

PARISH

Old Bolsover

APPLICATION

Approval of Reserved Matters application for details of appearance, landscaping, layout and scale in relation to the development of 238 homes, open space and associated infrastructure, along with discharge of conditions 6 (Phasing Programme), 8 (Framework Travel Plan), 11 (Highway Surface Water Disposal), 15 (Maintenance/Management of public areas), 16 (hedgerow retention/creation) and 19 (Noise Assessment) in respect of the areas of the site included in this application.

LOCATION

Land between Welbeck Road and Oxcroft Lane, Bolsover

APPLICANT

Persimmon Homes & Strata Homes

APPLICATION NO.

19/00005/REM

FILE NO.**CASE OFFICER**

Mr Peter Sawdon

DATE RECEIVED

4th January 2019

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Case officer in consultation with Planning Manager and Chair of Planning Committee

REASON: Due to the strategic importance of this development site.

SITE

The application site comprises approximately 8.34 ha of agricultural and to the eastern portion of the approved 'Bolsover North' strategic housing expansion site. This part of that strategic site is located to the north east side of Bolsover and is to the east of Elmtan Lane and to the north west of Welbeck Road/Marlpit Lane; that site extends to approximately 38.96 hectares in size. Outline planning permission for residential and associated development of this land was granted in October 2017.

The boundaries of the site are predominantly formed by mature native hedgerows that separate and form the areas network of fields. The majority of the north eastern boundary of this proposal does not follow an existing field boundary and is therefore open to the immediate field network to the north, with the exception of the eastern corner where the site is bounded by a dwelling fronting onto Marlpit Lane. To the west, the site mainly extends up to Elmtan Lane, which is a bridleway to the north-west; the site extends slightly to the north west of Elmtan Lane to include the location for the SuDS drainage pond that will have to be provided for the development in this early phase of the scheme.

The site lies immediately adjacent to existing residential development to the south in the form of detached properties along Welbeck Road. Further detached dwellings are located to the south of Welbeck Road where that highway becomes Marlpit Lane Bolsover Hospital is also located, beyond which are further fields.

The site is outside of settlement framework limits that are identified in the adopted Bolsover District Local Plan, but is proposed to be included within the proposed development envelopes in the emerging Local Plan.



PROPOSAL

This planning application is seeking: -

- reserved matters approval in respect of details of appearance, landscaping, layout and scale in relation to the development of 238 homes, open space and associated infrastructure; and
- approval for the discharge of the following conditions of the outline planning permission ref. 14/00080/OUTEA [in respect of the areas of the site included in this application]:
 - 6 (Phasing Programme),
 - 8 (Framework Travel Plan),
 - 11 (Highway Surface Water Disposal),
 - 15 (Maintenance/Management of public areas),
 - 16 (hedgerow retention/creation); and
 - 19 (Noise Assessment).

N.B. the application as originally submitted included a request to discharge conditions 14 (archaeology), 21 (foul drainage), 22 (improvement/extension of the existing sewerage system) and 23 (surface water drainage), but these elements of the application were subsequently withdrawn and will now be the subject of later applications specifically to discharge those conditions.

The development is proposed to be delivered by two developers:

- Strata would deliver the dwellings proposed on the section of the site to the south west side of the proposed spine road; and
- Persimmon Homes would deliver the dwellings to the north east of the spine road.



The proposed development would include the formation of the first section of the new spine road that will eventually connect to Longlands and which would become the main route for traffic travelling into Bolsover town centre from the north, effectively by-passing Welbeck Road. This would provide the vehicular access to the site off Marlpit Lane to the east as established by the outline planning permission. This first phase spine road will extend as far as Elmtan Lane, but will eventually cross over that lane to provide access to future phases of the development. The spine road is proposed to be a tree lined avenue in accordance with the design concepts established at the outline planning application stage and is proposed to incorporate a path of sufficient width to accommodate both pedestrians and cyclists on its southern side.

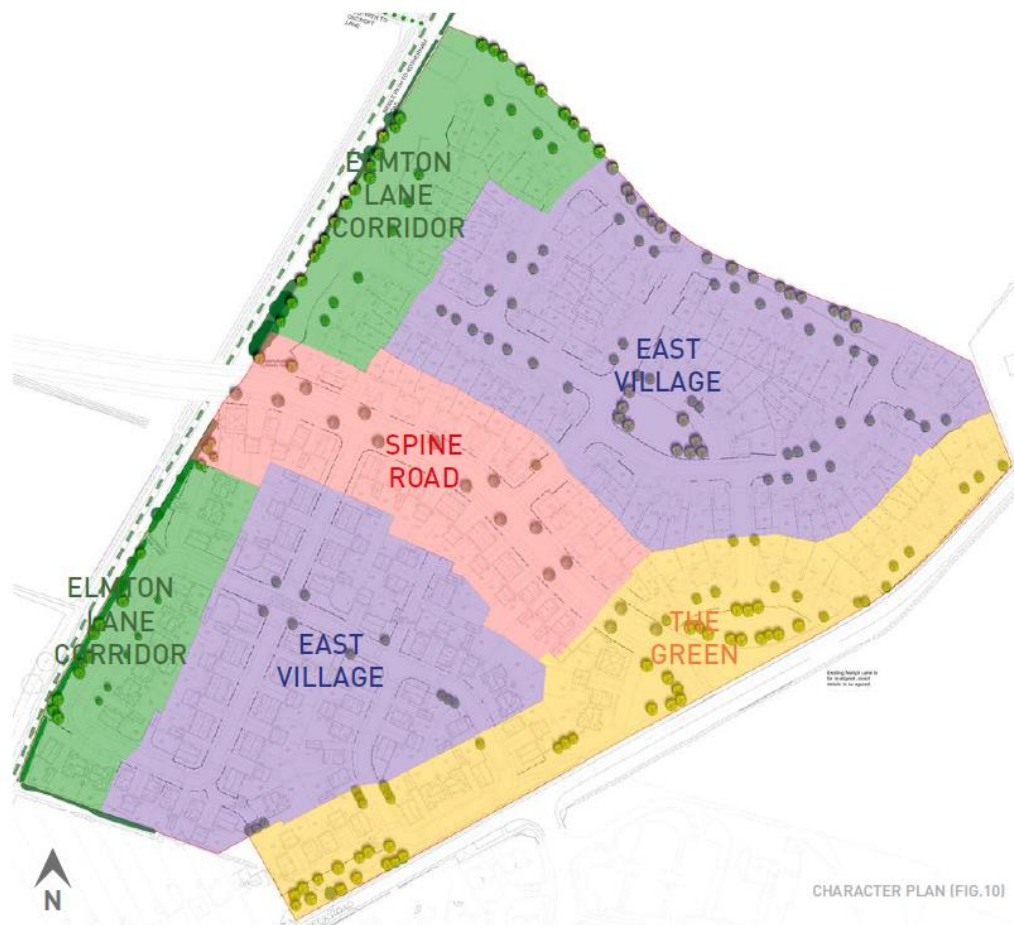
A green landscaped belt is proposed along the western and the majority of the northern boundaries of the site. The western belt is proposed to provide a buffer to Elmtan Lane as part of a green corridor through the site alongside that existing footpath/bridleway route. The northern one would again form a green corridor that it is envisaged will be supplemented by a similar offset by any development of the later phase of building to the north.

