

**PARISH** Old Bolsover Parish

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**APPLICATION** Erection of 74 dwellings (including 7 affordable dwellings) and associated infrastructure including street layout, public open space and drainage

**LOCATION** Land To The Rear Of 57 To 111 Shuttlewood Road North Of Mill Lane And West Of Nether View Bolsover

**APPLICANT** Mr Gray Green Bank House Green Bank Cleckheaton BD19 5LQ

**APPLICATION NO.** 23/00463/FUL **FILE NO.** PP-12413799

**CASE OFFICER** Kay Gregory

**DATE RECEIVED** 7th September 2023

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### **SUMMARY**

This application has been referred Planning committee because there have been over 20 representations received.

The application site is the remaining part of housing allocation LC1c and is entirely within the settlement framework of Bolsover. The application was originally submitted for 70 dwellings and offered a mix of 2, 3 and 4 bed homes. Following a marketing exercise, the house types were amended, and the number of dwellings increased to 74, although there is still a mix of 2, 3 and 4-bed properties.

Along with infrastructure contributions totalling £715,501.21, to be secured through a Section 106 Agreement, the developer will contribute £200,000 towards the provision of link road in circumstances where the approved link road on the adjacent site approved under planning reference 22/00402/FUL does not come forward. The development will also provide additional landscaping on the adjacent phase 2 development which is under the control of Jones Homes, who have committed to purchase habitat bank credits at the Wild Whittington site totalling £164,095 to ensure that the development delivers a 1% net gain in biodiversity.

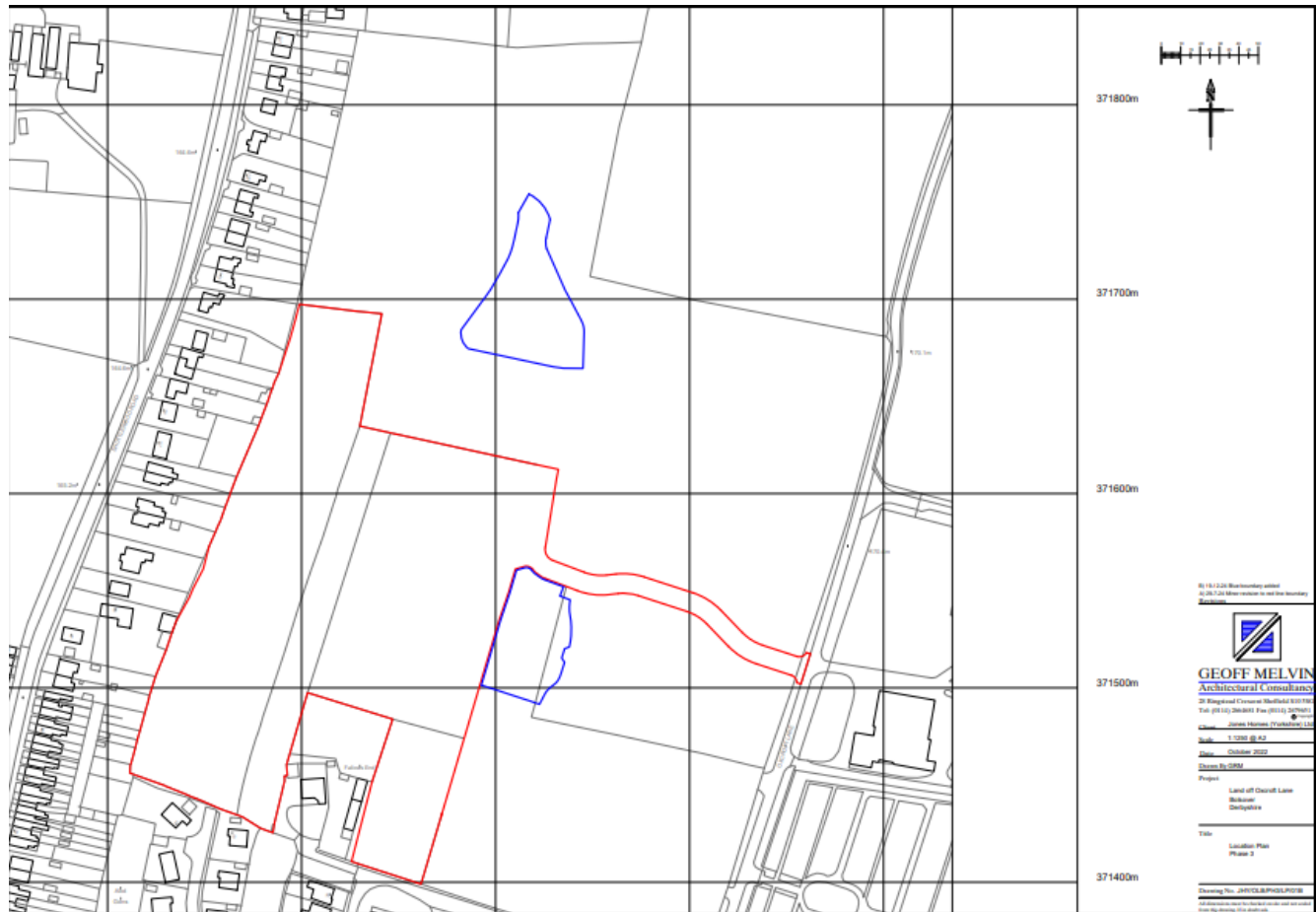
The key issues to consider in the determination of the application are:

