

PARISH

South Normanton Parish

APPLICATION

Residential development comprising 52 no dwellings, with associated access, infrastructure, amenity space, boundary treatments, landscaping and external works.

LOCATION

Land to the rear of 1 To 35 Red Lane South Normanton

APPLICANT

The East Midlands Housing Group working with Village Partnerships Ltd

APPLICATION NO.

22/00485/FUL **FILE NO.** PP-11458953

CASE OFFICER

Mr Peter Sawdon

DATE RECEIVED

16th September 2022

SUMMARY

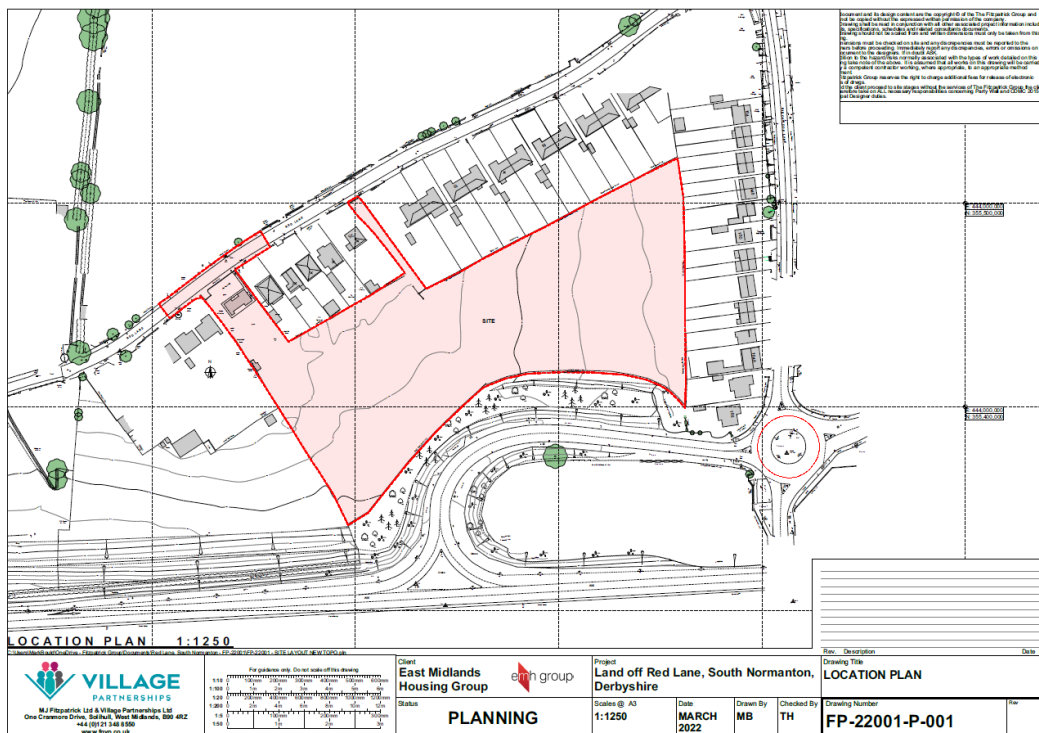
This application has been referred to the Planning Committee for two reasons: -

- The number of representations received; and
- financial viability issues, meaning full S106 contributions are not able to be offered.

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 and NHS contributions, it is considered that the public benefit that is provided through the delivery of this fully affordable housing scheme outweighs these requirements in this case, which has been evidenced by suitable financial viability assessment.

Site Location Plan



SITE & SURROUNDINGS

Approximately 11.822ha Greenfield site that is mostly within the development envelope that is to the south of Red Lane, west of Birchwood Lane and to the north of the A38 slip road. A triangular section to the southwestern tip of the site, which is approx. 2.29ha in size, is located outside of the development envelope. The parts of the site within the development envelope form a housing allocation that has been subject of previous planning permissions.

The site has recently been used as horse paddock (no horses at time of site visit) and is crossed north-south by public footpath No 7 which has been unofficially blocked off for several years at both ends of the site. The line of the path is marked by a hedgerow to one side and is a single width farm track with a farm gate to Red Lane and to the paddock.

There is a mix of dwelling types adjacent to the site although predominantly single storey dwellings along Red Lane and 2-storey dwellings on Birchwood Lane. The area is characterised by red brick with grey roofing tiles, although some roofs are topped with orange/red clay or concrete roof tiles. Windows tend to be white and installed using either timber or white uPVC frames.

Existing trees and vegetation are located on the southern boundary to the A38 slip road which provides a visual screen. Ground levels drop to the southwest of the site and whilst there is a significant embankment to the A38, road noise is still quite noticeable from this direction beyond the site. There are dwellings located between the slip road and the A38 and beyond the A38 is existing employment land. There are fields/paddock to the south-west.

Access to the site is currently available via two dropped crossings: -

1. A grass track on the line of the public footpath; this access is currently gated and locked; and
2. A dropped crossing on the site of a former dwelling at no 35 Red Lane, which has been demolished; this access is currently closed using temporary 'Herras' fencing.



PUBLIC FOOTPATH LEADING INTO THE SITE FROM RED LANE.



SITE OF FORMER 35 RED LANE WHERE VEHICULAR ACCESS IS PROPOSED.



VIEW FROM POINT WHERE PUBLIC FOOTPATH ENTERS MAIN SITE LOOKING SOUTHEAST AND SHOWING REAR OF DWELLINGS FRONTING BIRCHWOOD LANE TO THE LEFT AND TREES ALONGSIDE A38 TO THE RIGHT.

PROPOSAL

The development will offer the provision of 52 general needs properties comprising 8 no. 1B2P* walk-up apartments, 18no. 2B4P*, 24no 3B5P* and 2no 4B8P* houses. All the units will be offered as affordable accommodation, with a broadly equal mix of both intermediate tenure (shared ownership) and affordable rent.

**B = bed; P = person*



The development will come forward with the assistance of Homes England Grant Funding. In terms of viability, in view of the limited sales income, and ongoing need to recycle these funds, no Section 106 developer contributions are envisaged to be payable by the applicant, except for maintenance sums for the proposed play space that is intended to be offered for adoption.

The Design and Access Statement states that the development has been designed to respond to the surrounding context, creating a modern infill residential development within its location and established context.

Access to the site is proposed from where 35 Red Lane once stood (now demolished).



EXAMPLE HOUSE TYPES



ELEVATION TO THE NORTH (ALONG PROPOSED ACCESS ROAD)



ELEVATION TO THE WEST (VIEW FROM ROAD)



Scale (m)



ELEVATION TO THE SOUTH



ELEVATION TO THE EAST

PROPOSED APARTMENT BLOCK

Supporting Documents

The following documents were submitted to support the application at the time of submission:

- Completed Planning Application Forms and Certificates.
- Full suite of architectural drawings (prepared by Village Partnerships Ltd): -
 - FP-22001-P-001 – Location Plan
 - FP-22001-P-002 – Site Layout as Proposed (1:500th scale at A1)
 - FP-22001-P-003 – Enlarged Site Layout as Proposed (1:200 – 1 of 3)
 - FP-22001-P-004 – Enlarged Site Layout as Proposed (1:200 – 2 of 3)
 - FP-22001-P-005 – Enlarged Site Layout as Proposed (1:200 – 3 of 3)
 - FP-22001-P-006 – Indicative Street Scene 1
 - FP-22001-P-007 – Indicative Street Scene 2
 - FP-22001-P-008 – Indicative Street Scene 3
 - FP-22001-P-009 – Indicative Street Scene 4
 - FP-22001-P-010 – Indicative Street Scene 5
 - FP-22001-P-011 – Indicative Street Scene 6
 - FP-22001-P-012 – Indicative Street Scene 7
 - FP-22001-P-013 – Indicative Street Scene 8
 - FP-22001-P-014 – Site Appraisal/Concept Layout 1
 - FP-22001-P-015 – Site Appraisal/Concept Layout 2
 - FP-22001-P-016 – Site Appraisal/Concept Layout 3
 - FP-22001-P-200 – House Type 1A (1B2P - Walk up Apartments)
 - FP-22001-P-201 – House Types 1A, 2B and 2B
 - FP-22001-P-202 – House Type 2B
 - FP-22001-P-203 – House Type 2C
 - FP-22001-P-204 – House Type 2D
 - FP-22001-P-205 – House Type 2E
 - FP-22001-P-206 – House Types 2A and 2D
 - FP-22001-P-207 – House Type 3A