An area of incidental amenity open space is proposed within the northern (Persimmon) part of the site.

The 238 dwellings would be built in development parcels off a new highway network comprising of mainly cul-de-sacs. It is proposed that this would comprise 2, 2.5 and 3 storey dwellings.

The submitted Design and Access Statement indicates that dwellings would be built around four character areas: -

- **SPINE ROAD** - The primary access to the scheme and wider development beyond is via the spine road. The commencement of this route is announced by symmetrical 'sentry' 3 storey buildings.
- **THE GREEN** - The Green is the eastern entrance to the wider Bolsover North Development area, and the junction of Marlpit Lane and the proposed Link Road.
- **ELMTON LANE CORRIDOR** - Elmtan Lane is a hedged lane and public right of way which runs north from Welbeck Road through housing, then through fields to the west of this initial phase.
- **EAST VIALLAG** - Primarily defined by medium density residential development, two and two and a half storeys in height, in detached, semi-detached and short terraced form. Within this character area is a sub-character which runs along the link road and acts as an important space as the two developers overlook this central route.



AMENDMENTS

12/09/19

- 6667_034-01-02 Plan showing Vehicle Tracking Phase 1 - Persimmon

11/09/19

- 2 e-mails with responses to question regarding hedge removal and response to Highway Authority consultation (including following documents)
- Ref. 6667_005-09 Road & Sewer Sections Phase1 - Highway drainage
- Ref. 6667_022-03 S38 Agreement Plan - Combined

19/08/19

- Revised design and access statement Ref. P18-2638.010G // AUGUST
- Landscape masterplan Ref. P18-2638.009C
- Planning layout Ref. P18-2638.001E
- Revised description to withdraw request to discharge conditions 14, 21, 22 and 23

08/08/19

- Ref. P18-2638.002A ref. Materials plan ref. P18-2638.001E

19/06/19

- The Greyfriars Village house type plan ref. TGDP/MP-L/GRE

29/05/19

- The Greyfriars Village house type plan Rev. S (Now superseded)

23/05/19

- Revised Layout Plan ref. P18-2638.001A (now superseded)

14/05/19:

- Revised Layout Plan ref. P18-2638.001 (Now superseded)
- Revised Design and Access Statement ref. P18-2638.001E (now superseded)

HISTORY

14/00080/OUTEA

Granted
Conditionally
25.10.2017

Outline planning application (with all matters except access reserved for later consideration) for residential development in the region of 950 dwellings, provision of an extra care facility (approx 70 units) and an Infant School together with vehicular access points from Marlpit Lane, Oxcroft Lane and Longlands (with associated demolition of dwellings on Longlands and Welbeck Road), cycle and pedestrian access, associated car parking spaces and open space provision. The S106 Planning Obligation associated with that permission is close to completion but was not finalised at the time of preparing this report; in this respect development cannot commence on site until it is complete.

CONSULTATIONS

Archaeologist - The outline consent includes ... Condition 14 (a) in relation to archaeological evaluation: "No later than concurrently with the submission of the first

reserved matters application within any phase a programme of archaeological field evaluation and subsequent reporting shall be submitted to the Local Planning Authority for approval in writing.”

The application has provided a written scheme of investigation (WSI) for evaluation at Phase 1, but the fieldwork has not been carried and the report is not therefore available. Moreover, the methodology set out in the WSI is insufficient against the terms of the planning condition, NPPF policy, and against industry standards and regional/national research agendas.

No condition discharge should therefore be granted against Condition 14 (a) – and consequently the reserved matters application should not be determined – until an acceptable WSI has been agreed with the local planning authority and until the evaluation fieldwork has taken place to allow archaeological significance to be assessed and the need or otherwise for further archaeological work under the NPPF policies to be understood. 07/02/19

N.B This consultation response was received in response to the original request for the discharge of condition 14 of the outline planning permission that has now been withdrawn from this planning application.