- Principle of the development
- Infrastructure contributions
- Landscape and visual impact of the proposed development.
- Design and housing layout.
- Residential amenity
- Highway safety, the local road network and parking provision
- Biodiversity
- Other technical issues: stability; archaeology; drainage; telecom mast; noise

Subject to the full compliance of all recommended conditions, the application is considered to comply with the provisions of the Bolsover District Local Plan and is therefore recommended for approval by officers. Members are recommended to grant permission but to delegate the final decision to officers, on completion of the Section 106 Agreement. If any material revisions to the Section 106 are proposed, the application will be referred back to planning committee.

## Site Location Plan

This is an amended site location plan received on the 20 December 2024 to highlight the areas within phase 2 (blue land) within which additional off-site landscaping will be provided on the Biodiversity Gain Site.



## OFFICER REPORT ON APPLICATION NO. 23/00463/FUL

### SITE & SURROUNDINGS

The application site comprises a former agricultural field of approximately 3.3 hectares, within the settlement framework of Bolsover. It is surrounded by a completed Jones Homes development to the Southeast (phase 1), and a partially built out Jones Homes development to the North and Northeast (phase 2).



Beyond the Jones Homes development to the north, and partially within the open countryside is the recently approved Woodhall Homes development (22/00402/FUL). Development is yet to commence on this site although some works appear to have taken place around the site access on Shuttlewood Road.

Adjoining the south and west of the application site is the existing and established settlement of Bolsover, predominantly residential in nature, Shuttlewood Road forms the western boundary, and Mill Lane/Mill Walk forms the southern boundary.

The application site will be accessed from Oxcroft Lane, through the occupied part of phase 2, as shown on the image below.



