

**PARISH** Shirebrook Parish

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**APPLICATION** Construction of 24no single storey dwellings  
**LOCATION** Land East Of Market Close Shirebrook Derbyshire  
**APPLICANT** Miss Katie Walters, Bolsover District Council  
**APPLICATION NO.** 21/00421/FUL **FILE NO.**  
**CASE OFFICER** Mr Peter Sawdon  
**DATE RECEIVED** 15th July 2021

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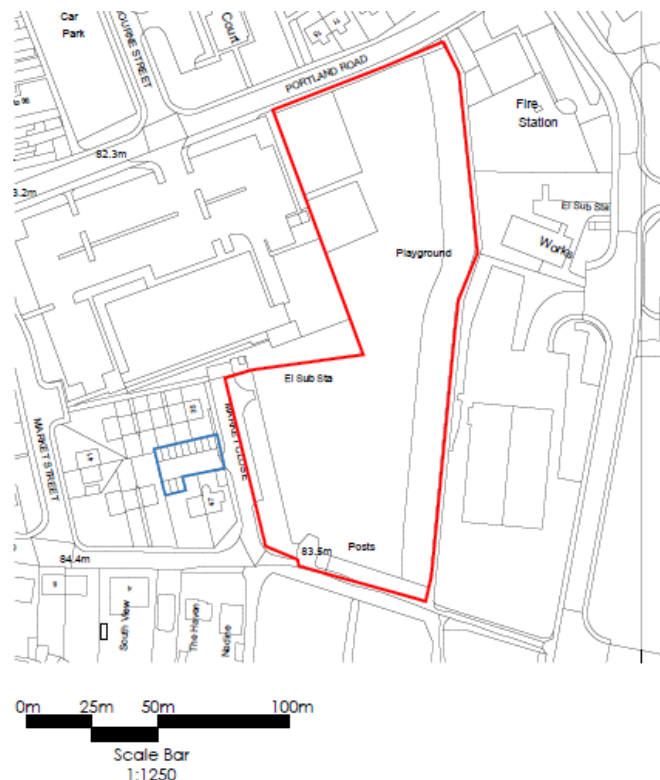
## **SUMMARY**

This application has been referred to the Planning Committee given the financial viability issues raised in the submission, meaning normal S106 contributions towards recreation and leisure provisions are not being made.

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.

Whilst the not all policy requirements are met in full, including the inability to make leisure contributions, it is considered that the public benefit that is provided through the delivery of this fully affordable rented housing scheme outweighs these requirements in this case, evidenced by suitable financial viability assessment.

## **Site Location Plan**



## SITE & SURROUNDINGS



### **View from south west corner of site (from Market Cl/Sookholme Rd junction – rear of Lidl store to the left of the image)**

The application site is an area of approximately 1.2 ha of mainly grassed parkland that contains the remnants of now disused play equipment on a hard surfaced area located to its north western corner; the site is mainly bounded by metal railings. It is located on the edge of the town centre, to the south side of Portland Road in Shirebrook. Pedestrian access is available from both that highway and from Market Close to its west, with vehicular access (via a locked gate) provided from Sookholme Road to the site south western corner.

The submitted Design and Access Statement indicates that historically, the site was host to a greyhound racing track on the southern part and a public paddling pool on the northern part between 1930's and 1970's. Prior to this, in the 14th century, the site was host to a moated manor which later became part of the Ashbourne farm.

The site contains several mature trees that in the main are located along its northern and eastern boundaries, with a further large mature tree located centrally.

The site is bound by a Lidl store to the west of its northern portion, to the south of which are dwellings that are located on the opposite side of the site to the Market Close highway that extends to the rear of the Lidl store.

Further dwellings are located beyond Portland Road to the north. A public footpath runs alongside the eastern boundary, separated from the site by the boundary railings, with industrial units beyond. That path connects to a further public footpath that runs alongside the southern boundary of the site, beyond which are allotments; this footpath connects to Sookholme Road to the west and Portland Drive to the east, along with a further path that runs to the south around the adjacent allotments.

The footpath that runs down to the south of the site along Sookholme Road forms part of the Archaeological Way multi-user trail; this is a developing long-distance tourist route that currently connects this part of Shirebrook to Creswell Crags, and is proposed to run south to

Pleasley Vale as its next stage of development.

The residential areas to the north and west are predominantly two storey, although there are bungalows to the west side of the Lidl store. The industrial and Lidl store are all single storey warehouse type buildings.

The site is crossed by a culverted stream that runs diagonally across the site, with further gas, water, electrical and sewer services running both east/west and north/south through it, which will impact on the layout of any development.

## PROPOSAL

*The plan below shows the latest amended site layout.*



*Example elevations:*



Front Elevation  
1 : 50



Front Elevation  
1 : 50

This full planning application is for the construction of 24 single storey dwellings.

Access to the dwellings would be taken from two adjoining highways: -

- Portland Road to the north, complete with the formation of a new highway and turning head, from which individual access to 11 dwellings would be provided;
- Market Close to the south west, including:
  - One dwelling with direct access onto that highway; and
  - The formation of two shared surface private driveways to access 7 and 5 dwellings respectively.

Part of the development would involve the stopping up and reconfiguration of the current extent of the adopted highway of Market Close.

In order to facilitate the various easements and the retention of trees on site, parts of the site to its eastern side will be retained without development; it is proposed that this area would be fenced with a 1.4m high railing to control access in the interests of crime prevention and maintaining the privacy and amenity of occupants of the new dwellings.

This scheme is part of the Council's 'Bolsover Homes' project which is aimed at building new council houses for affordable rents across the district. The scheme brings back into use the Council's under-utilised land whilst benefiting the district's economy through training, skills development and local supply chain.

It is stated that "As the intention is for this site to be delivered as 100% affordable housing, the local housing need for this area has been used when identifying the best unit types and mix of sizes. The mix of dwellings is based on discussions with housing officers and the

assessed housing need of the area. The design of the units is based on a series previously developed house types within other Bolsover Housing Revenue Account (HRA) sites.

The dwellings will remain in the ownership of Bolsover District Council with the construction of the properties managed by Property Services and tenancies managed by Bolsover District Council's Housing department. The development of all the sites in the four year Bolsover Homes programme will reclaim underused space in the local communities whilst meeting significant housing needs. It will also address potential anti-social behaviour issues and create well designed developments to contribute positively to the surrounding neighbourhood.

Developments brought forward through the programme will be constructed to meet quality standards such as the Code for Sustainable Homes Level 3, Lifetimes Homes, Building for Healthy Life 12 and Secured by Design. The house types brought forward through the development have been matched with the local affordable housing need which ensures strong demand for the tenancies whilst meeting the needs of the locality."

It has been confirmed that the dwellings will all be provided with electric car charging points.