Ramblers Association - After comparison of the site plan with the council mapping portal it appears that Bolsover footpaths 31 and 33 and Bolsover BW 60 will not be adversely affected by the proposed changes to the site usage. Providing that this remains the case we would have no objections to offer. We would request that both Bolsover footpaths 31 and 33 and Bolsover Bridleway 60, (Elmton Lane), remain open and unobstructed during execution of any changes proposed. Careful thought should also be given to protection of the surface of Bolsover Bridleway 60 to ensure that this is not damaged by site traffic. 11/02/19

Derbyshire County Council (Flood Risk Management)

If this application is for a discharge of conditions then the LLFA will need additional information submitting 18/04/19 and 07/05/19

Force Designing Out Crime Officer – Suggesting amendments to details to improve crime prevention measures 18/02/19, 28/05/19 and 09/09/19

Derbyshire Wildlife Trust – Commenting on amendments submitted to respond to earlier issues raised by the Trust, it notes improvements in the revised plans. Still some reservations regarding the lack of detailed information in respect of the proposals that do not yet fully demonstrate appropriate biodiversity mitigation, but conditions can be included to manage that detail 10/09/19

Yorkshire Water – No comments on the reserved matters, but additional information will be required in respect of the submitted drainage detail as part of any future discharge of condition application required by the outline planning permission 21/02/19
No objections to additional submitted details (as specified in the response). Notes highway surface water will be diverted away from the public sewer that will free up capacity for foul sewage to drain from the site to the public sewer network. 20/5/19

Leisure – Note inclusion of amendments to respond to a number of issues raised in the initial consultation. Welcome the areas of green space proposed and commitment to

provide biodiversity improvements. Note requirements of outline planning permission such that no specific play provision needed in this phase, but proposed trim trail acceptable nevertheless, subject to maintenance in line with other areas of open space on this phase (it is stated that all areas of landscaping proposed within Phase 1 of the development which are not conveyed to specific residential dwellings will be maintained in perpetuity by a Management Company). Should the developer seek adoption by the Council, commuted sums would be required to cover maintenance costs. Note S106 already makes adequate provision for built and outdoor sports facilities. Proposed path connections to the northern part of the site should be widened to facilitate cyclists. 09/09/19

DCC (Highways) – Generally acceptable layout but some minor issues requiring amendments. Also advice regarding commuted sum payments in respect of highway adoption 1/3/19 and 28/08/19. Additional comments provided in respect of conditional requirements of the original outline planning permission 12/09/09

Urban Designer – Note improvements to the scheme that is now generally acceptable subject to a few additional minor alterations 09/09/19. Additional comments provided specifically regarding the Design and Access Statement (DAS) that this is generally acceptable; ideally further improvements to the document would have been preferred, as outstanding detailed improvements can be controlled by conditions, considers that further amendment of the DAS at this stage would not serve any beneficial purpose 12/09/19

Environmental Protection Officer – Based on the revised layout, recommend the inclusion of a condition to mitigate the predicted noise levels indicated in the submitted noise assessment. 06/09/19

PUBLICITY

By press advert, site notice and 14 neighbour letters. Representations have been received from the occupants of 7 nearby dwellings that raise the following issues: -

Principle

I do not agree with building on prime agricultural land or green space that has not been previously built on; reasons are largely environmental.

I know you will just go ahead with the plans anyway as targets and money beats what taxpayers have to say.

This application should be declined with prioritisation given to the Bolsover Hospital site, which has recently been acquired by Homes England for development as this is not a greenfield site. Along with the recent developments on Oxcroft Lane and Mooracre Lane, a further development at Bolsover Hospital would provide more than enough housing to meet the current quotas for Bolsover Town.

Highway Safety

- Traffic from this and the development of the former hospital to produce a massive increase in road traffic directly onto Welbeck Road. Existing parking along Welbeck Road and outside the school at key times leads to traffic chaos. Will lead to jams, more chaos and possible serious accidents.
- The road narrows along Welbeck Road to the east to such an extent that cars cannot pass. The number of vehicles travelling in this direction to/from Rotherham Road will significantly increase. The junction at Rotherham Road is also a safety concern for increased volumes of traffic and could potentially lead to a fatal

collision.

- Welbeck Rd / Marlpit Lane is a 60mph zone that narrows to a single lane for a 90 metre stretch then it exits on to Rotherham Rd which is blind to traffic coming from the R.H. Side. When these two problems cause a bottle neck drivers will use Horsehead Lane as a rat run, this in turn will cause problems with parked cars outside the C of E school putting children at risk.
- Would like to see Marlpit lane become a minor road, for access only as it is presently being abused by speeding motorists. This is from horsehead lane to the Bolsover hospital site.
- All footpaths along these roads are also poor, narrow in places, poorly lit and none existent in places. At busy times and on bin day you have to walk in the road, at your peril.
Speed of the road is also a major concern.
- Traffic calming needs looking at between Horsehead Lane and Welbeck Gardens, speeds of 40 - 50mph plus when you have children walking to school! The extra fumes from all these cars past the properties that are very close to the road and also the school surely is detrimental to health.
- Bolsover Market Place is not able to handle the amount of traffic at present, particularly around the Bus Stops with there only being one pull in bus stop on the Market Place side causing congestion from both sets of traffic lights and all the way through past Hill Top junction.
- Further consideration needs to be given to the number of plant vehicles that would require access to the site if the development was to proceed, which would create a significant safety risk to residents in this area.

Infrastructure

- There will be a large increase in children. Where are the children going to be educated as the present schools are up to capacity? Would it be better to have the school built first?
- The building of houses before the construction of a school to accommodate the vast amount of children that will live in the first phase is not the best way forward in a up and coming town like Bolsover.
- Want the council to make sure that they did NOT permit ABOVE the minimum that the government are suggesting for each constituency, of affordable housing and that any development would need to adequately address the infrastructure for the people living in the houses before it goes ahead, in terms of leisure facilities, schools and roads.
- The Town itself is not geared up for all these properties. There is nothing to do for the youth, who end up making trouble in the town at night and with no police presence, they are having a field day! In the 5 months I have been living here have seen the deterioration. Broken glass everywhere, rubbish and vomit. Something not to be proud of. I thought Bolsover was a nice place to live.
- This development, along with other current and planned developments in Bolsover town will put strain on all services including doctors' surgeries. There are also no adequate leisure facilities in Bolsover town meaning travel to alternative locations at Clowne, Staveley and Chesterfield.

