The Planning Manager presented a detailed report in relation to the above application, which had been referred to the Planning Committee by Councillor Donna Hales (Bolsover North and Shuttlewood) given the concerns of local residents about the impact of the development.

The report detailed 19 objections received from local residents that raised various concerns relating to the future intentions of the stable block.

The proposed extension was considered to be in keeping with the scale, mass and design of the stable block originally approved and was not considered to harm the rural character of the area.

Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton that the application be approved.

For the motion: 6

Against the motion: 0

Abstention: 1

It was therefore **RESOLVED** that the application be approved subject to the following conditions:

1. The development must be begun before the expiration of three years from the date of this permission.
2. The development hereby approved must only be used for private use by the occupier of the land and must not be used for any trade or business use without the prior granting of planning permission by the Local Planning Authority.
3. The extension to the stables and store room hereby approved must be clad in timber and painted dark brown or dark green and the pre-coloured steel roof must be finished in dark brown, dark green or black and must be maintained as such thereafter

### Statement of the Decision Process

The proposal complies with the policies and guidelines adopted by the Council and the decision has been taken in accord with the Policies of the National Planning Policy 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

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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.

### **PL54 – 22/23.            22/00425/FUL - TRAVELLER SITE WITH 3 PITCHES - THE STABLES, FEATHERBED LANE, BOLSOVER, CHESTERFIELD**

The Planning Manager presented a detailed report in relation to the above application, which had been referred to the Planning Committee by Councillor Donna Hales (Bolsover North and Shuttlewood) given the concerns of local residents about the impact of the development.

The application was seeking approval for the change of use of land to a traveller site with 3 pitches. The proposed use was not compliant with Policy SS9 (Development in the Countryside) but met an identified need for traveller sites within the District in compliance with Policy LC5 (Applications for Gypsies, Travellers and Travelling Show People.)

The supplementary report detailed further representations that had been received since the publication of the agenda, including the submission of two photographs detailing how Featherbed Lane had changed over the last 11 years. Also included within the supplementary report were revised recommendations subject to the approval of the application.

Roger Yarwood (agent) attended the meeting and spoke for the application.

Councillor Donna Hales attended the meeting and spoke against the application on behalf of residents of Shuttlewood Road.

Members were reminded that issues concerning rights of access were a private civil matter and not a material planning consideration.

Moved by Councillor Chris Kane and seconded by Councillor Duncan McGregor that the application be approved.



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For the motion: 3

Against the motion: 3

Abstention: 1

As the votes were tied, the Chair exercised his casting vote and voted for the application.

It was therefore **RESOLVED** that the application be approved subject to the following conditions:

1. Unless within 2 months of the date of this decision, the parking and turning area has been provided on site in accordance with the amended block plan submitted via email to the Local Planning Authority on 03/11/2022, the use of the site hereby approved must cease and all equipment and materials brought onto the land for the purposes of such use must be removed until such time as the approved parking and turning is provided on site.

Upon implementation of the approved parking and turning area specified in this condition, that parking and turning area must be maintained available for its intended use thereafter.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

2. The development hereby approved is for three mobile home pitches only, laid out in accordance with the amended site plan submitted via email to the Local Planning Authority on 03/01/2022. Each pitch must only be used for the residential use of one mobile home, located as shown on the approved plan, and for the storage of one touring caravan. No residential occupation of any touring caravan is permitted within the site at any time.
3. The mobile homes on site must be single storey only.
4. The development hereby approved is for three pitches which must solely be occupied by travellers as defined as defined in "Planning Policy for Traveller Sites (2015)".
5. The development hereby approved is for residential occupation only and no trade or business must be carried out from the site.
6. Unless within 2 months of the date of this decision, full details of the septic tank and soakaway, together with the results of percolation tests which substantiate the soakaway design, has been submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the use of the site hereby approved must cease and all equipment and materials brought onto the land for the purposes of such use must be removed until such time as a scheme is approved and implemented.

The approved septic tank and soakaway specified in this condition, must thereafter be maintained for its intended use and final effluent from the septic tank must not

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connect directly to any watercourse or land drainage system and no part of the soakaway shall be sited within 10m of any ditch or watercourse.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

7. Within 2 months of the date of this decision a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) must be submitted to the local planning authority for approval. The LBEMP will provide specifications for habitat creation in line with the proposals reflected in the submitted Biodiversity Net Gain report (JM Ecology, December 2022) and to achieve a gain of no less than +0.01 habitat units (4.33%) and +0.12 hedgerow units (18.81%). The LBEMP should combine both the ecology and landscape disciplines and must be suitable to provide to the management body responsible for the site. It must include the following:-
  - a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
  - b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
  - c) Appropriate management methods and practices to achieve aims and objectives.
  - d) Prescriptions for management actions.
  - e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
  - f) Details of the body or organization responsible for implementation of the plan.
  - g) A monitoring schedule to assess the success of the habitat creation and enhancement measures
  - h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
  - i) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP must 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 LBEMP must be implemented in accordance with the approved details within an agreed time frame and if the approved plan is not implemented within that time frame, the use of the site hereby approved must cease and all equipment and materials brought onto the land for the purposes of such use must be removed until such time as a scheme is approved and implemented.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

8. Unless within 2 months of the date of this decision, details of the boundary treatment to be provided around the edge of the site hereby approved for three pitches, together with any boundary treatment details required to divide the pitches has been submitted to the local planning authority for approval, and unless the approved boundary treatment scheme is provided on site in accordance with approved details within 2 months of the local planning authority's approval, the use of the site hereby approved must cease and all equipment and materials brought onto the land for the

## PLANNING COMMITTEE

purposes of such use must be removed until such time as a scheme is approved and implemented.

If no details in accordance with this condition are approved within 4 months of the date of this decision, the use of the site hereby approved must cease and all equipment and materials brought onto the land for the purposes of such use must be removed until such time as a scheme approved by the local planning authority is implemented.

The approved boundary treatment details must thereafter be maintained in accordance with the approved details

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

9. Notwithstanding the provisions of Classes A and B of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no new accesses or boundary treatments must be installed on site unless authorised by an express grant of planning permission.
10. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no development otherwise permitted by Part 5 Class B of the Order must be erected/constructed/undertaken without first obtaining planning permission.
11. Unless within 2 months of the date of this decision, details of arrangements for storage of bins and collection of waste is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the use of the site hereby approved must cease and all equipment and materials brought onto the land for the purposes of such use must be removed until such time as the details are approved and implemented.

If no details in accordance with this condition are approved within 4 months of the date of this decision, the use of the site hereby approved must cease and all equipment and materials brought onto the land for the purposes of such use must be removed until such time as the details as approved by the local planning authority are implemented.

Upon implementation of the approved details specified in this condition, those bin storage and collection details must be maintained as such thereafter.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

12. There must be no external lighting installed on the site without the prior submission of a detailed lighting strategy for the site having been first submitted to and approved in writing by the Local Planning Authority.

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### 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.

However if these protected characteristics were not taken into account and sufficient sites provided within the district to meet an identified need in accordance with Policy LC5 of the Local Plan for Bolsover District then it may be considered that such regard had not been exercised.

### 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.

### **PL55 – 22/23. ENFORCEMENT UPDATE REPORT**

The Principal Enforcement Officer presented a 6 month update on the service targets set out in the Local Enforcement Plan (Planning) from 1<sup>st</sup> July 2022 – 31<sup>st</sup> December 2022, as well as providing an update on ongoing historic cases.

The report detailed that high priority cases would be visited on the same day that the suspected planning breach had been identified, medium priority cases would be visited within two weeks and low priority would be visited within six weeks.

During the period 1<sup>st</sup> July 2022 – 31<sup>st</sup> December 2022, 140 unauthorised activity enquiries were received. Out of these, 5 were considered high priority, 25 medium priority and 110 low priority. As a total, 97% of cases began investigation within the target time.

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Moved by Councillor Duncan McGregor and seconded by Councillor Jim Clifton

**RESOLVED** that (1) the report be noted,

(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.

The meeting concluded at 11:23 hours.

**PARISH** Blackwell Parish

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**APPLICATION** Demolition of existing bungalows and assisted living building.  
Replacement with 23no. new dwellings (comprising 8no. houses and 15no. bungalows), and a 20no. flat independent living building

**LOCATION** Development Site at Woburn Close, Blackwell

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

**APPLICATION NO.** 22/00380/FUL

**CASE OFFICER** Mrs Sarah Kay

**DATE RECEIVED** 22nd July 2022

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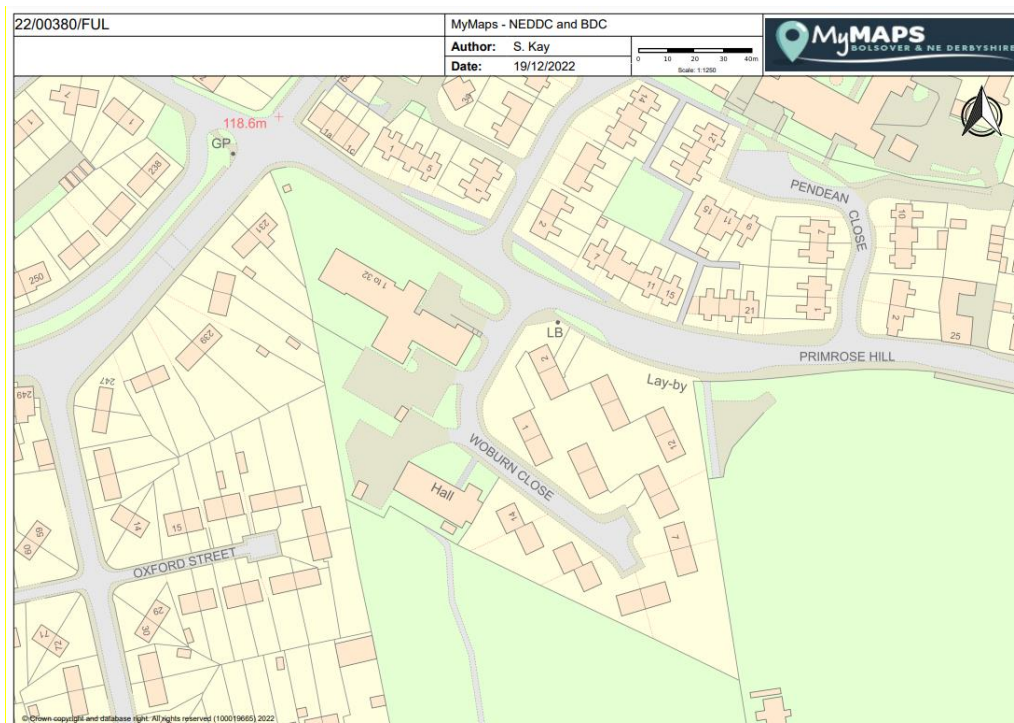
## SUMMARY

The application proposes demolition of the existing bungalows and assisted living building; and redevelopment of the site with 23 no. new dwellings (comprising of 8 no. houses and 15 no. bungalows) and a 20 no. flat independent living building.

The scheme was amended following deferral from planning committee on 25<sup>th</sup> January 2023.

In summary, the application is recommended for approval. This is considered to represent sustainable development and accord with most policy requirements, subject to the inclusion of suitable conditions.

The application has been referred to Planning Committee because the applicant is Bolsover District Council.



## SITE & SURROUNDINGS

The application site is approximately 1.4ha in area, located in Blackwell south of Primrose Hill. Woburn Close, which is an access road from Primrose Hill, lies entirely within the application site area. It is an adopted highway.



Within the site there are 20 no. existing semi-bungalows (located in the eastern half of the site), Woburn House (which is an assisted living building), and the Blackwell Community Centre. Both Woburn House and the Community Centre are located in the western half of the site).

The site adjoined to the south by allotment gardens (allocated / protected). To the west are the rear garden boundaries of properties fronting on Alfreton Road and Central Drive. To the north the site faced by the frontages of residential properties on Primrose Hill. And to the east are playing fields (allocated / protected) associated with Blackwell Miners Welfare.



Rear view of Woburn House



View of existing Community Centre



View west along Primrose Hill



View into Woburn Close



Views within Woburn Close of existing bungalows



## BACKGROUND

The applications determination was deferred by planning committee on 25<sup>th</sup> January 2023, as the applicant wanted to reconsider the proposals in consultation with the Parish Council (who at that time were a joint applicant).

The proposals originally include the demolition of the existing community centre, and a new community centre was proposed as a component of the overall sites redevelopment. The Parish Council latterly decided to withdraw from the scheme, so the application proposals were re-designed to include retention of the existing community centre.

An amended scheme was submitted in March 2023.

## PROPOSAL

The application, which is submitted in full, proposes demolition of the existing bungalows and assisted living block; and redevelopment of the site comprising:

- 23 no. new dwellings (1, 2, 3 and 4 bed); and
- A new independent living building (comprising of 20 no. 1 and 2 bed flats).



The 23 no. new dwellings will comprise of 4 different house types proposed as follows:

- 3 x 1B2P Bungalow - 1 no. detached and 2 no. semi-detached (plots 4-7 and 11)
- 12 x 2B3P Bungalow – 12 no. semi-detached (plots 2-5 and 16-23)
- 7 x 3B5P House – 3 no. detached and 4 no. semi-detached (plots 8-10 and 12-15)
- 1 x 4B7P House – detached (plot 1)



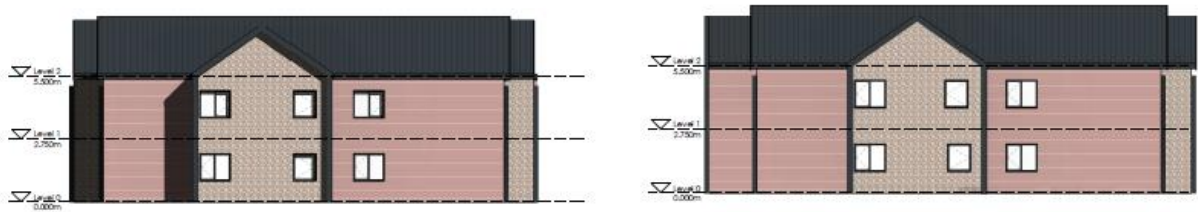
The new Independent Living Scheme (ILS) will be sited adjacent to the eastern boundary of the application site, will be a modern two storey design with accommodation laid out over two levels (GF and FF). There will be 15 no. 1 bed flats and 5 no. two bed flats laid out across the development, with complimentary operational spaces on the ground floor including a communal room and kitchen.



