

## **PLANNING COMMITTEE**

Minutes of a special meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Tuesday 17<sup>th</sup> September 2024 at 9.30 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Chris Kane, Rob Hiney-Saunders, Duncan McGregor, John Ritchie, Phil Smith, Janet Tait, Deborah Watson, Jen Wilson and Carol Wood.

Officers:- Sarah Kay (Assistant Director Planning & Planning Policy), Chris Whitmore (Development Management and Land Charges Manager), Stephen Gill (Consultant Senior Planning Officer), Christopher McKinney (Senior Devolution Lead for Planning Policy, Strategic Growth and Housing), Karen Hanson (Chief Executive), Jim Fieldsend (Monitoring Officer) and Alison Bluff (Governance).

Also in attendance at the meeting were Adrian Martin (Highways Project Engineer, DCC Highways) and Stephen Hawley (Highways Planning Liaison Manager, DCC Highways).

### **PL100-23/24      APOLOGIES FOR ABSENCE**

There were no apologies for absence

### **PL101-23/24      DECLARATIONS OF INTEREST**

There were no declarations of interest

### **PL102-23/24      17/00640/OUT - OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED FOR MIXED USE DEVELOPMENT INCLUDING UP TO 24HA OF EMPLOYMENT LAND (B1, B2, B8), UP TO 1800 RESIDENTIAL DWELLINGS, GREEN INFRASTRUCTURE, EDUCATIONAL AND RECREATIONAL USES, A RETIREMENT VILLAGE, NEIGHBOURHOOD CENTRE, HOTEL, RESTAURANT, HEALTH AND CARE, AND LEISURE USES, DEMOLITION OF EXISTING STATION ROAD INDUSTRIAL ESTATE WHERE APPLICABLE, DEMOLITION OF DWELLING/OUTBUILDING AS APPLICABLE, AND CONSTRUCTION OF NEW LINK ROAD WITH IN-PRINCIPAL POINTS OF ACCESS - LAND NORTH OF CLOWNE INCLUDING SECTION OF TOWN CENTRE HICKINWOOD LANE CLOWNE**

Committee considered a detailed report and presentation slides in relation to the above application, presented by the Consultant Senior Planning Officer.

The planning application sought outline planning permission (all matters reserved) for up to 24 ha of employment land for uses that fell within use classes B1, B2 & B8 and up to

## **PLANNING COMMITTEE**

1,800 new homes. The development also included 57.75 hectares of new Green Infrastructure, along with a range of other uses, which included educational and recreational uses, a retirement village, neighbourhood centre, hotel / restaurant, health and care, and leisure uses. The proposal also involved the demolition of the buildings within the industrial estate at Station Road, which was needed to deliver a new link road from Clowne through to the site. The development was shown as being divided into two phases (residential and commercial), albeit it would probably be delivered in several sub phases.

Matters such as access, layout, scale, appearance, and landscaping were reserved for future consideration. If the application was approved, these matters would be considered in detail as part of future reserved matters applications, and not as part of this outline planning application.

The planning application related to the site often referred to as Clowne North but was also known as Clowne Garden Village ("the site"). The application was previously given a resolution to grant planning permission by Planning Committee in June 2018, and this was subject to a signed Section 106 ("S.106") legal agreement. The S.106 agreement was needed to ensure that any off-site mitigation measures, financial contributions, and improvements agreed during the application process to make the development acceptable were delivered.

Despite there being an agreement in principle on what matters should be included in the S.106 agreement, issues arose in respect of the highway improvement works. The issues centred on agreeing an appropriate improvement scheme for the Treble Bob Roundabout ("TBR"). As a result, the S.106 was never completed, and because the S.106 was never signed, the decision notice for the planning application was never issued and the application had not been formally determined since.

Over the period since the application was previously given a resolution to grant by Planning Committee in 2018, there had been extensive ongoing discussions between the applicant, National Highways ("NH"), and Derbyshire County Council Highways ("DCC Highways"). These discussions had taken place to try and agree the highway improvement work details for the TBR. Following these extensive discussions, an agreement had now been reached between DCC Highways, NH, and the applicant, in relation to the overall highway improvement schemes (discussed in detail later in the report). With that considered, the applicant now wished to move the application forward to a formal determination.

Since the application was previously considered by Planning Committee in June 2018, there had been some fundamental changes in planning policy at both a national and local level, which included an updated National Planning Policy Framework (December 2023) ("NPPF"), and a new Development Plan for Bolsover District Council, which was adopted in March 2020 ("the Development Plan"). In addition, the planning application when submitted in 2017 included an Environmental Impact Assessment ("EIA"), which was required due to the size and scale of the development and the potential for significant effects during the construction and operational phases of the development.

