

COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE PLANNING MANAGER

This sheet is to be read in conjunction with the main report.

Agenda Item No: 3 Planning Applications to be determined

Planning Site Visits held on 25 June 2018 commencing at 10:00hours.

PRESENT:-

Members: Councillors J Clifton, S. Peake and P. Smith

Officer: David O'Connor

Summary of representations received after the preparation of the main Committee Report and any recommendation based thereon.

Consultees:

Derbyshire Wildlife Trust

The Wildlife Trust would prefer to see more details of the proposed mitigation for the loss of fields insofar as they provide habitat for birds and hares and require specific mitigation measures for the effects of the proposed internal road layout in respects of the Harlesthorne Hedges, woodland to the west of Harlesthorne Dam and wetland habitat to the east of Harlesthorne Dam.

However, the Wildlife Trust have not disputed the Council's conclusions that the proposals would not result in a net loss of biodiversity, that due regard has been paid to the conservation and enhancement of biodiversity interests, and that the proposals would not have a harmful impact on European Protected Species.

Therefore, the Trust have recommended conditions including conditions seeking submission and agreement on a Construction and Environmental Management Plan and a Landscape and Ecological Management Plan. It is considered by officers that the Wildlife Trust's suggested conditions are incorporated in the draft list of conditions set out in the officer report.

Highways England

Having received additional information from the applicant, Highways England have withdrawn their holding objection and recommend that conditions should be attached to any planning permission that may be granted for the current application.

Historic England

Historic England continue to have concerns about the level of information provided by the applicant and draw the Council's attention to the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Officers consider the officer report sets out clearly the potential impact of the scheme on designated and non-designated heritage assets and in reaching a recommendation, officers have paid full regard to the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. Historic England do not dispute an officer conclusion that the proposals would result in less than substantial harm.

Whitwell Parish Council

The Parish Council seek assurances in relation to the S106 to ensure junction improvements at Southgate Crossroads, the roundabout at De Rodes Arms at Barlborough, Oxcroft Way and Barlborough/Creswell Rd and Treble Bob. Adequate primary school provision should also be part of this provision.

Officers consider that the application provides for the provision of a new primary school, improvements to the roundabouts at Oxcroft Way and Treble Bob and the scheme will provide an internal link road that relieves pressure on the junction between Barlborough Road and Creswell Road. The roundabout at De Rodes Arms at Barlborough is outside of the scope of this application and the local highway authority have not stated that improvements to this roundabout would be required.

Representations:

12 additional representations have been received since publication of the officer report, which include comments on the following issues:

- Removal of access from the development will prejudice public safety
- This application is premature and should await the outcome of the Local Plan process
- The extent of development should only be 1000 houses to meet the Council's housing need
- Demolition of the buildings close to the Nags Head pub would adversely affect the historical interest of the area
- A bus service should be assured as part of the development
- Gapsick Lane should be protected as part of the development
- The businesses on Station Road Industrial Area should be retained to maintain local businesses and avoid loss of employment
- Sewage network capacity remains a concern
- Health infrastructure capacity remains a concern

- Education infrastructure capacity remains a concern

Officers consider that all these points have been addressed in the officer report.

Comment

Of the above representations, only Highways England's comments are considered to raise any substantive issues that affects the recommendation in the officer report.

The officer report concluded that outline planning permission could be granted for the current application subject to prior entry into a s.106 legal agreement securing the proposed contributions to local infrastructure and subject to appropriate planning conditions provided agreement can be reached on the delivery of improvements to J.30 of the M1 and the Treble Bob roundabout J.30 of the M1 and the Treble Bob roundabout.

The Highways Authority have recommended conditions that address officer concerns about J.30 and Treble Bob in that (i) it is clear the Highways Authority recognise the remaining technical issues around both sets of highway improvements can be resolved and (ii) appropriate trigger points can be used in a planning condition to ensure that agreement on the design solution and delivery of both sets of highway improvements can be achieved.

In these respects, the Highways Authority's suggested comments allow this Council to take a pragmatic approach and move the application on by referring it to the secretary of state.

Amended Recommendation

It is therefore recommended that the Council resolve to approve this application and refer the application to the Secretary of State subject to the following conditions suggested by the Highways Authority:

- A. No part of the development hereby permitted shall commence until a scheme in broad accordance with that shown on AECOM indicative drawing Treble Bob roundabout Traffic Signals Option 2B, has been submitted to and approved in writing by the local planning authority in consultation with LHA. The approved scheme shall be implemented and completed in full, in accordance with the approved details, prior to the first occupation of the development.
- B. No part of the development hereby permitted shall commence until a scheme in broad accordance with that shown on AECOM indicative drawing M1 J30 Traffic Signals 60556776-M1J30-TSD001, has been submitted to and approved in writing by the local planning authority in consultation with Highways England. The scheme shall comply with the design requirements and procedures of the Design Manual for Roads and Bridges as required by Highways England, including those relating to road safety audits and Walking, Cycling & Horse-Riding Assessment and Review (WCHAR) as set out in HD 42/17, formerly known as non-motorised user (NMU) audit. The approved scheme shall be implemented and completed in full, in accordance with the approved details, prior to the first occupation of the development.