Proposed External 3D View - Front



Proposed External 3D View - Rear

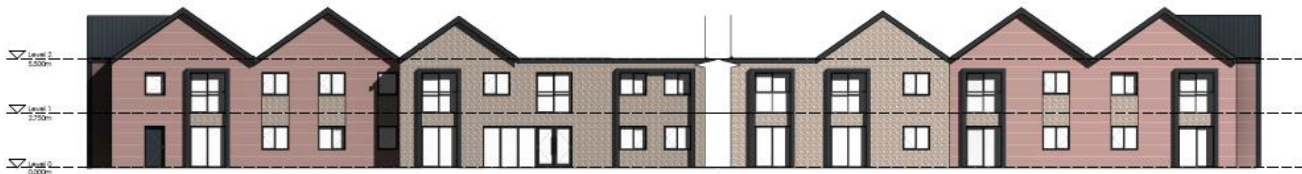


North Elevation  
1 : 100

South Elevation  
1 : 100



Front Elevation  
1 : 100



Rear Elevation  
1 : 100

Site Plans:

- 12213-WMS-30-ZZ-DR-A-13001-S8-P01- Site Location Plan
- 12213-WMS-30-ZZ-DR-A-13002-S2-P03 - Proposed Block Plan
- 12213-WMS-30-ZZ-DR-A-13003-S8-P03 - Proposed Site Plan

Dwellings:

- 12213-WMS-30-00-DR-A-13020-S8-P02 - Proposed 1B2P Detached Floor Plans
- 12213-WMS-30-00-DR-A-13040-S8-P02 - Proposed 1B2P Detached Elevations
- 12213-WMS-30-00-DR-A-13021-S8-P02 - Proposed 1B2P Semi-Detached Floor Plans
- 12213-WMS-30-00-DR-A-13041-S8-P02 - Proposed 1B2P Semi-Detached Elevations
- 12213-WMS-30-00-DR-A-13022-S8-P02 - Proposed 2B3P Semi-Detached Bungalow Floor Plans
- 12213-WMS-30-00-DR-A-13042-S8-P02 - Proposed 2B3P Semi-Detached Elevations
- 12213-WMS-30-00-DR-A-13023-S8-P02 - Proposed 2B3P Semi-Detached Bungalow with Bay Window - Floor Plans
- 12213-WMS-30-00-DR-A-13043-S8-P02 - Proposed 2B3P Semi-Detached Bungalow with Bay Window - Elevations
- 12213-WMS-30-00-DR-A-13024-S8-P02 - Proposed 2B3P L-Shape Semi-Detached

### Bungalow - Floor Plans

12213-WMS-30-00-DR-A-13044-S8-P02 - Proposed 2B3P L-Shape Semi-Detached

### Bungalow - Elevations

12213-WMS-30-00-DR-A-13026-S8-P02 - Proposed 2B3P Narrow Front Semi-Detached

### Bungalow - Floor Plans

12213-WMS-30-00-DR-A-13046-S8-P02 - Proposed 2B3P Narrow Front Semi-Detached

### Bungalow - Elevations

12213-WMS-30-00-DR-A-13027-S8-P02 - Proposed 3B5P Semi-Detached House - Floor Plans

12213-WMS-30-00-DR-A-13047-S8-P02 - Proposed 3B5P Semi-Detached House - Elevations

12213-WMS-30-00-DR-A-13028-S8-P02 - Proposed 3B5P Detached House - Floor Plans

12213-WMS-30-00-DR-A-13048-S8-P02 - Proposed 3B5P Detached House - Elevations

12213-WMS-30-00-DR-A-13029-S8-P01 - Proposed 4B7P Detached House - Floor Plans

12213-WMS-30-00-DR-A-13049-S8-P01 - Proposed 4B7P Detached House - Elevations

### Independent Living Scheme:

12213-WMS-30-00-DR-A-13032-S8-P01 - Proposed ILS - Ground Floor Plan

12213-WMS-30-01-DR-A-13033-S8-P01 - Proposed ILS - First Floor Plan

12213-WMS-30-XX-DR-A-13034-S8-P01 - Proposed ILS - 1B2P Flat Types

12213-WMS-30-XX-DR-A-13035-S8-P01 - Proposed ILS - 2B3P Flat Types

12213-WMS-30-XX-DR-A-13051-S8-P05 - Proposed ILS – Elevations

12213-WMS-30-XX-DR-A-13079-S8-P02 - Proposed ILS - 3D Views

### Engineering:

12213-WMS-30-XX-DR-C-39201-S3-P2 - DRAINAGE\_TO\_BE\_ABANDONED

12213-WMS-30-XX-DR-C-39202-S3-P3 - DRAINAGE\_LAYOUT

12213-WMS-30-XX-DR-C-39203-S3-P2 - EXISTING\_IMPERMEABLE\_AREAS- 22.12.20

12213-WMS-30-XX-DR-C-39204-S3-P2 - PROPOSED\_IMPERMEABLE\_AREAS

12213-WMS-30-XX-DR-C-39205-S3-P2 - FLOOD\_FLOW\_ROUTES

12213-WMS-30-XX-DR-C-39001-S3-P2 - LEVELS\_LAYOUT

12213-WMS-30-XX-DR-C-39501-S3-P3 - STOPPING\_UP

12213-WMS-30-XX-DR-C-39502-S3-P4 - VISIBILITY\_SPLAYS

12213-WMS-30-XX-T-C-32101-S8-P3 - DRAINAGE\_STATEMENT

### Supporting Documents:

- Design and Access Statement Rev A
- Phase I Geo-Environmental Report and Ground Investigation Report (Revised)
- Coal Mining Risk Assessment
- Ecology Survey
- Bat Survey
- Code for Sustainable Homes Assessment
- Drainage Statement
- Viability Assessment (Amended)

## AMENDMENTS

08/08/2022 – Email from agent with phase 2 report.

09/08/2022 – Email from agent with info / rebuttal to HSE comments.

23/08/2022 – Email from agent with info / rebuttal to DCC Planning Policy comments

23/08/2022 – Email from agent with drainage statement.

30/08/2022 – Email from agent with Woburn House bat report.

16/11/2022 – Email from agent with details of highway maintainable at public expense.

16/12/2022 – Email from agent with revised plans and viability assessment / information.

19/12/2022 – Email from agent with amended plans.

20/12/2022 – Email from agent with amended plan.

09/01/2023 – Email from agent with amended plans.

18/01/2023 – Email from agent with amended plans.

28/03/2023 – Email from agent amending the application description, inc. new application form and amended plans.

11/04/2023 – Email from agent with amended plans.

12/04/2023 – Email from agent with viability appraisal.

## EIA SCREENING OPINION

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

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

08/00275/FUL	Granted Conditionally	Alteration to window to form new entrance doorway.
23/00066/DETDEM	Prior Approval	Demolition of bungalows

	Not Required	
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## CONSULTATIONS

### **BDC Engineers – 11/08/2022 and 18/04/2023**

- comments received advise that SuDS design should be accepted by LLFA and an Operation and Maintenance Plan be required to ensure details on lifetime management and maintenance are acceptable.
- note the presence of a public sewer which crosses the site, and applicant should be made aware of potential for unmapped sewers to also exist.
- all proposals need to comply with Part H of Building Regs.
- developer to be made aware that works should not alter structure or surface of the ground and temporary drainage arrangements should be in place throughout the construction phase to prevent surface water runoff to neighbours and highway.
- no further comments to make on amended scheme.

### **BDC Leisure**

- no comments received.

### **BDC Environmental Health – 05/08/2022, 17/08/2022, 03/01/2023 and 17/04/2023**

- following review of the phase 2 report they noted that it recommended further delineation to establish the extent of TPH's. They advised that this should be done alongside additional sampling after demolition works on site. A ground gas assessment was also outstanding.
- The EHO then confirmed that following receipt of the ground gas results and exchanges with the agent regarding the timing of the additional SI's (post demolition) he was happy to recommend a series of conditions to deal with any outstanding site investigations and remedial works that might be needed.
- Further comments from a different EHO were received following consultation on the amended scheme. These comments reiterated the need for further site investigations and any necessary remediation / validation.

### **Blackwell Parish Council – 05/04/2023**

- Unable to make a comment due to the interest they played previously in the application.

### **Chesterfield Royal Hospital – 10/10/2022**

- request that S106 impact on health be considered, as their initial modelling suggests that the impact of this development is up to £56k.
- no further comments made on amended scheme.

### **Coal Authority – 15/08/2022 and 11/04/2023**

- confirm that the application is supported by a coal mining risk assessment that correctly identifies risk posed by potential unrecorded mine workings;
- the CMRA recommends borehole testing on site (to be conditioned as pre-commencement requirements and follow up validation) and provides further advice on potential mine gas and the effective operation of SuDS alongside the development proposals.

- Further comments were received from the CA, in response to the borehole testing that had been undertaken on site. The result of which were considered by the CA and resulted in them making a recommendation for the addition of 2 no. conditions relating specifically to coal mining legacy.

**DCC Highways (Local Highways Authority) – 04/08/2022 (referral), 18/08/2022, 05/01/2023, 09/01/2023, 12/01/2023 and 05/05/2023**

- initial comments were made by the LHA seeking clarification whether the access would be sought for S38 adoption, as the plan did not show the extent of this. They also commented that no visibility splays were marked on plans internally or to Primrose Hill. Road widths, parking bays and servicing arrangements all seemed to be acceptable to the LHA, but they required vehicle turning / tracking to be demonstrated.
- Further detailed were submitted by the applicant. The LHA commented:
  - an application for the Stopping up of the existing Highway Maintainable at Public Expanse (HM@PE) will need to be made under Section 247 of the Town and Country Planning Act (T&CPA).
  - Only splays of 2.4m x 19m have been shown on drawing 39502-S3-P1, please explain the reduction from the requested 2.4m x 43m.
  - Carriageway and footway measurement should be annotated on plans.
  - Refuse tracking appears to show reliance on land not being put forward for adoption by the LHA.
- Amended details were provided by the applicant to address the comments made above. A stopping up application will be made in due course. And the reliance upon some of the private driveway is accepted as the refuse collection service will be undertaken by BDC, where the site and the development being served will also be owned by BDC, so no third party liability issues are raised.
- Further comments were received from the LHA following consultation on the amended scheme. They reiterated the need for the development to be the subject of stopping up and the new highway layout future adoption. But were satisfied these matters could be dealt with by appropriate planning conditions.

**DCC Flood (Lead Local Flood Authority) – 07/12/2022, 14/12/2022 and 22/05/2023**

- initial comments made by the LLFA sought further information from the applicant in respect of the proposed restriction of run off rates (inc. storage volumes and hydraulic calculations), greenfield run off calculations, intensions for dealing with current run off conditions and proof of connection agreement to existing infrastructure.
- Further correspondence then took place between the applicant and the LLFA, who confirmed they were happy to agree a compromise with a reduction of 50% of existing discharge rate. They asked the applicant to provide the following further information:
  - Approval from STW required for the connection and proposed discharge rate into existing surface water public sewer.
  - A plan of the existing drainage system showing catchment areas, impermeable areas and details of the depth, size and gradient of all pipes which control the existing flow rate from the site. To include CCTV survey.
  - Assessment and calculation for 1 in 1yr, 30yr and 100yr critical storm events showing the existing peak flow rates from the existing system pipes which control discharge from the site – note these may not be the last pipes if upstream features control.
  - There is a risk of surface water flows entering the site from primrose Hill, surface

water could flow down and through the site, there are currently bungalows proposed in the current flow route. Information to be provided on how this will be mitigated against the risk of surface water flows.

- Further details in response to the comments above were received on 09/01/2023 and the LLFA were re-consulted.
- Following receipt of the amended scheme the LLFA provided further comments on the latest proposals confirming that they have no objections in principle to the scheme subject to the imposition of three conditions.

### **DCC Planning Policy – 23/08/2022, 12/01/2023 and 17/04/2023**

- Initial comments made by DCC Planning included a request for secondary education provision amounting to £136,860.35 towards the provision of 5 secondary places at Tibshelf Community School + additional education facilities.
- A rebuttal to this request was made by the agent on the basis that the request did not account for the fact that the contributions have been calculated based on 24 dwellings (42-18no. 1 bed). However as this is a 100% social housing scheme for affordable rent properties, in the control of the local authority, we know that all of the flats and bungalows are reserved for older residents or those with mobility issues. These dwelling types will not be for families and therefore would have no impact on the educational facilities in the area. There are a total of 4no. family houses included within the scheme. In this instance, considering the factors above, could the contributions please be calculated based on the family houses rather than all dwellings on the scheme? It should also be noted that this scheme is replacing existing facilities, and actually demonstrates a loss of accommodation overall, reducing from 32 flats and 20 bungalows (52no. total) to 20 flats and 22 dwellings (42no. total). Therefore, the development of this site should place no additional burden on the local infrastructure.
- Further comments and consideration of the above rebuttal were sought from DCC who subsequently confirmed that on the basis of the net additional dwellings across the site not exceeding 10 no. dwellings, no DCC Education contribution is to be sought.
- no further comments made on amended scheme.

### **Derbyshire Wildlife Trust – 27/09/2022**

- confirm that sufficient information has been submitted to determine the application;
- ack. that no biodiversity metric has been submitted, but consider that a resultant net gain is to be expected providing there is not loss of hedgerow and flowering lawn turf is used;
- demolition should follow method statement for bungalows 13 and 14 (with compliance cert. required by condition);
- appropriate mitigation for nesting birds 1<sup>st</sup> March – 31<sup>st</sup> Aug is required by condition alongside a fully detailed lighting strategy; and
- prior to any works above foundation level, an ecological enhancement plan shall be submitted for approval.
- no further comments made on amended scheme.

### **Derbyshire Swift Conservation Project – 10/10/2022**

- note the intended provision of 6 no. sparrow boxes, 6 no. starling boxes and 10 no swift boxes – as per the ecological proposals detailed in the application;
- however request that if 22 no. nest units are to be provided, they are of a universal design to optimize their usage by all declining urban species and are ideally bricks not

- boxes; and
- furthermore suggest that nesting units should be increased as per best practice and further enhancement and be provided on 1:1 ratio – so the provision should be increased to 42 no. units altogether.
- no further comments made on amended scheme.

### **Designing Out Crime Officer (Derbyshire Constabulary) – 15/08/2022 and 11/04/2023**

- initial support the proposed redevelopment of the site, as an opportunity to deal with historical ASB issues around the CC;
- noted the general layout, treatments and boundaries generally accord with designing out crime principles, but had some queries;
- further comments made on the revised scheme (re-design and retention of the existing CC) said the design was inferior to the previous ones, as the existing CC and Allotment access caused ASB issues at present;
- However accept that the retention of the existing CC is not in fact development, and is likely to be because of financial viability constraints;
- Comment the remainder of the site, including the relocated housing portion is acceptable, and does not require further comment.

### **Health & Safety Executive (Explosives) – 08/08/2022 and 31/03/2023**

- note that the site falls within the SD3 distance to the nearby licensed explosive site, but outside SD2; and
- have no comments to make provide that the development is not a ‘vulnerable building<sup>1</sup>’.
- The applicant confirmed 09/08/2022 that their development did not meet any of the HSE criteria.
- no further comments made on amended scheme.

### **NHS Derby and Derbyshire Integrated Care Board / Joined Up Care Derbyshire – 10/08/2022**

- Confirmed they will not be requesting a contribution as the development falls under their threshold.
- no further comments made on amended scheme.

*All consultation responses are available to view in full on the Council’s website.*

## **PUBLICITY**

The application has been advertised in the local press, site notices have been posted, and 74

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<sup>1</sup>

(a) a building of more than 3 storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5m<sup>2</sup> and extending over more than 50% or 120m<sup>2</sup> of the surface of any elevation;

(b) a building of more than 3 storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m<sup>2</sup> and extending over at least 50% of any elevation;

(c) a building of more than 400m<sup>2</sup> plan area with continuous or individual glazing panes larger than 1.5m<sup>2</sup> extending over at least 50% or 120m<sup>2</sup> 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.



neighbouring properties were consulted.

As a result of the applications initial publicity period one representation was received as follows:

- Concerns re: overlooking from plot 1, and loss of privacy to adj garden due to application site being elevated above adj garden level;
- A large 4 bed 7 person property will not be in keeping with all the other proposed 1 and 2 bed properties;
- The junction of Primrose Hill and Alfreton Road is dangerous and more development will make it worse (both during and after construction);
- The demolition works will cause significant noise and disturbance to existing surrounding residents; and
- Landscaping on site is already poorly maintained (by the Council) and has caused significant damage to adjoining fences. Assurance is sought that this would be rectified if development were to go ahead.

After the application proposals were amended in March 2023 the application was re-publicised by advertisement, site notice and neighbour notification.

No further representations were received.

*All public responses are available to view in full on the Council's website.*

## **POLICY**

### Local Plan for Bolsover District 2020 ("the adopted Local Plan")

Planning law requires that applications for planning permission be determined in accordance with 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 Distribution of Development
- LC2 Affordable Housing
- LC3 Type and Mix of Housing
- SC1: Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC7 Flood Risk
- SC9 Biodiversity and Geodiversity
- SC10 Trees, Woodland and Hedgerows
- SC11 Environmental Quality (Amenity)
- SC13 Water Quality
- SC14 Contaminated and Unstable Land
- ITCR3 Protection of Footpaths and Bridleways
- ITCR5 Green Space and Play Provision
- ITCR7 Playing Pitches
- ITCR9 Local Transport Improvement Schemes (a) Development of cycle network
- 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:

- Chapter 2: Achieving sustainable development
- Paragraphs 47-48: Determining applications
- Paragraphs 55-58: Planning conditions and obligations
- Paragraphs 92, 93, 95 and 97: Promoting healthy and safe communities
- Paragraphs 104-108: Promoting sustainable transport
- Paragraphs 110- 113: Considering proposals – traffic impacts
- Paragraph 119, 120, 122 and 123: Making effective use of land
- Paragraph 124 and 125: Achieving appropriate densities
- Paragraphs 126-132 and 134: Achieving well-designed places
- Paragraph 152, 154 and 157: Meeting the challenge of climate change
- Paragraph 159 167 and 169: Planning and Flood Risk
- Paragraphs 174, 180 and 182: Conserving and enhancing the natural environment
- Paragraphs 183-188: Ground conditions and pollution

### Supplementary Planning Documents

*Successful Places: A Guide to Sustainable Housing Layout and Design, Adopted 2013:*

The purpose of the Successful Places guide is to promote and achieve high quality residential development within the District by providing practical advice to all those involved in the design, planning and development of housing schemes. The guide is applicable to all new proposals for residential development, including mixed-use schemes that include an element of housing.