- FP-22001-P-208 – House Type 3B
- FP-22001-P-209 – House Type 3B (1)
- FP-22001-P-210 – House Type 3B (2)
- FP-22001-P-211 – House Type 3C – 3 Block
- FP-22001-P-212 – House Type 3C
- FP-22001-P-213 – House Type 3D
- FP-22001-P-214 – House Type 3D – Feature Building
- FP-22001-P-215 – House Types 3B and 3C
- FP-22001 – Design and Access Statement (incorporating Planning Statement)
- Greenhatch Group – Drawing No. 43815_T - Topographical Survey (A1).
- Banners Gate – 22105-BGC-Sk-100 – Schematic Drainage Layout.
- Banners Gate – 22105-BGC-Sk-101 – External Levels & Features Plan (1 of 2).
- Banners Gate – 22105-BGC-Sk-102 – External Levels & Features Plan (2 of 2).
- Banners Gate – 22105-Single Plot Soakaway Calculations 2022.08.18.
- Banners Gate – 22105-Surface Water Network 2022.08.18.
- Phase 1 Preliminary Ecological Assessment (SouthNorm0622-PEA) – as prepared by Dr Stefan Bodnar BSc (Hons) PhD MCIEEM.
- Pre-development Tree Survey to BS 5837:2012 – as prepared by Dr Stefan Bodnar BSc (Hons) PhD MCIEEM (May '22).
- Arena Geo – Phase 1 & 2 Preliminary Ground Investigation – Report Reference 211043/1 – July 2022.
- BEA Landscape Design Ltd – 22-088-Sk-01@A0 – Landscape Strategy Proposals.
- Transport Assessment – as prepared by Hub Transport Planning (Aug '22).
- Flood Map for Planning – as downloaded from the EA website and accompanying FRA Report as prepared by Banners Gate.

AMENDMENTS/UPDATES

23/09/2022 –

- Permeability testing

26/06/2023 –

- Revised suite of architectural drawings
 - 001 REV C Revised Proposed Site Access Layout
 - 002 REV C Revised Proposed Site Access Swept Path analysis
 - 004 Revised Proposed Site Access Swept Path analysis
 - 22-088-P-01 Revised Detailed Soft Landscape Proposals (SHEET 1 OF 3)
 - 22-088-P-02 Revised Detailed Soft Landscape Proposals (Sheet 2 OF 3)
 - 22-088-P-03 Revised Detailed Soft Landscape Proposals (Sheet 3 OF 3)
 - 22105-BGC-D-SK-100C Revised Schematic Drainage Strategy Plan
 - 22105-BGC-D-SK-101B Revised External Levels & Features Layout Plan Sheet 1 Of 2
 - 22105-BGC-D-SK-102B Revised External Levels & Features Layout Plan Sheet 2 Of 2
 - 22105-BGC-D-SK-221B Revised Schematic Infiltration Basin Cross Sections
 - 1172 4 Revised Landscape & Ecological Enhancement Scheme
 - FP-22001-P-101 REV P16 Revised Site Layout as Proposed (52 No. Dwellings)

- FP-22001-P-117 REV P0 Revised Walk-Up Apartments (Plot No's 34-41 Inclusive) - Elevations & Floor Plans
- FP-22001-P-204 REV P0 Revised 2b4p House Types 2d - Elevations & Floor Plans
- FP-22001-P-206 REV P0 Revised 2b4p House Types 2a & 2d - Elevations & Floor Plans
- FP-22001-P-207 Revised House Types 3a - Elevations & Floor Plans
- FP-22001-P-209 Revised House Types 3b(1) - Elevations & Floor Plans
- FP-22001-P-212 Revised House Types 3c - Elevations & Floor Plans
- FP-22001-P-214 Revised House Types 3d Feature Building - Elevations & Floor Plans
- FP-22001-P-215 Revised House Types 3b & 3c - Elevations & Floor Plans
- Revised Design and Access Statement
- Revised Flood Risk Assessment
- Revised baseline noise assessment
- Revised Biological Impact Assessment
- Revised Biodiversity Metric Calculation
- Revised Surface Water Network
- Response to Environmental Health Officer comments
- Revised Rambler Association Overlay
- VRP1526 - RSA 1 Revised Section 38 Highways Works Stage 1 Road Safety Audit Report

29/06/2023

- Revised house type drawings
 - FP-22001-P-111 REV P0 Revised 2B4P House Type 2B & 2A* - Elevation and floor plans
 - FP-22001-P-118 REV P0 Revised 4B8P Detached Houses Type 4A* & 4A (Plots 14 & 52) - Elevations & Floor plans
 - FP-22001-P211 House Type 3a* & 3a - Elevations & Floor Plans

17/08/2023

- 22-088-P-01-B Soft Landscape & Play - Sheet 1
- 22-088-P-02-C Soft Landscape & Play - Sheet 2
- 22-088-P-03-B Soft Landscape & Play - Sheet 3
- 1172BIA Rev 1 Biological Impact Assessment 29th June 2023 Revised 16th August 2023
- 1172.4 Rev 1 Landscape and Ecological Enhancement Scheme
- Biodiversity Metric 4.0 Calculation Tool
- Acoustics Design Note

12/10/2023

- FP-22001-P101 revised layout proposals (N.B. this plan is submitted to correct a typo and contains no further amendments to the previous submission)

BACKGROUND PAPERS

- Viability assessment by CPV Viability Ltd, commissioned by Bolsover District Council, dated ref. DN-0898, dated 6th October 2023.

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

02/00639/OUTMAJ	Refused	Demolition of bungalow and erection of dwellings with new roads
04/00195/OUTMAJ	Withdrawn	Residential Development (including demolition of no 35 Red Lane for access)
06/00789/OUTMAJ	Granted Conditionally	Residential development (including demolition of no. 35 Red Lane for access road)
10/00169/VARMAJ	Granted Conditionally	Residential development (extension of time period for start of previously approved scheme 06/00789/OUTMAJ)
13/00162/VARMAJ	Granted Conditionally	Extension of time for start of previously approved application for Residential development- 10/00169/VARMAJ
14/00397/OTHER	Granted Conditionally	Application for modification of S106 Agreement regarding affordable housing provision
16/00003/REM	Granted Conditionally	Erection of 50 dwellings and associated estate roads and access from Red Lane (Layout, Scale, Appearance, Landscaping and Access).
16/00231/OTHER	Permitted	Variation of S106

CONSULTATIONS

Bolsover District Council Drainage Engineer

07/10/2022 –

1. Subject to acceptance of the SuDS design by DCC (LLFA), we must ensure the developer submits an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details (a copy to be kept by Engineering Services).

2. The sewer records show a public sewer within the curtilage of the site (plan enclosed). The applicant should also be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be

shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.

3. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.

4. It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

Bolsover District Council Environmental Health

28/09/2022 –

- Results of further gas testing needed to be submitted for further consideration;
- Further submissions needed in respect of noise controls; and
- Conditions recommended regarding construction controls including hours of operation and noise and dust mitigation.

14/12/2022 – Submitted gas testing results are considered to be acceptable and recommends conditions to ensure submission and implementation of appropriate mitigation measures for the contamination risks identified in the submitted documentation (amended condition wording 22/12/2022)

04/07/2023 – I would advise that the noise report is updated to reflect the further layout changes.

I would also like to see assessment of the LMAX levels upon the existing property to the north of the site adjacent to the main site access. I would advise that further information is submitted in regards overheating strategies in properties where windows cannot be left open (habitable rooms overlooking the dual carriageway).