## **SUPPORTING DOCUMENTS SUBMITTED WITH THE ORIGINAL APPLICATION**

- Application form and certificates
- Note to correct application form to confirm development is for social rent dwellings and not market housing dwellings
- Phase 1 Geo-Environmental Report 12213-WMS-ZZ-XX-RP-C-30201-S8-P1
- Design and Access Statement
- Coal Mining Risk Assessment
- 12213-WMS-02-XX-DR-A-10234-S3-P01 - Semi-Detached Bungalow – Elevations
- 12213-WMS-02-00-DR-A-10224-S3-P01 - Semi-Detached Bungalow - Floor Plan
- 12213-WMS-02-00-DR-A-10220-S3-P01 - Detached Bungalow A - Floor Plans
- 12213-WMS-02-XX-DR-A-10202-S3-P01 - Proposed Block Plan
- 12213-WMS-02-XX-DR-A-10236-S3-P01 - L-Shape Semi-Detached Bungalow – Elevations
- 12213-WMS-02-XX-DR-A-10233-S3-P02 - 3B6P Detached Bungalow – Elevations
- 12213-WMS-02-XX-DR-A-10231-S3-P02 - Detached Bungalow B – Elevations
- 12213-WMS-02-XX-DR-A-10230-S3-P01 - Detached Bungalow A – Elevations
- 12213-WMS-02-00-DR-A-10226-S3-P01 - L-Shape Semi-Detached Bungalow - Floor Plan
- 12213-WMS-02-XX-DR-A-10235-S3-P01 - Narrow Front Semi-Detached Bungalow – Elevations
- 12213-WMS-02-XX-DR-A-10232-S3-P02 - Narrow Front Detached Bungalow – Elevations
- 12213-WMS-02-XX-DR-A-10201-S2-P01 - Market Close Site 1 Proposed Site Plan
- 12213-WMS-02-00-DR-A-10225-S3-P01 - Narrow Front Semi-Detached Bungalow - Floor Plan
- 12213-WMS-02-00-DR-A-10223-S3-P02 - 3B6P Detached Bungalow - Floor Plan
- 12213-WMS-02-00-DR-A-10222-S3-P02 - Narrow Front Detached Bungalow - Floor Plan



- 12213-WMS-02-00-DR-A-10221-S3-P01 - Detached Bungalow B - Floor Plan
- 12213-WMS-02-XX-DR-A-10201-S3-P02 - Site Location Plan

## AMENDMENTS

29/07/2021 – Ecology Survey and Code for Sustainable Homes Assessment

02/09/2021 – Ground Gas Risk Assessment Report

05/10/2021 – Financial viability assessment

11/10/2021 –

- Noise Assessment ref. 9131/BL
- Phase 2 Pre-development Arboricultural Report
- Amended Design and Access Statement
- Drainage Statement ref. 12213-WMS-ZZ-XX-RP-C-32101-S3-P1
- 12213-WMS-02-ZZ-XX-DR-C-39204-S3-P1 - General Arrangement plan
- 12213-WMS-02-ZZ-XX-DR-C-39203-S3-P2 - Proposed Levels Layout
- 12213-WMS-02-ZZ-XX-DR-C-39201-S3-P3 - Proposed Drainage Design
- 12213-WMS-02-XX-DR-A-10238-S3-P01 - Detached Bungalow C – Elevations
- 12213-WMS-02-XX-DR-A-10231-S3-P03 - Detached Bungalow B – Elevations
- 12213-WMS-02-00-DR-A-10228-S3-P01 - Detached Bungalow C - Floor Plan
- 12213-WMS-02-00-DR-A-10221-S3-P02 - Detached Bungalow B - Floor Plan
- 12213-WMS-02-XX-DR-A-10200-S2-P03 - Market Close Site 1 Proposed Site Plan

03/11/2021 – Confirmation that electric car charging points to be used, along with gas fired boilers for space and water heating.

12/11/2021 –

- 12213-WMS-02-00-DR-A-10224-S3-P02 - Semi-Detached Bungalow - Floor Plan
- 12213-WMS-02-00-DR-A-10226-S3-P02 - L-Shape Semi-Detached Bungalow - Floor Plan
- 12213-WMS-02-00-DR-A-10229-S3-P01 - L-Shape Semi-Detached Bungalow - Floor Plan - Plots 17-18
- 12213-WMS-02-XX-DR-A-10236-S3-P02 - L-Shape Semi-Detached Bungalow – Elevations
- 12213-WMS-02-XX-DR-A-10239-S3-P01 - Semi-Detached Bungalow Elevations - Plots 1 & 2
- 12213-WMS-02-XX-DR-A-10240-S3-P01 - L Shape Semi-Detached Bungalow Elevations - Plots 17-18
- 12213-WMS-02-XX-DR-A-10241-S3-P01 - L Shape Semi-Detached Bungalow Elevations - Plots 12-13
- 12213-WMS-02-XX-DR-A-10200-S2-P04 - Market Close Site 1 Proposed Site Plan
- Phase 2 Pre-development Arboricultural Report (Rev. 1) for Market Close. Shirebrook (Site 1) 08 11 2

29/11/2021 –

- Revised Noise assessment (Rev. E)

01/12/2021 –

- 12213-WMS-02-XX-DR-A-10200-S2-P05 - Market Close Site 1 Proposed Site Plan with vehicle tracking

07/12/2021. Additional drainage information comprising: –

- 12213-WMS-02-ZZ-XX-DR-C-39201-S3-P4 Proposed Drainage Design
- 12213-WMS-ZZ-XX-RP-C-32101-S3-P3 – Drainage Strategy
- 12213\_02-WMS-ZZ-XX-RP-39301-S8-P1 – Flood Risk Assessment
- 38374\_MARKET CL\_CCTV REV 1 – CCTV Survey
- CCTV Drainage Survey Report

07/02/2022.

- 12213-WMS-02-XX-DR-A-10200-S2-P06 - Amended Site Plan

10/02/2022

- Additional Noise Assessment

## **EIA SCREENING OPINION**

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

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

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

## **HISTORY**

10/00234/OUTMAJ	Granted with conditions	Erection of A1 retail food store and additional non-food retail units (on a larger site including additional land to the north and west)
11/00262/FULMAJ	Granted with conditions	Erection of A1 retail food store and additional non-food retail units (on a larger site including additional land to the north and west)

Both of these now expired permissions permitted the development of this site as a car parking associated with a proposed Tesco supermarket.

## **CONSULTATIONS**

Derbyshire County Council Archaeologist –

30/07/2021 - Given the known archaeological interest on this site, recommend inclusion of pre-commencement conditions regarding agreement of a scheme of investigation,

assessment and recording of the archaeological features.

Derbyshire County Council Flood Risk Team –

3/08/21, 29/10/2021 and 21/12/2021 - Additional information is required to consider the proposed surface water drainage proposals further.

25/1/2022 - Following the submission of additional information, has no objections to the proposal subject to the inclusion of recommended conditions.

Derbyshire County Council Highways –

25/08/2021, 02/11/2021 and 24/11/2021 - Amendments and further information requested.