## **ASSESSMENT**

### Key issues

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

- the principle of the development
- the visual impact of the proposed development inc. residential amenity
- whether the development would be provided with a safe / suitable access and impacts on highway safety
- drainage / flood risk
- land condition / contamination
- biodiversity
- impacts upon local infrastructure

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

### Principle

The application site is located entirely within the development envelope of Blackwell and given the nature of the application proposals (which include demolition and redevelopment) the application site can also be regarded as previously developed land (PDL).

Blackwell is identified in the adopted Local Plan as a Rural: Small Village, where limited infill development is considered to be acceptable. In addition the redevelopment of PDL for housing (in particular the provision of housing for older people and specialist housing provision – such as an ILS) is regarded as entirely appropriate in principle – this is supported in the context of policy LC3 of the Local Plan.

As a Rural: Small Village Blackwell is served by some local amenities and public transport connections, so in the context of policy SS1 of the Local Plan the principle of development is further supported.

### Visual impact of the proposed development inc. residential amenity

Alongside the applications detailed design drawings, the submission is accompanied by a Design and Access Statement (DAS) which sets out the evolution of the application proposals design and the considerations of the evolving design and appearance of the development to meet the Applicant / Operator's needs and address local character / distinctiveness. The applicant engaged in pre-application discussions prior to the formal submission of this application.

Alongside consideration of advice contained in the Council's adopted Supplementary Planning Document 'Successful Places' - Housing Layout and Design Guide and Policy SC2 and SC3 of the Local Plan the details of the proposed site layout have undergone a number of variations / iterations since submission. These changes respond to various consultee comments and other site constraints, leading to the latest site layout proposed (Rev P03 Amended) being prepared for consideration.

A series of artist impressions appear throughout the DAS which illustrate the selected materials, finishes and landscaping ambitions for the scheme. These illustrate the choice of red brick, dark grey cladding and tiles across the site for the residential dwellings and feature sandstone sections are also incorporated in the ILS building.





4 Bed Dwelling from the junction of Primrose Hill and Alfreton Road.



Bungalows from Public Footpath



View of Independent Living Scheme Building



Entrance of Independent Living Scheme Building.



View from end of Car Park towards Independent Living Scheme Building.

The use of a cohesive palette of materials will ensure that the development as a whole establishes its own identity, the colour / palette of materials is complimentary to the wider character of Primrose Hill and Alfreton Road. The final specification of walling / roofing materials can be agreed by planning condition.

The scale and architectural style of the house types which are proposed are all in general considered to be acceptable, having regard to the fact there is a varying character to Primrose Hill and Blackwell in general. The more contemporary design of the ILS is considered to be appropriate in terms of scale, siting and appearance.

It is noted that the proposals look to retain some of the mature landscaping on site, alongside a complimentary new soft landscaping scheme (the final details of which will need to be

agreed by way of planning condition).

The site layout indicates that all individual dwellings will be provided with private amenity gardens that are all in excess of the minimum recommended standards set out in the SPD Housing Layout and Design Guide. Similarly the ILS facility will have a private courtyard and garden area that will be available for communal use by the occupants of these units.

Overall it is considered in the context of policies SC2 and SC3 of the Local Plan that the design and layout of the revised scheme is considered to be acceptable.

### Access and highway safety

As submitted the application proposals seek to maintain the access junction between Woburn Close and Primrose Hill, but the internal layout of the site and the highway will be amended to take account of the site redevelopment.

Woburn Close is an adopted public highway, and therefore its current alignment cannot be altered with sections of the adopted highway being abandoned or built over, without the Applicant seeking a Stopping up Order for the sections of highway affected by the proposal. As the proposals include new sections of highway as well, the proposals also rely upon the new parts of the highway being adopted under S38 of the Highways Act.

The plan below illustrates the various components of the new scheme that will be affected by the above requirements.



The Local Highways Authority (LHA) have been consulted on the application proposals, and they sought assurances how the Stopping up Order can be required through the planning

process if the application is determined without the Order being in place.

The Applicant has confirmed that the development will be progressed in phases, as the sequence of demolition aims to avoid wherever possible displacing any current residents. The Applicant has indicated that they need some degree of flexibility to allow demolition and site clearance works to commence, and alongside this they will progress seeking the relevant Stopping up Order to the adopted highway.

Ultimately the Applicant will not be able to implement the development as approved without the Stopping up Order being agreed (for example the southern gable end of the ILS building overlays the extent of the current adopted highway), so whilst the LHA are still uneasy about a permission being issued that might not be implementable (if the Stopping up Order isn't agreed) this risk lies entirely with the Applicant – which they accept. Appropriate planning conditions can be imposed on any decision issued to this affect.

Turning to the layout and geometric design of the new estate road as detailed, the carriageway and footways appear to meet the LHA required dimensions – but these will be confirmed alongside any S278 / S38 agreement needed from the LHA under the Highways Act. For the purposes of highway / public safety the dimensions are adequate and the drawings submitted illustrate that adequate visibility splays are maintained to Primrose Hill and provided within the new estate road layout.

The overall site layout shows that the estate road provides for sufficient refuse vehicle turning (tracking is provided) and each individual dwelling has its own dedicated off street parking (each plot has 2 no. parking spaces). The ILS will be provide with a car parking area that includes 19 no. car parking spaces. This provision is considered to generally accord with parameters set in Appendix 8 of the Local Plan. Appropriate conditions will be imposed on any decision issued to secure respective parking, turning and manoeuvring spaces as described above.

Overall it is considered that the impacts of the development proposals upon the wider highway network are acceptable, and there is no reason to suggest the development will result in a detriment to local highway safety. Furthermore the proposed site layout is laid out to meet with the carriageway standards of the Local Highways Authority such that the site will be served by a safe access.

### Drainage and flood risk

The application is accompanied by a Drainage Statement and detailed drawings illustrating the proposed redevelopment of the site will be connected to mains foul and surface water infrastructure. Owing to the fact the proposals include demolition of existing buildings and the entire sites redevelopment, the proposals will include abandoning existing sewer lines and incorporating new sewer lines across the site. These works will be completed under a S106 agreement with the relevant Water Authority.

The Drainage Statement accompanying the application confirms that SuDS cannot be delivered across the site due to the required stand off for any soakaway infrastructure from built development or highway infrastructure. In addition (in line with the H3 Building Regs hierarchy) the nearest watercourse connection is some distance from the site and relies upon

intervening third party land, so this type of connection has also been discounted.

Discharge to public sewer is therefore the proposed solution, which has undergone a series of iterations in consultation with the LLFA and Water Authority. These iterations have been amended to take account of an agreed discharge run off rate and are agreed with the LLFA subject to implementation as agreed.

This solution would ensure the drainage proposals and their detailed specification are accepted (subject to conditions recommend by several consultees), and therefore in this regard it is considered that the development proposals can be adequately drained and manage potential surface water flood risk in accordance with the provisions of policy SC7 of the Local Plan.

#### Land condition / contamination

The application is supported by a Phase I Geo-Environmental Report and Ground Investigation Report (Revised) which have been considered by colleagues in Environmental Health having regard to the sites former / historic use and the nature of the proposed development.

The conclusions of the Report are that the site does not pose any threat or harm to existing residents or future uses arising from site contamination that cannot be mitigated through adequate site preparatory works. Environmental Health colleagues (EHO) have confirmed that they would like to see further investigations results post demolition and subject to a condition requiring works to proceed on the basis of the Report recommendations and the further finding of these additional SI's they are happy the development can proceed.

The Applicant has indicated that the development will proceed in phases (to avoid displacement of any occupiers of current bungalows and assisted living units where possible), and therefore the EHO has agreed that a phasing plan and phased site remediation strategy with sign off prior to occupation is acceptable.

In addition to the above, the Coal Authority has also reviewed the application submission and in particular the borehole testing results that accompany the application. The results has found that sit is affected by coal mining legacy that will require further investigation and potential site mitigation.

Overall subject to conditions to ensure that the requirements of the EHO and Coal Authority are achieved, it is considered that the requirements of policy SC14 of the Local Plan will be met.

#### Biodiversity

In order to consider the impacts of the development proposals upon biodiversity the application submission is supported by an Ecology Survey (inc. Bat Survey). These reports establish the baseline conditions of the application site in respect of biodiversity and in the context of Policy SC9 of the Local Plan developments are required across the district to demonstrate that there will be no overall loss of biodiversity.

The Survey works undertaken has been reviewed by Derbyshire Wildlife Trust (DWT). They have confirmed that ecological constraints at the site are limited and advise that sufficient information has been submitted to determine the application.

They advise that whilst a biodiversity metric has not been completed for this site to formally quantify losses and gains, existing habitats are of low value and they consider that the recommendations provided in Section 5.5.2 of the Survey are likely to result in a net gain, providing there is no net loss of hedgerow and that a flowering lawn turf is used (at least in communal areas).

Section 5.5.2 recommends the installation of bird and bat boxes, a hedgehog highway, and habitat enhancement measures inc. native trees / hedgerows, wild flower seeding to public / communal areas where possible. On this basis DWT have recommended a series of conditions that can be imposed on the final decision in accordance with the wider provisions of the NPPF and policy SC9 of the Local plan.

### S106 / Local infrastructure demands

#### *Affordable Housing*

Under the provisions of policy LC2 of the Local Plan a contribution towards affordable housing shall be sought for schemes delivering 25 or more dwellings. This scheme does deliver 23 no. new dwellings and 20 no. flats within the ILS, but taking into account the relative no. of units to be demolished across the site there is fact a comparative net loss of 12 no. flats and a net gain of 3 no. dwellings overall. In addition the Applicant is the Local Authority, who have confirmed that the scheme will be a 100% social housing development.

Having regard to the above, it is considered that the scheme is considered policy compliant under the provisions of policy LC2 of the Local Plan. Furthermore policy LC3 encourages development of a ranging type and mix of housing – which this scheme achieves across its delivery of new dwellings and a new ILS development.

#### *Recreation and Leisure*

Policy ITCR5 expects residential developments of more than 10 units to make reasonable financial contributions either for new green spaces, or to improve green spaces, falling within specified walking distances of a site, with a view to achieving a 60% quality standard for green spaces. Policy ITCR7 also seeks contributions to existing playing pitches where improvements to them are needed from developments of 10 or more dwellings, to achieve an ‘average’ standard for playing pitches.

The Leisure Officer was consulted on these applications proposals, but no formal request for any contributions were made. This is likely to be owing to the fact the scheme involves demolition and replacement development that is unlikely to generate a greater demand in the local area for either facility (as it results in less development overall).

#### *Education*

Derbyshire County Council had originally stated that there would be an anticipated education



demand arising from the development proposals. Their analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 6 primary pupils arising from the proposed development; however the normal area secondary school would not have sufficient capacity to accommodate the 5 secondary pupils arising from the proposed development. The County Council therefore requested a financial contribution of £136,860.35 towards the provision of 5 secondary places at Tibshelf Community School + additional education facilities.

Notwithstanding the above, it didn't appear clear from the initial comment made by DCC Education that they had taken into account the net loss of dwellings no's across the site bought about by the sites demolition / clearance proposals.

DCC Education were invited to reconsider their comments and request on this basis. They responded to confirm they had reconsidered the application and would not be seeking an Education contribution.

### Health

There has been no request from the Clinical Commissioning Group for any contributions towards local health care provision.

Chesterfield Royal Hospital (CRH) has commented that Section 106 impact on health [should] be considered.

In this respect, policy II1 states that "...planning obligations will be sought where ...development would create a need for additional or improved infrastructure...on a case by case basis...guided by the latest version of the Council's Infrastructure Study and Delivery Plan."

Whilst the policy does provide for 'necessary and relevant' contributions to both primary and secondary healthcare, it is not accepted that this request meets the necessary legal tests for contributions. This is because the CRH request doesn't appear to have taken into account the net loss of dwellings no's across the site bought about by the sites demolition / clearance proposals.

### **CONCLUSION**

The proposal is considered to be acceptable in principle given that the site is located in the development envelope and constitutes redevelopment of PDL.

The residential designs proposed are considered to be good and compliant with Successful Places design guide. The provision of additional housing is welcome and there are no significant amenity impacts likely that cannot be dealt with by condition.

No other environmental impacts have been identified that would warrant the refusal of planning permission.

The proposed development therefore accords with the policies of the local plan as well as the

## RECOMMENDATION

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

01. The development shall be begun before the expiration of three years from the date of this permission.

*Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*

02. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents, unless specifically stated otherwise in the conditions below:

### Site Plans:

12213-WMS-30-ZZ-DR-A-13001-S8-P01- Site Location Plan  
12213-WMS-30-ZZ-DR-A-13002-S2-P03 - Proposed Block Plan  
12213-WMS-30-ZZ-DR-A-13003-S8-P03 - Proposed Site Plan

### Dwellings:

12213-WMS-30-00-DR-A-13020-S8-P02 - Proposed 1B2P Detached Floor Plans  
12213-WMS-30-00-DR-A-13040-S8-P02 - Proposed 1B2P Detached Elevations  
12213-WMS-30-00-DR-A-13021-S8-P02 - Proposed 1B2P Semi-Detached Floor Plans  
12213-WMS-30-00-DR-A-13041-S8-P02 - Proposed 1B2P Semi-Detached Elevations  
12213-WMS-30-00-DR-A-13022-S8-P02 - Proposed 2B3P Semi-Detached Bungalow Floor Plans  
12213-WMS-30-00-DR-A-13042-S8-P02 - Proposed 2B3P Semi-Detached Elevations  
12213-WMS-30-00-DR-A-13023-S8-P02 - Proposed 2B3P Semi-Detached Bungalow with Bay Window - Floor Plans  
12213-WMS-30-00-DR-A-13043-S8-P02 - Proposed 2B3P Semi-Detached Bungalow with Bay Window - Elevations  
12213-WMS-30-00-DR-A-13024-S8-P02 - Proposed 2B3P L-Shape Semi-Detached Bungalow - Floor Plans  
12213-WMS-30-00-DR-A-13044-S8-P02 - Proposed 2B3P L-Shape Semi-Detached Bungalow - Elevations  
12213-WMS-30-00-DR-A-13026-S8-P02 - Proposed 2B3P Narrow Front Semi-Detached Bungalow - Floor Plans  
12213-WMS-30-00-DR-A-13046-S8-P02 - Proposed 2B3P Narrow Front Semi-Detached Bungalow - Elevations  
12213-WMS-30-00-DR-A-13027-S8-P02 - Proposed 3B5P Semi-Detached House - Floor Plans  
12213-WMS-30-00-DR-A-13047-S8-P02 - Proposed 3B5P Semi-Detached House - Elevations  
12213-WMS-30-00-DR-A-13028-S8-P02 - Proposed 3B5P Detached House - Floor Plans

12213-WMS-30-00-DR-A-13048-S8-P02 - Proposed 3B5P Detached House - Elevations  
12213-WMS-30-00-DR-A-13029-S8-P01 - Proposed 4B7P Detached House - Floor Plans  
12213-WMS-30-00-DR-A-13049-S8-P01 - Proposed 4B7P Detached House - Elevations

Independent Living Scheme:

12213-WMS-30-00-DR-A-13032-S8-P01 - Proposed ILS - Ground Floor Plan  
12213-WMS-30-01-DR-A-13033-S8-P01 - Proposed ILS - First Floor Plan  
12213-WMS-30-XX-DR-A-13034-S8-P01 - Proposed ILS - 1B2P Flat Types  
12213-WMS-30-XX-DR-A-13035-S8-P01 - Proposed ILS - 2B3P Flat Types  
12213-WMS-30-XX-DR-A-13051-S8-P05 - Proposed ILS – Elevations  
12213-WMS-30-XX-DR-A-13079-S8-P02 - Proposed ILS - 3D Views

Engineering:

12213-WMS-30-XX-DR-C-39201-S3-P2 - DRAINAGE\_TO\_BE\_ABANDONED  
12213-WMS-30-XX-DR-C-39202-S3-P3 - DRAINAGE\_LAYOUT  
12213-WMS-30-XX-DR-C-39203-S3-P2 - EXISTING\_IMPERMEABLE\_AREAS-22.12.20  
12213-WMS-30-XX-DR-C-39204-S3-P2 - PROPOSED\_IMPERMEABLE\_AREAS  
12213-WMS-30-XX-DR-C-39205-S3-P2 - FLOOD\_FLOW\_ROUTES  
12213-WMS-30-XX-DR-C-39001-S3-P2 - LEVELS\_LAYOUT  
12213-WMS-30-XX-DR-C-39501-S3-P3 - STOPPING\_UP  
12213-WMS-30-XX-DR-C-39502-S3-P4 - VISIBILITY\_SPLAYS  
12213-WMS-30-XX-T-C-32101-S8-P3 - DRAINAGE\_STATEMENT

*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.*

03. Before the construction of the development above foundation level commences on site, samples of the exterior wall and roof materials must be submitted to and approved in writing by the Local Planning Authority. The development must be constructed using the approved materials and must be maintained as such thereafter.

