

**PARISH**

Blackwell Parish

**APPLICATION**

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

**LOCATION**

Development Site at Woburn Close, Blackwell

**APPLICANT**

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

**APPLICATION NO.**

22/00380/FUL

**CASE OFFICER**

Mrs Sarah Kay

**DATE RECEIVED**

22nd July 2022

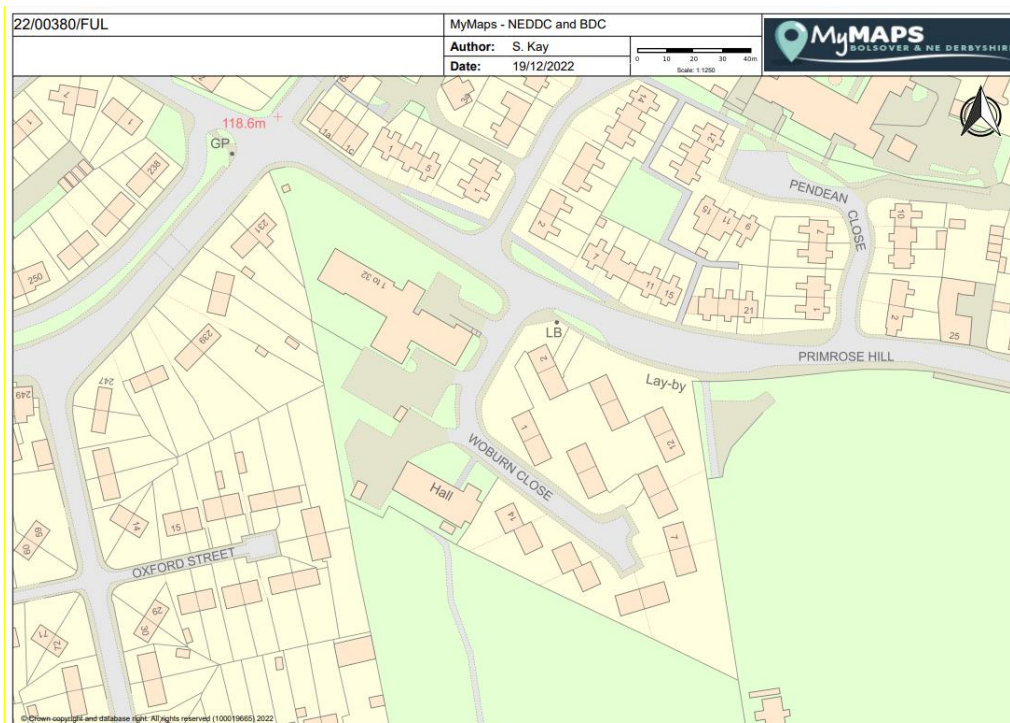
**SUMMARY**

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

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

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

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



## SITE & SURROUNDINGS

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



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

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



Rear view of Woburn House



View of existing Community Centre



View west along Primrose Hill



View into Woburn Close



Views within Woburn Close of existing bungalows



## BACKGROUND

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

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

An amended scheme was submitted in March 2023.

## PROPOSAL

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

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



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

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



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



Proposed External 3D View - Front



Proposed External 3D View - Rear



North Elevation  
1 : 100



South Elevation  
1 : 100



Front Elevation  
1 : 100



Rear Elevation  
1 : 100

### Site Plans:

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

### Dwellings:

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

#### Bungalow - Floor Plans

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

#### Bungalow - Elevations

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

#### Bungalow - Floor Plans

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

#### Bungalow - Elevations

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

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

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

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

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

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

#### Independent Living Scheme:

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

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

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

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

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

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

#### Engineering:

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

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

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

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

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

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

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

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

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

#### Supporting Documents:

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

## **AMENDMENTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **EIA SCREENING OPINION**

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

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

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

## **HISTORY**

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

	Not Required	
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## CONSULTATIONS

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

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

### **BDC Leisure**

- no comments received.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **PUBLICITY**

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

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

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

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

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

neighbouring properties were consulted.

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

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

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

No further representations were received.

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

## **POLICY**

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

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

- SS1 Sustainable Development
- SS3 Spatial Strategy and Distribution of Development
- LC2 Affordable Housing
- LC3 Type and Mix of Housing
- SC1: Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC7 Flood Risk
- SC9 Biodiversity and Geodiversity
- SC10 Trees, Woodland and Hedgerows
- SC11 Environmental Quality (Amenity)
- SC13 Water Quality
- SC14 Contaminated and Unstable Land
- ITCR3 Protection of Footpaths and Bridleways
- ITCR5 Green Space and Play Provision
- ITCR7 Playing Pitches
- ITCR9 Local Transport Improvement Schemes (a) Development of cycle network
- ITCR10 Supporting Sustainable Transport Patterns
- ITCR11 Parking Provision

- II1 Plan Delivery and the Role of Developer Contributions
- II2 Employment and Skills

### National Planning Policy Framework ("the Framework")

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

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

### Supplementary Planning Documents

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

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

## **ASSESSMENT**

### Key issues

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

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

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

### Principle



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

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

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

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

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

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

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





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



Bungalows from Public Footpath



View of Independent Living Scheme Building



Entrance of Independent Living Scheme Building.



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

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

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

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

agreed by way of planning condition).

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

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

### Access and highway safety

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

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

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



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

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

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

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

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

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

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

### Drainage and flood risk

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

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

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

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

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

#### Land condition / contamination

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

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

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

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

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

#### Biodiversity

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



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

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

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

### S106 / Local infrastructure demands

#### *Affordable Housing*

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

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

#### *Recreation and Leisure*

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

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

#### *Education*

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

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

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

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

### Health

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

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

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

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

### **CONCLUSION**

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

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

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

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

## RECOMMENDATION

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

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

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

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

### Site Plans:

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

### Dwellings:

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

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

Independent Living Scheme:

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

Engineering:

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

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

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

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

Land Contamination / Condition

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

Where the submitted site investigations identify unacceptable levels of contamination,

a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

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

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

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

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



and

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

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

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

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

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

### Biodiversity

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

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

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

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

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

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

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

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

#### Drainage

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

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

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

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

12. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the approved scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

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

#### Hard and Soft Landscaping

13. Notwithstanding the submitted details, no building will be occupied until full details of both hard and soft landscape works, to include details of all proposed means of enclosure, along with a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority and the works and implementation programme must be carried out as approved.

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

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

#### Highways

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

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

Only the approved details shall be implemented, which shall be maintained throughout the construction period.

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

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

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

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

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

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

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

18. Prior to the first occupation of each dwelling hereby permitted, the new street between each respective plot and the existing public highway shall be laid out in accordance with the plans approved under the above condition, constructed to at least base level, drained and lit. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageway and footways in front of each respective plot shall be completed with the final surface course within 12 months (or 3 months in the case of a shared surface road) from the first occupation of that plot.

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

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

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

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

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

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

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

### **Advisory/Informative Notes**

01. Local Highways Authority

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



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

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

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

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

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

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

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

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

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

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

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

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

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

## 02. Lead Local Flood Authority

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

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

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

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

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

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

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

H. Surface water drainage plans should include the following:

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

I. On Site Surface Water Management;

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

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

#### Peak Flow Control

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

#### Volume Control

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

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

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

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

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

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

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

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

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

### 03. Wildlife

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

### 04. Coal Authority

#### a. Mine Gas

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

#### b. SUDs

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

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

### **Statement of Decision Process**

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

### **Equalities Statement**

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

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

### **Human Rights Statement**

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

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