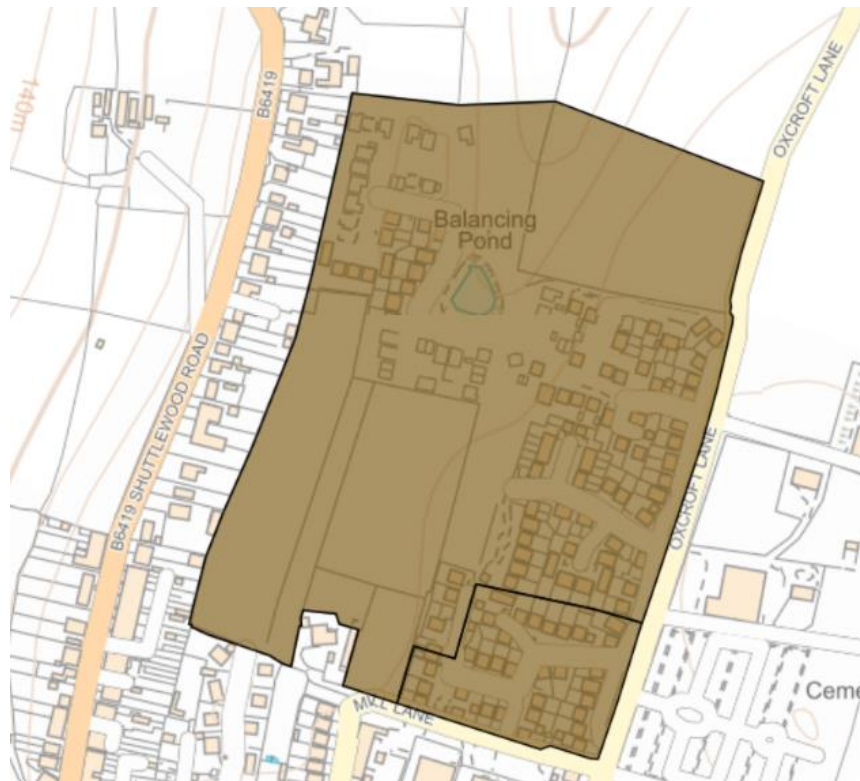
On site are hedgerows and some trees, and the land surface is generally flat, comprising semi-natural grass/scrubland. There is a row of existing, mature trees along the west boundary, some of which are within gardens on Shuttlewood Road, as shown on the image below.





## BACKGROUND

The application site is located within the Development Envelope of Bolsover as identified by Policy SC1 and forms part of housing allocation LC1c of the adopted Local Plan, as shown on the extract below.



Planning permission 18/00403/REM was granted on 14th January 2019 for a reserved matters approval for the appearance, landscaping, layout and scale (phase 2) for the erection of 127 dwellings (including 13 affordable dwellings) and associated street layout, footpath and cycle links to Shuttlewood Road, public open space and drainage scheme, in accordance with planning permission 15/00076/OUT which was the approved outline planning permission.

Under Schedule 5 of the Section 106 Agreement dated 3rd May 2016 (attached to the Outline approval) there was a requirement for the owner/developer to use reasonable endeavours to

acquire within six months the land called Boleappleton Farm for the purpose of providing a link road, built to adoptable standards to Shuttlewood Road to serve as access to the site. Under Schedule 6 of the Agreement, if the owner failed to acquire Boleappleton Farm, there was an obligation to pay the County Council £50,000 towards improvements of Mill Lane. A letter dated 13th February 2017 from Bolsover DC identified that, due to the circumstances outlined in the letter, the owner of the land was released from the 'reasonable endeavours' obligation of Schedule 5 of the S106 Agreement. The £50,000 (including interest) was paid to the County Council on the 28 December 2022, although it is currently unknown whether the County Highway Authority has carried out any Mill Lane improvements.

The Reserved Matters was approved without the link road but with a footpath link onto Shuttlewood Road, to the south of Boleappleton Farm. This development (phase 2) is currently underway with more than half the site occupied. The developer is Jones Homes (Yorkshire).

Under the planning permission for residential development of the former Courtaulds Site, Meridian Close, Bolsover (17/00314/FUL), known as phase 1, there was no requirement to contribute towards a link road within the S106 Agreement dated 15th November 2017 or the deed of variation dated 6th March 2019. The context for this permission was that an implemented planning permission had already been granted for residential development for 43 homes and the approval was prior to adoption of the Local Plan in 2020. This site was completed by Jones Homes (Yorkshire) Ltd and is fully occupied.

Consequently, there was no obligation under these planning consents to contribute towards a distributor road between Shuttlewood Road and Oxcroft Lane.

The provision for the link road has been approved through the development granted under application 22/00402/FUL on land southwest of Brockley Wood, Oxcroft Lane.