18/09/2023 (2 responses) –

- 7.3.1 of the original noise report confirmed that habitable rooms overlooking the A38 will require an overheating risk assessment, on the basis that windows overlooking the A38 will need to be closed to achieve reasonable internal levels.
- In regards the proposed barrier, in the absence of any detail relating to the barrier height and relative source/receptor locations, I would advise that a 1.8 m acoustic fence is installed along this boundary, and then my concerns will be addressed.
- Recommends a condition to deal with the above issues.

Bolsover District Council Leisure Services

21/10/2022 - Amendments and/or contributions will be required to ensure adequate provision is made. Green Space and play provision under the requirements of policy ITCR5. Contributions towards built and outdoor sports facilities are also required under policy ITCR7. Comments are also made regarding the potential to improve footpath and cycle usage, including the improvement to the line of Public Footpath 7 that crosses the site.

10/08/2023 - There appear to be two slightly different designs, both of which have their merits. Prefer the play area design v1 (February 2023) but note that there is an additional path on the eastern side of the play area on v2 (June 2023). The link path through the play area on the original design provides better access to the play area, but only from one side.

However, on balance I would go with the first version with a few caveats:

1. Fencing to the boundary should be bowtop, 1m or 1.2m high.
2. All paths should be tarmac
3. FP7 should be connected to Berristow Lane via the detention basin (again, ideally as a tarmac path)
4. I would be happy to comment on a final design for the play area – ideally metal equipment rather than wooden.

12/09/2023 – Would need any paths that would be adopted by the Council to be tarmac and not gravel. Adoption would be subject to a suitable maintenance sum being agreed as part of any S106 Planning Obligation.

Derbyshire County Council (Flood Risk Management)

26/10/2022 - Holding objection pending submission of further information to enable an informed comment to be made.

18/09/2023 – no objections subject to conditions relating to:

- Approval of detailed designs and management and maintenance plan for surface water drainage.
- Approval of final destination for surface water.
- Approval of avoidance measures for surface water run-off during the construction phase.
- Validation of any installed drainage scheme, to ensure that it meets its design objectives.

Guidance notes to inform the above conditions are also recommended.

Derbyshire County Council (Highways)

18/10/2022 – Suggested alterations to the proposed site access and internal layout.

11/08/2023 – Now considered that the development site as a whole is acceptable to the highway authority and the road is suitable for potential future adoption.

It is noted that an existing PRow (footpath no. 7 on the Definitive Map) runs through the application site up to the southern boundary of the site. This footpath is severed from its legal alignment at the southern site boundary due to the construction of the A38 slip roads some years ago. The application does refer to an option to divert the alignment of the footpath through the site and to end the path at the furthest south easterly point of the site boundary. Whilst this is welcomed, the realignment footpath route, as shown on the latest site layout plan (FP – 22001 -P101 Rev P16) indicates that the path would come to a dead end where the site meets the publicly maintainable highway. It is requested that the applicant modify the application site boundary (red line plan) to include a link from the south-eastern corner of the site to the verge adjacent to the slip road and then easterly to meet the existing footway

network at the roundabout with Birchwood Lane and for a new path to be constructed along that alignment to provide a continuous link through the site and on to the existing footway network. This work would require the applicant to enter into a legal agreement with Derbyshire County Council under S278 of the Highways Act 1980 to construct the path within highway limits. The internal realigned footpath can be included within the extents of the future adoptable publicly maintainable highway covered within the S38 agreement.

The internal footpath shall be constructed to adoptable standards and be included within the S38 agreement for the future adoption of the internal roads/footways. It is also requested that the applicant waive all rights to compensation from the highway authority for the provision of the public footpath within the applicant's land; a suitable legal mechanism can be agreed but it is suggested that this is achieved via a S106 agreement.

It is requested that the diversion of footpath no.7 is undertaken under the relevant powers within the Town and Country Planning Act 1990.

Derbyshire County Council (Planning Policy)

07/10/2022 -

- There is sufficient capacity in the local schools, so no education contribution is sought.
- Recommend advisory note regarding the provision of high-speed broadband connection for future residents.
- Is seeking a contribution of £4,280 towards stock at the local library equivalent to the extra demand on that service from the development (with additional monitoring fees).
- Encourage dwellings with high standards of amenity and flexibility for existing and future users and having a proportion of dwellings built on one level (stacked or bungalow) and ensuring this type of provision is located near public transport routes and/or urban centres.

Derbyshire County Council (Rights of Way Officer)

13/10/2022 – Site is crossed by Public Footpath No. 7 that appears to have become a cul-de-sac in the later 1960's when the A38 was built and has been obstructed for many years. Would welcome reinstatement of the path and recognises the potential for the creation of a connection to Birchwood Lane. Possible diversion shows path alongside roads; a preference for paths to be through landscaped or open areas away from vehicular traffic is stated. Advisory notes suggested.

28/07/2023 – Question as to whether this Authority would be prepared to use S257 of the Town and Country Planning Act 1990 (As amended) to divert footpath 7.

10/08/2023 - The revised layout is much improved from the point of view of South Normanton Public Footpath No. 7. However, the details of boundary crossings, the width and surfacing of the length of footpath 7 through the site, and suitable safety mitigation measures where footpath 7 crosses the spine road, must be agreed with the Rights of Way Section prior to works commencing, as a condition of any permission.

With regards to the proposed path which would run from footpath 7 at the southern site boundary, to the south-east corner of the site, the applicant must enter into an agreement to make this path a public right of way, also as a condition of any permission. This is to ensure

that linking footpath 7 to Birchwood Lane remains a possibility, as the new public path would join highway land at the south-eastern boundary of the site. The details of the proposed path, such as precise location, width and surfacing would be agreed as part of the creation agreement.

Derbyshire Wildlife Trust

24/10/2022 - Additional information is needed as sufficient regarding biodiversity has not been provided at this stage including the submission of a biodiversity net gain matrix.

07/08/2023 – Changes required to bring the submitted biodiversity metric in line with latest guidance.

25/09/2023 – No objections subject to conditions.

Force Designing Out Crime Officer

05/10/2022 – Concerns about treatment of retained footpath, including a preference to retain this on its existing route due to concerns with the alternative route. Suggestions for other layout improvements to improve crime prevention.

10/07/2023 - Generally the revised detail is acceptable.

Still has reservations about the proximity of a potentially realigned footpath 7 route to 166 and 168 Birchwood Lane, also concerning the added link into the cul-de-sac between apartment block 34-31 and plots 30-33, which I expect will weaken residential ownership of this semi-private space.

Effective boundaries will go some way to lessen this, and as none are included with the application, I'd ask that this should be set as a condition of approval for details to be agreed subsequently.

Health and Safety Executive (HSE)

23/09/2022 - The site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline.

7/10/2022 – The HSE Explosives Directorate has stated “that the proposed development falls within the SD3 distance of the nearby licensed explosives site, but outside SD2 distance. HSE therefore has no comment to make on the planning application provided that the development is not a vulnerable building.

“Vulnerable building” means a building or structure of vulnerable construction, that is to say—

(a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5m² and extending over more than 50% or 120m² of the surface of any elevation;

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

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

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

National Highways

12/10/2022 - recommend that planning permission not be granted pending submission of additional details to enable further consideration of the impacts on the adjoining trunk road.

20/12/2022 - No objections, subject to advisory note.

05/06/2023 – No objections; general comment made regarding national objectives to support modal shift away from car travel by promoting genuine choice of transport modes and promotion of walking, cycling, and public transport. Recommends advisory note re drainage and comments regarding ensuring proposed acoustic/boundary fence.

05/07/2023 – No objections subject advisory note regarding drainage; comments made that the submitted and levels boundary treatments accord with their requirements and general advice relating to the need to encourage modal shift from cars.