23/12/2021 – Following revisions no objections, subject to inclusion of recommended conditions and advisory notes.

Derbyshire County Council Strategic Planning –

14/06/2021 - No financial contributions sought to education given sufficient capacity in local primary and secondary schools. Recommends an advisory note regarding broadband infrastructure.

Derbyshire Wildlife Trust –

06/09/2021 - If around 0.25ha to 0.35ha of the site along the eastern side (due to the presence of a gas main). If around 0.25 ha is used to create species rich grassland and the other enhancement measures proposed in the ecology report are implemented we consider that a net loss of biodiversity can be avoided. Conditions are recommended.

29/10/2021 - Whilst not all issues fully responded to and resolved, it should be possible to deal with these through conditions.

Drainage Engineer –

12/08/21 - Recommends inclusion of advisory notes regarding management of any SuDS, location of known and possible public sewers and a culverted watercourse.

Environmental Health Officer (EHO) –

04/08/2021 - Recommended submission of a noise assessment.

01/11/2021 - In terms of noise:

- Consider an over reliance on a closed window scenario and other options should be considered;
- Recognise that external noise levels are above or near the limits for a good standard of external amenity and frequency of monitoring is only limited so a significant degree of uncertainty regarding the confidence in the submitted measurements and consider possibility of further noise sources that have not been monitored;
- A tonal noise at around 100Hz has been identified at measurement location B, so how will the fabric of the structure ensure that this will not be clearly audible inside the proposed property?

In respect of contamination conditions are recommended relating to carrying out the recommended further investigations and implantation of mitigation if this is needed



03/11/2021 - Despite response to comments made on 01/11/2021, still consider that there are issues that still need resolving in respect of the potential for noise disturbance and do not consider the submitted statements to robustly respond to those.

06/12/2021 – Latest submission has not responded to advice agreed with EHO re necessary parameters of any revised report.

10/02/2021 – Now satisfied with the conclusion of the additional noise monitoring survey, and providing the recommended conditions can be included, the original concerns are addressed satisfactorily.

#### Force Designing Out Crime Officer -

03/08/2021 - Seeking amendments to improve crime prevention in a location that has previously been subject to anti-social behaviour activities.

01/11/2021 - Updates have not addressed all the concerns previously raised, but suggests that conditions could be used to address the outstanding matters.

06/12/2021 – Revisions generally OK. Means to open up sight lines of the existing public footpath to the east of the site is a positive move. Main unresolved matter is the boundary with Lidl car park; the enclosed corridor the new development will cause around this existing seat of anti-social behaviour and the probable risk to new residents – Is there potential for absorbing this land into residential garden and planting the strip with more dense and thorny shrubbery than at present/adding an engineered trellis above rear garden boundaries for climbing plants to add to security/privacy/outlook for these two plots, these, or a combination of these to help reduce the risk. Street lighting to be fleshed out by condition/s38 agreement?

10/02/2021 – Noted the proposed amendments in respect of the enclosure of the open space, and notes the limitations to delivering improvements alongside the Lidl boundary, and hopes previous suggestions regarding crime prevention that would include this land could be agreed in partnership between the developer and Lidl.

#### Leisure Services –

20/09/2021 - Seeking financial contributions to recreation and leisure facilities under policies ITCR5 (Green Space and Play Provision) (£20,880 - 24 dwellings x £870 per dwelling) and Policy ITCR7 (Playing Pitches) (£25,440 - 24 dwellings x £1060 per dwelling).

Also requests / suggests that Footpath 7, which runs along the eastern boundary of the site is widened and resurfaced to allow the Archaeological Way (walking and cycling route) to be redirected on a different / better alignment through Shirebrook. The current alignment is rather convoluted and involves a number of suboptimal road crossings. Derbyshire County Council have already carried out some highway works further along the proposed alternative route, so FP7 is essentially the key to opening this up.

#### NHS –

##### Chesterfield Royal Hospital –

27/08/2021 - Section 106 impact on health to be considered.

Clinical Commissioning Group –

No request received for contributions to healthcare services.

Peak and Northern Footpaths Society –

20/07/21 - can find no reference to providing a link or links between the three proposed cul de sac estate roads and the public footpath (No.7) running along the eastern boundary of the application site.

The public footpath from memory is enclosed between boundaries. Gaps would need to be created with secure furniture. Preferably a solid surface footpath or footpaths so that pedestrians going to/from other facilities or work can use them in ordinary footwear. Some work might be necessary to make Footpath 7 more usable to those in ordinary footwear. The applicant can be asked to contribute to that additional cost. Better connectivity for non-motorised users should be a priority.

Planning Policy Team –

21/09/2021 - Additional information to address policies of the Local Plan needed.

2/11/2021 - following receipt of additional information consider that the proposal is compliant with policies WC7: Shirebrook Edge of Town Centre Allocations, ITCR5: Green Space and Play Provision and ITCR7: Playing Pitches and therefore no objection is raised to the proposal on policy grounds.

Ramblers Association –

26/07/21 - see no reason why RoW Shirebrook footpath (FP), 7 should be adversely affected. Accordingly we would be minded to offer no formal objection to the proposal as it appertains to Shirebrook FP 7.

Shirebrook FP 7 is a totally enclosed footpath with metal fencing to both sides. The proposals, as presented, offer no indication of intention to provide direct access from the housing development to the said footpath. We would consider this to be in contention with respect to both National and Local Government guidelines as they relate to promoting a healthier life style through physical exercise. Additionally, footpath 7 does provide a fairly direct link to “The Archaeological Way” which runs through and is promoted as an attribute of the area. This in turn provides access to the much wider footpath network of paths present in the area. We would suggest that the whole of the metal fence on the east side of the path should be removed to allow unhindered access to the path.

Alternatively, if the fence is to be retained, we would recommend that at least 2 and preferably 3 access points, to the path, should be provided.

The development is to be sited on what can only be described as a pleasant and important green space, complete with play area, surrounded on two sides by mature trees, in what is a large village. We appreciate that the majority of the trees are to be retained, however, notwithstanding this point we would suggest that this also appears to be in contention with government policy in relation to providing Green Spaces for all.

Finally, we would suggest that removing green spaces from an area in the process of recovering from its industrial past is not conducive to promoting a much deserved healthier

life style.

Bolsover District Council Refuse Team –  
No response received.

Severn Trent Water –  
10/08/2021 - Recommend condition regarding the submission and approval of foul and surface water drainage schemes.

Shirebrook Town Council –  
02/09/2021 - No objections raised.

Strategic Housing –  
10/08/2021 - The Strategic Housing Market Assessment considers the future housing need in the district, including for affordable housing. The North Derbyshire and Bassetlaw Strategic Housing Market Assessment - Objectively Assessed Need Update 2017 estimated that 126 affordable homes should be brought forward each year to 2035 in order to meet all affordable housing need in the District.

The proposal for a scheme of 24 bungalows (all of which are affordable rent) helps to meet the District's need. There is a demand for 2 and 3 bedroom bungalows and a lack of this type of accommodation in the District.