The passage of time since June 2018, meant that the application could not be determined based on the technical evidence submitted in 2017/18. This evidence needed to be updated to reflect the most up to date site conditions and considered against the latest national and local planning policies. In addition, consideration also needed to be given as

## PLANNING COMMITTEE

to whether the effects and conclusions set out in the original EIA submitted in 2017 were still correct or whether there were now considered to be greater effects in EIA terms. The applicant, as part of this reappraisal, had submitted updated additional technical evidence, including an EIA Addendum.

Technical consultation took place in both 2017/18 and 2023/24. The report set out a summary of the consultation responses received from consultations that took place in May 2023 and April 2024, as they were the most relevant. Previous technical responses could be viewed on the previous Committee Report, which was attached at Appendix 1 to the report.

With regard to publicity of the application as part of a re-consultation process, which happened in May 2023 and April 2024, due to additional information received from the applicant, the application was again publicised by way of:

- Neighbour Notifications
- 16 Site Notices
- Press notice published in the local newspaper.

In addition, two public consultation meetings took place in Barlborough and Clowne, on 30<sup>th</sup> and 31<sup>st</sup> May 2023 respectively. A drop-in session was also undertaken, which took place at the Council offices (The Arc) on 20<sup>th</sup> June 2023.

975 public representations were received in 2017/18, which were still relevant when considering the application. These were summarised in the previous Committee Report dated 26<sup>th</sup> June 2019 and could be reviewed at Appendix 1 to that report.

As part of the re-consultation process undertaken in 2023/2024, close to 300 representations had been received, which were summarised in today's report.

The Development Management and Land Charges Manager referred to the Supplementary Update report, which noted five further representations received following publication of the agenda. The report also included a traffic survey undertaken in Clowne on 20<sup>th</sup> August 2024 by Councillor David Bennett. One of the representations raised concern regarding the use of tailpieces to the recommended planning conditions. Officers had noted this concern, and for the avoidance of doubt, if Members were minded to approve the application, the tailpiece to conditions could be removed to provide certainty on the permission granted and the procedure that would need to be followed should material changes to the development be required. In relation to condition 5, officers wished to ensure sufficient clarity that the provision of formal open space would include a town park and 10 hectares of land in area terms.

The Assistant Director Planning & Planning Policy advised the meeting that at the relevant time, she would read out a late representation received from Tanya Warren, and a late representation from Steve Singleton, Clerk to Clowne Parish Council.

The Assistant Director Planning & Planning Policy further advised the meeting that during the week, communication had been received from the Ministry for Housing, Communities and Local Government (MHCLG), to advise the Council that they had received a request to call in the application. The letter noted the following;

*“ it was not the Secretary of State's policy to consider call in requests before the local*

## PLANNING COMMITTEE

*planning authority has determined an application or resolved to approve it”*

The Assistant Director Planning & Planning Policy noted that the Secretary of State had requested that the Committee proceed today with a Committee resolution, but the Council would not be permitted to issue a decision notice until this had been communicated back to the Secretary of State who may then at that point chose to call in the application. Members would be kept informed in due process.

Councillor Will Fletcher, Bolsover District Councillor not on the Planning Committee, spoke against the application.

Councillor Duncan Haywood, Bolsover District Councillor not on the Planning Committee, spoke against the application.

In response to a query from Councillor Duncan McGregor, Councillor Haywood noted that the flooding in Creswell he had referred to, had happened towards the end of the 1970s.

Councillor David Bennett, Bolsover District Councillor not on the Planning Committee, spoke against the application.

Councillor Vicky Waplington, Bolsover District Councillor not on the Planning Committee, spoke against the application.

Barlborough Parish Councillor, Jane Haywood, spoke against the application on behalf of Barlborough residents.

Barlborough Parish Councillor, David Dixon, spoke against the application.

The Assistant Director Planning & Planning Policy read out the representation received from Steve Singleton, Clerk to Clowne Parish Council.

At this point in the meeting, a fifteen minute break was taken.

Roger Dell spoke against the application on behalf of Clowne Garden Village Action Group.

Greg Lindley spoke against the application on behalf of Clowne Residents Association.

Denise Dell spoke against the application on behalf of Tanya Warren.