NHS

10/10/2022 –

[CCG] – Local practice facilities are collectively fully utilised and so seeking a contribution of £55,080 towards increased capacity at local surgeries in local catchment area: -

- The Village Surgery South Normanton and Pinxton
- Blackwell Medical Centre
- Limes Medical Centre
- Parkside Surgery
- Jessop Medical Centre
- Somercoates Medical Centre

12/07/2023 –

[Chesterfield Royal Hospital] - Section 106 impact on health to be considered. Initial modelling suggests that the impact of this development is up to £81k.

Ramblers Association

26/09/2022 - We note that South Normanton FP 7, (part), runs approximately north south through the area of proposed development. We further note the comment in the Design and Access Statement purporting to the fact that this footpath has been effectively closed for an indeterminate period. Additionally, the ongoing section of the Footpath South Normanton 7 has been built over at some time in the past where it passes through the buildings of the residence referred to as Little Orchard.

Our organisation would welcome the reinstatement of the footpath including rerouting of the southern section of the path around the southern edge of the levelling pond. It is suggested that this would provide access to the wider footpath network and thus encourage a healthy lifestyle for all future residents of the development. Should this option be taken then a DMMO would be required to effect the change and complete the reinstatement of the path from the point where it leaves the curtilage of the development. We would request that wherever possible the character of the footpath be maintained and the use of tarmac surfaced path be kept to a minimum.

Should the option to divert the path be taken then we would request that we be given chance to comment further. Please note, we would be minded to strongly object to any proposal to extinguish South Normanton FP 7.

03/07/2023 - revised drawing does not detail how the path will be preserved or the nature of its immediate surroundings. Also concerned as to how the path would be linked to the wider footpath network. We further appreciate that the developer is only able to control that section of the footpath that crosses the site and that the problems associated with the ongoing section of the path is the responsibility of others. The fact remains that the current plans require an access road to be built over a short section of the path. Provisions should be made to ensure walkers using the path may cross this road safely. Basically our comments remain as for the original submission. We would endorse fully the comprehensive suggestions as presented by the RoW submission.

Severn Trent Water

12/10/2022 – Foul and surface water are proposed to connect to public sewers; these will need to be subject to connection agreements with the water company. Under Planning Practice Guidance and Building Regulations sustainable alternatives for surface water drainage should be considered before a discharge to the public sewer system is considered.

Although re-consulted further to later amendments, no further responses have been received.

South Normanton Parish Council No comments received.

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

PUBLICITY

Initial publicity was undertaken by site notice, press advert and 47 neighbour letters. 35 individual representations were received (3 of which were from the same resident)

Following the submission of revised plans, further re-publicity by site notice and neighbour letters was carried out which resulted in the receipt of a further 15 letters; 10 of these were further letters from individuals had previously commented and 5 were from additional residents.

The representations received have raised the issues included in the following summary: -

Principle

- Two writers state that it is accepted that development will go ahead or that they accept housing behind them, but there are specific concerns about the submitted plans (listed separately).
- See the need for new housing, but this should go on brownfield sites.
- Do not need any more new houses in our once village but now more like a town.
- Loss of countryside/rural character of the area. Surely with other developments in the area, enough green land has already been lost. Will affect the essential character of this rural lane. south Normanton is already over developed.
- Brownfield sites should be preferable.
- Is the local infrastructure (schools, doctors and dentists) going to be able to cope with the extra load? Doctors, dentists and Kings Mill hospital already oversubscribed. Dentist list is often closed to new NHS customers. School has previously had to rely on portable buildings; increased population has not led to an increase in space at the

school. Secondary School already claims to be 'oversubscribed' so children may be forced to travel elsewhere for education. Shortage of play areas.

- Capacity for BT Openreach is already stretched due to old infrastructure and the current refusal of BT Openreach to upgrade the network cable.
- "Affordable housing" is a very subjective term, and the fact that the area is so close to the commuter-friendly M1 seems to make it quite desirable - and perhaps "affordable" only to more affluent clients.
- Concerns regarding crime prevention – area is virtually crime and anti-social behaviour free. Including a footpath off Red Lane would encourage anti-social behaviour and crime by providing an easy escape/access route either into or from the new estate. Presume cannot guarantee this will not change. Residents should be compensated for any additional security measures that will be needed.
- Concern at the lack of fencing or lighting on the line of the public Right of Way.
- Take issue with the inclusion of a dead end with the sole intention of using this as a future access point to another development to the west of the ménage.
- Poor access to local public transport.
- Don't consider the reduction in dwellings in the revised plans to be sufficient and there should be a further sizeable reduction.
- Concerned about the accuracy of descriptions of the housing in the locality in the Design and Access Statement submitted with the application (refers to late sixties housing, whereas those bordering the site were built between 1926 and 1939).

Amenity

- Overlooking and loss of light from proposed dwellings and users of proposed footpaths.
- Noise and pollution impacts. Including fumes from extra vehicles. Air quality will be harmed.
- 2/3 storey houses overlooking single storey bungalows means loss of privacy.
- HGVs constantly in and out of the site.
- Residents will suffer during and after the development is completed.
- An annexe on an adjoining property (that is 1m from the boundary with windows overlooking the site) has not been shown on the submitted drawings; concerns about impacts of the development on the structure from the adjoining balancing pond; who will be responsible should damage occur. Amenity path around the pond would allow people to walk no more than two metres away from bedroom windows; is this allowed under planning regulations?
- Noise and fumes for residents of the new dwellings due to proximity to A38 will expose people to danger. On previous application houses couldn't have opening windows and outdoor space could have noise and hazardous pollution levels.
- Loss of outlook/view.
- Increase in stress for residents and resultant impacts on health.
- What protection will be given to an Oak tree on the border of 43 Red Lane. How will building a road over its roots preserve this tree?
- Loss of ambience. The area is semi-rural with nearby stables with regular use by horses on Red Lane; conflict will arise between cars and horses. We whole essence and friendly ambience will be lost. Impact on peace and tranquillity currently enjoyed. Will impact on health and wellbeing.
- Concerned at the prospect of diverting the public footpath adjacent to existing

residential properties in terms of both amenity and crime prevention considerations.

Ecology

- Concerns for wildlife in the area. Impacts on wildlife including protected species. Affected species include grass snakes, great crested newts, birds, rabbits, foxes, buzzards, sparrow hawks, kestrels, foxes, partridge, and bats; either inhabiting the site and/or using the site for foraging/hunting.
- Fifth major housing project nearby since we bought our property; development will displace/reduce wildlife and hedgerows further.
- Once wildlife is lost it will not be able to be restored as the permanent damage will be irreparable.
- Bolsover Council website says that 2023 is “the year when we prioritise Local Nature Recovery”. In the Biological Impact Assessment (June 2023) of this application, biodiversity actions including bat roost boxes, wildlife pond, & hibernacula environments for amphibians & reptiles are mentioned as desirable but are they mandatory requirements? If not, why not? What happens to that wildlife if the development is built & these things do not happen? What if there is now no room for the wildlife pond etc? Too late then. Grass snakes, bats, & great crested newts are mentioned but what about the environment of birds, foxes, & rabbits? They deserve somewhere to live too. Priority for wildlife in remaining land should be mandatory – almost all the fields there were around Birchwood Lane have been built on over the years – leaving some land for nature is the least we can do.
- Concern as to whether the proposed ecological enhancements will be properly delivered, managed, and maintained.