The properties will be owned and managed by the Council and should be allocated to suitable applicants from the Council's housing register.

Urban Design –  
10/09/2021 - In its present form the application should be reviewed and amended on the basis that a number of areas remain unsatisfactory in terms of urban design considerations. The application should be revised taking account of these comments.

25/10/2021 - Comments re-iterated in later response, as not all issues satisfactorily resolved. Further review and amendments are therefore sought.

20/12/2021 – Some design improvements, but issues remain regarding defensible space and relationship to on-site open space that requires further clarification in the interests of privacy, amenity and crime prevention. Justification for proposed tree felling and works to trees is accepted, subject to implementing suitable controls over such work. Accept need for the pumping station where located, but details should be submitted and approved. Materials are not considered to be acceptable.

*NB A further consultation has been carried out with the Urban Design Officer on the latest revised plan that was received close the deadline for the submission of this report and so a response has not been received at the time of writing; any further response will be reported to the Planning Committee when it meets.*

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

## **PUBLICITY**

By site notice, press advert and 12 neighbour letters. No representations have been received as a result of the publicity that has been carried out.

## **POLICY**

### Local Plan for Bolsover District (“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
- SS2: Scale of Development
- SS3: Spatial Strategy and Scale of Development
- LC3: Type and Mix of Housing
- WC7: Shirebrook Edge of Town Centre Allocations
- SC1: Development within the Development Envelope
- SC2: Sustainable Design and Construction
- SC3: High Quality Development
- SC7: Flood Risk
- SC8: Landscape Character
- SC9: Biodiversity and Geodiversity
- SC10: Trees, Woodland and Hedgerows
- SC11: Environmental Quality (Amenity)
- SC12: Air Quality
- SC13: Water Quality
- SC14: Contaminated and Unstable Land
- SC18: Scheduled Monuments and Archaeology
- ITCR3: Protection of Public Footpaths and Bridleways
- ITCR5: Green Space and Play Provision
- ITCR7: Playing Pitches
- ITCR10: Supporting Sustainable Transport Patterns
- ITCR11: Parking Provision
- II1 Plan Delivery and the Role of Developer Contributions

### 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
- Paragraph 100: Protect and Enhance Public Rights of Way and Access
- Paragraphs 104-108: Promoting sustainable transport
- 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
- Paragraphs 194, 195 and 199-208: Conserving and enhancing the historic environment

### Supplementary Planning Documents

The Council's supplementary planning guidance on affordable housing is relevant to this application stating that the Council will normally expect 10% affordable housing on a scheme of the size. However, this guidance also says the Council will accept a minimum of 5% affordable where the reduced number is justified by the viability of the proposed development.

## **ASSESSMENT**

### **Issues**

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

- the principle of the development;
- landscape and visual impact of the development;
- access and highway safety considerations, including whether the development would be provided with a safe and suitable access and the impact of the development on the local road network;
- whether the development has a suitable design and layout and provides sufficient residential amenity;
- potential contamination risks;
- the ecology impacts of the development;
- impacts on archaeology;
- drainage and flood risk requirements;
- S106 issues, including affordable housing provision and the impacts on infrastructure, including recreation and leisure, education and health facilities; and

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

### **Principle**

Policy SS3: Spatial Strategy and Distribution of Development, defines Shirebrook as a 'Small Town' within the settlement hierarchy and indicates that the town will deliver 786 dwellings over the current plan period.

Policy WC7 allocates the site as part a Shirebrook Edge of Town Centre Allocation (Site B: Portland Road East) to facilitate the growth of the town centre and to accommodate a range of town centre uses; as background, Site A (Portland Road West) was allocated for retail development and has since been developed with a Lidl convenience store. The Council has not started work on the proposed Supplementary Planning Document referred to in policy WC7.

As the proposal is for residential use, this will comply with policy WC7 provided it can demonstrate sufficiently that it:

- a) Contributes towards place-making through the delivery of a high quality designed development that creates an attractive and locally distinctive new urban neighbourhood utilising as appropriate public art;
- b) Contributes towards the efforts to tackle climate change through its approach to sustainable construction, renewable energy and energy conservation within the site's general layout, design and orientation;
- c) Be able to clearly demonstrate their active contribution to the regeneration agendas set out in the Regeneration Framework;
- d) Provide for a replacement play area or provide a commuted sum to be agreed with the Council for alternative recreational facilities.

In respect of point c, the supporting text to policy WC7 advises that the Regeneration Framework for Shirebrook identifies the following issues as being important to the Council's regeneration agenda:

- a) Remodel and enliven Market Place;
- b) New pedestrian routes;
- c) Development of the Portland Road site;
- d) New and enhanced connections;
- e) Main Street and King Edwards Street improvements;
- f) Bring forward development of infill sites;
- g) Pleasley Vale Tourist Loop.

In response to criteria a- d of policy WC7, the revised Design and Access Statement comments as follows: -

*A. Contribute towards place-making through the delivery of a high quality designed development that creates an attractive and locally distinctive new urban neighbourhood utilising as appropriate public art.*

The proposed development creates a new neighbourhood of bungalows, utilising a contemporary material palette that compliments the surrounding area. Green space has been incorporated and trees retained to maintain the existing character of the area, whilst providing amenity space and ecological value.

*B. Contribute towards the efforts to tackle climate change through its approach to sustainable construction, renewable energy and energy conservation within the sites general layout, design and orientation.*

The construction of the development will be completed using local companies and trades, aiming for 80% spend within 20 miles of the site, and 97% spend within 40 miles. The proposals will adopt a fabric first design philosophy, including u-values which exceed the notional specification in Building Regulations Part L. They will meet or exceed the carbon emission standards as set out in the Building Regulations.

*C. Be able to clearly demonstrate their active contribution to the regeneration agendas set out in the regeneration framework.*

The site is identified in the regeneration framework and local plan as a site for development. The location provides sustainable connectivity, with existing walking routes, access to amenities, and access to public transport networks. The proposal infills a previously developed town centre location, contributing to the sustainable growth of the area whilst complimenting the existing character and urban grain.



*D. Provide for a replacement play area or provide a commuted sum to be agreed with the Council for alternative recreational facilities.*

The proposal is for 24no proposed bungalows, including 1no. Part M (3) wheel-chair user bungalow, predominantly for elderly residents. Therefore, there is no scope to provide a play area due to the potential noise nuisance it may cause. A viability assessment has been submitted which demonstrates that no financial contributions can be made.

Based on this updated information, it is considered that the use of this edge-of-centre town centre allocation for the residential use proposed is policy compliant and will help meet local housing needs, albeit making limited contributions to the improvement and regeneration of Shirebrook town centre and to the specific Regeneration Framework proposals set out in the Local Plan, such as enhancing connections around the Archaeological Way.