It is also recommended that any permission for the current application should be subject to a s.106 legal agreement containing the following obligations as set out in the officer report:

- Replace Treble Bob roundabout (Circa £3.43 Million)
- Signalisation of Junction 30 of M1 (Circa £885k)
- Affordable Housing (no affordable on first 400 dwellings, 8% (equivalent to 112) affordable on remaining 1400). Across the development this is equivalent to 6.2% of the total 1800 number of dwellings, and the reduction from 10% is required to pay for the full extent of the Treble Bob roundabout replacement with a signalised junction .
- Long Term Maintenance of public open space (Formula based, area dependent)
- Provision of 1.5 form of entry primary school on site (Circa £5.8 Million plus cost of land)
- Secondary Education Contribution (Circa £4.6 Million)
- Health Contribution (Circa £684k)
- Setup and run Clowne Garden Village Community Forum (£107k)
- Site Wide Travel Plan (£50k) and (£750k) Public Transport Bus Contribution

And that any permission for the current application should be subject to the following additional planning conditions as also set out in the officer report:

Standard Conditions

1. 5 Year time limit to commence
2. Development in general conformity with submitted plans and documents. The reference to 26m buildings set out in the Parameters Plan is excluded.
3. Reserved Matters to be submitted include Access, Appearance, Landscaping, Layout and Scale

Prior to Reserved Matters

4. Prior to reserved matters application, submit and agree phasing plan with details of advance structural landscaping, highway connections (including footways and cycle ways) and provision of education facilities
5. Provide site wide masterplan and design code including details of public open space, a movement framework, pedestrian crossing facilities, cycle linkages and public rights of way
6. Submit and agree intrusive coal mining investigation results and mitigation details
7. Submit and agree detailed assessment considering the impacts of the development on Harlethorpe Dam alongside any required precautionary mitigation

As part of each Reserved Matters Application

8. As part of each reserved matters submission submit and agree sound insulation details for residential properties
9. Submit and agree sound mitigation measures for noise emanating from commercial and industrial properties
10. Submit and agree sound insulation details for medical and educational properties
11. Submit and agree extent of self build housing
12. Submit and agree housing mix

Prior to Commencement

13. Prior to commencement Submit and agree written scheme of investigation to address archaeology
14. Prior to commencement submit and agree public transport strategy
15. Prior to commencement submit and agree air quality management and review details
16. Submit and agree confirming viability of surface water drainage proposals. Proposals shall be broadly in accordance with submitted details
17. Submit and agree details to address surface water run off during the construction phase of the development
18. Prior to commencement submit and agree ecological management plan
19. Submit and agree Construction and Environmental Management Plan to address:
 - a) Environment Management Responsibilities;
 - b) Construction Activities and Timings;
 - c) Plant and Equipment, including loading and unloading;
 - d) Construction traffic routes and points of access/egress to be used by construction vehicles;
 - e) Details of site compounds, offices, welfare facilities and areas to be used for the storage of materials;
 - f) Utilities and Services;
 - g) Emergency planning & Incident Reporting;
 - h) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;
 - i) On site control procedures reference:
 - i. Traffic mitigation measures including traffic management and parking
 - ii. Temporary haulage routes
 - iii. Air and Dust quality
 - iv. Noise and vibration
 - v. Waste and Resource Management
 - vi. Agricultural Soils and Materials
 - vii. Temporary surface water drainage during construction
 - viii. Protection of Controlled Waters
 - ix. Trees, Hedgerows and Scrub
 - x. Ecology
 - xi. Archaeological and Cultural Heritage
 - xii. Visual and Lighting
 - xiii. Utilities and Services
 - xiv. Protection of water resources
 - xv. Protection of species and habitats
 - j) Detailed phasing plan to show any phasing, different developers and/or constructors to be updated on an annual basis;
 - k) Details for the monitoring and review of the construction process including traffic mitigation (to include a review process of the Construction Environmental Management Plan during development).

For Each Phase of the Development

20. For each phase of the development submit and agree site characterization plan

21. For each phase of the development submit and agree a detailed landscape management plan that carries through the intentions of the Parameters plan and submitted landscape details accompanying the application at outline stage
22. Before the commercial development commences, submit and agree employment scheme to maximise employment and training opportunities during the construction phase of the project

Prior to occupation of the development

23. Within 6 weeks prior to use, submit and agree an Employment Scheme to enhance and maximise employment and training opportunities during first occupation
24. The development proposed should not be occupied until the need for public sewerage improvements has been identified and the necessary improvements to the public sewerage system have been fully implemented by Severn Trent Water.

Other Conditions

25. The Allotments within the application site area shall be retained and enhanced as part of the development hereby permitted.
26. Prior to works affecting the Miners Memorial, submit and agree details of its relocation
27. The net floorspace of the 'A1' stores hereby permitted shall not exceed a total of 2500 square metres including any mezzanine

Highway Conditions

Any additional and relevant requirements of the local highway authority but including:

28. Submission and agreement on delivery of off-site highway improvements