*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.*

Land Contamination / Condition

04. Prior to the occupation of the development hereby approved the additional site investigation works as identified in report Ref NE4057A submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

Where the submitted site investigations identify unacceptable levels of contamination,

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 shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall 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.

The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

*Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.*

05. No dwellings or buildings hereby approved shall be occupied until:

- a) The approved remediation works required by condition 4 above have been carried out in full in compliance with the approved methodology and best practice.
- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated to the satisfaction of the LPA and through the process described in condition 4 above.
- c) Upon completion of the remediation works required by condition 4 above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

*Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water.*

06. No development shall commence (excluding the demolition of existing structures and site clearance) until;

- a) a scheme of further intrusive investigations has been carried out on site to fully establish the risks posed to the development by past shallow coal mining activity;

and

- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

*Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water, having regard to coal mining legacy.*

- 07. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

*Reason: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water, having regard to coal mining legacy.*

### Biodiversity

- 08. The Method Statement detailed in Section 5.2.2 of the Ecology Survey and Code for Sustainable Homes report (CGC Ecology, February 2022) shall be implemented in full during demolition of Bungalows 13 and 14. A short statement of compliance shall be submitted to the LPA upon completion of works to discharge this condition.

*Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.*

- 09. No stripping, demolition works or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

*Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.*

10. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. Lightspill to trees, hedgerows, bat boxes and adjacent offsite habitats shall be avoided. The Strategy shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

*Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.*

11. Prior to building works commencing above foundation level, an Ecological Enhancement Plan shall be submitted to the LPA for approval. This shall expand upon the recommendations in Section 5.5.2 of Ecology Survey and Code for Sustainable Homes report (CGC Ecology, February 2022) and provide sufficient information to ensure these enhancements are implemented during construction. The approved Plan shall be implemented in full and features maintained in perpetuity.

*Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the Local Plan for Bolsover District.*

## Drainage

10. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
  - a. Revised Drainage Statement, Ref No: 12213-WMS-30-XX-T-C-32101-S8-P3, Date of Document: March 2023 “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team; and
  - b. DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015).have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.*

11. Prior to commencement of the development, 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.

*Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.*

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 approved 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).

*Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753 and to accord with policy SC2 and SC7 of the Local Plan for Bolsover District.*

### Hard and Soft Landscaping

13. 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, 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.

If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

*Reason: To ensure that satisfactory landscaping is provided within a reasonable period in the interests of visual amenity and in compliance with policy SC9 and SC3 of the Bolsover District Local Plan.*

### Highways

14. No development shall commence until a Construction Management Statement/Plan has been submitted to and approved in writing by the Local Planning Authority. The statement/plan shall include details specifically relating to, but not limited to, arrangements for the following in respect of each phase of the work:
  - a. Details of temporary construction access, including geometry, construction within highway limits and visibility sightlines and also arrangements for the removal of any temporary access arrangements on completion of construction activities,
  - b. parking for vehicles of site personnel, operatives and visitors,
  - c. site accommodation,
  - d. storage of plant and materials clear of the highway,

- e. routes for construction traffic to and from the site and measures to ensure adherence to the approved routing plan for vehicles under the applicant's / developer's control,
  - f. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway,
  - g. provision of roadside boundary hoarding behind any visibility zones and
  - h. any proposed temporary traffic management,
  - i. a programme of measures to minimise the spread of airborne dust from the site during construction periods,
  - j. A limit to construction works on the site and deliveries to the site of between the hours of 7.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday, with no work undertaken on site or deliveries to the site on Sundays or public holidays.
- Only the approved details shall be implemented, which shall be maintained throughout the construction period.

*Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway and to accord with policy SC3 of the Local Plan for Bolsover District.*

15. Prior to occupation of any dwelling or building deriving access to or from Woburn Close, the permanent access arrangements shall be laid out (in accordance with the application drawing no. 12213-WMS-30-ZZ-DR-A-13003-S8-P03 - Proposed Site Plan), fully constructed within highway limits (which may require relevant Stopping up Orders and S38 agreements to be in place), drained, lit, provided with white lining and tactile paving (where appropriate), and provided with visibility splays of 2.4m x 43m in each direction, both measured to the nearside edge of the carriageway. The area in advance of the sightlines being laid out as an extension of the existing footway and constructed in a solid bound material and not forming part of any adjoining plot, or other sub-division of the site.

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

16. Prior to the first occupation of each dwelling, space shall be provided for the parking of vehicles associated with that dwelling, in accordance with the approved plans (in accordance with the application drawing no. 12213-WMS-30-ZZ-DR-A-13003-S8-P03 - Proposed Site Plan), and such space shall be maintained thereafter free of any impediment to its designated use.

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

17. Before works to create a new estate street take place, construction details of the residential estate streets and footways (including layout, levels, gradients, surfacing and means of surface water drainage via a positive gravity-fed system discharging to a public sewer, highway drain or watercourse) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details. For the avoidance of doubt the applicant is advised to agree the construction details with the Highway Authority prior to discharging this condition.



*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

18. Prior to the first occupation of each dwelling hereby permitted, the new street between each respective plot and the existing public highway shall be laid out in accordance with the plans approved under the above condition, constructed to at least base level, drained and lit. 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 carriageway and footways in front of each respective plot shall be completed with the final surface course within 12 months (or 3 months in the case of a shared surface road) from the first occupation of that plot.

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

19. No gates, including any part of their opening arc, shall be permitted to open outwards over the adjoining footway areas / highway. Any gates shall be set-back into the site an appropriate distance or shall open inwards only.

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

20. No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under Section 38 of the Highways Act (1980).

*Reason: In the interests of highway safety and to accord with policy SC3 of the Local Plan for Bolsover District.*

21. An electric vehicle charging point shall be provided on the exterior of each dwelling hereby approved, before the dwelling is first occupied.

*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 adopted Local Plan for Bolsover District.*

### **Advisory/Informative Notes**

01. Local Highways Authority

- i. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy,

Transport and Communities Department at County Hall, Matlock. The applicant is advised to allow at least 16 weeks in any programme of works to obtain a Section 38 Agreement.

ii. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

iii. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

iv. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Street-works Act 1991 prior notification shall be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website [http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp), Email - [ETENetmanadmin@derbyshire.gov.uk](mailto:ETENetmanadmin@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190.

v. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This normally takes the form of a cash deposit equal to the calculated construction costs of the street and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980. Where the developer wishes for the development to remain private it is expected that the streets are constructed to an acceptable standard and a management company set up, by the developer, to take on the future maintenance responsibilities for the estate streets on the development.

vi. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority and the works being covered by the appropriate legal Agreement. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278

Agreements may be obtained from the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock. The applicant is advised to allow at least 16 weeks in any programme of works to obtain a Section 278 Agreement.

vii. Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of the Economy, Transport and Communities Department at County Hall, Matlock (telephone: 01629 533190 and ask for the New Roads and Street Works Section).

viii. Construction works will require Temporary Traffic Management and possibly road closures/diversions. Advice regarding procedures should be sought from David Nicholson, Traffic Management - telephone 01629 538685.

ix. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.

x. The applicant is advised to obtain a technical approval for all drainage by obtaining details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge Condition (5) of this consent.

xi. Any affected Highway Maintainable at Public Expense (HM@PE) on the Derbyshire Definitive Map) must remain unobstructed on its legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Please note that the granting of planning permission is not consent to divert or obstruct the HM@PE. If it is necessary to temporarily obstruct the HM@PE to undertake development works then a temporary closure/diversion is obtainable from the County Council. If the HM@PE is required to be permanently diverted then the Council that determines the planning application (The Local Planning Authority) has the necessary powers to make a diversion order. Any development insofar as it will permanently affect a HM@PE must not commence until a diversion order (obtainable from the planning

authority) has been confirmed. A temporary closure of the HM@PE to facilitate public safety during the works may then be granted by the County.

## 02. Lead Local Flood Authority

A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact [Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).

C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

G. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

H. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

I. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.

- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc), attenuation basins/balancing ponds are to be treated as an impermeable area.

#### Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 years rainfall event, should never exceed the peak greenfield run-off rate for the same event.
- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

#### Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hours 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hours 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

J. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.

- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

K. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

L. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

### 03. Wildlife

- a. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

### 04. Coal Authority

#### a. Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

#### b. SUDs

Where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper

assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

### **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.*



**Bolsover District Council**

**Meeting of the Planning Committee on 7<sup>th</sup> June 2023**

**Report of the Interim Head of Development Management**

**Oxcroft Settlement Conservation Area**

<b>Classification</b>	This report is Public
<b>Report By</b>	Kim Wyatt Heritage Conservation Manager <a href="mailto:kim.wyatt@bolsover.gov.uk">kim.wyatt@bolsover.gov.uk</a> 01246 242288
<b>Contact Officer</b>	Kim Wyatt Heritage Conservation Manager <a href="mailto:kim.wyatt@bolsover.gov.uk">kim.wyatt@bolsover.gov.uk</a> 01246 242288

**PURPOSE/SUMMARY OF REPORT**

1. To inform the Committee of the outcome of the public participation exercise on the proposed designation of the Oxcroft Settlement Conservation Area.
2. To seek Committee authority for the designation of the Conservation Area and adoption of the conservation area appraisal; and the authority to make any minor amendments to these documents be delegated to the Interim Head of Development Management and Heritage Conservation Manager.

**REPORT DETAILS**

**1.0 Background**

- 1.1 A draft Conservation Area Appraisal (CAA) was approved by Committee on 21<sup>st</sup> December 2022 as a basis for a consultation exercise on the potential designation of a Conservation Area for the Oxcroft Settlement.
- 1.2 A consultation exercise for the proposed Conservation Area ran for a 6 week period between the 27<sup>th</sup> January 2023 and 10<sup>th</sup> March 2023.
- 1.3 During this exercise, all properties affected by the proposal were consulted to seek their views on inclusion within the proposed Conservation Area (see table below).



List of properties consulted:

32 Oxcroft Estate	Oxcroft Lane
33 Oxcroft Estate	Oxcroft Lane
34 Oxcroft Estate	Oxcroft Lane
35 Oxcroft Estate	Oxcroft Lane
37 Oxcroft Estate	Oxcroft Lane
38 Oxcroft Estate	Oxcroft Lane
38A Oxcroft Estate	Oxcroft Lane
39 Oxcroft Estate	Oxcroft Lane
40 Oxcroft Estate	Oxcroft Lane
40A Oxcroft Estate	Oxcroft Lane
Coach House	Oxcroft Lane
The Manor	Oxcroft Lane
The Stables	Oxcroft Lane
Ashleigh	Oxcroft Lane
Woodland View	Oxcroft Lane
1 Limestone Cottages	Oxcroft Lane
2 Limestone Cottages	Oxcroft Lane
Limestone Farm	Oxcroft Lane
The Bungalow	Woodside Farm
26 Oxcroft Estate	Oxcroft Lane
25 Oxcroft Estate	Oxcroft Lane
Damsbrook House	Oxcroft Lane
24 Oxcroft Estate	Oxcroft Lane
23 Oxcroft Estate	Oxcroft Lane
Damsbrook Farm	Oxcroft Estate
The Rick	Oxcroft Lane
The Byre	Oxcroft Lane
Damsbrook Farm Cottage	Oxcroft Estate
Stone Croft	Oxcroft Estate
1 Oxcroft Estate	Mansfield Road
2 Oxcroft Estate	Mansfield Road
3 Oxcroft Estate	Mansfield Road
4 Oxcroft Estate	Mansfield Road
Thomond Place	Oxcroft Estate
5 Oxcroft Estate	Mansfield Road
6 Oxcroft Estate	Mansfield Road
7 Oxcroft Estate	Mansfield Road
8 Oxcroft Estate	Mansfield Road
9 Oxcroft Estate	Mansfield Road
10 Oxcroft Estate	Mansfield Road
11 Oxcroft Estate	Mansfield Road
12 Oxcroft Estate	Mansfield Road
13 Oxcroft Estate	Mansfield Road

14 Oxcroft Estate	Mansfield Road
Croft Cottage	Mansfield Road
Croft House	Mansfield Road
31 Oxcroft Estate	Oxcroft Lane
30 Oxcroft Estate	Oxcroft Lane
Annexe 30 Oxcroft Estate	Oxcroft Lane
15 Oxcroft Estate	Oxcroft Lane
16 Oxcroft Estate	Oxcroft Lane
36 Oxcroft estate	Oxcroft Lane
29 Oxcroft Estate	Oxcroft Lane
17 Oxcroft Estate	Oxcroft Lane
18 Oxcroft Estate	Oxcroft Lane
19 Oxcroft Estate	Oxcroft Lane
The Highfields	20 Oxcroft Estate
Annexe 28 Oxcroft Estate	Oxcroft Lane
28 Oxcroft Estate	Oxcroft Lane
27 Oxcroft Estate	Oxcroft Lane
Amber Cottage	21 Oxcroft Estate
22 Oxcroft Estate	Oxcroft Lane
Willcroft	Oxcroft Lane

- 1.4 Local members, the Clerks to both Bolsover Town Council and Clowne Parish Council and Derbyshire County Council were also consulted on the proposal.

## **2.0 Outcome of the consultation exercise**

- 2.1 Seven responses were received during the consultation period and a summary of the comments made and main issues raised by the respondents, together with the recommended response to the representations, are attached as Appendix A to this report.
- 2.2 Three of the respondents objected to the inclusion of part of the area in the proposed Conservation Area and raised some concerns about the additional controls imposed on property owners. Four the responses were supportive of the designation and one of these recommended including an extra area of land.

## **3.0 Summary of main issues raised**

- 3.1 Full details of the representations received during the consultation period are set out in Appendix 1, but these have been summarised below:
- 3.1.1 ***Objection to the inclusion of Damsbrook Farm and Farm Cottage in the Conservation Area. The farm cottage pre-dates the settlement and the Farm was built after the Settlement and were not part of the historic architecture of the planned settlement. The Conservation Area should be contained to the settlement properties only.***
- **Response** – Damsbrook farm complex is a traditional stone farmstead dating from the early 19<sup>th</sup> Century. A new farmhouse was built in 1952 within the curtilage of the original farm. Farm cottage is a traditional stone cottage forming part of the original farm complex. The proposed

conservation area boundary has been drawn to enclose the estate and the wider historic landscape within which it sits and this includes 5 traditional 19<sup>th</sup> Century farmsteads. Whilst the farmsteads pre-date the settlement they provide a historical context to the development of farming practises in the area. There is a precedent in the District for the designation of historic farmsteads as conservation areas in recognition of their architectural and historic significance - the Elmton with Creswell Farmstead Conservation Area comprises a collection of eight farmsteads dating from the late 18th and 19th centuries that relate geographically to the historic settlements of Elmton and Creswell.