In relation to the policy requirement to provide a replacement play area or a commuted sum for alternative recreational facilities, it is noted that the updated Design and Access Statement advises that the proposed type of housing is for elderly residents and as such a play area may become a noise nuisance. However, notwithstanding this, it adds that the submitted viability assessment demonstrates that no financial contribution can be made; this viability assessment is also discussed later in respect of recreation and leisure requirements.

At 24 dwellings, the proposal represents a modest form of development, but is appropriate given the level of constraints on site, including mature trees and multiple easements. The scale of development is considered to be compatible with the locale and scale of the settlement generally.

The submitted Design and Access Statement includes an assessment of the proposals against policy SS1: Sustainable Development that is considered sufficient to meet the requirements of that policy. This indicates that:

- The development will be completed using local companies and trades and providing local employment opportunities to support local business and the local economy.
- At 20 dwellings to the hectare, the development efficiently re-uses previously developed land, and provides well-needed housing within the development envelope.
- The site is located within a highly sustainable town centre location, with easy access to amenities, including a Lidl food store neighbouring the site, alongside Shirebrook train station and bus services that are within a 10 minute walk so providing access to further amenity by more sustainable modes of transport.
- The proposals will adopt a fabric first design philosophy, including u-values which exceed the notional specification in Building Regulations Part L. They will meet or exceed the carbon emission standards as set out in the Building Regulations.
- High rate of construction waste recycling (contractor generally achieves @97%) and all dwellings have been set out to brick dimensions to reduce the amount of wastage.
- The development is 100% social housing, owned and operated by Bolsover District Council, providing quality housing to those identified as in need. The standards employed in the housing design, including the Lifetime Homes Standard and National Space Standards, ensures quality housing fit for a growing and aging population, adaptable throughout their lifetime.
- Proposals have been brought forward by Bolsover District Council and have been based on an assessed housing need in the area. The development has been designed

in line with 'Successful Places' in order to create well designed places that meet policy criteria.

- The scale of the development is in keeping with the character and urban grain of the local area and meets an identified housing need.
- The proposals are to retain the vast majority of trees along the east and north boundaries of the site, which are important to the character of the towns local landscape. Further tree planting and landscaping enhancement is proposed as part of the proposals.
- The development has no impact on agricultural land.
- The public infrastructure around the site, including the pedestrian routes are being maintained or enhanced where possible. The footpath along the edge will benefit from the increased surveillance by passive overlooking, improving the safety and security of the area.
- The site is in a very low risk of flooding and will not contribute to increasing flood risk elsewhere. A drainage strategy has been included alongside this application, demonstrating appropriate design and management measures that will ensure no risk to the development itself or any neighbouring areas. The development will utilise initiatives to reduce the amount of water used by residents (e.g. dual flush cisterns, low flow taps etc.). Water butts will also be provided to collect rainwater.
- Former mine workings in the area should not impact on the development as ground movements associated with them should have ceased, so no mitigation measures are required.
- The development will have no significant impact on water or air quality.

Given all of the above issues, it is considered that the proposal represents a sustainable form of development that is acceptable in principle under adopted policies of the adopted Local Plan.

#### Landscape impact of the proposed development

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

Whilst the site currently forms an area of open amenity space, the loss of the majority of that space to development is accepted in principle through policy WC7, subject to meeting criteria contained in that policy. Key landscaping features in the form of the mature trees on site are proposed to be largely retained to aid with its final appearance.

#### Access and Highway Safety

The development proposes a point of vehicular access from Portland Road for 11 dwellings and two further shared access points from Market Close, one for 5 dwellings and one for 7, with the remaining plot being proposed with an individual drive access direct from Market Close, coupled with a re-configuration of the current extent of adoption of Market Close, that will in due course require a formal stopping up order.

Parking provision on site is being made in accordance with normal standards and as such

complies with policy ITCR11.

Following the submission of revisions and additional information to address their initial comments, the Highway Authority has confirmed that it has no objections to the proposal and has made suggestions for the inclusion of conditions and advisory notes; conditions to restrict any development on the part of the development area that will need to be subject to a formal Stopping Up Order have been requested, but given such works will not be permissible in any event under separate legislation, such a condition would duplicate existing controls and would not therefore be reasonable or necessary and an advisory note is proposed as an alternative.

Comments have been made by footpaths societies regarding the provision of direct links, as well as to the potential to provide improvements to, the adjoining footpaths; the leisure officer also requests / suggests that Footpath 7, which runs along the eastern boundary of the site is widened and resurfaced to allow the Archaeological Way (walking and cycling route) to be redirected on a different / better alignment through Shirebrook.

Due to crime prevention concerns, that are discussed in more detail in the Design and Layout section of the report below, no direct links to those paths are proposed and it is not proposed to facilitate access through the site between Portland Road and Market Close/Sookholme Road; pedestrian access to the adjoining highway network for new residents would be via the proposed accesses onto Portland Road and Market Close. However, given the alternative linkages available to the local footpath network, access to them would still be convenient such that provision of direct access to the paths or across the site are not considered to be necessary.

The Leisure Officer has suggested that the opportunity could be taken to widen and re-surface footpath 7 to the east of the site to allow the Archaeological Way (walking and cycling route) to be redirected on a different / better alignment through Shirebrook, given the current alignment is rather convoluted and involves a number of suboptimal road crossings. Notwithstanding this request, there is no planning policy basis for this request; by not adversely affecting footpaths and not prejudicing the identified multi-use trail network, the proposal complies with policies ITCR 2 and 3. Furthermore, this has the potential to conflict with the objective of maintaining the mature trees along the sites eastern boundary should this necessitate works within the root protection zone for those trees. Given these works do not directly relate to this development proposal, this is not considered reasonable in planning terms and has not been pursued. Additionally, due to financial viability issues that are discussed later, there is no capacity for such an improvement to be funded by this scheme.

Improvements to the quality and usability of the footpath to the east will be provided due to the proposed management works to crown lift the trees. Additionally there will be an increase in natural surveillance of the adjacent footpaths from windows in the new dwellings that will face them. These details should improve the attractiveness and safety of those paths for their users.

#### Design and Layout, including the provision of sufficient residential amenity.

The scheme would comprise all single storey dwellings.

Whilst the density of the site at 20 dwellings per hectare is relatively low, this is due to several constraints to the development, including several mature trees and numerous underground

utilities, such that this density is appropriate given the nature of the development for bungalows.

The applicant has responded positively to comments of officers of the Council and design features have been incorporated into the scheme to improve its overall design and appearance. Additional feature windows have been included in locations that both improve the appearance of the development, but which also provide natural supervision to the surrounding area as a designing out crime feature.

All dwellings are single storey that represents a low scale and density for a town centre location. Nevertheless, it is not necessarily inconsistent with other nearby streets as the scale of development in the surrounding area is generally a mix of one and two storey accommodation rising to the three storeys around the Market Square. The design of the bungalows is a generally conventional form with some contemporary details, such as floor to ceiling windows, timber effect weatherboard feature panels, anthracite porch canopies and feature windows expressed by dark aluminium surrounds. This achieves a blend of traditional scale and form but with a modern appearance and is appropriate. External materials have been amended to red brick and grey tiles to reflect the wider characteristic of Shirebrook's primarily red brick and slate tones (with some local stone in older or public buildings), which are acceptable in principle; final details are proposed to be secured by a condition.