Design/Amenity impacts

- I object to the design of the site and in particular plan to build 2.5 storey homes, mainly plots 88-94, so close to an existing residential boundary. These houses are not in character and keeping with existing 2 storey properties being situated along

Welbeck Road. The proximity to the boundary and roof windows in the proposed development is an intrusion of privacy.

- Landscaping – I object to the plans on the basis that the green areas should be included against all existing boundaries, particularly where there are existing residential properties classed as a sensitive edge. Plots 88-94 should be replaced by a green area with trees to mirror the ones along Elmton Lane and The Green where the proposed junction to Welbeck Road and Marlpit Lane is situated. This would reduce the impact of the development on the existing properties with trees that will grow to a suitable height to hide the site from view of existing properties and gardens.

Biodiversity

- Leave the hedge rows to the extremities of the estate intact.
- Humans are destroying our hedgerows and cutting down our trees needlessly. As a result ... climate change and the decrease of native birds and wildlife are occurring at accelerated rates. At a micro level, Bolsover District Council could do something positive by NOT contributing to this further, by NOT developing green spaces. If the land were to be built on I would prefer it if the current hedgerows remained with additional hedgerows planted in between new properties, to allow wildlife such as hedgehogs and birds to dwell. It would also be a positive idea for a significant amount of native trees to be planted within the development to avoid flooding and also to provide a source of pollution control whereby the trees absorb co2 and pollutants, and to avoid risk to life.
- Want the developers to observe as many environmentally friendly products as they can as we are aware that the use of products such as cements is not environmentally friendly. The cost to our environment in using such products is too high given that global warming is hastening. Bolsover District Council Planners NEED to put this in place in their planning stipulations to the developers so that they are in part not contributing to the decline of our world. BDC have a responsibility here of significant proportions. We all have to do our bit and BDC need to listen to what is being said at a global level.
- If the houses were to be built I would like them to have green features such as solar panels, geo thermal heating or other even heating and electrical sources, and reflect the architectural character of Bolsover market town.
- There is a private access lane with access to Elmton Lane between the rear gardens of some dwellings fronting Welbeck Road and the application site with a hedgerow on the development side of that lane. It looks like this is proposed to be removed and replaced with a fence. This should be kept to create a small wildlife corridor to compliment the one that is already on the plans. A fence can be erected on the field side of the hedge leaving a haven for birds.

Other

If the hedge on the private access lane accessed from to Elmton Lane between the rear gardens of some dwellings fronting Welbeck Road and the application site is removed, to protect privacy and prevent lane becoming a thoroughfare from the planned estate could a brick wall/pillars and wooden panels be constructed, not just a wooden fence which could be ripped down or even a permanent barrier not something that can be removed leading to vandalism or fly tipping on our lane. Who will maintain this barrier?

POLICY

Bolsover District Local Plan (BDLP)

GEN 1 – Minimum Requirements for Development

- GEN 2 – Impact of Development on the Environment
- GEN 4 - Development on Contaminated Land
- GEN 5 – Land Drainage
- GEN 6 – Sewerage and Sewage Disposal
- GEN 8 – Settlement Frameworks
- GEN 11 – Development adjoining the Settlement Framework Boundary
- GEN 17 – Public Art
- HOU 3 – Housing Allocations
- HOU 5 – Outdoor Recreation and Play Space Provision for New Housing Development
- HOU 6 – Affordable Housing
- EMP 5 – Protection of Sites and Buildings in Employment Uses
- CLT 9 – Protection of Existing Allotments
- CLT 11 – New Countryside Recreation Facilities
- TRA 1 – Location of New Development
- TRA 13 – Provision for Cyclists
- CON 1 – Development in Conservation Areas
- CON 4 – Development Adjoining Conservation Areas
- ENV 5 - Nature Conservation Interests Throughout the District
- ENV 8 – Development affecting Trees and Hedgerows

Emerging Local Plan for Bolsover District

Policies SS 3 – Spatial Strategy and Distribution of Development and LC1 – Housing Allocations (October 2016)

National Planning Policy Framework

NPPF Paragraph 131

In determining planning applications, local planning authorities should take account of:-

- The desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 132 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 134 - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 137 - Local Planning Authorities should look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance.

Paragraph 173 states:- *“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable”.*

Core Planning Principles & Requiring Good Design.

Paragraph 17 states that: - “A set of core planning principles should underpin both plan-making and decision-taking, including being genuinely plan-led..., always seek to secure high quality design..., contribute to conserving and enhancing the natural environment..., actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.”

National Planning Practice Guidance (NPPG) – Design (ID: 26)

Other (specify)

The Historic Environment Supplementary Planning Document (2006)

Planning (Listed Buildings and Conservation Areas) Act 1990 – section 72

A statutory duty that requires that

“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.”

Successful Places: A Guide to Sustainable Housing Layout and Design (2013)

ASSESSMENT

Principle of development

The principle of the re-development of this site is established by the previous grant of outline planning permission that included details of the main access into the site and the terms of a S106 Planning Obligation that has already agreed infrastructure contributions.

On this basis, the considerations relating to this proposal are restricted to the reserved matters insofar as they relate to means of access (other than the main site access), layout, scale, appearance, landscaping, ecology and highway safety.

A number of representations raise issues of principle that are already established and as such cannot be re-considered in the determination of this planning application. The issues of principle raised that cannot be considered therefore include:

- The development of a greenfield site;
- Impact of the development on the highway network and improvements to that network as a result;
- Infrastructure impacts, including schools, affordable housing, police, doctors'

- surgeries and leisure facilities;
- Any additional impacts from subsequently approved and possible future housing schemes (such schemes should take into account this development as a committed scheme in any assessments undertaken).

Layout and Design

Conditions 4 and 5 of the outline planning permission required: -

4. The submission of the reserved matters applications shall be broadly in accordance with the details shown in the revised Design and Access Statement dated February 2016 and the revised Illustrative Masterplan HG0750/MP-01 Rev.F dated 21/01/2016.