As noted earlier in the meeting, the Assistant Director Planning & Planning Policy had been asked to read out a late representation on behalf of Tanya Warren, however, as Denise Dell had already read out Tanya Warren's statement word for word, the Assistant Director Planning & Planning Policy would not read out the statement. Further to this, Denise Dell was invited to speak on her own behalf for a further 2 minutes.

Denise Dell spoke against the application.

Cheryl Philips spoke against the application.

Dominic Webb spoke against the application.

## **PLANNING COMMITTEE**

Dominic Page (Agent) spoke for the application.

Councillor Rob Hiney-Saunders raised various queries relating to the following matters to which Dominic Page responded;

- Treble Bob roundabout improvements
- Bus route from new development / housing estate
- AECOM transport study / Clowne traffic survey

Members raised various queries relating to the following matters to which BDC and DCC officers responded;

- Additional capacity at the Springs Health Centre in Clowne / increase in parking / potential for a new medical centre for Clowne
- Increase in pupils at Clowne Primary School / traffic increase
- Treble Bob roundabout improvements / robustness of design
- Chesterfield Royal Hospital request for sum of money
- Clowne and Barlborough parish councils query in relation to request for level of commuted sums
- Appraisal work carried out by CP Viability on behalf of the Council
- Mitigation of the effects of climate change
- Football pitch - existing provision / new provision
- Drainage strategy / Flood Risk Assessment - Harlesthorne Dam / Creswell Road and Station Road request to include a condition that improvements not be just a litter catcher
- Clowne transport study
- Transport - increase traffic flow on roads / impact on parking in Clowne / school drop off / traffic travel routes
- Local transport improvement schemes for junctions at Boughton Lane and Gapsick Lane, Clowne
- Active Travel England objections received
- Parking – DCC Highways consideration / non car based infrastructure
- Viability reappraisal and deferred contributions (SEND and Library contributions)
- Growth plans – local plan provision Clowne and Barlborough

### **PL103-23/24      LUNCHTIME ADJOURNMENT**

As the time was approaching 1240 hours the meeting adjourned for a one hour lunch break.

<b>PL102-23/24 (Continued)</b>	<b>17/00640/OUT - Outline Planning Application with All Matters Reserved for mixed use development including up to 24ha of employment land (B1, B2, B8), up to 1800 residential dwellings, green infrastructure, educational and recreational uses, a retirement village, neighbourhood centre, hotel, restaurant, health and care, and leisure uses, demolition of existing Station Road</b>
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## PLANNING COMMITTEE

### **Industrial Estate where applicable, demolition of dwelling/outbuilding as applicable, and construction of new link road with in-principal points of access - Land North of Clowne Including Section of Town Centre Hickinwood Lane Clowne**

Members raised further queries relating to the following matters to which BDC officers responded;

- The proposal to widen and clear the culvert on Creswell Road, Clowne
- Environmental Impact Assessment 2017 and Addendum
- Viability of the site – amounts of funding under S106 monies
- Sewage flood risk (STWA)
- Treble Bob roundabout improvements if the proposed development did not go ahead
- Clarity on greenbelt area

Councillor Duncan McGregor referred to the key matters as set out in the report and that Reserved Matters would cover most of the concerns raised at this meeting, and he gave notice of motion.

Councillor Rob Hiney-Saunders felt that some issues had not been given enough weight to, for example, the unassessed traffic and parking in Clowne, and based on the data that underpinned it he felt it should be given more weight. He added that Active Travel England, the experts in non-car travel from a statutory point of view, had severe concerns. There was also no confirmation on the culvert expansion, and in terms of material impacts that were not planning issues, there was unassessed material impact of the community infrastructure, particular the community centre and the cemetery.

Councillor Deborah Watson raised that if the application were refused, housing in Clowne would still be needed and this could ultimately be done in piece meal.

Councillor John Ritchie referred to the wording in relation to Development Plan Policy SS2 under the heading of Principle of Development in the report, and echoed Councillor Watson's comments.

Councillor Phil Smith acknowledged the S106 solution and the fact that additional reports had been undertaken, noting the planning considerations had been met.

Moved by Councillor Duncan McGregor and seconded by Councillor John Ritchie that the application be approved.

Members requested a recorded vote be taken.

For the motion: 8. Against the motion: 2 (Councillors Rob Hiney-Saunders and Carol Wood).