- **Recommendation** – no change to the boundary.

### 3.1.2 ***Some of the controls in Conservation Areas seem oppressive.***

- **Response** - Whilst there are extra controls for residential properties within conservation areas, they are not considered to be oppressive and property owners will still benefit from a number of permitted development rights. There are no plans to introduce an Article 4 Direction which would introduce further stringent controls by removing certain householder permitted development rights. The *Historic England 2019 Conservation Area Appraisal, Designation and Management Second edition, Historic England Advice Note 1* states that “owners of residential properties generally consider these controls to be beneficial because they also sustain, and/or enhance, the value of property within it. This has been confirmed by research by the London School of Economics; see G Ahlfeldt, N Holman and N Wendland, *An Assessment of the effects of Conservation Areas on Value, London School of Economics, 2012.*”

- **Recommendation** – no further action.

### 3.1.3 ***Concerned that conservation area designation could disable small farms currently operating in the area. Points out that there are already countryside policies / controls in place so why do we need more control.***

- **Response** – Existing agricultural permitted development rights under Schedule 2 part 6 of the Town and Country Planning General Permitted Development Order 2015 (as amended) are not affected by conservation area designation. The countryside policies in the Bolsover District Local Plan are applicable regardless of designation and the additional policy consideration will be Policy SC16: Development Within or Impacting upon Conservation Areas and the requirements set out in the NPPF.

- **Recommendation** – no further action.

### 3.1.4 ***Questions how any grant funding would be spent if BDC were successful in securing funding through Partnership Schemes***

- **Response** – There are no plans to apply for funding through partnership schemes at present as this conservation area would not meet the criteria for Historic England Partnership Grants. However if funding opportunities

were to become available in the future residents will be consulted on any proposals.

- **Recommendation** – no further action.

3.1.5 ***Raises concerns that some of the photographs in the public document are invasive***

- **Response** – The photographs in the document are all taken from the public highway. If there are any photographs of particular concern we can consider replacing them before the document is formally published.
- **Recommendation** – the document will be amended if required.

3.1.6 ***Raises concerns about the impact of through traffic using Oxcroft Lane as a cut through from the recent developments at Hawkebrook Close, Nether View and Sutherland Farm View on Oxcroft Lane, Bolsover (with further development proposed). Recommends that Oxcroft Estate/Oxcroft Lane should become access only to all motor vehicles and proposes a number of road signs at relevant locations.***

- **Response** – The concerns raised about highway safety and recommendations are outside of the remit of the District Council and are the responsibility of Derbyshire County Council Highways. The comments have been passed to Derbyshire Council Highways for consideration.
- **Recommendation** – forward comments / recommendations to DCC Highways.

3.1.7 ***Recommends that the boundary of Conservation Area be extended to include land on both sides of Oxcroft Lane***

- **Response** – The recommendations and reasons for extending the boundary of the proposed Conservation Area are noted but unfortunately the legislation governing the designation of Conservation Areas relates primarily to the built environment (areas of architectural or historic character) and is not designed to protect large areas of open landscape without built heritage. However the extended area shown on the plan is in open countryside and there are policies in the Local Plan to protect such areas. In addition, this area does provide a wider setting to the conservation area and there are policies in the Local Plan to ensure that consideration is given to the impact of any development on heritage assets and their setting.
- **Recommendation** – No change to the boundary of the conservation area.

3.2 Following an assessment of the consultations received it is recommended that the boundary of the proposed Conservation Area remains unchanged. If Committee are minded to approve the designation and the adoption of the Conservation Area Appraisal the necessary statutory adverts will be placed in the London Gazette and local press and all residents affected the designation will be formally notified.

**4.0 Reasons for Recommendation**

- 4.1 Under s.69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Local Planning Authorities are required from time to time to determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. Furthermore Local Planning Authorities are also required to determine whether any further areas should be designated.
- 4.2 It is considered that the proposed conservation area as set out in the attached appraisal is of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance in accordance with s.69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.3 The ultimate designation of the Conservation Area will enable the Council to exercise its planning powers in relation to the proposed Oxcroft Conservation Area in order to preserve and enhance its special architectural and historic interest.

**5.0 Alternative Options and Reasons for Rejection**

- 5.1 The only alternative is not to consider the designation of the proposed conservation area for Oxcroft Settlement which would be in contravention of the legal obligation as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Government Guidance set out in the National Planning Policy Framework (2021).

**RECOMMENDATION(S)**

- 1. That Committee approves the designation of the Conservation Area and adoption of the Conservation Appraisal;
- 2. That Committee grant the authority to make any minor amendments to these documents be delegated to the Interim Head of Development Management and Heritage Conservation Manager.

<b><u>IMPLICATIONS:</u></b>	
<b><u>Finance and Risk:</u></b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Details:</b>	On behalf of the Section 151 Officer
<b><u>Legal (including Data Protection):</u></b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Details:</b>	On behalf of the Solicitor to the Council
<b><u>Staffing:</u></b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Details:</b>	On behalf of the Head of Paid Service

## DECISION INFORMATION

<p><b>Is the decision a Key Decision?</b>  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:</p> <p><b>BDC:</b>  <b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital - £150,000</b> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b>  <i>(Only Key Decisions are subject to Call-In)</i></p>	No

<b>District Wards Significantly Affected</b>	Clowne West, Bolsover North & Shuttlewood and Bolsover East.
<p><b>Consultation:</b></p> <p><b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Cabinet / Executive</b> <input type="checkbox"/>  <b>SAMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/>  <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input checked="" type="checkbox"/></p>	<p>The intent to consult on the designation of a Conservation Area was approved by Planning Committee</p> <p>Details: Planning Committee Meeting 21/12/2022</p>

<p><b>Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.</b></p>
<p>Environment: Benefiting Communities.  - No. 4 of the Planning Service Plan – conduct a district wide review of the conservation of designated and non-designated heritage assets.</p>

<b>DOCUMENT INFORMATION</b>	
<b>Appendix No</b>	<b>Title</b>
Appendix 1	Summary of consultation responses
Appendix 2	Conservation Area Appraisal

**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)*

None.

## Proposed Oxcroft Settlement Conservation Area - Consultation responses

Respondent	Comments	Response
<p>1</p> <p>56</p>	<ul style="list-style-type: none"> <li>• Object to the inclusion of Damsbrook Farm and Farm Cottage in the conservation area. The farm cottage pre-dates the settlement and the Farm was built after the Settlement and were not part of the historic architecture of the planned settlement. The Conservation Area should be contained to the settlement properties only.</li>   <li>• Some of the controls in conservation areas seem excessive and a number of properties already have carried out works such as installing CCTV, Solar panels etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Damsbrook farm complex is a traditional stone farmstead dating from the early 19thC. A new farmhouse was built in 1952 within the curtilage of the original farm. Farm cottage is a traditional stone cottage forming part of the original farm complex. The proposed conservation area boundary has been drawn to enclose the estate and the wider historic landscape within which it sits and this includes 5 traditional 19<sup>th</sup> C farmsteads. Whilst the farmsteads pre-date the settlement they provide a historical context to the development of farming practises in the area. There is a precedent in the District for the designation of historic farmsteads as conservation areas in recognition of their architectural and historic significance -the Elmton with Creswell Farmstead Conservation Area comprises a collection of eight farmsteads dating from the late 18th and 19th centuries that relate geographically to the historic settlements of Elmton and Creswell.</li>   <li>• Whilst there are extra controls for residential properties within conservation areas, they are not considered to be excessive and property owners will still benefit from a number of permitted development rights. There are no plans to introduce an Article 4 Direction which would introduce further stringent controls by removing certain householder permitted development rights. The <i>Historic England 2019 Conservation Area Appraisal, Designation and Management Second edition, Historic England Advice Note 1</i> states that “owners of residential properties generally consider these controls to be</li> </ul>



## Proposed Oxcroft Settlement Conservation Area - Consultation responses

57	<ul style="list-style-type: none"> <li>• Questions whether residents could be forced to remove / change additions</li> <li>• Raises concerns about how future requirements/requests for additional agricultural buildings etc. for farms in the area and how these would be dealt with. Concerned that conservation area designation could disable small farms currently operating in the area.</li> <li>• Points out that there are already countryside policies / controls in place so why do we need more control</li> <li>• Questions how any grant funding would be spent if BDC were successful in securing funding through Partnership Schemes</li> <li>• Raises concerns that some of the photographs in the public document are invasive</li> </ul>	<p><i>beneficial because they also sustain, and/or enhance, the value of property within it. This has been confirmed by research by the London School of Economics; see G Ahlfeldt, N Holman and N Wendland, An Assessment of the effects of Conservation Areas on Value, London School of Economics, 2012.”</i></p> <ul style="list-style-type: none"> <li>• Owners will not be required to reverse any work carried out prior to designation.</li> <li>• Existing agricultural permitted development rights under Schedule 2 part 6 of the Town and Country Planning General Permitted Development Order 2015 (as amended) are not affected by conservation area designation.</li> <li>• The countryside policies in the Bolsover District Local Plan are still applicable and the additional policy consideration will be Policy SC16: Development Within or Impacting upon Conservation Areas</li> <li>• There are no plans to apply for funding through partnership schemes as at present this conservation area would not meet the criteria for Historic England Partnership Grants. However if funding opportunities were to become available in the future residents will be consulted on any proposals.</li> <li>• The photographs in the document are all taken from the public highway. If there are any photographs of particular concern we can consider replacing them before the document is formally published.</li> </ul>
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## Proposed Oxcroft Settlement Conservation Area - Consultation responses

<p>2</p> <p>58</p>	<ul style="list-style-type: none"> <li>• Objects to the inclusion of Damsbrook Farm in the conservation area as it was built after the Settlement properties and was not part of the historic architecture of the planned settlement. The Conservation Area should be contained to the settlement properties only</li> <li>• Some of the controls in conservation areas seem oppressive</li> </ul>	<ul style="list-style-type: none"> <li>• Damsbrook farm complex is a traditional stone farmstead dating from the early 19thC. A new farmhouse was built in 1952 within the curtilage of the original farmstead. Farm cottage is a traditional stone cottage forming part of the original farm complex. The proposed conservation area boundary has been drawn to enclose the estate and the wider historic landscape within which it sits and this includes 5 traditional 19<sup>th</sup> C farmsteads. Whilst the farmsteads pre-date the settlement they provide a historical context to the development of farming practises in the area. There is a precedent in the District for the designation of historic farmstead as conservation area - the Elmton with Creswell Farmstead Conservation Area comprises a collection of eight farmsteads dating from the late 18th and 19th centuries that relate geographically to the historic settlements of Elmton and Creswell.</li> <li>• Whilst there are extra controls for residential properties within conservation areas, they are not considered to be oppressive and property owners will still benefit from a number of permitted development rights. There are no plans to introduce an Article 4 Direction which would introduce further stringent controls by removing certain householder permitted development rights. The <i>Historic England 2019 Conservation Area Appraisal, Designation and Management Second edition, Historic England Advice Note 1</i> states that “owners of residential properties generally consider these controls to be beneficial because they also sustain, and/or enhance, the value of property within it. This has been confirmed by research by the London School of Economics; see G Ahlfeldt, N Holman and N</li> </ul>
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## Proposed Oxcroft Settlement Conservation Area - Consultation responses

59	<ul style="list-style-type: none"> <li>• Raises concerns about how future requirements/requests for additional agricultural buildings etc. for farms in the area and how these would be dealt with. Concerned that conservation area designation could disable small farms currently operating in the area.</li> <li>• Points out that there are already countryside policies / controls in place so why do we need more control</li> <li>• Questions how any grant funding would be spent if BDC were successful in securing funding through Partnership Schemes</li> <li>• Requests clarification on why Damsbrook farm is considered significant enough in heritage terms to warrant extra protection</li> </ul>	<p><i>Wendland, An Assessment of the effects of Conservation Areas on Value, London School of Economics, 2012.”</i></p> <ul style="list-style-type: none"> <li>• Existing agricultural permitted development rights under Schedule 2 part 6 of the Town and Country Planning General Permitted Development Order 2015 (as amended) are not affected by conservation area designation.</li> <li>• The countryside policies in the Bolsover District Local Plan are still applicable and the additional policy consideration will be Policy SC16: Development Within or Impacting upon Conservation Areas</li> <li>• There are no plans to apply for funding through partnership schemes as at present this conservation area would not meet the criteria for Historic England Partnership Grants. However if funding opportunities were to become available in the future residents will be consulted on any proposals.</li> <li>• The original farm complex is considered to be of sufficient architectural and historic merit to warrant inclusion in the conservation area boundary. The land to the rear which contains the modern Farmhouse is still within the original curtilage of the farm and whilst it is acknowledged that the farmhouse has limited architectural and history merit it is normal practise to use physical features to define boundaries so the field boundary to the rear of the site is a logical boundary. It is accepted that in most conservation areas there</li> </ul>
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## Proposed Oxcroft Settlement Conservation Area - Consultation responses

	<ul style="list-style-type: none"> <li>• Raises concerns that some of the photographs in the public document are invasive</li> </ul>	<p>will be some variation in architectural character and will invariably contain some modern buildings.</p> <ul style="list-style-type: none"> <li>• The photographs in the document are all taken from the public highway. If there are any photographs of particular concern we can consider replacing them before the document is formally published.</li> </ul>
3 60	<ul style="list-style-type: none"> <li>• Supports the introduction of a conservation area.</li> <li>• The loss of permitted development rights is considered acceptable in order to protect the historic Oxcroft Land Settlement</li> </ul>	<ul style="list-style-type: none"> <li>• Noted</li> </ul>
4	<ul style="list-style-type: none"> <li>• Support the introduction of conservation area</li> <li>• Oxcroft Lane has become a cut through and is dangerous for walkers, cyclists etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted</li> <li>• The concerns raised about highway safety and recommendations are outside of the remit of the District Council and are the responsibility of Derbyshire County Council Highways. The comments have been passed to Derbyshire Council Highways for consideration.</li> </ul>

## Proposed Oxcroft Settlement Conservation Area - Consultation responses

<p>5</p> <p>61</p>	<ul style="list-style-type: none"> <li>• Objects to the inclusion of Damsbrook Farm and Farm Cottage in the conservation area as they were built after the Settlement and were not part of the historic architecture of the planned settlement</li> <li>• Some of the controls in conservation areas seem oppressive</li> </ul>	<ul style="list-style-type: none"> <li>• Damsbrook farm complex is a traditional stone farmstead dating from the early 19thC. A new farmhouse was built in 1952 within the curtilage of the original farmstead. Farm cottage is a traditional stone cottage forming part of the original farm complex. The proposed conservation area boundary has been drawn to enclose the estate and the wider historic landscape within which it sits and this includes 5 traditional 19<sup>th</sup> C farmsteads. Whilst the farmsteads pre-date the settlement they provide a historical context to the development of farming practises in the area. There is a precedent in the District for the designation of historic farmstead as conservation area - the Elmton with Creswell Farmstead Conservation Area comprises a collection of eight farmsteads dating from the late 18th and 19th centuries that relate geographically to the historic settlements of Elmton and Creswell.</li> <li>• Whilst there are extra controls for residential properties within conservation areas, they are not considered to be oppressive and property owners will still benefit from a number of permitted development rights. There are no plans to introduce an Article 4 Direction which would introduce further stringent controls by removing certain householder permitted development rights. The <i>Historic England 2019 Conservation Area Appraisal, Designation and Management Second edition, Historic England Advice Note 1</i> states that “owners of residential properties generally consider these controls to be beneficial because they also sustain, and/or enhance, the value of property within it. This has been confirmed by research by the London School of Economics; see G Ahlfeldt, N Holman and N</li> </ul>
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## Proposed Oxcroft Settlement Conservation Area - Consultation responses

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## Proposed Oxcroft Settlement Conservation Area - Consultation responses

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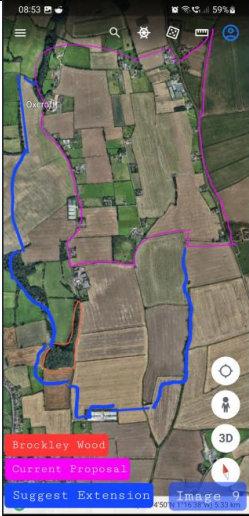
## Proposed Oxcroft Settlement Conservation Area - Consultation responses

6	<ul style="list-style-type: none"> <li>• Supports the proposed designation – there is a definite need to preserve the rural beauty, local history and area's wildlife</li> <li>• Raises concerns about the impact of through traffic using Oxcroft Lane as a cut through from the recent developments at Hawkebrook Close, Nether View and Sutherland Farm View on Oxcroft Lane, Bolsover (with further development proposed)</li> <li>• The Oxcroft Estate and the "oldie worldie" unspoilt single track Lane that runs through it has become a haven and brief escape from suburban/town life for many residents of Bolsover, Clowne and Stanfree and is used for walking, cycling, horse riding and the Bolsover 10k road race</li> <li>• Recommends that Oxcroft Estate/Oxcroft Lane should become access only to all motor vehicles and proposes a number of road sings at relevant locations. This would legally deter/prevent the use of the Lane as a cut-through and reduce the likelihood of serious road collisions, damage to road surface/landslips and protect wildlife</li> <li>• Recommends that the boundary of conservation area be extended to include land on both sides of Oxcroft Lane (see plan below)</li> </ul>	<ul style="list-style-type: none"> <li>• Noted</li> <li>• The concerns raised about highway safety and recommendations are outside of the remit of the District Council and are the responsibility of Derbyshire County Council Highways. The comments have been passed to Derbyshire Council Highways for consideration.</li> <li>• The recommendations and reasons for extending the boundary of the proposed conservation area are noted but unfortunately the Conservation Area legislation relates primarily to the built environment (areas of architectural or historic character) and is not designed to protect large areas of open landscape without built heritage. However the</li> </ul>
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## Proposed Oxcroft Settlement Conservation Area - Consultation responses

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extended area shown on the plan is in open countryside and there are policies in the Local Plan to protect such areas. In addition, this area does provide a wider setting to the conservation area and there are policies in the Local Plan to ensure that consideration is given to the impact of any development on heritage assets and their setting.

