

Bolsover District Council

Planning Committee

23rd October 2019

Proposals to grant 'permission in principle' for residential development on the former Bolsover Hospital site, Welbeck Road, Bolsover by entering this site on to Parts 1 and 2 of the Brownfield Land Register.

Report of the Planning Manager

This report is public

Purpose of the Report

- To explain the process of granting permission in principle for residential development on previously developed land through the Brownfield Land Register.
- To seek approval for granting permission in principle for residential development on the former Bolsover Hospital site located off Welbeck Road in Bolsover.

1 Report Details

Part 1 of the Brownfield Land Register

- 1.1 Under the Town and Country Planning (Brownfield Land Register) Regulations 2017, the Council is required to prepare and maintain a register of previously developed land within the District which —
 - a) has an area of at least 0.25 hectares or is capable of supporting at least 5 dwellings;
 - b) is suitable for residential development; and
 - c) is available for residential development; where
 - d) residential development of the land is achievable
- 1.2 Sites which meet these criteria should be entered on to Part 1 of the Brownfield Land Register, which is then made publically available.
- 1.3 In summary, the Part 1 Register is a list of brownfield sites that the Council considers to be suitable for residential development and can include sites with or without any form of planning permission.

The Site of the former Bolsover Hospital

- 1.3 The former Bolsover Hospital site should be entered on to Part 1 of the Brownfield Land Register for the following reasons.

- 1.4 Firstly, the site is 2.5ha in area; it is previously developed land and following demolition of the hospital buildings; it would be available for residential development.
- 1.5 Secondly, the current landowner's stated intentions are to sell the site on to a house-builder and there are no obvious technical or physical constraints that would prevent the site being used for residential development (see indicative plan, below). In addition, the site lies within the settlement framework in the adopted Local Plan and within Bolsover's development envelope in the new Local Plan.

Indicative Layout



- 1.6 Finally, there are no concerns that residential development on the site would have any direct impacts on any heritage asset or any significant impact on the setting of any designated or non-designated heritage asset located within the local area.
- 1.7 Therefore, it can be considered that as 'a matter of principle'; the site is available and suitable for housing and residential development of at least 5 dwellings can be achieved on this site.
- 1.8 Consequently, the former Bolsover Hospital site should be entered on to Part 1 of the Council's Brownfield Land Register, which would be a pre-requisite of entering the site on to Part 2 of the Council's Brownfield Land Register.

Part 2 of the Brownfield Land Register

- 1.9 The Council has the power to grant permission in principle for residential development on sites listed in Part 1 of the Register, which the Council wishes to allocate for housing. Part 2 of a Brownfield Land Register would comprise of sites listed in Part 1 of the Register that have subsequently been granted 'permission in principle' for residential development.
- 1.10 In other words, once a site has been entered on to Part 2 of a Brownfield Land Register it will have also been granted 'permission in principle' by the Council. A developer would then need to apply for a technical details consent before starting any development on site.
- 1.11 This two-step process is similar to the process of obtaining outline planning permission then seeking reserved matters once it has been established that development would be acceptable on a particular site by the grant of outline permission.
- 1.12 However, granting permission in principle for residential development only establishes that housing would be acceptable on that site; unlike an application for outline planning permission, which would also need to include various technical reports and address various technical matters.
- 1.13 Therefore, an application for technical details consent will not only need to include details of layout, landscaping, access, external appearance and scale, which are normally included in a reserved matters application; it would also need to include relevant technical reports to deal with drainage, ground conditions, ecology, traffic generation and so on.
- 1.14 Consequently, by granting permission in principle for a site by listing it on Part 2 of a Brownfield Land Register: a developer would benefit by gaining certainty that a specified amount of housing development would be acceptable on that site without first having to apply for outline planning permission with all the costs associated with making this type of application.
- 1.15 In these respects, listing the former Bolsover Hospital site on Part 2 of a Brownfield Land Register would promote and accelerate housing delivery within the District by reducing the risk and cost to the developer of first submitting an application for outline planning permission and then submitting a reserved matters application.
- 1.16 However, granting 'permission in principle' would not remove the requirement for contributions towards local infrastructure including on-site provision of 10% affordable housing and contributions to off-site open space and recreation provision if appropriate.
- 1.17 Therefore, a completed s.106 legal agreement would also be needed to support an application for technical details consent which should also include contributions towards education and health.
- 1.18 In this particular case, the CCG would request a contribution of c.£37,000 towards improvements at one of the three medical practices in Bolsover and the County Council would request:

- £100,873.44 for the provision of 6 infant places at Bolsover Infant and Nursery School
- £134,497.92 for the provision of 8 junior places at Bolsover C of E Junior School; and
- £253,328.90 for the provision of 10 secondary places at The Bolsover School