5. No later than concurrently with the submission of the first reserved matters within any phase a supplementary Design and Access Statement for that phase shall be submitted to the local planning authority for approval in writing. The supplementary Design and Access Statement shall seek to establish the design approach to inform any reserved matters proposals for that phase and should be compatible with the Design and Access Statement dated 14th February 2014 as supplemented and amended by the Design and Access Statement Addendum dated February 2016. Any subsequent reserved matters applications within that phase shall comply with the approved supplementary Design and Access Statement for that phase.

In respect of condition 4, it is considered that the reserved matters as submitted accord with the broad indications of the layout and distribution of dwellings indicated in the originally approved Design and Access Statement, as required by that condition.

A supplementary Design and Access Statement was submitted with the planning application in accordance with the requirements of condition 5, which was subsequently revised to take into account concerns raised by the Urban Design Officer in respect of the original document. Whilst this is generally acceptable, ideally further improvements to the document would have been sought (had it been prepared in advance of detailed drawings as is the preferred approach), but given the process of detailed design negotiation has continued alongside the revisions to the DAS document, resulting in improvements in any event, and that outstanding detailed improvements can be controlled by conditions (see further discussion below), it is considered that further amendment of the DAS at this stage would not serve any beneficial purpose. On this basis it is considered that condition 5 of the outline planning permission can be accepted as having been satisfied in respect of this phase of the development.

The applicants have engaged in pre-application discussion and have continued to positively amend the layout and design to address concerns raised through the consideration of the application. This has included amendments to house types, location of new dwellings (to ensure compliance with separation requirements) and enhancements to general distribution of dwellings and other details, including boundary treatments and other detailing, to help improve its appearance and relationship to existing neighbours.

The layout proposes to deliver key design features that were included in the originally approved Design and Access Statement, including the provision of an avenue of trees along the main highway route that will form the through route into Bolsover in later phases of the development, and the provision of an entrance feature ('The Green') at the main entrance into the site from Welbeck Road featuring a stone wall.

There are still some areas though where improvements would need to be made, with particular respect to the detailed comments of the Force Design Out Crime Officer and the Council's Urban Design Officer.

The Force Design Out Crime Officer has stated that some areas of the scheme do not sufficiently deal with crime prevention in respect of security of rear access paths and public supervision of some stretches of proposed highway. These issues can be addressed by minor amendments to the scheme and the comments have been passed to the applicants and an update on this issue will be provided at the Planning Committee meeting and amendments are expected.

The Urban Design Officer has stated that in broad terms, the layout, scale and disposition of the development is now largely acceptable, although a number of previously recommended amendments have not been implemented. Where identified above further revision is required. Conditions are recommended to manage other details of the development and ensure a suitable standard of design and finish is achieved and maintained into the future. The areas where the Urban Design Officer considers that further information and/or amendments should be provided in respect of:

- Materials detailing;
- Hard and soft landscape detailing (in particular the selection of appropriate tree species for the main avenue and means of enclosure in key locations);
- Pedestrian access points around 'The Green' (as also raised by the Force Design Out Crime Officer);
- Need to provide additional side windows in key locations;
- Improvements to rear access points to terraced plots, including making such provision for plot 43;
- Detailing of the pumping station and electricity sub-stations;
- The need to sensitively locate meter boxes away from the frontage of plots and where such a location is needed, to ensure that these are suitably coloured to tone in with the background of each plot; and
- The need for porch canopies to be constructed from timber with a painted finish and suitable roof tiles and not GRP fixtures.

A response from the developer is expected that it is hoped will sufficiently amend these remaining details and conditions to control any outstanding details and issues can be included and are considered necessary to ensure the design quality of the overall development.

In terms of neighbouring amenity, the layout generally accords with the Council's adopted guidelines for dwelling separation and space about dwellings. Whilst noting the concerns raised in representations about three storey dwellings being sited to the rear of existing properties fronting Welbeck Road, these dwellings are designed with the appearance of a 2 storey dwelling with rooms in the roof space. At 10m, the rear garden length of one of the proposed dwellings in this location falls short of the normally required 10.5m rear garden length, however, the new dwelling would be positioned at an angle to the two adjoining gardens, which themselves have large garden areas and it is not considered that this will result in significant harm that would make the scheme unacceptable in planning terms. Similarly, proposed garden lengths on three plots to the eastern corner of the site are under the normally required 10.5m garden length to the existing adjoining dwelling fronting Marlpit Lane on that side of the site; in this case the exiting mature boundary

treatments to that property and the large garden associated with it will ensure that a reasonable level of privacy and amenity will be maintained for its occupants.

Full levels details have not been submitted with the reserved matters and in order to ensure that these are reasonable and do not raise any issues for neighbours it is considered that a condition requiring such details to be provided is proposed.

Subject to the receipt of minor amendments and the inclusion of conditions to address the above consultation responses, on balance it is considered that key objectives will be achieved to make the scheme acceptable and in general compliance with the parameters of the original outline planning permission and the Council's adopted Design Guide 'Successful Places'.

Comments regarding green features for the new dwellings raised in representation are noted, however there is currently no specific policy requiring what features should be provided and if these were to be required as a matter of principal, then this should have been included as a condition on the outline planning permission and there is not considered to be an overriding reason in planning terms to make any additional specific requirements of the developers in this respect.

Heritage Impacts

The archaeological advisor has advised against the determination of this planning application until fieldwork has been carried out in accordance with any agreed written scheme of investigation (WSI).

Notwithstanding this comment, the wording of this condition only requires that a scheme of investigation is submitted to the Council not later than concurrently with the submission of the first reserved matters application; it does not require this to be approved prior to the determination of such a planning application. However, the condition does require that such a scheme has to be approved in writing by the Local Planning Authority before any works can commence and so sufficient control over the timing of the archaeological work is maintained by the Council and there is no need or requirement to delay the determination of this planning application.

In withdrawing the request to discharge the archaeological requirement of the outline planning permission (condition 14), the applicants are aware of the need to submit a further discharge of condition application to deal with the appropriate archaeological investigation of the site that would need approval before works on site can commence.