This development, being carried out by Woodhall Homes for 161 dwellings, includes an adoptable road linking Shuttlewood Road and Oxcroft Lane, through the demolished Boleappleton Farm and associated outbuildings. The Woodhall Homes site includes part of Local Plan allocation LC1c (to the northeast of the application site), but the northern and western part of the site extend beyond the development envelope into what is identified in the Local Plan as countryside.

Under the Section 106 Agreement dated 22nd July 2024 attached to the Woodhall Homes application, there was a requirement under Schedule 5 to construct a link road between Oxcroft Lane and Shuttlewood Road, (as shown yellow on Plan F007-S106 PLAN in the S106), prior to the occupation of the 40th dwelling or within 30 months of the commencement date of the development. An extract of the S106 plan is provided below for reference.



The Committee Report of 4th August 2022 identified that “*Policy LC1 require, among, other things, the development to facilitate the provision of a distributor road link to Shuttlewood Road through the site to connect to Oxcroft Lane. Part of this wider allocation has already been developed by Jones Homes and predates the Local Plan policy requirement and so that development did not ultimately deliver the link road or contribute to its delivery. The two remaining undeveloped parts of the allocation would not provide sufficient return to fund the cost of a link road whilst also meeting other infrastructure requirements...*” It also set out that the developer of the other, as yet undeveloped part of the allocation (the current application), would contribute financially to the delivery of the link road.

At the time of this report, development is yet to commence on the Woodhall site other than some works at the access on Shuttlewood Road, but an application for the approval of conditions has been submitted for consideration, and a Section 73 application is also pending consideration to substitute some of the house types and adjust parking arrangements on some plots.

It is the understanding of the Local Planning Authority that Jones Homes and Woodhall Homes have been in discussions regarding the link road, with a financial contribution made from Jones Homes towards to costs of providing the new road. Given that some low-level activity has commenced at the Boleappleton Farm access point, and there have been applications submitted for condition approval, or amendments through the S73 process, it is anticipated that the Woodhall Homes permission will be fully implemented, and the link road will be provided.

However, in the event that the Woodhall Homes site does not come forward, there still remains a policy requirement in Policy LC1c for a link road. Under these circumstances, it is necessary to make provision within the Section 106 Agreement for the current application, to provide a fall-back provision in relation to the planned layout of the application site.

## PROPOSAL

The application originally submitted in September 2023 proposed 63 dwellings and 7 affordable units, comprising 8 different house types of two storey dwellings. In July 2024 the applicant amended the current application to reflect current market conditions, now proposing 67 market dwellings and 7 affordable units. This increase in unit numbers is not considered to materially alter the proposal, and so it was agreed that the revised layout could be submitted under the terms of the current application, subject to the additional planning fee (for the additional 4 units). The location of the affordable housing units has been amended. They were previously grouped together, but now comprise 2 units in the northwest corner and 5 units in the southeast corner.

The most recent site layout, received on the 29 November 2024 is provided below. Only the area within the red line is the layout for the current application. The other dwellings have been approved and are mainly occupied, in respect of the previous 2 phases.

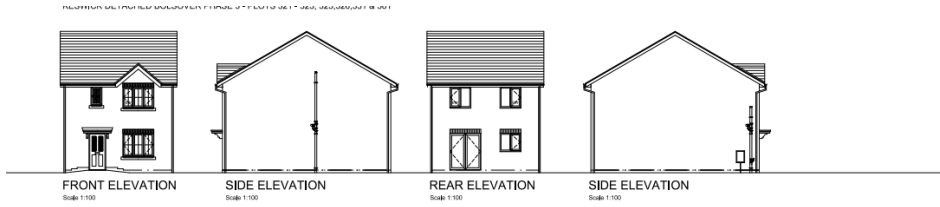


The development will provide 6 different house types, with some variation depending on their siting, of 2-bed (AH units), 3 and 4-bed, two storey dwellings.