Crime prevention issues have influenced the design and layout of the scheme in consultation with The Force Designing Out Crime Officer (FDOCO) and Urban Design Officer. The FDOCO has identified that there is a history of anti-social behaviour on the adjacent footpaths and at the Lidl store site and advised against the inclusion of footpath access to the adjacent paths and links through the site for this reason and access to the retained open space around the development would also be management to deter anti-social behaviour as well as secure the privacy and amenity of residents of the development; this would be by a combination of the retention of some existing railings and provision of new railings around that space, with a gated access to it for management and maintenance purposes. The space also provides biodiversity mitigation that is discussed later.

Although further details of the final location and finishes are needed, for the most part there is sufficient and suitable boundary treatments and defensible space provided for the new dwellings. In respect of the western boundary, the FDOCC and Urban Design Officer have raised some concerns over the retained landscape strip alongside the sites western boundary and the Lidl store, including a set of steps that was formed as part of that development as a future link to this site that would become redundant following this development, given this area has previously been subject to anti-social behaviour activity, and so improvements to this area were suggested. Notwithstanding this, that area is not part of this application site and is not in the ownership and/or control of the applicant, which is acknowledged by the FDOCC, such that other than providing suitably designed secure boundary treatments, to potentially include additional trellis atop the fencing shown on the western side of the site adjacent to the Lidl Car Park for added security, any other intervention to this area is outside of the applicant's control. Conditions to control the final details of the means of enclosure are proposed.

The mature trees on this site provide a particularly attractive feature and their retention has been a key issue in considering the design of this site. 4 trees are proposed for removal,

which are limited to the loss of:

- 3 mature Swedish Whitebeams on the site frontage, that need to be removed to facilitate the access; and
- A large Hybrid Poplar located centrally within the site that has a presence of decay fungus that in time will cause instability in the tree as decay advances, making it unsuitable for retention as part of a proposed housing scheme.

A suitable arboricultural report has been submitted to demonstrate that the development will not impact on the retention and long term health of the remaining trees, subject to controls over how the development is undertaken, including any works that need to be undertaken within the root protection areas. Such controls are recommended by condition. Suitable replacement tree planting is proposed as part of the submitted landscaping proposals.

Generally the site provides good provision for privacy and amenity for existing and proposed residents in terms of spacing around dwellings and provision of reasonable areas of private amenity space and car parking provision that accords with normal requirements.

Given the sites position in a central location in close proximity to potential noise sources, including the Lidl store to the west and industrial units to the east, a noise assessment was submitted during the application process that identified potential for levels of noise disturbance to future residents of the development. Following initial concerns from the Environmental Health Officer with regard to the extent of survey work and associated assessment that had been undertaken in that initial assessment and a further noise report was commissioned and submitted to address this.

The amended report identifies existing and predicted noise levels and identifies that with suitable mitigation in the form of acoustic glazing and mechanical ventilation, suitable internal noise levels for future residents can be achieved.

In respect of outdoor amenity areas, the report identifies that there will be limited exceedance of noise levels on an infrequent basis, limited to a small number of plots during daytime that would not be fully mitigated by the proposed 2m high brick walls to the affected garden areas. However, in line with BS guidance on the issue, limited exceedances may be acceptable in certain circumstances, including in central locations such as this where some additional noise could reasonably be expected.

Consideration has also been had to the 'Agent of Change Principle'; this is detailed in the NPPF and indicates that a new development should not result in 'unreasonable restrictions' being placed on existing business and any new development should include 'suitable mitigation' to avoid this; the mitigation measures that are proposed include to the dwellings, with walls to garden boundaries facing the industrial units and the report concludes that the development would not therefore place 'unreasonable restrictions' on existing businesses.

In the light of the amended assessment, the Environmental Health Officer has stated that he is satisfied with the conclusion of the additional noise monitoring survey, and has provided suggested conditions to ensure that his original concerns are addressed satisfactorily mitigated.

#### *Conclusion on design and amenity considerations*

Overall, it is considered that a reasonable balance has been struck between maintaining the

most important natural features on site whilst facilitating the sites development and that an appropriate response to this very constrained site has been secured. Overall therefore the design of the scheme is considered appropriate, subject to the inclusion of conditions to control detailed finishes, landscaping and noise mitigation.

### Contamination

A desk study was included with the application and The Environmental Health Officer has stated that there are no objections in principle to the development in this respect, subject to conditions requiring the identification of any potential contamination and mitigation for such contamination where found. The conditions are proposed for inclusion

### Ecology

As noted earlier in the report, it is proposed to retain the majority of the mature trees that are on site.

An ecology survey and code for sustainable homes assessment has been submitted. The Derbyshire Wildlife Trust has reviewed this document and advised that there do not appear to be impacts on any protected species or habitats or species of principal importance or any impacts on any designated nature conservation sites (statutory or non-statutory). However, the application will result in the loss of an estimated 0.8 ha of semi-improved grassland and have some localised impacts on birds, foraging bats and a range of common insects.

With a few minor changes, The Wildlife Trust support the range of biodiversity enhancements in the submitted study that can be secured by conditions, including control over any works to a Maple Tree on site that is moderately suitable for roosting bats where further survey work would be needed.

Additionally, the report identifies that there is an area of Japanese Knotweed on site that will need to be suitably treated and eradicated and again a further conditions is recommended to secure this.

Subject to the inclusion of the conditions recommended above, it is considered that the development can be made compliant with planning policy in this respect.

### Archaeology

The Council's archaeologist has advised that the proposals will impact a site on the Derbyshire Historic Environment Record (HER 12510) relating to the location of medieval moated site, with a farmhouse on the central platform by the 19th century. The moat is depicted on early Ordnance Survey plans, with the 25" 2nd edition of around 1900 showing that the eastern side of the rectangular moat is within the footprint of the proposed development area.

An evaluation carried out in 2014 exposed three sections of the moat in as many trenches. The ditch measured between 5.8-6.25m wide and 1.1m at its greatest depth. It contained fills from which 19th and 20th century finds were derived. This work was done in advance of a proposal to development land to the west of the current application as a supermarket. The northern block of housing in the proposed development is directly over the eastern return of the moat. The work carried out in 2014 revealed that the moat in that area was very truncated, with only c. 1.1 metre depth of the ditch remaining beneath substantial modern



overburden. As the proposed development is likely to remove the remaining archaeological evidence of the moat, the archaeologist has recommended that this area be the subject of archaeological evaluation by means of trial trenching. The results of this work will enable the archaeologist to advise on any further recording of the features (preservation by recording) or whether it may be possible to preserve the remaining deposits in-situ.