Highway Safety

- The traffic on Birchwood Lane is shocking a lot of the time due to access to the nearby motorway, trunk road and industrial estates. Will add to existing congestion on Red Lane and Birchwood Lane.
- Red Lane is a narrow cul-de-sac. Development will result in a large increase in traffic on it, increasing vehicle pollution (fumes and noise). Traffic is in addition to smaller developer that has recently been undertaken. As a lane and bridle foot path it is not built to cope with a possible extra 120 cars plus delivery and service vehicles etc.
- The existing road is improperly surfaced, country style lane. Doesn't have a suitable turning head. Concern generally at the quality of maintenance of the existing highway.
- Extra traffic will be a hazard to horse riders that use the lane.
- Conflict with pedestrians (dog walkers, family groups).
- All fire, police and ambulance and emergency vehicles would have to go up to top of Red Lane and then down into the bottom of the development.
- Road surface on Red Lane is not great and the development will damage this further.
- Junction of Red Lane with Birchwood Lane is a bottle neck that would not support the amount of traffic. This junction is already an accident waiting to happen. It's location between two roundabouts makes adds to safety issues with traffic speeding up as vehicles turn onto the lane.
- Existing issue with parked cars at the junction of Red Lane forcing vehicles into the middle of the road near to the junction (parking from nearby houses with no off-road parking)
- Far too many houses for the Lane and an alternative access needs to be found that is

not taken from Red Lane.

- Can't believe access road is suitable.
- The top of Birchwood Lane is a known black spot and dangerous for children crossing the roads.
- Already difficult for vehicles exiting private drives.
- Priority emergency services route and very near to junction 28 of the M1 which is already very congested far too often, with very long delays (problems have been subject to various televised reports etc.). This could cause serious problems if emergency vehicles are affected any more.
- Question the estimates for journeys that are made in the Transport Assessment.
- Existing problems with lorries and delivery vehicles unable to turn on Red Lane; they often use Michael's Meadow at the end of the lane, but this is a private road that gets damaged as a result.
- New access arrangements would be difficult for large vehicles to navigate.
- Mud on the highway.
- Concerns also that the construction traffic will have an impact on the underground services given that building material delivery vehicles are typically in excess of the 7.5-ton weight limit.
- Problem for emergency services accessing the single access road into the site; alternative access arrangements should be considered.
- Forecasts of vehicular movements in the Transport statement (one car every two minutes between peak times) are conservative and unrealistic.
- Consider that the images used in the submitted documents do not show the correct situation with existing on-street car parking.
- Do not consider diversion of the public footpath alongside the A38 slip road to be appropriate given the nature and volume of traffic on that highway.

Water Supply and Drainage

- Water Supply and sewers aren't sufficient to take anymore dwellings.
- Existing problems with water pressure and air pockets, along with dirty water in the system that Severn Trent are aware of but haven't yet sorted; development will only make issues worse.
- Ground is basically clay and in heavy rain, does not drain well.
- Existing sewerage problems with individual properties and alongside Birchwood Lane near the development site. At least one part of the sewer is slightly collapsed.
- Flooding issues.
- Loss of natural rain absorption on the site will increase flooding risk.
- Gardens have flooded in past heavy rainstorms. Development of the field would result in additional water run-off onto neighbouring property.
- Concern relating to sewage outflow potentially connecting into a 6" sewer pipe that extends at the rear of houses from the A38 slip road to an outlet at the bottom of Red Lane; foresee this creating major problems for residents on Birchwood Lane.
- Historic issues with site owners being unable to buy rights to access sewers overcome by purchasing rights in advance, but this will cause problems for future residents of that dwellings, as well as its neighbours.
- Existing issue with surface water runoff will be worsened due to shallow soils overlaying clay; developer off Lonwood Hall Rise had to install additional drains in the

highway to eliminate some of the problem.

- Additional traffic will result in damage to sewers in the road.
- Concern about connections on private property where there are existing foul sewerage issues.
- Who will pay for any damage that may result?

Other

- Animal welfare from access road alongside horse paddocks and arena, especially during the construction period.
- A hedgerow on boundary is owned by an adjoining neighbour, this will not be removed. Writer would like to be informed/consulted on any alterations to the hedge row on the border & of any fencing/sound barrier which will be erected.
- Loss of property value.
- Concern about ongoing maintenance of properties following development, with concerns about media reports that social housing are often built cheaply, not maintained or repaired promptly and are problematic for both residents and neighbours.

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.
- SS3: Spatial Strategy and Scale of Development.
- LC1: Housing Allocations.
- LC2: Affordable Housing Through Market Housing.
- LC3: Type and Mix of Housing.
- WC4: Rough Close Works, South Normanton.
- 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
- ITCR5: Green Space and Play Provision.
- ITCR10: Supporting Sustainable Transport Patterns.
- ITCR11: Parking Provision.
- II1 Plan Delivery and the Role of Developer Contributions.
- II2: Employment and Skills England and how these should be applied.

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 7 - 10: Achieving sustainable development.
- Paragraphs 47 - 50: Determining applications.
- Paragraphs 55 - 58: Planning conditions and obligations.
- Paragraphs 60 - 67: Delivering a sufficient supply of homes.
- Paragraphs 92 - 103: Promoting healthy and safe communities.
- Paragraphs 104 -113: Promoting sustainable transport.
- Paragraph 119 - 125: Making effective use of land.
- Paragraphs 126 - 136: Achieving well-designed places.
- Paragraph 152 - 169: Meeting the challenge of climate change, flooding and coastal change.
- 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 Interim Supplementary Planning Document
- Parking Standards - Consultation Draft Supplementary Planning Document

ASSESSMENT

Key issues

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

- the principle 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.
- landscape and visual impact of the development.
- whether the development has a suitable design and layout and provides sufficient residential amenity.
- potential contamination risks.
- Health and safety risks.
- the ecology impacts of the development.
- drainage and flood risk requirements.
- S106 issues, including affordable housing provision and the impacts on infrastructure, including recreation and leisure, education, and health facilities.

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

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy SS3 of the Adopted Local Plan sets out a settlement hierarchy which seeks to distribute development firstly to the District's larger towns, that includes South Normanton.

Most of the site, approx. 1.6ha, is an allocated site by virtue of Policy LC1: Housing Allocations. This states that to achieve sustainable development, we will impose conditions on planning permissions or seek to enter in to a S106 Planning Obligation to secure the expected requirements for allocated sites; for this site these are: -

- Contributions to increasing the capacity of local schools.
- To provide sufficient green space within the site.

A significant material planning consideration are the previous planning approvals for development on the allocated parts of the site.

A smaller part of the site to its south-western corner, whilst forming part of a field that is otherwise allocated for housing, is omitted from the allocated site and settlement boundary, and is classed as countryside. Policy SS9 would normally only seek to grant permission of sites in the countryside if detailed tests within that policy are met; none of those tests are satisfied by this proposal.

Notwithstanding this, the NPPF does not preclude additional development outside of settlements where this can be shown to be sustainable.

In this instance, it is understood that this omission of this land from the Local Plan allocation was not due to any concerns regarding landscape harm, land supply or highway safety issues, but by virtue of concerns at that time regarding noise implications from the adjoining A38; this means that retaining this area as part of any proposed site meant that the site could not be demonstrated as a deliverable site and would therefore have failed the delivery test for inclusion as an allocation in the adopted Local Plan.

Whilst noting the above, in considering this application, the Environmental Health Officer is satisfied that dwellings can be provided on this site that maintaining suitable levels of amenity for potential residents.

Given the site otherwise follows the existing field parcel boundary, it would be illogical in the absence of unacceptable to resist the development of the remainder of that parcel, unless there are identifiable planning issues; these will all be discussed later in the report in more detail, but no identifiable planning harm is identified, and it is not considered that the development of this additional corner of the site should be resisted in principle.

Subject to the consideration of other detailed considerations below, the principle of the development of this site is considered to be acceptable.

Access and Highway Safety

The development proposes a single point of access from Red Lane. This is as envisaged by the Local Plan allocation and was the basis of the previous permissions that were granted for

the development of the allocated portions of this site. There are no material differences in planning circumstances to justify a change from this previously approved position.

Whilst noting that concerns have been raised in representations regarding highway safety, the Highway Authority has confirmed that it has no objections to the proposal in terms of either its layout and design or impacts on the local highway network, including impacts on Red Lane itself. It is also noted that the layout would meet that Authority's requirements for adoption.

National Highways has also confirmed it has no objections in terms of impacts on the A38, noting the applicant's proposals for site drainage and noise controls.

Parking provision on site is being made in accordance with normal standards and as such complies with policy ITCR11.