# Proposed Oxcroft Settlement Conservation Area - Consultation responses

Old Bolsover Town Council	<ul style="list-style-type: none"><li>The Council discussed the proposed Oxcroft Conservation area on 14<sup>th</sup> February 2023 – Minute 187/22-23 RESOLVED that the council supports the consultation.</li></ul>	<ul style="list-style-type: none"><li>Noted</li></ul>
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# Draft Oxcroft Conservation Area Appraisal March 2022



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# Policy Context

## National

Central Government Guidance on the Historic Built Environment is contained within Section 16 of the National Planning Policy Framework (2021), Conserving and Enhancing the Historic Environment. The guidance advises that heritage assets should be conserved in a manner appropriate to their significance. When considering Conservation Areas the guidance states that local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

Oxcroft Settlement is put forward by the local community as an area that has the special architectural or historic interest that justifies designation as a Conservation Area.

## Local

The National Policy embodied in the NPPF is taken forward at a Local level in the Local Plan for Bolsover District (March 2020). The policies that address the conservation of the Historic Environment are included in Chapter 7, Sustainable Communities.

**SC16** - Development Within or Impacting Upon Conservation Areas

**SC 17** - Development affecting Listed Buildings and Their Settings

**SC18** - Scheduled Monuments and Archaeology

**SC19** - Bolsover Area of Archaeological Interest

**SC20** - Registered Parks and Gardens

**SC21** - Non-Designated Local Heritage Assets

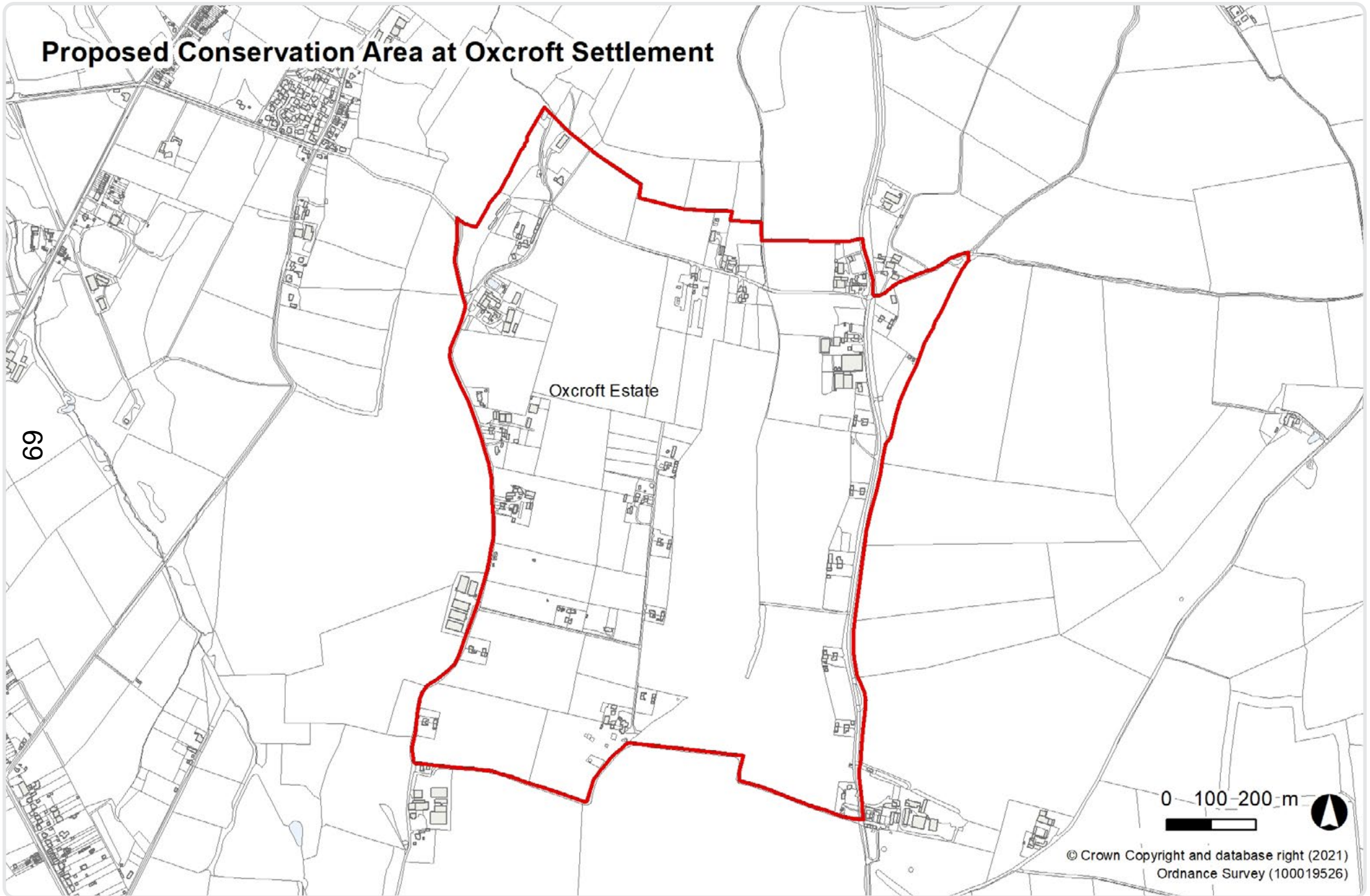
Complementary supporting Local Guidance includes; The Historic Environment Supplementary Planning Document (March 2006) which gives District-wide guidance on Development and the historic built environment and Historic Environment Scheme (February 2008 and November 2011)

## Purpose of document

This Appraisal defines the particular significance of the historic, architectural, landscape and townscape elements of Oxcroft Settlement that support its designation as a Conservation Area.



# Proposed Conservation Area at Oxcroft Settlement



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Oxcroft Estate

0 100 200 m

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Ordnance Survey (100019526)

## 1.0 Introduction

### The purpose of this document

This Appraisal is a statement of what defines the character and appearance of the proposed Oxcroft Settlement Conservation Area, identifying those elements in particular which are significant to its character and appearance. The Appraisal should be read in conjunction with the Historic Environment (LDF Supplementary Planning Document).



### Document layout

**Overview** is the broad context of the conservation area designation.

**Historic Origins** is an historic overview noting the surviving buildings from each century. As well as longevity this will enable an appreciation of rarity as being key to significance along with an understanding of the historic relevance of

the surviving building types. Each building is numbered and cross referenced on the plan of Building Reference Numbers.

**Landscape Character** provides the context for the wider setting of the conservation area with regard to the geology, morphology and historic land use and settlement pattern.

**Townscape Character** opens with a general character statement. Where there are character areas within the designated area each individual character area is identified and defined. This section identifies what is key about the townscape, the buildings, boundaries, building materials, the trees and the open spaces.

**Key Buildings** are those buildings that make a significant contribution to the character and historical importance of the conservation area. They are either listed buildings, non-listed buildings of merit.

**Views** relates back to the earlier Landscape Character section. Important views are identified and the reason stated.

**Traffic and Pedestrians** sets out the characteristics of roads, pavements and parking in the Conservation Area.

**The final Summary** sets out the key components of significance. An expansion of this can be found at the end of each of the previous sections.

## 2.0 Oxcroft Settlement: An Overview

Oxcroft Settlement is an architect designed planned settlement based around a 19th century farmstead. It emerged from a Government initiative in the 1930's based on allotments, to address mass unemployment, particularly in the coal mining and related industries. Oxcroft was one of 22 such settlements across the country but the only one in Derbyshire.



The traditional buildings within the Settlement comprise the original Oxcroft farmstead and the Settlement houses along with what remains of their agricultural buildings. There are five other former/existing farmsteads, not related to the Settlement. In the field patterns, a number of the associated small holdings survive. The surrounding landscape comprises agricultural land, woodland and rough land.



**Proposed Boundary:** The proposed Conservation Area boundary has been drawn to include the traditional buildings and the land of the former small holdings which although not now cultivated for the most part, with a number being used as paddocks, remain a key component of the historical development and character of the former Settlement.

**Map: Proposed Conservation Area**

## 3.0 Historic Origins

**In putting together an overview of the historic origins of Oxcroft Settlement the research that was submitted by the Oxcroft Settlement group has formed its basis. Of particular value was the information from Peter Clarke PhD. Dr Clarke is regarded as an authority on the Land Settlement Association having completed a PhD in 1983 on the national programme of Land Settlements as well as continuing to undertake further research following on from this.**

The Land Settlement Association was a Government initiative established in 1934 to address the mass unemployment of men in the coal mining and related industries. Its purpose was to create the opportunity for the men to make a livelihood from working the land. There were 20 Small Holding Settlements throughout the country along with 5 Cottage Homestead Settlements. Oxcroft was a Small Holding Settlement and the only Settlement in Derbyshire. Oxcroft Farmstead was an ideal location being located close enough to the mines to enable the initial settlers to commute prior to taking up residence.

### 19th Century

The Oxcroft Settlement was based on an existing 19th century farmstead, Oxcroft Farm; a Model Farm dating from the early 19th century.

Model Farms like Oxcroft were part of the revolution in agriculture that led to farmsteads being located away from

villages. As large purpose built farmsteads sat within the open landscape they constituted a more efficient approach to farming which underpinned the agricultural revolution.



Oxcroft farmstead was one of a number built by the Duke of Portland following his purchase of the Manor of Elmton in 1854. Continuing the agricultural reform started by his predecessors, the Duke focused his efforts on the dispersal of farmsteads into the newly enclosed lands. A combination of factors made the locality desirable, with the Magnesium limestone subsoil resulting in few trees and fertile land.



The increasing mechanisation of farming that came with the agricultural reforms and the movement towards Model Farms impacted on rural communities, resulting in less demand for farm labour. To encourage labourers to stay in rural areas the Poor Law of 1834 embodied the provision of allotments. Although initially provided by private landowner, the 1894 Local Government Act created elected councils at district and parish levels. These councils had the power to obtain land for allotments. The local authority allotments had better security of tenure and less restrictive conditions than those of the private landlords.

Former agricultural workers in the vicinity of Clowne and Bolsover were however fortunate as in the late 19th century the industrial revolution had brought local employment in the nearby collieries.

## 20th Century

The situation was however to change. Following the Great War, staple industries such as mining were hit by economic conditions at home and abroad. At its peak in the early twentieth century, Britain had been a major export of coal and the industry was the country's largest employer. However growing international competition, use of oil, and the world-wide economic depression hit the industry hard, and during the inter-war era the resulting mass unemployment was felt most acutely in the coalfields areas.



In 1926 the Coal Dispute and General Strike led to the Churches coming together in their concern for the mining communities. The Quakers established a Coalfields Distress Committee to provide gifts of clothing, boots and money to mining families. In 1928 on seeing starving families next to derelict urban land which could be cultivated for food, a scheme was initiated to help men in the coalfields areas to cultivate allotments.

In 1929 the Lord Mayor of London made allotments in the Coalfields the subject of his traditional annual appeal. The Central Committee (Allotment Gardens for the Unemployed) was set up and the Seeds Scheme launched. By 1934 the Seeds Scheme was helping 100,000 men across the country with the help of modest grants from Government.

During this time a wealthy industrialist, Mr Malcolm Stewart had suggested the establishment of a scheme of full time small holdings to the Government. Initially reticent, the Government eventually joined him on his purchase of two farms at Potton, Bedfordshire. As a result, in July 1934, the

Land Settlement Association (LSA) was established with Government backing to undertake an experimental scheme of full time land settlement for unemployed men in the coalfields areas. Potton was accepted as the first estate.



**The LSA established a series of principles that they considered essential to ensure the success of the scheme:**

- the smallholdings must be established in groups located around a central farm and run by estate managers – it was agreed that each estate needed a minimum of 50 smallholdings to make the estate economically viable;
- training and supervision should be provided;
- co-operative methods should be used to purchase agricultural equipment and market the produce;
- loans at favourable rates should be available for tenants to help them equip their holdings; and

- the smallholdings should be rented to allow flexibility for termination to both the LSA and tenant, and to ensure that the initial financial outlay for each smallholding was not a burden on the occupiers.

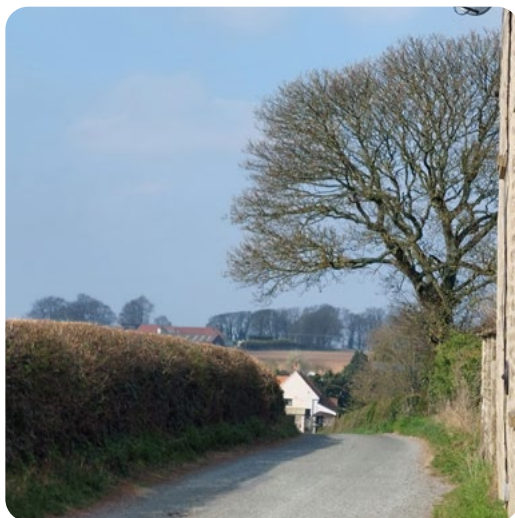
The LSA experienced difficulties in finding available estates with suitable soils for division into smallholdings that could be occupied immediately and that promised a good return from the land.

### **Oxcroft Settlement**

It was in 1936 that the LSA created the estate of Oxcroft Settlement, a 399 acre property which it rented from Derbyshire County Council. Only part of the farm was deemed suitable for small holdings; 145 acres to the east of Oxcroft Lane. The Settlement was subsequently laid out in accordance with LSA Principles. It comprised 40 horticultural holdings, so less holdings than considered viable. Each holding was based on a model layout; laid out with 1 acre of fruit including trees and at least 2 acres for cultivation, largely using hand tools.



The first settlers arrived at Oxcroft in February 1936, soon after the estate was acquired. The houses were completed by December at which point the men were joined by their families. The houses were semi-detached; built to a design by the Architect, Fred Levitt of Biggleswade, Bedfordshire. They were identical to the first Settlement at Potton, Bedfordshire, also designed by Levitt. Each 3 bedroom house had a three sty piggery. By the standards of agricultural housing at that time, the LSA houses were notably better built.