2 Conclusions and Reasons for Recommendation

- 2.1 In conclusion, entering the Bolsover Hospital site on Part 2 of the Brownfield Land Register and granting permission in principle for residential development on this site would accord with the Council's adopted planning policies and promote and accelerate housing delivery on a brownfield site.
- 2.2 The requirement for technical details consent thereafter would allow the Council to seek contributions towards local infrastructure and ensure that a high quality scheme is delivered on site.
- 2.3 Therefore, it is recommended that the Bolsover Hospital site is first entered on Part 1 of the Brownfield Land Register and then permission in principle is granted for residential development on this site by entering it on to Part 2 of the Brownfield Land Register.
- 2.4 However, before the Council could grant permission in principle for residential development on this site: it must carry out publicity by way of a site notice and information published on the Council's website. The Council must also consult with Old Bolsover Town Council and Derbyshire County Council.
- 2.5 Therefore, it is recommended that before any resolution to approve the proposal to enter the former Bolsover Hospital site on to Part 2 of the Council's Brownfield Land Register is taken into effect; public consultation is carried out and the permission only be granted if there are no overriding objections nor any significant amount of adverse representations arising from consultation on these proposals.
- 2.6 The regulations also require the Council to specify the minimum and maximum units granted permission in principle if it were to enter a site on Part 2 of the Brownfield Land Register.
- 2.7 In this case, the landowner has submitted an indicative drawing showing 70 units on the site and this amount of housing has been screened and found not to be EIA development.
- 2.8 However, this amount of housing would mean that a commuted sum would be required to mitigate for the absence of on-site provision of public open space or a playground that would normally be required by the Council's Local Plan policies.
- 2.9 So, a 'better' balance between the efficient use of the land and on-site provision of appropriate amenities for the local community and future occupants of any housing development on the site could be achieved if a lesser number of houses were stipulated as a minimum requirement of any permission in principle for this site.

- 2.10 It is therefore recommended that if the former Bolsover hospital site were to be entered on to Part 2 of the Brownfield Land Register; permission in principle should be granted for a minimum of 50 new houses and a maximum of 70 houses.

3 Consultation and Equality Impact

- 3.1 If the proposals to list the former Bolsover Hospital site on Part 2 of a Brownfield Land Register are approved, formal consultation will be required before the associated 'permission in principle' can be granted (as described at para 2.4 above).
- 3.2 However, the proposals are unlikely to have any negative impact on any person with a protected characteristic or group of people with a shared protected characteristics not least because Bolsover Hospital is no longer in operation and consent has already been granted for the demolition of the hospital buildings.

4 Alternative Options and Reasons for Rejection

- 4.1 A 'do nothing' option was considered but rejected because the intention of the current proposals is accelerate housing delivery on a site that has the potential to quickly detract from the character, appearance and amenities of the local area if it is left vacant.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 The requirement for technical details consent prior to development taking place on the site reduces the risk of inappropriate development on the site and ensures all technical matters will be addressed properly through the planning system.
- 5.1.2 These proposals do however give rise to a potential loss of fee income insofar as an application for outline planning permission would no longer be required if permission in principle for residential development were granted.
- 5.1.3 Nonetheless, the fees charged for an application for technical details consent are equivalent to the fees charged for an application for reserved matters approval or full planning permission. Therefore, the proposals would have a negligible impact on fee income.

5.2 Legal Implications including Data Protection

- 5.2.1 The Brownfield Land Register and the process of granting permission in principle for residential development on previously developed land is regulated through the Town and Country Planning (Brownfield Land Register) Regulations 2017, associated regulations and through the planning acts.
- 5.2.2 The 'permission in principle' process does not give rise to any specific data protection issues other than the personal details of any consultees responding to consultation on these proposals would be dealt with in accordance with the Planning Service's existing privacy statement.

5.3 Human Resources Implications

- 5.3.1 These proposals do not give rise to any significant increase in existing workloads and any forthcoming application for technical details consent would be incorporated into the normal day to day work of the Planning Service.

6 Recommendations

- 6.1 Subject to the outcome of public consultation, it is recommended that the former Bolsover Hospital site is entered on to Parts 1 and 2 of the Brownfield Land Register and permission in principle be granted for a minimum of 50 new houses and a maximum of 70 houses on this site.
- 6.2 Prior to entering the site on to Parts 1 and 2 of the Brownfield Land Register, the Council will consult with Derbyshire County Council and Old Bolsover Town Council and publicise the proposals by way of a site notice and information published on the Council's website. 42 days will be allowed for responses.
- 6.3 A resolution to grant permission in principle for residential development on the former Bolsover Hospital site shall take effect following this public consultation subject to no substantial objections being received on substantive planning grounds as a result of this consultation.
- 6.4 These proposals will be returned to the Planning Committee for further consideration in the event that the Town Council or County Council object to these proposals with reference to relevant planning considerations and/or in the event the proposals give rise to twenty or more individual representations containing objections made on valid planning grounds.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	All

8 Document Information

Appendix No :	Title:
1	Site Location Plan
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
n/a	
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Appendix 1: Site Location Plan