Subject to the inclusion of the recommended condition from the archaeologist to secure the above investigations and reporting, the proposal is considered to comply with the requirements of Policy SC18 of the adopted Local Plan.

#### Drainage and Flood Risk

A drainage strategy has been included with the application, and additional information submitted in response to the Lead Local Flood Authority's (LLFA) comments, that demonstrates appropriate consideration of Sustainable Drainage Systems (SuDS). The LLFA has advised that the revised drainage details are satisfactory and raises no objections subject to the inclusion of conditions regarding further approval of the final detailed designs for surface water drainage, including agreement over the final destination for any surface water and its implementation, along with a scheme for surface water control during the construction phase of the development. Advisory notes are also recommended. The conditions and notes recommended also deal with issues raised by Bolsover District Council's Drainage Engineer

Subject to the inclusion of the recommended planning conditions and advisory notes, the proposal is considered to accord with national and local policy in this regard.

#### S106 issues, including impacts on infrastructure, including recreation and leisure, education and health facilities

##### Affordable Housing

Whilst this site is below the threshold of 25 dwellings where affordable housing would normally be sought (under policy LC2: Affordable Housing Through Market Housing), this proposal is noted as being put forward for 100% social housing for affordable rent.

The Strategic Housing Officer has advised that there is an identified need for affordable housing for rent such as these in the district, which is material to the consideration of this case.

##### 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.

In line with policy ITCR5, the Leisure Officer has requested financial contribution towards either new space or the improvement of nearby spaces that are identified as being at less than the 60% standard. He has also sought financial contributions under the terms of Policy ITCR7 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.

There is no proposal to provide contributions to recreation and leisure facilities under either

ITCR5 or ITCR7 due to the financial viability of the scheme, which is discussed later in this report.

### Education

Derbyshire County Council has stated that sufficient capacity exists at local schools to accommodate the projected additional pupils generated by this development and so no financial contributions are sought.

### 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, and other requests that have been received from CRH, meet the necessary legal tests for contributions; there is ongoing engagement with CRH through infrastructure meeting groups where this issue is being discussed further, including the opportunity for the CRH to provide additional evidence to support its requests, although this has not been provided to date. On this basis the request is not considered to be supported by sufficient evidence to show that it directly relates to the development or is fairly and reasonably related in scale and kind to the development.

### Viability

As highlighted in the above report, there are policy requirements for S106 contributions towards recreation and leisure facilities. In response to this a viability assessment has been submitted to demonstrate that the scheme would be unable to afford the contributions sought.

National Planning Policy Guidance states that where there is an up to date Local Plan, developments would normally be expected to meet Local Plan S106 requirements, given that these policy requirements will have been viability tested on a plan wide basis. Nevertheless it does note that there may be some exceptions to this and specifically mentions build to rent schemes as one, due to this type of development differing from the standard financial model of dwellings for sale.

The submitted viability assessment has been produced in accordance with the requirements of the PPG and demonstrates that the scheme is unable to afford the requested S106 contributions and demonstrates that there is no identifiable surplus to finance any contributions.

In view of this, the proposal is unable to demonstrate the ability to comply with policies ITCR5 and ITCR7 and parts of policy WC7, relating to replacement open space, and it will be necessary to consider whether any other material planning considerations outweigh this.

In this respect, an important consideration is the fact that this scheme is for 100% social housing for rent, for which there is an identified need for this type of property as identified by the Strategic Housing Officer, such that this scheme will contribute to the Council's efforts to meet identified local housing need. This is considered to be a significant weighting factor.

The nature of these additional dwellings is such that they are unlikely to pose a significant additional demand on local play and recreation facilities, but some limited impact may occur; nevertheless the number of dwellings proposed is also relatively small such that the impacts of there being no financial contribution is not expected to significantly impact on the ability for existing facilities in the area to cope with any limited increased demand.

In view of the above, on balance it is considered that the public benefit of providing this 100% affordable housing scheme outweighs the limited policy conflict that would arise from there being no financial contribution to recreation and leisure facilities or replacement open space for that lost by the development.

On this basis, it is recommended that no financial contributions are sought from this development.

Given that the justification for not requiring contributions is the delivery of the affordable housing scheme, it will be necessary to condition that this is such a scheme.

## **CONCLUSION / PLANNING BALANCE**

This is considered to be a generally sustainable form of development within an existing settlement that is mainly in compliance with adopted planning policy. Updates on outstanding consultations will need to be prepared for the Planning Committee when it meets, but subject to these not showing any new or unresolved issues, these are considered unlikely to change the overall planning balance relating to this proposal.

It is acknowledged that the policy requirement for recreation and leisure facilities is not being met for financial viability reasons, but nevertheless, the benefits of this proposal, from the delivery of 100% affordable dwellings for which there is a demonstrable need, is considered to outweigh the normal requirements for the contributions that would otherwise be sought from a housing scheme of this scale. The planning balance in this case is therefore considered to be appropriate in terms of the ability to grant permission for the development as proposed, subject to the satisfactory resolution of the outstanding issues identified in the report and the inclusion of suitable conditions to ensure compliance with adopted policy.

## **RECOMMENDATION**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents, unless otherwise required and/or approved under other conditions of this planning permission:

DOCUMENTS SUBMITTED WITH THE ORIGINAL APPLICATION:

- 12213-WMS-02-00-DR-A-10220-S3-P01 - Detached Bungalow A - Floor Plans – Plots 22 & 24
- 12213-WMS-02-ZZ-DR-A-10230-S3-P1 – Proposed Elevations – Plots 22 & 24
- 12213-WMS-02-XX-DR-A-10233-S3-P02 - 3B6P Detached Bungalow – Elevations – Plot 16
- 12213-WMS-02-XX-DR-A-10230-S3-P01 - Detached Bungalow A – Elevations (Plots 3-4 – superseded for plots 1-2 with later drawing submitted 12/11/21)
- 12213-WMS-02-XX-DR-A-10235-S3-P01 - Narrow Front Semi-Detached Bungalow – Elevations – Plots 8-9
- 12213-WMS-02-XX-DR-A-10232-S3-P02 - Narrow Front Detached Bungalow – Elevations Plots 5-7, 11, 23
- 12213-WMS-02-00-DR-A-10225-S3-P01 - Narrow Front Semi-Detached Bungalow - Floor Plan – Plots 8-9
- 12213-WMS-02-00-DR-A-10223-S3-P02 - 3B6P Detached Bungalow - Floor Plan – Plot 16
- 12213-WMS-02-00-DR-A-10222-S3-P02 - Narrow Front Detached Bungalow - Floor Plan – Plots 5-7, 11, 23

PLANS SUBMITTED ON 11/10/2021 –

- 12213-WMS-02-ZZ-XX-DR-C-39203-S3-P2 - Proposed Levels
- 12213-WMS-02-XX-DR-A-10238-S3-P01 - Detached Bungalow C (Plot 10) – Elevations
- 12213-WMS-02-XX-DR-A-10231-S3-P03 - Detached Bungalow B (Plot 21) – Elevations
- 12213-WMS-02-00-DR-A-10228-S3-P01 - Detached Bungalow C (Plot 10) - Floor Plan
- 12213-WMS-02-00-DR-A-10221-S3-P02 - Detached Bungalow B (Plot 21) - Floor Plan