In 1937 the Development Plan for Oxcroft was amended with large glass houses erected for some of the holdings as well as being equipped for poultry keeping. The men trained for two years and received their tenancy on successful completion. In April 1938 the first tenancies were created. By March 1939 all 40 of the holdings had been developed and 37 families had moved in.

The remaining land at Oxcroft was part of the Central Farm,

based around the original Oxcroft farmstead. Some of its buildings were converted to become the Estate Service Depot, known as the 'Centralised Services'. The farmstead became the economic heart of the estate, housing the horticultural propagating unit, produce packing shed and pig and poultry breeding units. The Estate Manager lived in the former farmhouse and had his office there along with the office of the estate accountant. Due to the remote location of the Settlement, a community hut was built at the farmstead to provide a social focus for the estate as well as a meeting room. The estate was run on a cooperative basis, with an estate consultative committee and Settlers meetings.

The outbreak of WWII disrupted the scheme nationally. Food production became a higher priority than resettling the unemployed. This led to men with a farming background being given priority for tenancies. With the shortage of animal feed the animal stocks had to be decreased significantly. The number of tenancies at Oxcroft were thereby reduced to 26 to enable the each of the remaining Settlers to grow more food to compensate the consequent loss of income from the animal husbandry.



With the outbreak of war the LSA policy had thereby come to an end. By 1941 many of the original settlers at Oxcroft had already returned to their former employment as the coal industry revived. After the war the Land Settlement Association was absorbed into statutory small holdings policy within the Agricultural Act of 1947. The aim was to give men the opportunity of a foot on the first rung of the farming ladder.

In 1950 the Ministry of Agriculture took over the Oxcroft Estate from Derbyshire County Council but it remained managed by the LSA. The 1950's saw many changes. Pigs were prioritised, with the Oxcroft estate becoming the home of a herd of pedigree Large Whites. Battery houses for hens were erected on some holdings with others having bigger pigeries. In the late 1950's the water supply was improved. Glass house heating was improved in response to tenants' requests.

Towards the end of the 1950's the LSA worked with the National Agricultural Advisory Service to create a Pilot Horticultural Holding at Oxcroft. Its aim was to encourage tenants as to the possibilities of horticulture and demonstrate best practice. It failed however. Glass house production failed to reach its potential due to the smoke from the nearby coking works and the elevated and exposed location of the estate impacted on the productivity of the land grown crops.

By the 1960s, the number of LSA smallholdings had halved. The Wise Report, published in 1967, advised that there was no longer a need for a national LSA scheme but that

there was an obligation to existing tenants. In response, the Government decided that the LSA scheme would continue but without the centralised services and only where commercial horticulture (in particular salad production) could be intensified.



As it was, the livestock bias of Oxcroft was to lead to its downfall. Following a Committee of Enquiry in the early 1960's the Government announced that although the LSA scheme should continue, its future lay in horticultural production. Oxcroft was subsequently and officially withdrawn from the LSA scheme on 31st March 1969.

The Minister of Agriculture announced the end of the LSA smallholding scheme on 1 December 1982, and stated that the LSA would cease to be an organisation by December 1983. All settlers, including those at Oxcroft were given the opportunity to purchase their properties from the Land Settlement Association.

## 21st Century

Much of the original estate remains intact. All of the cottages survive (although altered), along with their piggeries and some of the poultry houses and glass houses. Many of the Oxcroft farmstead buildings that were at the heart of the community also remain. A small number of the holdings retain their original 5 acre footprints with some occupants the descendants of the original Settlers. Some of the current community of 'Settlers' continue to produce market garden crops.



## Significant Historic Characteristics

- An example of a 20th century architect-designed planned settlement
- A settlement of national significance in terms of UK social and economic history.
- The only Settlement that was established in Derbyshire
- One of only a few examples of Land Settlement Association settlements that maintains the original open settlement pattern, buildings, plot boundaries and agricultural context.

## 4.0 Landscape Character

**The landscape is a key component of the character and appearance of a settlement. The underlying geology influences the natural landforms, features and natural vegetation. These in turn influence the nature of man's activities over the centuries including the very nature of settlement. Landscape is therefore integral to sense of place and a key component that underpins character and appearance.**

The Limestone Farmlands landscape of the Magnesian Limestone Plateau upon which Oxcroft Settlement was created is a simple yet distinctive agricultural landscape of gently rolling land that falls gently towards Nottinghamshire. The free draining and fertile soil that led to a tradition of arable farming made it an ideal location for the Oxcroft farmstead around which the Settlement is based.

The Settlement is located on the edge of the Limestone plateau. The long distance views that are characteristic of this open landscape, due to the gentle relief, lack of hedgerow trees and large arable fields are thereby even more pronounced with long distance panoramic views to the west of the Derbyshire Peaks.

The landscape of the Limestone Farmlands comprises large arable hedge-lined fields with the straight road of the A...from the time of Enclosure, a characteristic. Within the Settlement the horticultural landscape remains evident in parts with some allotments still in use.

The privet boundaries to cottages and a combination of (mostly) native hedges and timber fencing divide the parcels of land.



### Landscape Significance

- The Settlement is a landscape within the landscape; the subdivided horticultural landscape of the original Settlement as distinct from the larger arable fields of the limestone farmlands landscape that surrounds it.
- The long distance panoramic landscape views to the west are a key component of its wider setting.

## 5.0 Townscape Character

The character of an area is derived from the combination of a variety of things; historic street pattern, land use and activities within this pattern, individual or groups of buildings, their settings and the contribution of local building materials and architectural details, the quality of open and public spaces and underlying landscape quality. In addition to a place's essential character, the appearance of an area derives from how well the characteristic elements are maintained, and presented.

### Townscape

The townscape components that contribute to the character of an area essentially comprise buildings their form and design, boundaries, trees and spaces. Traditional building materials are a key component of local identity. Established trees are significant for their historic legacy as well as amenity value. Significant trees are often acknowledged by the designation of a Tree Preservation Order. The significant townscape elements are marked on the Townscape Plan.

**Reference:** *Townscape Plan*

### Traditional Buildings

**Settlement Cottages:** the cottages at Oxcroft date from the late 1930's. They are semi-detached. The original roofs were pantile with over-sailing eaves. Although stone and pantile are the traditional building materials of the locality, the cottages were built of red brick. Although the vast majority are now rendered, on a number the render has

been removed. The unified architecture of the original concept is no longer a feature with a significant number of the dwellings modernised and enlarged. This has resulted in the loss of traditional joinery, roof materials and in most cases the rendering of the walls. However, as widely spaced semi-detached properties with open land between, the townscape of the original Settlement remains very much in evidence. Some of the buildings for animal husbandry that were located close to the dwellings survive.



**Oxcroft Farm:** the farmstead dates from the late 18th century. The courtyard form of a Model Farm is obscured by later additions. It has been converted to residential use and comprise 5 dwellings. The traditional materials of stone and pantile of the former agricultural buildings contributes to their overall character although their conversion, with

the addition of new openings, has diluted the potential contribution of their agricultural origins. The original stone farmhouse and adjacent building have lost their traditional roofs. The stone wall that forms the boundary to the road is a feature of the townscape creating a distinction between the farmstead group and the rest of the area. The agricultural character is retained in the modern agricultural sheds located at the rear of the traditional group.

**Limestone Farm** is also no longer in agricultural use. As with Oxcroft Farm, the former stone barn retains a pantile roof. The stone farmhouse/cottages have a blue slate roof. This farmstead dates from the 18th century. A modern stone built single storey range with a sheeted monopitch roof runs along the road frontage. The original stone and pantile barn is on the facing side of a former farmyard, now garden area.



**Woodside Farm** comprises a modern bungalow with a large agricultural shed some way from it. The boundary include the copse from which it gets its name.

**Damsbrook Farm** is an early 19th century stone farmstead range. It sits at the entrance to the former Settlement near the junction of Oxcroft Lane and Mansfield Road. It is set out in the courtyard plan arrangement of a Model Farm, although relatively small in scale. The farmstead remains in agricultural use. Modern agricultural buildings have not impacted on its original layout. With the survival of its traditional range, Damsbrook Farm has the most character of all of the farmsteads in the proposed conservation area.

**Brockley Wood Farm** comprises the original farmhouse, which is much extended and pebble-dashed, along with a number of large 20th century agricultural sheds. The original farmstead layout is no longer discernible.

**Top Farm** sits at the edge of the plateau and comprises four very large modern storage sheds.

## Boundaries

Boundaries are a key component of the former Settlement's character. Hedges of traditional native species surround it. Within it, the main roads are similarly hedge lined with narrow verges along Oxcroft Lane and wide verges along Mansfield Road. In some places the traditional hedgerow boundaries incorporate individual trees.

In contrast, the boundaries to the Settlement properties are primarily privet hedges, a popular hedge type for 1930's residential properties. Most are shaped and kept low, enabling views of the houses and gardens. Being a boundary treatment of their time, they contribute significantly to the overall historic and visual setting of the houses.





Timber post and rail fences predominate in some of the formerly cultivated open areas, a large number of which are now paddocks. Although a physical barrier, they maintain the open character of the former plots to an extent, although their paddock character is a significant difference.

Limestone boundary walls are characteristic of the farmstead groups. The boundary wall to the former Oxcroft farmstead is a traditional dry stone wall of about 4 feet in height. It is finished with the rough stone half round coping traditional of this type of wall with large flat stones with a rounded top that stand upright and are pressed tightly together. Further along from the farmstead group and along Oxcroft Lane at Limestone Farm the walls are mortared and the half-round copings more substantial and dressed.

As field boundaries, stone walls are not a feature of the area. Hedgerows predominate between arable fields, timber fencing is a more common boundary treatment in the former horticultural area of the settlement.



## Materials

**Natural stone:** Magnesian Limestone is the local stone. It is a durable building material. Oxcroft and the other farmsteads are constructed of this stone, which has stood the test of time well. As the predominant traditional farmstead building material it is used for both the buildings and walls and contributes significantly to their character.



**Slates and Tiles:** As with the early traditional buildings of the farmsteads, the settlement cottages were roofed with clay pantiles. Their brilliant red/orange colour gives buildings a certain distinctiveness that resonates a pre industrial townscape. The pantiles have been replaced with concrete tiles on a number of the Settlement properties. In their visual heaviness and flat patina they do not contribute positively to their character and appearance or that of the area as a whole. Blue slate is not a characteristic of the area. It is used on the former farmstead houses.

**Brick:** The former Settlement houses are built of red brick. The contribution of the material to the area is however negligible as the majority of properties are rendered.

**Sheeting:** fibre and metal sheeting is characteristic of agricultural buildings from the mid20th century onward. It is used on all of the farmsteads. In the case of Top Farm, it is coated metal profile steel sheeting coloured dark green. With the scale of the Top Farm buildings, the use of coloured coated sheeting gives them a higher visual quality with green the most appropriate colour given the context.



## Trees and Planting

Trees are a component of the natural landscape that surrounds the former Settlement. Trees in small groups predominate. A number are groups of hedgerow trees which form distinctive linear features in locations throughout the area. Others are small copses in the landscape.



The combination of street trees, garden trees, hedgerow trees and field trees adds to their overall contribution across the conservation area. The age and thereby the physical stature of many also increases their impact within the overall townscape. Their variety adds further to their visual interest. The established trees at the entrances to the village are significant in townscape terms. In particular, large landscape trees framing the entrances to the village from the west with a mix of evergreen and deciduous groups are a key townscape feature.

Significant mature trees exist in the area of the Church and Rectory. Trees in the landscape, singularly in hedgerows and in woodland groups are a key component of the immediate and wider historic setting of the conservation area.

## Open spaces

### Settlement Plots

The 5 acre holdings of the Settlement followed a set layout with a common path between. In its day, the horticultural planting filled the width of the plot with fruits occupying around an acre at the furthest most extent. Of the 2 acres for market gardening, the largest area was given over to brassicas, with potatoes and other 'miscellaneous' vegetables sharing equal space. The separate enclosures for poultry and pigs were near the house. Though some buildings survive, the enclosures for the animals are no longer evident. Those areas that are still in horticultural production contribute significantly to the ambience of the area.

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Some of the original plots have been combined to create larger holdings, others have been subdivided. There are a number of the original plot boundaries that are intact. The overall openness of the previously cultivated area of the Settlement remains. With the taking back of land for agriculture in parts, the character of the limestone farmland landscape has come once more to the fore in some locations.



## Townscape Significance

- The semi-detached urban form is a key characteristic of the former Settlement houses
- The legibility of the semi-detached house type paced widely along road frontages with open land to the side and rear is significant as a surviving component of the architectural intent Oxcroft as a planned settlement
- The large open spaces between pairs of houses is key to the setting of the proposed conservation area and its historic significance.
- The limestone farmland landscape within which the former Settlement sits with its typical large, open, hedge-lined fields and isolated stone farmsteads contributes to the character of the area.
- Within the area boundaries are distinct with the privet hedges of the settlement houses contrasting with the natural hedgerow and stone boundaries of the limestone farmlands.
- Trees in groups both within the proposed area and in the immediate landscape are important in their contribution to the overall landscape setting.
- Oxcroft is a settlement where the open spaces are a significant component of its history and visual character.



## 6.0 Views

The visual relationship of buildings to spaces creates a 'view'. The combined contribution of the views contributes to the overall setting. The stronger the views; from the quality of the buildings and boundaries and spaces, the greater is the sense of place. It is the sense of place that underpins the designation of a conservation area.

### **Map: Townscape Plan**

### **Panoramic Views**

A panoramic view gives a perspective to the viewer that is not merely visual. The connection to the landscape is both physical and visceral. The long distance panoramic view can be breath taking. Its expansive nature imbues an inner stillness. In contrast a middle distance panoramic view creates a backdrop and with this more enclosing. Panoramic views make a significant contribution to any setting. The views are classified as either highly significant (HP) or moderately significant (MP) and are noted on the Townscape Appraisal.

**Views looking west towards the Derbyshire Peaks.** Along Oxcroft Lane at the edge of the plateau the low hedges and walls enable panoramic view across the landscape below and out towards the Derbyshire Peaks in the distance. These long distance panoramic views are highly significant as they add another dimension to the open character that pervades the proposed conservation area.



**Views east and south from Limestone Farm.** These panoramas have the character of the limestone farmlands agricultural landscape of large, open, undulating agricultural hedge-lined fields and areas of woodland. Highly significant as such views are significant component of this particular landscape's character.

**Views east from Mansfield Road.** These panoramas comprise the limestone farmlands agricultural landscape of large, open, undulating agricultural hedge-lined fields and areas of woodland. Highly significant as such views are significant component of this particular landscape's character.

## **Views from within the estate and west from Mansfield**

**Road.** These are characteristic of a number of views that convey an open landscape within which the nature of the intervention by buildings is sparse. Highly significant as such views are reflect the particular openness of the Settlement layout.

## **Significant Characteristics of Setting**

- The setting is one of an all pervading openness; with the dispersed layout of the former Settlement properties and their plots set within the characteristically open landscape of the limestones farmlands locate at the edge of the limestone plateau.

## 7.0 Traffic and Movement

### Pedestrian

Along the main roads of Mansfield Road and Oxcroft Lane, the area is hostile to pedestrians, due to the speed of the traffic. Although not experiencing as much traffic as Mansfield Road the narrowness of Oxcroft Lane contributes to a feeling of unease for the pedestrian. The un-metalled Damsbrook Lane and the continuation of Oxcroft Lane due east of the Mansfield Road are exceptions to this. Public footpaths are a characteristic of the surrounding countryside but not the former Settlement.



### Vehicle

The time of the Settlement was at the beginnings of mass car ownership. It is likely that at that time the traffic in the area was likely to be local and comprising farm traffic in the main. The impact of traffic in the modern day is consistent

throughout the proposed conservation area. The traffic is frequent and fast along Mansfield Road albeit not heavy. Along Oxcroft Lane the traffic is much less busy but the narrowness of the lane increases its impact and there is also the traffic noise from Mansfield Road. The impact of traffic on the proposed conservation area is in its constant presence to a greater or lesser degree.