Landscaping and Ecology

Conditions 15 and 16 of the original outline planning permission required the following: -

- 15 The Landscaping details submitted to accompany any reserved matters application for any phase or sub-phase of the development shall be accompanied by details for the proposed means of permanent management and maintenance for all public areas (anything not proposed to be contained within the curtilage of an individual property, i.e. the grounds of any dwelling; education establishment; or extra care facility) at all times following completion of that phase or sub-phase of the development, including timescales for implementation. The agreed details shall be implemented in accordance with those details and maintained in the manner approved at all times thereafter.

16 Any reserved matters application for layout and landscaping shall provide for the retention and creation of hedgerows generally as identified on Hedgerow Plan HP-01 Revision A. Unless approval to vary the detail is approved as part of any reserved matters submission(s), the hedgerows to be retained on site (as defined on Drg No HG0750/HP-01 Rev. A) shall not be removed and shall be protected from damage during site preparation works and construction works by the erection of protective fencing set back at least 2m from the centreline of the hedge. There shall be no ground disturbance or storage of materials within the protected areas unless an exception is approved in writing by the Local Planning Authority.

The Derbyshire Wildlife Trust has advised the following (these are summarised): -

- Note that the revised landscape masterplan retains the key green corridors along with the tree-lined link road shown on the approved masterplan; green corridors need to be a meaningful width, particularly if there are future proposals to add cycle tracks etc. in them.
- The revised landscape masterplan leaves some doubt as to exactly where hedgerows will be retained, strengthened and which ones will be lost. It appears to show that existing hedgerows along Elmtun Lane will be retained except where new access roads are to be constructed. These hedgerows are a vital part of the integrity of the green corridor and retaining and protecting these hedgerows within the site ensures that existing wildlife including plants, insects and birds can continue to survive on site during the construction period and will then be able to disperse and colonise new areas of habitat created within the green infrastructure of the site.
- Many of the internal hedgerows to be planted at the front of properties will be ornamental, unlikely to be of significant benefit for native wildlife, and should not be considered a like for like replacement for those native hedgerows that will be removed.
- The treatment of hedgerows along Welbeck Road is unclear with the plan seeming to show significant removal of hedgerow, but it is less clear whether new hedges will be planted fronting onto Welbeck Road; strongly recommend that the hedgerows along this section of the development are replaced in full (excepting where access roads make that impossible).
- There are further opportunities within the site to provide additional new hedgerow planting.
- The composition of the proposed native hedgerows and other tree and shrub planting needs to be agreed in detail as this is not currently included. Additional advice on the type of species to be used is provided.
- Given the large amount of hedgerow loss, native hedgerow planting should be favoured in most, if not all, areas.
- Full details of species mixes to be used in Grassland and lawn areas need to be provided and the subsequent management of these areas agreed. Some of the details shown for this are not considered appropriate and need to be amended.
- The Design and Access statement and the Landscape Masterplan present various measures designed to enhance biodiversity. At the moment it is unclear whether these measures can be implemented in such a way as to ensure that this Phase of the development contributes sufficiently to avoiding a net loss of biodiversity within the overall development.
- The long term sympathetic management of hedgerows needs to be secured via a management plan and agreement.

In respect of the submitted layout it is noted that the proposed layout makes provision to

keep the majority of hedgerows shown for retention on the Hedgerow Plan HP-01 Revisions A, which condition 16 of the original outline planning permission requires the reserved matters application to generally comply with, with the exception of some hedgerow to the site frontage onto Welbeck Road/Marlpit Lane and on the south west boundary to the rear of dwellings that front Welbeck Road; condition 16 already makes provision for the protection of hedgerows during construction works.

In respect of the Welbeck Road/Marlpit Lane frontage, it is accepted that hedgerow removal is necessary to facilitate vehicular access points from the highway and the plans indicate that the boundary would be reinforced with new native tree and shrub planting.

For the south west boundary, the revised landscape masterplan states that hedgerow boundary would be retained where possible and trimmed back to accommodate new fencing. Whilst it is accepted that where hedgerow is to be retained on a garden boundary then it is reasonable for this to be trimmed. The proposed hedgerow removal to the rear of plots 81 – 83 has been questioned with the applicants with a request that this be retained if possible, but given the proximity of the development and levels changes that are proposed here, this will not be possible. This comment is noted and is considered reasonable; additionally it should be noted that as this small section of hedgerow is located on the boundary of a private garden the hedgerow has no statutory control over it anyway under the hedgerow regulations such that it can be removed in any event without recourse to the Local Planning Authority. On this basis, it is considered reasonable that this small section of hedgerow be removed. Conditions are recommended to control the amount, location and species of any replacement planting that should seek to secure net biodiversity gain in any event.

The submitted drawings indicate that 1.8m high solid timber fencing is proposed alongside retained hedgerows; this is considered inappropriate as this precludes access to the hedgerow by wildlife and restricts sunlight to that hedgerow affecting its health and so, should fencing be considered necessary here (the hedgerow is dense in parts and is considered to provide adequate boundary treatment and security protection), then an alternative open design of fencing would be needed.

The details in respect of management and maintenance, which would be by use of a management company, are also unclear as to exactly what areas would be subject of such arrangements and additional information about this would also be needed.

In view of the above, it is considered that the landscaping details and associated biodiversity considerations are lacking in detail and do not sufficiently address biodiversity consideration such that these should not be accepted; additionally these are not considered to satisfy the requirements of conditions 15 and 16 of the outline planning permission such that the requirements of those conditions should not be discharged.

Notwithstanding this, there is considered to be scope for the details to be amended and enhanced to provide additional protection to existing landscape features without the need to further amend the location and quantity of dwellings, as well as provide for necessary replacement hedgerow planting, appropriate management and maintenance of soft landscaping areas, and the provision of net biodiversity gain as a result. A condition requiring amended details is therefore recommended.