Public footpath issues on site

The site is crossed by public footpath no. 7 on the definitive footpaths map that runs generally north to south through the site. It runs from Red Lane from a point between nos. 23 and 25 Red Lane and its first section is along a track between those two dwellings, before it enters the main body of the site, and then currently terminates on the site's southern boundary adjacent to the A38 slip road.

That footpath is proposed to be retained on its lawful line as part of this development but would be crossed by the proposed highway within the development. Adaptions to the layout have been incorporated to improve the relationship of the footpath route with the proposed development, including its incorporation into the proposed public open space area instead of running it between long rows of houses, to try to maintain the amenity for users of that path as far as practical within its new residential setting.

Final designs for the crossing point can be secured by conditions on any planning permission.

The Ramblers Associated have expressed a desire for the path to not be tarmacked, but this conflicts with the potential adoption of the path either by this Council's Leisure team, who would like a tarmac finish, or by the Highway Authority, if this was to form part of adoption by that Authority. There are pros and cons with both finishes, but this is a detail that can be agreed and finalised under a condition of any planning permission; in principle though, it is generally considered that adoption by a responsible public authority is likely to be the optimum solution in terms of ensuring the long-term retention, management, and maintenance of any such pathways.

Public footpath issues off site

The legal definitive line of the footpath should continue further south beyond the site, by approx. another 100m before turning east and joining Birchwood Lane, but the path has been blocked off and unusable for several years and currently terminates at the site boundary. Of note is that off site, the definitive line would then involve crossing the A38 slip road, and in part has been developed upon and cannot in fact be utilised under current circumstances without substantive intervention and diversion.

It is unclear how long the footpath has been inaccessible beyond the site, but indications are that this has been for several decades.

Notwithstanding the above, requests have been received from the Highway Authority, including Derbyshire County Council's Rights of Way officer, to seek to secure the diversion of that footpath, including modifications to the application site boundary to include land off site to facilitate a diversion through the site to the south-eastern corner of the site, to then run alongside the A38 slip road to emerge onto Birchwood Lane alongside No. 168 Birchwood Lane (NB the occupants of that dwelling have objected to the footpath running alongside their dwelling).

Whilst the principle of diverting the footpath is appreciated to resolve a longstanding issue, with its current line having been effectively cut off, the fact the path has been cut off beyond this application site is not because of any actions of the landowner and is not something that any relevant Authority has sought to formally resolve over many years. For this reason, whilst acknowledging the desirability to re-instigate a footpath link to Birchwood Lane, it is not considered that this would meet the tests of being fairly and reasonably related to the development proposal and would therefore, fail the necessary legal tests for the inclusion of either a condition or legal agreement to secure this. The Council's solicitor has also confirmed that the ability to divert the footpath under S257 of the Town and Country Planning Acts (as requested by the footpaths officer at Derbyshire County Council) is also not permissible given the fact that S257 states that a competent authority may by order authorise the stopping up or diversion of any footpath if they are satisfied that it is necessary to do so ... to enable development to be carried out. Other than a temporary diversion order to enable construction works to be undertaken across its legal alignment, that will otherwise be retained upon its existing alignment, it is not necessary to divert the footpath to enable development, such that S257 is not usable.

Notwithstanding the above, the applicants have agreed to make appropriate provisions within the site that would facilitate a future diversion, should any relevant Authority seek to undertake the necessary diversion and off-site development works to facilitate this. This includes a route through the site to its south-eastern corner. Further sections of footpath would have to be provided beyond that point over the planted area and verges alongside the A38 slip road; this land is in the ownership and control of Derbyshire County Council.

It is not considered that anything other than the retention of the existing path on its existing alignment (that is also provided for) can be required in planning policy terms and for this reason, the design put forward is considered to be a satisfactory outcome as this presents a site layout that can facilitate a potential future footpath diversion should this become a possibility in the future.

The Highway Authority has made suggestions for the inclusion of conditions and advisory notes relating to:

- the provision of the access, parking and turning facilities,
- submission and implementation of a construction management plan for the demolition and construction period.
- Construction of the estate streets leading any new dwelling prior to its occupation; and
- Provision of an improved gate at the entrance of footpath no. 7 off Red Lane.

All these conditions are considered to be reasonable and necessary and are proposed for

inclusion.

The comments received in representations have been considered, but for the reasons outlined above and subject to the inclusion of the suggested conditions, the proposal is considered to be acceptable in respect of highway safety considerations.

Landscape and visual impact of the proposed development

For the most part views of this site are limited to views through gaps in frontage properties from Red Lane, or if viewed from the public footpath that crosses the site, although that path currently isn't a through route (see later assessment of footpath issues) and so presumably is little used. Existing landscaping means there no views of the site from the A38 to the south and west.

The development would effectively infill the gap created between existing housing on Red Lane to the north, Birchwood Lane to the east, and the A38 to the south.

The land does not form part of any distinctive or sensitive landscape and is not important to wider landscape features or views or other qualities. On this basis, the development is considered to accord with Policy SC8 in this regard.

Design, Layout and Amenity

The proposals comprise an appropriate mix of dwelling types to ensure that varying requirements for housing of differing sizes can be met and is acceptable.

For the most part, the development will comprise two storey dwellings of a traditional appearance. There are some limited instances of three storey properties, although the third floor is contained in the roof-space, such that these maintain a general two storey appearance and are still in keeping with the overall character and appearance of the area; these are located at key nodal points and offer a design feature that is considered to enhance the character and appearance of the development.

Concerns have been raised in representations about the inclusion of the three storey properties, particularly where these are located at the rear of existing single storey properties, but these are suitably sized and distant from existing properties to be acceptable in planning terms with the amended layout meeting the Council's adopted design guide 'Successful Places' in terms of separation distances and garden provision.

In terms of the amenities of the residents of the proposed dwellings, noise reports have been submitted in view of the proximity of the development to the A38 and its associated slip road to the south. Subject to the inclusion of a condition to require the agreement of noise control measures based on the findings of the noise assessment, the Environmental Health Officer has raised no objections to the proposal.

The proposed dwellings would be constructed in brick and tile; details of materials to be used have not been submitted, but these can be controlled by condition to ensure materials are used that are appropriate to the character and appearance of the area.

Car parking is sensitively designed, with large parts of the parking alongside dwellings to avoid large amounts of frontage parking that would otherwise dominate streetscenes. Where

larger areas of shared parking courts are proposed, the appearance of these is softened by trees and additional landscaping.

Despite financial viability considerations that are discussed later, the development will include the provision of on-site open space including play facilities; this was considered a necessity to ensure the sustainability of the development given that there is no alternative provision within the normally required 400m of the site and an overall lack of green space within the town. Whilst some details of the open space need refining to meet the requirements of the Leisure Officer, especially given the intention that the space be offered to the Council for adoption, the play areas and open space areas generally are suitably located to provide sufficient offset distances to the proposed dwellings to protect privacy and amenity, but in a position that also allows natural surveillance of these areas as a crime prevention measure.

In terms of crime prevention, the Force Designing Out Crime Officer, whilst generally happy with the layout, has reservations about the proximity of a potentially realigned footpath 7 route to 166 and 168 Birchwood Lane, also concerning the added link into the cul-de-sac between apartment block 34-31 and plots 30-33, which I expect will weaken residential ownership of this semi-private space.

Whilst noting these comments, it is considered that the intention of the path links to and around the open space is to facilitate ease of access to the open space areas to residents and has been designed to ensure that these are overlooked from adjoining properties, and it is considered that a suitable compromise position between crime prevention and accessibility has been achieved.

As stated earlier, this proposal does not include the formal diversion of the public footpath but does look to provide a potential route through the site to facilitate the diversion and re-instatement of footpath 7 should such a diversion go ahead, but this would have to be subject to separate authorisation. For this reason, the only sections of path under consideration as part of this application are those within the red line application site boundary. In order to provide separation from the rear of the dwellings that front Birchwood Lane, the footpath has been moved to the west and provision is being made to provide intervening landscaping to provide physical separation from those dwellings and again this is considered to be an appropriate response to the competing objectives of facilitating the potential to re-instate the public footpath as a public benefit and taking appropriate measures to improve crime prevention through appropriate design. Conditions to control final boundary treatments, in line with the further comments of the Force Designing Out Crime Officer, are proposed.