The motion was carried and it was therefore **RESOLVED** that the application be approved subject to prior entry into a s.106 legal agreement containing the following planning obligations:

## **PLANNING COMMITTEE**

### **A: Highways**

- The delivery of Treble Bob Roundabout Scheme
- The delivery of the M1 Jct 30 Interim and Full Schemes

### **B: Active Travel & Passenger Transport Strategy**

### **C: Travel Plan**

- £50,000 to Derbyshire County Council as a Travel Plan contribution for the implementation of a site wide Travel Plan

### **D: Affordable Housing**

- 10% Provision and Tenure Type

### **E: Education**

- The transfer of serviced and accessible land to Derbyshire Country Council Education
- The delivery of a new primary school by the applicant or a full contribution of £9,500,000 to Derbyshire Council Education for the delivery a new Primary School
- Secondary School Contribution of £8,258,879

### **F: Health Care**

- £1,800,000 contribution towards to the Integrated Care Board to improve health care facilities.

### **G: Open Space Management Provisions**

### **H: Provision for delivery of Skylark Mitigation**

### **I: Viability Reappraisal & Deferred Contributions**

- A Viability Reappraisal requirement to establish the amount (if any) which is available for calculation of the Deferred Contributions.

#### *Deferred Contributions:*

- *SEND Contribution:* Payment of £1,463,597 to Derbyshire County Council towards the provision of Special Educational Needs and Disability
- *Library Contribution:* Payment of £126,840.00 to Derbyshire County Council towards local library stocks and measures to increase capacity.

**AND subject to the following conditions, which in consultation with the Chair and Vice Chair of Planning Committee, the Assistant Director Planning & Planning Policy be given delegated authority to make any minor changes to the precise wording of the planning condition wording if necessary,**

1. The first application for the approval of Reserved Matters for any part of the development must not be made later than the expiration of five years from the date of this permission and any subsequent applications for the approval of Reserved Matters must not be made later than the expiration of twenty-five years from the date of this permission. The development to which this permission relates must be

## PLANNING COMMITTEE

begun no later than the expiration of three years from the approval of the first Reserved Matters application made in pursuance of this outline planning permission.

2. The development hereby approved shall be carried out in accordance with the details reserved by the conditions attached to this decision notice. In addition, the following documents are approved as relevant documents for the future determination of reserved matter as part of this planning permission,
  - The Design and Access Statement, including the Design Concept Character Areas
  - The Drainage Strategy Report & Appendices Ref: CGV-AEC-XX-XX-RP-CE-02501
  - The Harlesthorne Dam Technical Note dated 15<sup>th</sup> May 2018
  - Noise Impact Information (dated 29<sup>th</sup> May 2018)
  - Air Quality details (dated 29<sup>th</sup> May 2018)
  - Flood Risk Assessment Ref: CGV-AEC-XX-XX-RP-CE-02500
  - Phasing Plan Reference CN-PP-01 Revision A
  - BNG Metric prepared by FPCR
3. No development shall commence (aside from site clearance and preparation work) until details of access, appearance, landscaping, layout, and scale (hereafter referred to as the reserved matters) relating to that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
4. The development hereby approved shall comprise no more than the following for each use as set outlined in the Transport Assessment Addendum unless otherwise agreed in writing by the Local Planning Authority on an application submitted to it:
  - C3 Dwellings 1800
  - C2 Carehome 7000m<sup>2</sup> and ancillary retail/services of 1750m<sup>2</sup>
  - C1 Hotel with ancillary restaurant, leisure, healthcare, of 5743m<sup>2</sup> and 130 bedrooms
  - F1 2 Form Primary School 1353m<sup>2</sup>
  - E(i)(ii)(iii) Business Park (office) 14340m<sup>2</sup>
  - B2 Business Park (general industry) 33502m<sup>2</sup>
  - B8 Business Park (warehouse and Distribution) 38228m<sup>2</sup>

or sui generis uses comprising a mixture of the approved uses only, within the maximum cumulative floorspace thresholds set out for each Use Class.

5. Notwithstanding the Phasing Plan submitted with the application prior to or on the first submission of any reserved matters application, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall indicate the broad location, timing, and delivery schedule of the following specific works:
  - a. Details of structural landscaping and implementation schedule,
  - b. The timing and phasing of the offsite highway's improvements as proposed in the Transport Assessment (Aecom November 2017)



## PLANNING COMMITTEE

reference 60556776), the Transport Assessment Addendum dated April 2018 reference 60556776 and the Transport Statement dated March 2023), including offsite pedestrian crossings and onsite highways connections to existing strategic highway infrastructure including footways and cycle paths.

- c. Provision of education facilities within the site.
- d. Provision of 10 hectares of Formal Green Space including a Town Park and Central Village Green.
- e. A Sports Strategy, which details the timing and delivery of any sports provision within the development.