A question is raised regarding the erection of fencing and responsibility for maintenance of any hedgerows and fencing between existing and new properties. As advised above

boundary treatments are recommended to be controlled by condition. Ownership and maintenance of any means of enclosure is a purely private property matter and this is not therefore a material planning consideration. Of note is that where hedgerows are on a shared or common boundary, it may be necessary for the developer to seek permission from any owner/joint owner of any hedgerow before it can be fully removed if it is on that neighbour's land (this doesn't stop it being trimmed up to the boundary though).

Highway Safety

The Highway Authority has advised that generally the layout is satisfactory, subject to a few minor design amendments and the need to provide tracking information, as well as requiring additional information in respect of highway surface water drainage (as required by condition 11 of the outline planning permission).

Comment has also been made regarding the need for commuted payments for some features; whilst this relates to adoption and so is principally a matter between the Highway Authority and the developer, the developer has been encouraged to retain non-standard highway features as a way of enhancing the overall quality of the development.

The Highway Authority is satisfied that the details in respect of condition 6 (phasing programme) are generally acceptable but would need some alterations to enable its full discharge – this can be subject to a condition.

The Highway Authority has raised several comments in respect of the requirements of condition 8 (Framework Travel Plan) and further submissions in this respect will be needed. These have been passed to the developer for consideration and an update will be provided to the Planning Committee meeting, but it is considered that this issue is resolvable and should not unnecessarily delay the determination of the planning application; a further condition can be included should the need arise.

The Highway Authority consider that condition 12 of the original outline planning permission relating to the future management and maintenance of roads is presently insufficient, however, this detail is not a specific requirement for determination under the outline planning permission, nor have the applicants sought to discharge this condition, such that an advisory note can be included reminding the developer of their obligations in respect of this condition.

Whilst there are outstanding issues still require resolution, they are relatively minor in nature and shouldn't result in any material alterations to the layout and design of the development; it is envisaged that these issues should be satisfactorily resolved by the date of the planning committee meeting and an update will be provided then.

Changes have been included to incorporate provision for cyclists, with the provision of a formal cycle path on the main axis road, as well as an increase in the width to 3.0m of a connecting path onto Elmton Lane from the southern half of the site facilitate its use by both pedestrians and cyclists. A similar increase in width was verbally agreed for a proposed connection on the northern section but has not been incorporated in the latest revised layout; in the interests of encouraging access to Elmton Lane by cyclists for recreation and travel purposes, such connections are considered important to help improve the sustainability of the development as well as encourage health benefits from the recreational use of that path. Given that hard and soft landscaping details are to be subject to a condition requiring amended details to be submitted, an advisory note relating to that condition can include a reference to the need to widen this path to 3.0m.

The Ramblers Association has noted that the public footpaths in the vicinity of the site will not be adversely affected by the proposal, but request that the paths remain open, unobstructed and undamaged during the development. Given the fact that the bridleway runs immediately alongside this first phase of the development, it considered that an advisory note relating to the obligations of the developer not to obstruct or damage that footway should be included.

Flood Risk and drainage.

Relevant consultees have commented on the submitted planning application and in principle raise no objections to the detail, but have sought additional detailed information before the relevant conditions could be discharged.

As the discharge of conditions 21, 22 and 23 has been withdrawn from the planning application, an advisory note drawing the developers' attention to the comments of the consultees is proposed to advise them of those comments to help inform their future discharge of conditions applications that will have to be made in due course.

Noise

Condition 19 of the outline planning permission required the following: -

19. Any application for approval of reserved matters for the areas shown as Phases 1A and 5 in the originally submitted Design and Access Statement by Spawforths dated 14th February 2014 (in the vicinity of Farnsworth Farm to the east) shall include an assessment of an existing noise profile between the development site and neighbouring properties, for both airborne and impact sound. A report detailing this, and any recommended upgrading of the noise insulation for any new dwellings so as to prevent loss of amenity to the proposed residents from activities currently taking place in surrounding areas, shall be submitted to and approved by the Local Planning Authority. All such recommendations in the approved report shall be undertaken prior to first use of the affected dwellings identified in this submission.

The Environmental Protection Officer has noted that the submitted assessment has identified that noise levels in parts of the development, both inside dwellings and in external amenity areas, exceed normal guideline levels. From discussions with that officer, she is not satisfied that the proposed mitigation scheme satisfactorily demonstrate that suitable levels would be achieved with the suggestions it makes, but she is satisfied that the levels indicated and the nature of the development are such that these will be capable of mitigation by suitable glazing, acoustic fencing and mechanical ventilation, either individually or in combination. On this basis a condition requiring the submission and approval of mitigation measures is recommended. Such a condition is considered reasonable and necessary to ensure a reasonable level of amenity is achieved for occupants of the proposed new dwellings.

Other Matters

Listed Building/Conservation Area: The outline planning permission was granted based on the conclusions that:

- There will be no direct impact on designated heritage assets. The impact of the proposed development in all cases is indirect as there are no physical alterations to the historic assets/
- The significance of the designated historic assets will not be affected by the development

- The setting of the designated historic assets will not be affected by the development.

Crime and Disorder: See assessment

Equalities: No known issues

Access for Disabled: No significant issues arise

Trees (Preservation and Planting): See assessment

SSSI Impacts: N/A

Biodiversity: See assessment

Human Rights: No known issues

RECOMMENDATION Grant subject to the following conditions that are provided below in draft form and will be subject to a later update report: -

1. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents: -

- A DETAILED LIST OF PLANS WILL BE INCLUDED IN THE UPDATE REPORT THAT WILL TAKE ACCOUNT OF ANTICIPATED PLANS THAT ARE LIKELY TO INCORPORATE MINOR AMENDMENT TO DETAILS AND REFERENCES.

2. The submitted hard and soft landscaping details submitted with the planning application, including details of proposed hedgerow removal and means of enclosure, are not hereby approved and the requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA are not hereby discharged. Revised details must have been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA prior to the commencement of any development.