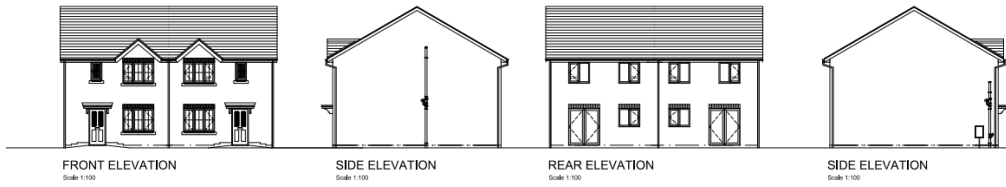
The elevations of the main house types to be used are provided below.



## Keswick (13 units) - a 3-bed semi



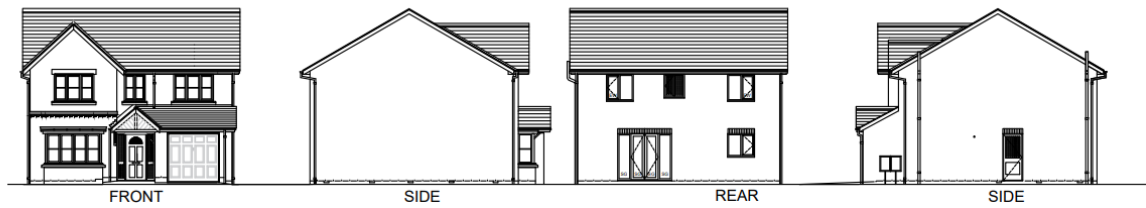
KESWICK SEMI - DETACHED BOLSOVER PHASE 3 - PLOTS 301,302,313,314,339 & 340



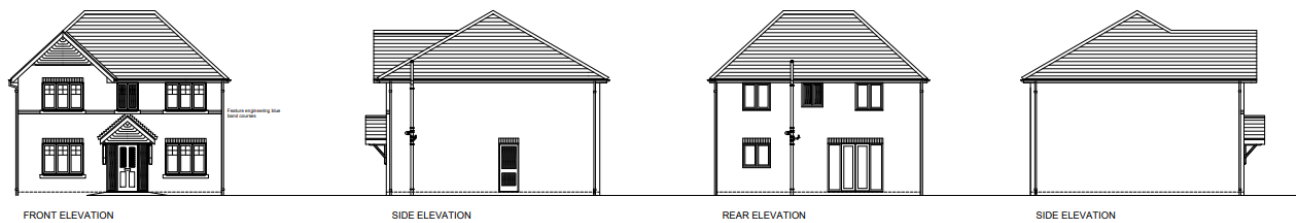
## Buckley Corner Turner (1 unit) - 4-bed detached



## Banbury (9 units) - 4-bed detached



## Buckley (14 units) - 4-bed detached



### Bentley (24 units) – 4-bed detached



### Hollin (6 units) – 4-bed detached



The design, layout and appearance of the development will be discussed in more detail in the relevant sections below.

### **AMENDMENTS**

The application was amended on the 3 July 2024 to increase unit numbers from 70 to 74, and a fresh suite of plans and documents were submitted and subsequently sent out for consultation. A list of all plans and documents recommended for approval are provided within condition 2 of the recommended conditions at the end of this report.

Further minor amendments were received on the 28 October 2024 following comments from the Urban Design officer, and a meeting with the applicant to discuss outstanding issues.

An amended Transport Assessment and Travel Plan were submitted on the 4 December 2024 following comments from the highway authority.

A plan for an ornamental fence between the previous phase and the new phase (adjacent plots 308 and 309) was submitted on the 29 November 2024, and amended landscaping plans were submitted on the 29 November 2024.

Additional landscaping plans were submitted and a revised BNG metric on the 11 December 2024 to provide additional landscaping on phase 2, now known as the Biodiversity Gain Site, to make up the loss of biodiversity on phase 3.

A revised cost proposal for the Wild Whittington Habitat Bank was submitted on the 19 December 2024.

An amended site location plan was submitted on the 20 December 2024 to identify the areas of land within phase 2 where additional landscaping will be required to offset the loss on phase 3.