### Parking

Public parking is not a characteristic of the conservation area. On street parking is not evident as the former Settlement properties and farmsteads have the facility of off road parking. The width of Oxcroft Lane and the speed limit on Mansfield Road effectively restrict parking in their way. Parked cars do not therefore impact on the character of the conservation area.

## 8.0 Summary

The proposed Oxcroft Settlement Conservation Area is characterised by:

- An historic architect designed planned settlement which survives in its original form overall
- An area of open character comprising an historic horticultural landscape set within a wider agricultural landscape
- A townscape and landscape that are indivisible
- A range of panoramic views that are a defining characteristic.





## 9.0 Sources

The Local Development Framework Historic Environment Supplementary Planning Document (Bolsover District Council)

### **Chapter 3: Historic Origins**

Information provided by Peter Clarke PhD. An authority on the Land Settlement Association.

South Cambridgeshire District Council: Fen Drayton Former Land Settlement Association Estate SPD Adopted May 2011

### **Chapter 4: Landscape Character**

Landscape Character Appraisal: Landscape Character Descriptions No5. Southern Magnesian Limestone (Derbyshire County Council)



**Bolsover District Council**

**Meeting of the Planning Committee on 7<sup>th</sup> June 2023**

**Report of the Interim Head of Planning Policy**

**QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING**

<b>Classification</b>	This report is Public
<b>Report By</b>	Julie-Anne Middleditch Principle Planning Policy Officer
<b>Contact Details</b>	01246 242286 <a href="mailto:julie-anne.middleditch@bolsover.gov.uk">julie-anne.middleditch@bolsover.gov.uk</a>

**PURPOSE / SUMMARY OF REPORT**

- To provide a progress report in respect of the monitoring of Section 106 Agreements in order to give members the opportunity to assess the effectiveness of the Council’s monitoring procedures.

**REPORT DETAILS**

**1. Background**

- 1.1 Section 106 agreements are a type of legal agreement between the Council and landowners / developers that are 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.
- 1.2 As can be observed, implementation of these Section 106 Agreements in a timely manner alongside the build-out of the approved developments is important as failure to achieve this will mean important infrastructure improvements lag behind the impact of the development.
- 1.3 Furthermore, if the Council fails to spend monies provided through the Section 106 Agreement within a set period, often within 5-years of entering into the agreement, there is a risk to the Council that the developer would be entitled to request the money back. This risk is thankfully relatively low but it is one that the Council must take seriously due to both the negative impact on the affected local community and the consequential reputational impact on the Council.

- 1.4 To manage and mitigate this serious risk the Council has approved a procedure for recording and monitoring Section 106 Agreements. The most recent version of this was approved by Planning Committee in September 2022 and it governs the work of the Council's cross-departmental Section 106 Monitoring Group.
- 1.5 Following the quarterly Section 106 Monitoring Group meeting, officers provide a progress report to the Planning Committee in respect of the monitoring of Section 106 Agreements. In line with the approved Procedure this progress report is required to highlight any sums at risk of clawback that need spending within 24 months, as well as a summary of the sums being held by infrastructure type that are in years three, four and five. Accordingly, this report is the quarterly progress report following the meeting of the Section 106 Monitoring Group held on 27<sup>th</sup> April 2023.

## **2. Details of Proposal or Information**

- 2.1 The Council's Section 106 Agreement Monitoring Procedure requires sums within 24 months of their deadline to be highlighted for Member's attention.
- 2.2 Members will recall that in the report provided in March, seven sums were identified as being within their 24 month deadline as at 25<sup>th</sup> January 2023 (one in error, see paragraph 2.4).
- 2.3 As of the Monitoring Group meeting on 27<sup>th</sup> April 2023 there are eight sums within their 24 month deadlines (details below).

### **Spend Date within 12 months (by 27<sup>th</sup> April 2024)**

<b>Action Plan</b>	<b>Finance Spreadsheet</b>	<b>Site</b>	<b>Infrastructure</b>	<b>Amount</b>	<b>Date</b>
<b>Item 6</b>	Line 82	Meridian Close	Outdoor Sport	£3,360.00	22.06.23 (formerly 22.12.22)
<b>Item 7</b>	Line 84	Spa Croft Tibshelf	Art	£10,176.20	22.03.24

### **Spend Date within 24 months (by 27<sup>th</sup> April 2025)**

<b>Action Plan</b>	<b>Finance Spreadsheet</b>	<b>Site</b>	<b>Infrastructure</b>	<b>Amount</b>	<b>Date</b>
<b>Item 12</b>	Line 85	Rosewood Lodge Farm South Normanton	Outdoor Sport	£34,584.85	21.05.24

<b>Item 13</b>	Line 85	Rosewood Lodge Farm South Normanton	Health	£80,141.59	21.05.24
<b>Item 20</b>	Line 83	Mansfield Road, Tibshelf	Outdoor Sport	£164,153	20.12.24
<b>New</b>	Line 87	Station Road, Langwith Junction	Open Space	£52,000	30.01.25
<b>New</b>	Line 89	Oxcroft Lane, Bolsover	Outdoor Sport	£125,336.69	10.03.25
<b>New</b>	Line 91	High Ash Farm, Clowne	Open Space	£10,184.39	19.03.25

2.4 Three further items have come within the 2 year spending threshold; they total £125,336.69 for Outdoor Sport and £62,184.39 for Open Space. These 3 items will be included in the Action Plan. Item 17 Spar Croft Tibshelf £26,650 against Open Space that was previously reported as being within a spend date of 12 months is to be removed from the Action Plan. This is a maintenance sum, not available for capital works. As a maintenance sum, there is no clawback.

2.5 The updates for the above items as recorded at the Section 106 Monitoring Group are set out below for Member's information.

*(CADO = Community Arts Development Officer; LSPO = Leisure Special Projects Officer; PPPO = Principal Planning Policy Officer; IHPP = Interim Head of Planning Policy; CLE = Chartered Legal Executive; PPDC = Principal Planner Development Control)*

<b>Item</b>	<b>Development site, relevant S106 sum and spend by date</b>	<b>Responsible officer</b>
<b>6</b> was <b>7</b>	<b>Meridian Close, Bolsover – Outdoor Sport £24,547.95 by 22.06.23 (formerly 22.12.22)</b>  <u>Action from previous quarterly meeting</u> Letter to be written to Jones Homes regarding the £3,543.33 remaining that is planned for the cricket pitch to offer for it to be paid back or an agreement for an extension of the spending deadline. Legal to review the letter prior to	<b>LSPO</b>  LSPO / CLE

	<p>sending. To be completed at the end of the week ending 24/01/23</p> <p><u>Updates between and at meeting</u>  <b>03.02.23:</b> letter emailed to Jones Homes  <b>03.02.23:</b> confirmation from Jones Homes stating that as a gesture of good will they are agreeable to extend the deadline date in the S106 Agreement from the 22<sup>nd</sup> December 2022 for a 6 month period up to 22<sup>nd</sup> June 2023.  <b>27.4.23:</b> LSPO confirmed that contractor has started on site.</p> <p><u>Action going forward</u>  LSPO to monitor contractor progress and updated PPPO on a fortnightly basis.</p>	LSPO
7 was 9	<p><b>Spa Croft, Tibshelf – Art £10,176.20 by 22.03.24</b></p> <p><u>Action from previous quarterly meeting</u>  Diary an update on progress for 8 weeks’ time.</p> <p><u>Updates between and at meeting</u>  <b>28.03.23:</b> CADO working with two groups in the village (an arts / crafts group and the Green Bunch horticultural group) to look at their ideas around some work involving this Section 106 project. This may require a revision to the S106.  <b>27.4.23:</b> CADO advised that the Community want something physical from the project. So there may be a need to extend the timeframe too. CADO advised that the developer is happy to reuse money on something else so the S106 could be amended in the standard manner, provided all parties including DCC are in agreement.</p> <p><u>Action going forward</u>  CLE to look at original agreement as starting point and send proforma for amending the S106 to DO.</p>	<p><b>CADO</b></p> <p>PPPO / CADO</p> <p>CLE / CADO</p>
12 was 15	<p><b>Rosewood Lodge Farm, South Normanton – Outdoor Sport £34,584.85 by 21.05.25</b></p> <p><u>Action from previous quarterly meeting</u>  LSPO to provide two weekly updates to PPPO.</p> <p><u>Updates between and at meeting</u>  <b>10.02.23:</b> LSPO advised that South Normanton Parish Council have identified a suitable project</p>	<p><b>LSPO</b></p> <p>LSPO / PPPO</p>

	<p>(improvements to Market Street Recreation Ground) that can be funded. LSPO will however look to retain some of the S106 monies for additional works at Broadmeadows Open Space.</p> <p><b>27.04.23:</b> LSPO to re-approach South Normanton Parish Council following the forthcoming local elections to agree the sum of money to be allocated to the potential projects.</p> <p><u>Action going forward</u> LSPO to provide monthly updates to PPPO.</p>	LSPO / PPPO
<b>13</b> was 16	<p><b>Rosewood Lodge Farm, South Normanton – Health £80,141.59 by 21.05.24</b></p> <p><u>Action from previous quarterly meeting</u> IHPP to provide update at next meeting.</p> <p><u>Updates between and at meeting</u> <b>27.04.23:</b> IHPP in regular contact with NHS Derby and Derbyshire Integrated Care Board (formerly Clinical Commissioning Group). The Board is currently investigating how best to use the S106 sum to provide additional health facilities in the vicinity of the development.</p> <p><u>Action going forward</u> IHPP to provide update at next meeting.</p>	<p>PPPO / IHPP</p> <p>IHPP</p> <p>IHPP</p>
<b>20</b>	<p><b>Mansfield Road, Tibshelf – Outdoor Sport £164,153 by 20.12.24</b></p> <p><u>Action from previous quarterly meeting</u> LSPO to provide updated at next meeting.</p> <p><u>Updates between and at meeting</u> <b>27.04.23:</b> LSPO currently in active discussions with both Tibshelf Parish Council and the Football Foundation to look at the potential for developing a 3G Football Turf Pitch (FTP) at Shetland Road Recreation Ground. Following a positive site meeting in April, the Football Foundation are looking at the best location for the pitch. However, the cost of the project is likely to be greater than the available S106 funding, although significant additional funding could be available from the Football Foundation. LSPO advised that if this potential project does not progress sufficiently quickly, there are other projects in the parish on which the funds can be spent.</p>	<p>LSPO</p> <p>PSPO</p>

	<u>Action going forward</u> LSPO to provide monthly updates to PPPO.	LSPO / PPPO
<b>New</b>	<b>Station Road, Langwith Junction – Open Space £52,000 by 30.01.25</b>  <u>Action from previous quarterly meeting</u> N/A  <u>Updates between and at meeting</u> <b>27.04.23:</b> LSPO advised they are yet to focus on this sum but will now prioritise this.  <u>Action going forward</u> LSPO to provide update at next meeting.	LSPO         LSPO
<b>New</b>	<b>Oxcroft Lane, Bolsover – Outdoor Sport £125,336.69 by 10.03.25</b>  <u>Action from previous quarterly meeting</u> N/A  <u>Updates between and at meeting</u> <b>27.04.23:</b> LSPO advised they are yet to focus on this sum but will now prioritise this and consider it light of other sport sums in Bolsover.  <u>Action going forward</u> LSPO to provide update at next meeting.	LSPO         LSPO
<b>New</b>	<b>High Ash Farm, Clowne – Open Space £10,184.39 by 19.03.25</b>  <u>Action from previous quarterly meeting</u> N/A  <u>Updates between and at meeting</u> <b>27.04.23:</b> LSPO advised they are yet to focus on this sum but will now prioritise this and consider it light of other sport sums in Bolsover.  <u>Action going forward</u> LSPO to provide update at next meeting.	LSPO         LSPO

2.6 These updates demonstrate the monitoring carried out by officers and the progress being made to ensure that S106 monies are spent in a timely manner alongside the build-out of the approved developments. However, in line with the Council's S106 Agreement Monitoring Procedure the relevant Spending Officers will be in attendance at the Committee to answer any questions to Members on the above Action Plan items.

- 2.7 In addition to these time sensitive items, the Procedure requires that Members are provided with summary information in relation to Section 106 Agreement monies held with deadlines beyond the 24 month period. Based on the position at the end of Quarter 4 (31 March 2023), the following 'summary of sums' can be provided for years three, four and five.

Infrastructure type	Amount in later years		
	Year 3	Year 4	Year 5 or beyond
Art	£0	£10,757.25	£12,602.26
Outdoor Sport	£0	£37,882.90	£82,215.75 (of which, no clawback against £22,169)
Informal Open Space	£26,207	£30,399.98	£116,794.50
Health	£0	£11,784.56	£60,316.90
Highways	Nil	Nil	£569,000.00 (no clawback)
Biodiversity	Nil	Nil	£8,029.96
	<b>£26,207</b>	<b>£90,824.69</b>	<b>£848,959.37</b>

- 2.8 The spend profiles for Art and Biodiversity remain the same as for the previous financial quarter. Elsewhere the sums have moved into different years with the passage of time.
- 2.9 For information, the sum against Health for 5 years and beyond, i.e. £60,316.90, is as recorded on the Financial Ledger as of 31 March 2023. The sum includes £12,772.20 from the development at Blind Lane Bolsover which represents 10% of the full sum. With respect to this initial payment, £4,121 interest payment is also due.

### **3. Reasons for Recommendation**

- 3.1 The implementation of Section 106 Agreements in a timely manner is essential to achieving sustainable growth across the District and protecting the quality of life for the District's residents and businesses.
- 3.2 As a result, it is important that Members receive information about the progress being made by the various Council departments to deliver Section 106 Agreements and to give Members the opportunity to assess the effectiveness of the monitoring procedures.
- 3.3 It is recommended that Members note the contents of the latest monitoring report and highlight any concerns about the implementation of the Section 106 Agreements listed.



#### 4 Alternative Options and Reasons for Rejection

- 4.1 Providing a progress report in respect of the monitoring of Section 106 Agreements to Planning Committee addresses recommendations made in recent Audit reports and recommendations of Members of the Planning Committee as set out in the Council's procedure for recording and monitoring Section 106 Agreements. Therefore, officers have not considered alternative options.

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#### RECOMMENDATION(S)

**That Planning Committee note the contents of the report and highlight any concerns about the implementation of the Section 106 Agreements listed.**

**Approved by Council McGregor, Portfolio Holder – Corporate Governance**

#### IMPLICATIONS:

**Finance and Risk:** Yes  No

**Details:** 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 taking. 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 Section 106 Agreements are not sufficiently robust.

On behalf of the Section 151 Officer

**Legal (including Data Protection):** Yes  No

**Details:** There are no data protection implications insofar as Section 106 Agreements are part of the statutory planning register and are therefore public documents. Section 106 of the Town and Country Planning Act 1990 provides the legal framework for the acceptance and discharge of the Section 106 Agreements and the Council's approved procedure addresses the key legislative provisions of this section of the 1990 Act.

On behalf of the Solicitor to the Council

**Environment:** Yes  No

*Please identify (if applicable) how this proposal / report will help the Authority meet its carbon neutral target or enhance the environment.*

**Details:** Section 106 Agreements cover a range of policy and infrastructure requirements, albeit they do not specifically contribute to this subject.

**Staffing:** Yes  No

**Details:** There are no human resources implications arising from this report.

On behalf of the Head of Paid Service

## DECISION INFORMATION

<p><b>Is the decision a Key Decision?</b>  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:</p> <p><b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital - £150,000</b> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b>  <i>(Only Key Decisions are subject to Call-In)</i></p>	No

<p><b>District Wards Significantly Affected</b></p>	All
<p><b>Consultation:</b>  <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Executive</b> <input type="checkbox"/>  <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/>  <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/></p>	No

<p><b>Links to Council Ambition: Customers, Economy and Environment.</b></p>
<ul style="list-style-type: none"> <li>• Enabling housing growth;</li> <li>• Developing attractive neighbourhoods;</li> <li>• Increasing customers satisfaction with our services.</li> </ul>

<p><b>DOCUMENT INFORMATION</b></p>	
<p><b>Appendix No</b></p>	<p><b>Title</b></p>
<p><b>Background Papers</b></p>	
<p><i>(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 Executive you must provide copies of the background papers).</i></p>	