[REASON: To ensure that satisfactory landscaping is provided within a reasonable period and managed for the long term in the interests of visual amenity and biodiversity and in compliance with Policies GEN1, GEN2 and ENV5 of the Bolsover District Local Plan.]

3. Notwithstanding the submitted details, revised details of all external walling and roofing materials shall have been submitted to and approved in writing for each dwelling prior to the construction of that dwelling above foundation level and all porch canopies should be constructed from timber with a painted finish, with a roof covering of small format tiles to match the colour of the main roof i.e. not GRP fixtures.

[REASON: To ensure a satisfactory standard of external appearance and in compliance with Policy GEN2 of the Bolsover District Local Plan]

4. Prior to any works commencing, except for the installation of any protective fencing for retained landscaping, archaeological works and site clearance works, details of the finished floor levels for all dwelling shall have been submitted to and approved in writing by the Local Planning Authority and the scheme as constructed shall fully accord with any approved details.

[REASON: To ensure a satisfactory standard of external appearance, to ensure no harmful impacts on the amenities of occupants of existing neighbouring dwellings and in compliance with Policy GEN2 of the Bolsover District Local Plan]

5. All meter boxes should where practicable be located on elevations not fronting a highway and if located on such elevations, should be colour coded to tone in with the background material of each plot.

[To ensure a satisfactory standard of external appearance and amenity and in compliance with Policy GEN2 of the Bolsover District Local Plan]

6. Prior to their installation, full details of the proposed Pumping Station and Electricity Sub-Stations must have been submitted to and approved in writing by the Local Planning Authority and the completed development must be carried out only in accordance with those approved details.

[To ensure a satisfactory standard of external appearance and amenity and in compliance with Policy GEN2 of the Bolsover District Local Plan]

7. Notwithstanding the submitted Noise Impact Assessment, prior to any development above foundation level, a revised scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority. The scheme shall be designed using the findings of the Noise Impact Assessment ref: NIA/8243/19/8190/v1/Marlpit Lane dated 8th January 2019 or an updated sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

- Bedrooms 30 dB 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 L_{Amax} to occur no more than 6 times per hour (2300 hrs – 0700 hrs)
- Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs)

The approved scheme shall be implemented in full and retained thereafter.

8. Prior to occupation of each dwelling identified as requiring noise mitigation measures by any assessment approved under the terms of this condition, the scheme as approved must be validated in respect of that dwelling by a competent person and a validation report must have been submitted to and approved in writing by the local planning authority in respect of that dwelling.

[REASON: In the interests of the amenities of the occupants of the proposed dwellings and in compliance with the requirements of Policy GEN3 of the Bolsover District Local Plan.]

9. There may be need for a condition to require amendments to the details to secure crime prevention improvements should expected revisions not be received.

10. There will be a need to include conditions relating to highways and it is intended that these will be provided with the update report.

Statement of Decision Process

1. In compliance with the National Planning Policy Framework the Council has negotiated amendments, including partial withdrawal of elements of the original submission, and sought additional submissions in respect of site layout, highway safety, archaeology, flood risk, ecology, ground and noise in order to seek compliance with the outline planning permission, policies of the Bolsover District Local Plan and the NPPF.

Notes

The applicant is reminded that in withdrawing the request to discharge conditions 14, 21, 22 and 23 of the outline planning permission ref. 14/00080/OUTEA, there remains a need

to submit further discharge of conditions applications that require approval prior to the commencement of any development on site, in addition to any other requirements of conditions of that planning permission and the associated S106 planning obligation.

In respect of the necessary future discharge of conditions application in respect of conditions 14, 21, 22 and 23 of the outline planning permission ref. 14/00080/OUTEA, the applicant is advised to review the consultation responses of the Archaeologist, Derbyshire County Council (Flood Risk Management) and Yorkshire Water, which can be viewed on the Council's website at www.bolsover.gov.uk.

In respect of condition 2 any revised landscaping details will need to positively respond to the advice contained in the consultation responses of the Derbyshire Wildlife Trust dated 10th September 2019 and the Urban Design Officer dated 9th September 2019, which can be found on the Council's website at www.bolsover.gov.uk. Additional details demonstrating the management and maintenance of landscaping will be needed, to include a plan to clearly delineate all areas to be subject to formal management and maintenance included in that scheme. Where fencing is demonstrated to be necessary adjacent to retained hedgerows, this should be of an open design to allow access by wildlife and sunlight penetration to the hedge, and should provide sufficient openings at its base for hedgehogs. Where side garden boundaries run alongside proposed highways, these should be treated with solid boundary walls. Details of tree pits should be provided. The proposed path connecting the northern (Persimmon) section of the development to Elmtun Lane (opposite plots 109 and 110) should be widened to 3.0m to facilitate its safe use as a shared path by both pedestrians and cyclists.

The developer is reminded that the development of this site must also comply with any requirements of outline planning permission ref. 14/00080/OUTEA and the associated S106 Planning Obligation. Please note in this regard that the highway authority do not consider that sufficient information has been submitted to date to satisfy the requirement of condition 12 of that permission.

Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. It is an offence to ill-treat any animal; to kill, injure, sell or take protected species (with certain exceptions); or intentionally to damage, destroy or obstruct their places of shelter. It is thus an offence to take, damage or destroy a wild birds nest whilst in use or being built. No removal of hedgerows, trees, shrubs, brambles or nests should take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and measures to protect the nesting bird interest on the site have been put in place. Bats enjoy additional protection. It is an offence to kill, injure or disturb bats found without first notifying English Nature. Some other animals are protected under their own legislation (e.g. the Protection of Badgers Act 1992).

The developer is reminded of the need to ensure that public footpaths adjacent to the site should remain open and unobstructed during the development of the site. Additionally it is requested that care is taken to protect the surface of Bolsover Bridleway 60 to ensure that this is not damaged by site traffic.