On balance, the design of the scheme is considered appropriate, subject to the inclusion of conditions to control details as discussed above.

Potential contamination risks.

Following the submission of additional gas testing results, the Environmental Health Officer has recommended the inclusion of conditions to ensure the implementation of the necessary mitigation measures to ensure that contamination risks are suitably mitigated.

Subject to the inclusion of such conditions, the proposal will accord with the requirements of Policy SC14 of the adopted Local Plan.

Health and Safety

The HSE Explosives Directorate has stated “that the proposed development falls within the SD3 distance of the nearby licensed explosives site, but outside SD2 distance. On this basis, the HSE therefore has no comment to make provided that the development is not a ‘vulnerable building’.

The following definition of “Vulnerable building” has been provided by the HSE and it is considered that the proposals do not meet with the definitions / criteria below: -

- (a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5m² and extending over more than 50% or 120m² of the surface of any elevation;
- (b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m² and extending over at least 50% of any elevation;
- (c) a building of more than 400m² plan area with continuous or individual glazing panes larger than 1.5m² extending over at least 50% or 120m² of the plan area; or
- (d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.

In view of the above, the proposal is considered to be compliant with Policy WC4: ‘Rough Close Works’ of the adopted Local Plan.

Ecology/Biodiversity

Whilst noting the concerns raised in representations, Derbyshire Wildlife Trust has reviewed the submitted information and following the submission of additional details to clarify the proposal in biodiversity terms, have noted that the submitted biodiversity metric, that has been revised to address the Trust’s initial comments, predicts a net gain of +0.44 habitat units (12.53%) and +0.50 hedgerow units (78.57%).

The trust also recommends that whilst some minor changes are needed to the mitigation proposals, it is appropriate to secure these via conditions on any permission that may be granted, along with conditions to secure the appropriate implementation and management of the biodiversity measures, including controls over any lighting.

These suggested conditions are considered to be acceptable and subject to their inclusion it is considered that the proposal accords with the requirements of Policy SC9 of the adopted Local Plan.

Drainage and Flood Risk

Foul Water

Severn Trent Water are the statutory undertaker for the mains sewers within the local area and have been consulted on this application. Severn Trent Water has not raised any objections to the proposals.

The District Council’s drainage engineer has noted a public sewer within the curtilage of the site and recommends an advisory note to draw this to any developer’s attention.

Surface Water

In order to deliver a Sustainable Drainage Systems (SuDS) solution, a drainage retention pond on site for surface water attenuation is proposed. Additional information has been submitted at the request of the Lead Local Flood Authority (LLFA) to demonstrate that this is appropriate, and that Authority has stated that it considers that the drainage proposals are acceptable in principle, subject to conditions requiring further design modifications and details of management and maintenance plans. The recommended conditions, that are proposed to be included, also cover the related comments of this Council's Drainage Engineer.

S106 Considerations.

Affordable Housing

Whilst 10% 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.

The Interim Head of Planning Policy has verbally advised that there is an identified need for affordable housing in the district, which is material to the consideration of this case.

The mix of affordable units is proposed to be in the region of 24 Shared ownership units and 28 social rented units. Both these types of affordable dwelling accord with the definition of affordable dwellings in national planning policy and guidance and the mix is considered to be appropriate, especially given the mix is weighted to social rented which is in line with the main identified need within the district.

Public Open Space

As already mentioned earlier, provision is being made on site as part of the development for sufficient on-site open space and play equipment that will satisfy the requirements of Policy ITCR5.

As the proposal is being put forward for adoption by the Council, a S106 planning obligation will be required to secure the hand-over, and a commuted sum for the ongoing management and maintenance, of that space.

Playing Pitches

The Leisure Officer has sought financial contributions of £1143 per dwelling under the terms of Policy ITCR7 towards improving green space, playing pitches and their ancillary facilities at Common Meadows Recreation Ground and Broadmeadows Open Space, South Normanton.

Notwithstanding this request, there is no proposal to provide contributions to playing pitches under ITCR7 due to the financial viability of the scheme, which is discussed later in this report.

Health

There has been a 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, stating that initial modelling suggests that the impact of this development is up to £81k.

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, the Planning Policy team is in ongoing discussions to establish whether the requests made by CRH meet the necessary legal tests for contributions, including the opportunity for the CRH to provide additional evidence to support its requests. The current opinion on this based on the work done to date is that the requests may not meet those tests and that current evidence and information provided to date is not considered to be sufficient to show that it directly relates to the development or is fairly and reasonably related in scale and kind to it.

Whilst additional contributions are not being offered in any event for viability reasons to be discussed below, for the reasons stated, the requested contribution is unlikely to have been sought.

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.

Library stock

Derbyshire County Council are seeking a contribution of £4,280 towards stock at the local library, equivalent to the extra demand on that service from the development (with additional monitoring fees).

Viability

As highlighted in the above report, there are policy requirements for S106 contributions in addition to the on-site recreation facilities that form part of the proposals. 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 additional S106 contributions and demonstrates that there is no identifiable surplus to finance any contributions.

In view of this, the proposal is unable to demonstrate full compliance with the relevant policies relating to those contributions 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 which there is an identified need for this type of property in the district, 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.

Whilst these additional dwellings will increase demands on local facilities, the number of dwellings proposed is relatively small when considered against the settlement as a whole, such that the impacts of there being no additional financial contributions is not expected to significantly impact on the ability for existing facilities in the area to cope with the 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 respond to the additional infrastructure requests.

On this basis, it is recommended that no additional financial contributions are sought from this development, other than those identified to cover the cost of ongoing management and maintenance of the proposed open space and play facilities.

Given that the justification for not requiring contributions is the delivery of the affordable housing scheme, it will be necessary to also cover this requirement as part of the proposed S106 planning obligation to maintain that identified public benefit.

CONCLUSION / PLANNING BALANCE

This is considered to be a generally sustainable form of development that is contained mainly within the existing settlement that is mainly in compliance with adopted planning policy.

Whilst a small section of the site extends outside of the development envelope, there are considered to be identified and justifiable grounds for this.

It is acknowledged that the policy requirement for contributions infrastructure requirements 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 completion of a S106 regarding the future management and maintenance of the proposed open space and play equipment and the inclusion of suitable conditions to otherwise ensure compliance with adopted policy.

RECOMMENDATION

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

- A. Limitation over the occupation of the dwellings to affordable housing,**
- B. Procedures for the transfer and adoption of open areas and play space,**

C. Maintenance sums for open areas and play space.

AND subject to the following conditions:

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

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

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:

- Revised drawings submitted 26/06/2023:
 - FP-22001-P-117 REV P0 Revised Walk-Up Apartments (Plot No's 34-41 Inclusive) - Elevations & Floor Plans
 - FP-22001-P-204 REV P0 Revised 2b4p House Types 2d - Elevations & Floor Plans
 - FP-22001-P-206 REV P0 Revised 2b4p House Types 2a & 2d - Elevations & Floor Plans
 - FP-22001-P-207 Revised House Types 3a - Elevations & Floor Plans
 - FP-22001-P-209 Revised House Types 3b(1) - Elevations & Floor Plans
 - FP-22001-P-212 Revised House Types 3c - Elevations & Floor Plans
 - FP-22001-P-214 Revised House Types 3d Feature Building - Elevations & Floor Plans
 - FP-22001-P-215 Revised House Types 3b & 3c - Elevations & Floor Plans
- Revised house type drawings submitted 29/06/2023:
 - FP-22001-P-111 REV P0 Revised 2B4P House Type 2B & 2A* - Elevation and floor plans
 - FP-22001-P-118 REV P0 Revised 4B8P Detached Houses Type 4A* & 4A (Plots 14 & 52) - Elevations & Floor plans
 - FP-22001-P211 House Type 3a* & 3a - Elevations & Floor Plans
- Revised drawings submitted 26/06/2023:
 - FP-22001-P101 revised site layout as proposed (52 No. Dwellings)

To clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by the Department for Communities and Local Government, November 2009.