The development thereafter shall be carried out in accordance with the approved details,

6. Prior to the submission of the first Reserved Matters application a detailed Design Code relating to all forms of built development on the site shall be submitted to and approved by the Local Planning Authority in writing. The approved Design Code will be applied to all Reserved Matters applications in that phase unless otherwise agreed in writing by the Local Planning Authority. The Design Code shall also refer to and reflect the ten principles set out in the National Design Guide and Model National Design Code, and the Council's current design guidance, and will cover the following key detailed design matters in respect of the following:
  - Movement hierarchy and street types - the network of streets and car free routes and how these integrate into existing networks and pedestrian linkages, using street sections and plans to illustrate this.
  - Urban design principles - how the development will create a permeable and secure network of blocks and plots with well-defined, active, and enclosed streets and spaces.
  - Townscape and Legibility strategy - how the scheme will give identity and be easy to navigate using gateways, views, nodes, and landmarks for orientation, including use of high-quality materials for individual landmark buildings.
  - Residential character areas - the different areas of housing within the site and details of the key characteristics of each zone in terms of layout, scale, siting appearance, and landscape, Architectural appearance, building details and materials informed by a local character appraisal.
  - Employment land character areas - the different areas of commercial uses within the site and details of the key characteristics of each area in terms of layout, scale, siting appearance, and landscape, Architectural appearance, building details and materials informed by a local character appraisal,
  - Landscape framework and Open space character areas - the function, appearance and design principles for key linkages and areas of open space, including a street tree framework plan across the whole development, and details of any work, improvements or amendments associated with any Public Right of Way within the site.

## PLANNING COMMITTEE

- A SuDs framework and characterisation throughout. Including swales and rain gardens with an integrated relationship to housing areas and landscape characterisation.
  - Vehicle and cycle parking - including details of allocated and visitor parking strategies in line with the Council's parking standards.
  - Hard and soft landscape - including street surfacing, junction treatments, street furniture, signage, management, and maintenance.
  - Boundary treatments - details of front, side, rear and plot division boundaries for each street type / character area.
7. Prior to the submission of a reserved matters application of development that is within the Defined Coal Mining Risk Zone, an appropriate scheme of intrusive site investigations for mine entries shall be undertaken. A report summarising the findings of the intrusive site investigations (including the results of any gas monitoring) shall be submitted as part of any subsequent Reserved Matters application for the site within the Defined Coal Mining Risk Zone. The Reserved Matters submissions shall also include the submission of a layout plan which identifies appropriate zones of influence for the recorded mine entries on the site and shall define and reference any relevant 'no build zones' as applicable. The Reserved Matters submissions shall also include a scheme of treatment for the recorded mine entries if identified on the site, for subsequent approval. Thereafter the development on the site shall be carried out in accordance with the approved remediation scheme.
8. Unless otherwise agreed by the Local Planning Authority, development for each specific phase of development other than that required to be carried out as part of an approved scheme of remediation must not commence until subsections A-E have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until subsection D has been complied with in relation to that contamination.

### A. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,

## PLANNING COMMITTEE

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

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

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

### B. Submission of Remediation Scheme

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

### C. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

## PLANNING COMMITTEE

### E. Importation of soil

In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the LPA for consideration. Only the soil approved in writing by the LPA shall be used on site.

9. No development within any phase (as approved under Condition 3) shall take place until a Written Scheme of Investigation for archaeological work on that Phase has been submitted to and approved by the local planning authority in writing. No development shall take place in any phase of the development until the fieldwork element of the scheme for that phase is complete to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions, and on a phased basis:

1) The programme and methodology for archaeological evaluation shall take place before the consideration of the reserved matters 'layout' details for that phase;

(2) The programme and methodology for further archaeological work following evaluation, comprising preservation *in situ* or mitigation excavation as appropriate.

(3) The programme of post investigation assessment;

(4) Provision to be made for analysis of the site investigation and recording;

(5) Provision to be made for publication and dissemination of the analysis and records of the site investigation;

(6) Provision to be made for archive deposition of the analysis and records of the site investigation; and

(7) Nomination of a competent person or person/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the archaeological Written Scheme of Investigation.

No phase of the development shall be occupied until the site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

10. On submission of any reserved matters application details of all foul, surface water and land drainage work and all related works necessary to drain the area covered by that reserved Matters application shall be submitted to the Local Planning Authority for approval.