PLANS SUBMITTED ON 12/11/2021: -

- 12213-WMS-02-00-DR-A-10224-S3-P02 - Semi-Detached Bungalow - Floor Plan – Plots 1-4
- 12213-WMS-02-00-DR-A-10226-S3-P02 - L-Shape Semi-Detached Bungalow - Floor Plan - Plots 12-15, 19-20
- 12213-WMS-02-00-DR-A-10229-S3-P01 - L-Shape Semi-Detached Bungalow - Floor Plan - Plots 17-18
- 12213-WMS-02-XX-DR-A-10236-S3-P02 - L-Shape Semi-Detached Bungalow – Elevations – Plots 14-15, 19-20
- 12213-WMS-02-XX-DR-A-10239-S3-P01 - Semi-Detached Bungalow Elevations - Plots 1 & 2
- 12213-WMS-02-XX-DR-A-10240-S3-P01 - L Shape Semi-Detached Bungalow Elevations - Plots 17-18
- 12213-WMS-02-XX-DR-A-10241-S3-P01 - L Shape Semi-Detached Bungalow

## Elevations - Plots 12-13

PLAN SUBMITTED ON 07/02/2022: -

- 12213-WMS-02-XX-DR-A-10200-S2-P06 - Amended Site Plan

3. The scheme shall only be developed as a 100% affordable rented housing scheme to be owned and managed by Bolsover District Council, as detailed in the submitted Design and Access Statement.
4. Before construction commences on the erection of any building or wall, details of the materials to be used in all external wall and roof areas shall first have been submitted to and approved in writing by the Local Planning Authority.
5. The proposed electric vehicle recharging point shall be provided on the exterior of each dwelling before the dwelling to which the recharging point relates is first occupied.
6. 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.
7. 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.
8. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.
9. No works should be undertaken to the field maple tree identified within the ecology report as T1 unless bat emergence surveys have been undertaken to determine whether or not the tree is being used as a roost by bats.
10. Landscape and Biodiversity Enhancement and Management Plan (LBEMP)

A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The aim of the LBEMP is to maximise the biodiversity value of onsite habitats and should combine both the ecology and landscape disciplines. It shall be suitable to provide to the management body responsible for the site and shall include the following:-

- a) Details of the creation of 0.25 ha of species rich grassland in addition to establishment of flower rich grassland within gardens;
- b) Details of a tree and shrub planting scheme;
- c) Details of aftercare management for a period of no less than 30 years from the commencement of the development;
- d) Details of the body or organization responsible for implementation of the plan;
- e) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met;
- f) Details of installation of bat and bird boxes to include 13 x integral bat boxes and 20 integrated swift bricks and 5 x integral bee bricks on site;
- g) Details and a plan showing hedgehog access gaps within the development;
- h) Requirement for a statement of compliance upon completion of planting and enhancement works.

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

11. Prior to building works commencing above foundation level, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan shall be provided to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. 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.
12. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.
13. In this condition "retained tree" means an existing tree which is to be retained to comply with the approved plans and particulars and as defined in the pre-development Arboricultural Report by Wharnccliffe Trees and Woodland Consultancy dated 8<sup>th</sup> November 2021; and paragraphs (a) and (b) below shall apply for five years after the occupation of the last dwelling on the development.
  - (a) No retained tree shall be cut down, uprooted or destroyed, or topped or lopped, other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.



(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as approved in writing by the Local Planning Authority.

(c) Before any equipment, machinery or materials are brought on to the site fencing shall be erected to protect the retained tree in accordance with the specification contained in the pre-development Arboricultural Report by Wharnccliffe Trees and Woodland Consultancy dated 8<sup>th</sup> November 2021, and the fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Except where carried out in accordance with the details contained in that arboricultural report, nothing shall be stored or placed within the fenced area around a retained tree and the ground levels within the fenced area shall not be altered, and no any excavation shall take place, without the written consent of the Local Planning Authority.

14. 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. William Saunders. November 2021. Flood Risk Assessment. Version P1. 2213/02- WMS-ZZ-XX-RP-39301-S8-P1.
  - b. William Saunders. November 2021. Drainage Statement. Version P3. 12213- WMSZZ- XX-RP-C-32101-S3-P3. Including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team; and
  - c. DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015).
15. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.
16. 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.
17. 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).

18. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
19. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
20. Before the commencement of the development hereby approved:  
The site investigation strategy as identified in the Desk Study report Ref 12213-WMS-ZZ-XX-RP-C-30201-S8-P1 dated November 2020 submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

Where the site investigation identifies 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.

21. No dwellings hereby approved shall be occupied until:

a) The approved remediation works required by 20 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 through the process described in the Phase I contaminated land assessment ref 12213-WMS-ZZ-XX-RP-C-30201-S8-P1 submitted with the application and through the process described in 1 above.

c) Upon completion of the remediation works required by 20 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.

22. 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 07.30am 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.

23. The scheme of noise mitigation in report reference 403.10138.00001 v.2 should be implemented in full prior to the development being brought into first use and retained thereafter. The scheme shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority.

24. A scheme of ventilation must be submitted to and approved with the Local Planning Authority. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

Bedrooms

30 dB LAeq (15 Minutes) (2300 hrs – 0700 hrs)

Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)

All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)

All Habitable Rooms 45 dB LAmax to occur no more than 6 times per night (2300 hrs – 0700 hrs)

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

25. Prior to occupation of any dwelling deriving access to or from Portland Road the permanent access arrangements shall be laid out in accordance with the application drawing (drawing / document reference 12213-WMS-02-XX-DR-A-10200-S2-P05 – Proposed Site Plan Site 1), fully constructed within highway limits, drained, lit, provided with white lining and tactile paving (where appropriate), and provided with visibility splays of 2.4m x 47m 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.

26. Prior to occupation of any dwelling deriving access to or from Market Close, the permanent access arrangements shall be laid out in accordance with the application drawing (drawing / document reference 12213-WMS-02-XX-DR-A-10200-S2-P05 – Proposed Site Plan Site 1), fully constructed within highway limits, 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.

27. 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 (drawing / document reference 12213-WMS-02-XX-DR-A-10200-S2-P05 – Proposed Site Plan

Site 1), such space shall be maintained thereafter free of any impediment to its designated use.

28. The premises, the subject of the application, shall not be occupied until the estate streets have been provided with suitable turning arrangements to enable service and delivery vehicles to turn, generally in accordance with details shown on drawing / document reference 12213-WMS-02-XX-DR-A-10200-S2-P05 – Proposed Site Plan Site 1. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.
29. 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.
30. 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.
31. 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.
32. 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).

### **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.