3. 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.

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

4. 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, proposed formal and informal footpaths, including details for the crossing point for the public footpath where it crosses the proposed highway, public open space and the proposed play facilities, 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.

To ensure that satisfactory landscaping is provided within a reasonable period, including appropriate provision for the treatment and safety for users of the public footpath crossing the site, in the interests of visual amenity, public safety and biodiversity interests, and in compliance with Policies SS1(h and i), SC1(a and c), SC2(a, d and i), SC3(a, b, e, f, i, l and n), Policy SC9, SC10 and SC11 of the adopted Local Plan for Bolsover District.

5. 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 any development above foundation level. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the approved Biodiversity Metric and to achieve no less than a +12.53 % habitat net gain and a +78.57 % hedgerow net gain. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following: -
 - a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
 - b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
 - f) Details of the body or organization responsible for implementation of the plan.
 - g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20, 25 and 30 years.
 - h) Monitoring reports to be sent to the Council at each of the intervals above
 - i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
 - j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
 - k) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
 - l) Detailed specifications for flood attenuation basins to provide biodiversity benefits.

- m) 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.

To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.

- 6. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. These shall especially consider reptiles, amphibians and badgers.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.

- 7. Prior to the installation of lighting fixtures, 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, their locations, and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.

8. No dwelling hereby approved shall be occupied until the access, parking and turning facilities to serve that dwelling have been provided as shown on drawing FP – 22001 - P101 Rev P16.

To ensure conformity with submitted details and in the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the adopted Local Plan for Bolsover District.

9. Prior to commencement of the development hereby permitted details of a highways construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Advisory routes for construction traffic;
 - Any temporary access to the site;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud and dust being carried onto the highway;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Highway Condition survey;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development and in the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the adopted Local Plan for Bolsover District.

10. The premises, the subject of the application, shall not be occupied until the proposed new estate streets between each respective plot and the existing public highway have been laid out in accordance with the application drawings to conform to this Authority's Guidance Delivering Streets and Places which can be accessed at http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads.

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

11. The development hereby approved shall not commence above foundation level on any dwelling until details of the improvements to the gate at the start of public footpath no.7 at its junction with Red Lane have been submitted to and approved in writing by the Local Planning Authority; and the dwellings shall not be occupied until those works have been constructed in accordance with the approved details.

In the interests of highway safety and the function and use of the public footpath, and in accordance with the requirements of Policies SC3(e) and ITCTR3 of the adopted Local Plan for Bolsover District.

12. Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site outside of these hours, including no work on Sundays or public holidays.

To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general and dangers to highway safety, during the construction phase and in accordance with the requirements of Policies SC1(c), SC2(a, d), SC3(e, l and n) and SC11 of the adopted Local Plan for Bolsover District.

13. Before the commencement of construction works including any demolition in connection with the development hereby approved, a programme of measures to control noise and dust from the site during development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme.

To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general and dangers to highway safety, during the construction phase and in accordance with the requirements of Policies SC1(c), SC2(a, d), SC3(e, l and n) and SC11 of the adopted Local Plan for Bolsover District.

14. Prior to any development commencing above the foundation level of any dwelling hereby approved, a scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. Unless otherwise agreed, 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)

Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs – 2300 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 for each dwelling prior to its occupation. The approved scheme must be implemented in full and retained thereafter.

To protect the aural amenity of future occupiers of the proposed dwellings and in compliance with Policies SS1(h), SC1(a and c), SC2(a and d), SC3(a, l and n), and SC11 of the adopted Local Plan for Bolsover District.

15. Before the commencement of the development hereby approved:

As site investigation reference 211043/1 identifies unacceptable levels of risk from ground gas, 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 LCRM and other 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.

To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water and in compliance with Policies SS1(m&n), SC1(e), SC2(d,m,n&o), SC13 and SC14 of the adopted Local Plan for Bolsover District.

16. No dwellings hereby approved shall be occupied until:

a) The approved remediation works required by 1 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, which have not previously been identified, 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 followed in site investigation reference 211043/1.

c) Upon completion of the remediation works required by 2a 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.

To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water and in compliance with Policies SS1(m&n), SC1(e), SC2(d,m,n&o), SC13 and SC14 of the adopted Local Plan for Bolsover District.

17. No development shall take place, except for site clearance and enabling works (that must exclude any excavation or concrete works), until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. Banners Gate. (Jun 2023). Land off Red Lane, South Normanton – Flood Risk Assessment. 22105 rev 02. “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”
- b. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

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 agreed prior to their installation on site and in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the adopted Local Plan for Bolsover District.

18. No development shall take place, except for site clearance and enabling works (that must exclude any excavation or concrete works), 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.

To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest

possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- I. into the ground (infiltration);*
- II. to a surface water body;*
- III. to a surface water sewer, highway drain, or another drainage system;*
- IV. to a combined sewer.*

And in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the adopted Local Plan for Bolsover District

19. 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.

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 in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the adopted Local Plan for Bolsover District.

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

To ensure that the drainage system is constructed to the national non-statutory technical standards for sustainable drainage and CIRIA standards C753 and in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the adopted Local Plan for Bolsover District.

ADVISORY NOTES

1. This site is subject to a Planning Obligation under the terms of S106 of the Town and Country Planning Act 1990 (As amended), and any developer should be aware of the content of that agreement and the need to meet its requirements in addition to the conditions attached to this permission.
2. The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the

development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Implementation Team at development.implementation@derbyshire.gov.uk. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to coordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

3. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at www.derbyshire.gov.uk/transport-roads/roads-traffic/roadworks/roadworks.aspx before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
4. The application site is affected by the route of a public right of way (public footpath no. 7 in South Normanton Parish) on the Derbyshire Definitive Map. The statutory route of the footpath must be safeguarded at all time to allow the safe and unfettered passage of pedestrians. Any diversions to facilitate the construction of the development will need to be subject to the necessary temporary closure and/or diversion applications/orders.
5. National Highways has advised that in accordance with paragraph 50 of Circular 02/2013, no water run-off that may arise due to any change of use will be accepted into the highway drainage systems, and there shall be no new connections into those systems from third party development and drainage systems. Any change of use to the

existing connections to the Highways drainage will be classed as a new connection and therefore will be refused in the first instance as stated within the Circular.

6. The Council's drainage engineer has advised the following: -

a. The sewer records show a public sewer within the curtilage of the site (see plan with original consultation response on the Council's website). The applicant should also be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.

b. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.

c. It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

7. In respect of any future submissions under the terms of conditions 17 – 20, the developers must take into account the guidance notes contained in the consultation response from the Lead Local Flood Authority (Derbyshire County Council), received by Bolsover District Council on the 18th September 2023, which can be viewed with the planning application record on the Council's website.

8. The HSE Explosives Directorate has drawn attention to the fact "that the proposed development falls within the SD3 distance of the nearby licensed explosives site, such that buildings should not be a 'vulnerable building'. The following definition of "Vulnerable building" has been provided and it is considered that the proposal complies with these requirements, but this definition is included as an advisory note for the attention of any developer.

(a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5m² and extending over more than 50% or 120m² of the surface of any elevation;

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

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

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

9. The developer is encouraged to make separate enquiries with broadband providers to ensure that future occupants have access to sustainable communications infrastructure, and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections. Any new development should be served by a superfast broadband connection unless it can be demonstrated through consultation with the network providers that this would not be possible, practical, or economically viable.

More information on how to incorporate broadband services as part of the design of new development is available by following the link below:

<https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders>

Statement of Decision Process

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

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

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

Equalities Statement

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

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

Human Rights Statement

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

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should

be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.