No development in any phase or part thereof in question shall commence until the details have been approved by the Local Planning Authority in writing. Any drainage scheme should be carried out in broad accordance with the principles outlined within:

- Clowne Garden Village, Drainage Strategy Review, Document Ref: GCV-ACM-XX-XX-TN-CE-00502 (21 December 2022),

## PLANNING COMMITTEE

- Clowne Garden Village, Derbyshire Drainage Strategy Report; Project Number: 60556776 CGV-AEC-XX-XX-RP-CE-02501 Rev 01 (December, 2017) and
- Clowne Garden Village, Flood Risk Assessment; Project Number: 60556776 CGV-AEC-XX-XXRP-CE-02500 Rev 01 (December, 2017), “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team” And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015),
- DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015),

Each Drainage Scheme should include:-

- A) An assessment of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) in accordance with the principles set out in NPPF (or any subsequent version). Where the assessment demonstrates that SuDS is feasible, the details provided shall include such drainage designed in accordance with the non-statutory technical standards for SuDS and the Local Planning Authority's local standards.

An assessment of any impact on the Harlethorpe Dam and necessary mitigation.

Details of how all foul water infrastructure is to be provided (including timescales for provision and details of offsite works and the point of connection [s] into the existing public sewer) to serve the Zone, or part thereof in question.

Details of the outfall for surface water, including surface water drainage features (including SuDS, and information demonstrating where possible the integration of SuDs features into the green infrastructure and layout of the site), sewerage and outfalls to watercourse plus any other necessary infrastructure identified as part of a surface /storm water management plan.

Surface water from vehicle parking and hard standing areas (excluding those associated with residential properties) shall be passed through an interceptor of adequate capacity prior to discharge to a public sewer. Roof drainage shall not be passed through an interceptor.

- B) The works as approved under part A) of this Condition shall be carried out concurrently with the development of the Zone in question and no part of such Zone, including any buildings, shall be occupied until the said works have been completed and are operational in relation to the said part of the Unity Zone.
- C) All Zones shall be developed with separate systems of drainage for foul and surface water on and off site and no additional surface water shall discharge to the existing local public sewer network.

## PLANNING COMMITTEE

11. Prior to the commencement of the development for each phase, details demonstrating how additional surface water run-off from that phase will be avoided during construction shall be submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the local planning authority, before the commencement of any works leading to increased surface water run-off from site, during the construction phase.
12. No reserved matters application should be approved until a full hydraulic analysis has been carried out of all the watercourses within the development site boundary, and the risk of flooding to existing and proposed properties assessed both pre and post development. These details shall be submitted to and approved in writing by the Local Planning Authority and if any mitigation measures are identified they shall be implemented in full.
13. Development in each phase should not be occupied until the need for public sewerage improvements proportionate to that phase of the development has been identified and the necessary improvements to the public sewerage system relative to that phase of the development have been fully implemented to the satisfaction of Severn Trent Water.
14. Prior to 80% (number of dwellings or floorspace) occupation of each phase of development a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority. The verification report must demonstrate that the drainage system has been constructed in accordance with 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).
15. No development shall commence within any phase or sub phase (including any works of demolition) until a Construction Environmental Management Plan ('CEMP') specific to that phase or multiple phases (as applicable) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
  - a) Environment Management Responsibilities;
  - b) Construction Activities, and Timings, including details of any temporary access arrangements;
  - c) Plant and Equipment, including loading and unloading, including arrangements to receive abnormal loads or unusually large vehicles;
  - d) Construction traffic routes and points of access/egress to be used by construction vehicles, and arrangements for turning vehicles;
  - e) Details of site compounds, offices, welfare facilities and areas to be used for the storage of materials;
  - f) Utilities and Services;
  - g) Emergency planning & Incident Reporting;
  - h) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;
  - i) Method of preventing mud and dust from being carried onto the highway
  - j) Highway Condition survey

## **PLANNING COMMITTEE**

k) On site control procedures reference:

- Traffic mitigation measures including traffic management and parking
- Temporary haulage routes
- Air and Dust quality
- Noise and vibration
- Waste and Resource Management
- Agricultural Soils and Materials
- Temporary surface water drainage during construction
- Protection of Controlled Waters
- Trees, Hedgerows and Scrub
- Ecology
- Archaeological and Cultural Heritage
- Visual and Lighting
- Utilities and Services
- Protection of water resources
- Protection of species and habitats

l) Detailed phasing plan to show any phasing, different developers and/or constructors to be updated regularly

m) Details for the monitoring and review of the construction process including traffic mitigation (to include a review process of the Construction Environmental Management Plan during development).

n) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring business and residents. Reason: In the interests of the safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

o) Biodiversity

- Risk assessment of potentially damaging construction activities.
- Identification of “biodiversity protection zones”.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. These must include badger survey prior to commencement of each relevant phase or sub phase of development, nesting bird checks, site clearance methodologies for amphibians, reptiles and brown hare.
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

Any development hereby permitted shall be carried out only in accordance with the

## PLANNING COMMITTEE

approved CEMP.

16. On the submission each respective reserved matters application for development within any phase, a Landscape and Biodiversity Enhancement and Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be an iterative document, to be updated as necessary and approved prior to the commencement of each further phase of development. The document shall be suitable to provide to the management body responsible for the site. It shall include the following:

- a) Description and location of features to be retained, created, enhanced, and managed, as per the approved biodiversity metric (FPCR), and clearly quantifying how each phase contributes to the overall net gain figures.
- 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 at intervals of 1, 2, 3, 4, 5, 10, 15, 20, 25 and 30 years.
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- j) Details of underpasses, offset gullies and drop kerbs in the road network to safeguard wildlife.
- k) Detailed specifications for open water habitats to provide biodiversity benefits.
- l) Requirement for a statement of compliance upon completion of planting and enhancement works in each phase.

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

17. Any application for approval of reserved matters shall include the submission of a detailed Arboricultural Impact assessment and Tree Constraints Plan where appropriate.

The information shall include:

- an individual tree assessment of all trees which are proposed to be retained in accordance with the EIA representing the base case scenario in respect of tree removal at the site.
- The measures which will be implemented to secure their protection during the course of the development and retention thereafter.

No development relevant to that phase shall commence until the approved tree



## PLANNING COMMITTEE

protection measures have been put in place and the development of the relevant phase shall thereafter proceed in full accordance with the approved Tree Constraints Plan, unless otherwise agreed in writing by the Local Planning Authority.

18. Provision shall be made in all reserved matters applications for green space and play provision in accordance with the requirements agreed as part of condition 5 and Bolsover District Development Plan Policy ITCR 5 or any replacement development plan policy.
19. Any reserved matters application shall be accompanied by a detailed lighting strategy to safeguard bats. Sensitive habitats, including woodland, grassland, allotments, open water, public open space, Local Wildlife Sites, and key green/blue corridors, shall be safeguarded from excessive lightspill. Where these habitats are present, details shall be provided of the type of lighting proposed and any mitigating features such as shields, hoods, timers etc. Lux plans may also be required to determine exact levels of lightspill in particularly sensitive areas. The development shall be implemented in full accordance with the approved measures.
20. The Allotments within the application site area shall be retained as part of the development hereby permitted.
21. Prior to commencement of the development hereby approved; the details of air quality management and review shall be submitted to and agreed in writing by the local planning authority.
  - Details of mitigation measures to be included the proposals
  - Details of base lines
  - Timing / Phasing of monitoring
  - Location of monitoring points
  - How the results will be assessed
  - What actions will be considered at each review point.
22. Any reserved matters application containing residential development shall include details of a scheme of sound insulation that shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:
  - Bedrooms 30 dB LA<sub>eq</sub> (15 Minutes) (2300 hrs – 0700 hrs)
  - Living/Bedrooms 35 dB LA<sub>eq</sub> (15 Minutes) (0700 hrs – 2300 hrs)
  - All Other Habitable Rooms 40 dB LA<sub>eq</sub> (15 Minutes) (0700 hrs – 2300 hrs)
  - All Habitable Rooms 45 dB LA<sub>max</sub> to occur no more than 6 times per hour
  - Any outdoor amenity areas 55 dB LA<sub>eq</sub> (1 hour) (0700 hrs – 2300 hrs)

Prior to the first occupation of the dwelling(s) hereby approved, the scheme as approved shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority.

## PLANNING COMMITTEE

23. Any reserved matters application containing commercial/industrial development shall include an assessment of sound emanating from the development and a scheme specifying the provisions to be made for the control of sound. This shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the rating level of the sound, corrected for acoustic features, measured at or calculated to, a position representing any boundary which may suffer a loss of aural amenity from sound associated with the development, shall not cause an increase in the residual sound level. The scheme, as approved, shall be implemented in full and validated by a competent person. The scheme, as validated, shall be retained thereafter for the life of the development.

The references in this condition to rating level and residual sound level have the same meaning as those defined in BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

24. Any reserved matters application including medical or educational facilities shall include a scheme of sound insulation that shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the criteria agreed in writing with Local Planning Authority. The scheme shall be designed to achieve current best practice criteria with the ventilation operating and shall consider both internal and external areas.
25. The Commercial Phase (or any sub-phase within the Commercial Phase)) shall not be brought into use until an Employment Travel Plan that promotes sustainable forms of travel to the development site has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall use Modeshift STARS Business or equivalent to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored, and reviewed in accordance with the approved details.
26. Any phase of residential development shall not be occupied until a residential travel plan that promotes sustainable forms of access to the development site has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan will thereafter be implemented and updated in accordance with the approved details.
27. Before any works commence on each phase of development, a strategy/plan detailing active travel measures associated with the development shall be submitted to the Local Planning Authority for written approval with those details being implemented in accordance with the agreed strategy/plan.
28. No development in any phase shall be occupied until the improvement scheme identified for M1 junction 30 (interim scheme) as shown in general accordance with AECOM drawing CGV-ACM-M1J30-XX-DR-CE-010001 Revision P03 is completed and open to traffic.
29. No more than 200 dwellings shall be occupied until the improvement scheme

## PLANNING COMMITTEE

identified for M1 junction 30 (larger scheme), as shown in general accordance with AECOM drawing ref 60556776-M1J30-TSD001 (or revised scheme following a Stage 1 Road Safety Audit (RSA) and Walking, Cycling, Horse-riding Assessment and Review (WCHAR) is completed and open to traffic.

30. No part of the development shall be occupied until the improvement scheme for the A616/A619 'Treble Bob' roundabout junction as shown in general accordance with AECOM drawing CGV-ACM-XX-XX-DR-CE-00001 Revision P01 and which shall also include installing a queue detection loop on the A616, is completed and open to traffic.
31. Any application for reserved matters shall include an electric vehicle infrastructure strategy and implementation plan and also a scheme detailing the proposed vehicle, motorcycle, and cycle parking arrangements for each phase of development. The plan shall contain details of the number and location of all electric vehicle charging points that shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Derbyshire Highway Design Guide. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in accordance with approved details and are operational. The charging points installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.
32. Commercial plots excluding ancillary buildings and infrastructure shall not be brought into use until showers and lockers have been installed in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.
33. Prior to the first occupation of each reserved matter residential phase, a residential welcome pack promoting sustainable forms of access to the development shall be submitted to and approved in writing by the Local Planning Authority. The pack shall be provided to each resident at the point of the first occupation of each dwelling.
34. Any application for the approval of reserved matters shall include full details of all proposed street tree planting, root protection systems, future management, and the proposed times of planting. All tree planting shall be carried out in accordance with the approved details.
35. Before development in each phase commences, an Employment Scheme (prepared by the main contractor for that phase) to enhance and maximise employment and training opportunities during the construction phase of the project shall be submitted to and approved in writing by the Local Planning Authority. The approved Employment Scheme shall then be implemented in full unless in accordance with any such subsequent variations as shall have been submitted to and approved in writing by the Local Planning Authority.
36. Prior to the first occupation of any premises within the commercial phase an Employment Scheme to enhance and maximise employment and training opportunities during each plot's operation, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved Employment Scheme shall then be implemented in full in accordance with the approved timetable unless in

## PLANNING COMMITTEE

accordance with any such subsequent variations as shall have been submitted to and approved in writing by the Local Planning Authority

37. On or before the submission of the reserved matters application that includes the 600th dwelling, details of a phase of at least 0.7 hectares for the development of self-build houses shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a design guide for the development of the self-build houses. The site shall thereafter be developed in accordance with the approved details and shall be reserved for self-build houses.
38. As part of each reserved matters application for residential development, details of the proposed housing mix within that phase of development shall be submitted.
39. Each reserved matters application shall include full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plans. Development shall be carried out in accordance with the approved details.
40. If the extent of the new road and Roundabout design on Station Road necessitates relocation of the existing Mining Memorial, a scheme for its relocation shall be prepared in consultation with the Local Planning Authority and Clowne Historical Society, and thereafter submitted and approved in writing by the Local Planning Authority. The approved relocation scheme shall be implemented prior to the construction of the new section of road.
41. No built development pursuant to this permission, defined under section 55 of the Planning Act 1990 shall be carried out within North East Derbyshire Green Belt as defined on the Local Plan for Bolsover (2020) Proposals Map. The land within the Green Belt shall form a landscaped buffer to the development in accordance with the indicative Design Concept Character Areas Plan.

### **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.*

## PLANNING COMMITTEE

### **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.*

The meeting concluded at 14:14 hours.