### **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**

The recent planning history for housing allocation LC1c has already been detailed in the 'background' section of the report. There is no site history for earlier proposals within the defined red line boundary.

## **CONSULTATIONS**

Comments received prior to amendment to the application on the 30 July 2024:

### Active Travel England 12/9/23

- No comment

### DCC Highways 19/9/23)

- Require amendments
- Transport Statement and Travel Plan needs amending.
- Dimensions of parking spaces and a schedule showing how many spaces are associated with each dwelling
- Details of sheltered / secure bicycle parking spaces and means of access to them.
- Please note the use of alleyways to rear gardens is not considered to be suitable.
- No street trees are provided. The limited number of trees are not considered to be street trees.
- Details on the access on to Mill Lane.
- Side road priority crossings or similar should be provided to help ensure that pedestrians are able to cross streets without delay.

### Yorkshire Water 20/9/23

- No objections subject to conditions

### Crime Prevention officer 21/9/23

- There are no issues with the layout and housing mix proposed, but some queries over boundaries.
- post and rail boundary for all inter-plot fencing would not be an acceptable inter-plot fence. Should be of a solid construction and a minimum of 1200mm in height.
- The gate for plot 365 should be moved to a more prominent position, just to the rear of the gates for Plots 366 and 367.
- The Buckley house type at plot 313 has an untreated road facing side elevation. Additional ground floor family/diner/living area windows are needed.
- The Hollin houses at plots 354 and 329 should be substituted from type A to the better treated type B.

### BDC Environmental health – 25/9/23

- No objections subject to conditions

### DCC Archaeology 27/9/23

- The site is immediately to the south and east of the development approved under 15/00076/OUT and referred to as 'Oxcroft Lane, Bolsover'.
- This site was subject to geophysical survey, archaeological evaluation and an extensive open area excavation culminating in 2019.
- The work demonstrated the presence of occupation from the Iron Age, Roman phases, sub-Roman and early Saxon, late Roman burials, and potential to contribute to research agendas at a national level and beyond regarding continuities and developments beyond the end of Roman Britain.
- It is entirely possible that the archaeological remains identified at Oxcroft Lane extend into the site currently under consideration.
- The applicant has not submitted any form of archaeological survey of the site beyond a 'heritage assessment', and given the clear archaeological interest in the site there is a need for some on-site archaeological evaluation
- It may be possible to adopt a similarly flexible approach to the Woodhall site, where the applicant submits results of a geophysical survey of the site and we can consider whether similarities to the neighbouring site allow us to assess significance enough to move to determination.
- I therefore object to the application as currently submitted, due to the lack of any site-specific archaeological data in pursuance of NPPF para 194.

### Severn Trent Water 2/10/23

- I can confirm that the above site is out of Severn Trent Water's area for sewerage.

### BDC Engineers 2/10/23

- No objections subject to inclusion of 4 standard advisory notes

### DCC Education 3/10/23

- **Primary Level** - the normal area primary school would have sufficient capacity to accommodate the 7 infant and 10 junior pupils arising from the proposed development.
- **Secondary Level** - normal area secondary school would not have sufficient capacity to accommodate the 14 secondary arising from the proposed development.
- £608,855.80 is requested towards additional education facilities at The Bolsover School.
- If viability issues arise, there may be some flexibility in the payment triggers.
- If the development cannot enable the necessary provision, the proposed development may not provide for a sustainable form of development.
- **Broadband** - developers should look to provide for NGA broadband infrastructure services as an integral part of the development scheme at the outset.
- **Local Authority Collected Waste** The County Council is currently reviewing its approach to assessing the impact of housing development on waste services.
- **Libraries** - In this instance a stock only contribution of £4933.04 is sought and is calculated as follows:  
70 dwellings x 2.3 (average household size) = 161 people  
161 people x 1.532 (stock level per person) = 247 stock items

247 stock items) x £20 (cost per stock item) = £4933.04 (i.e. £70.47 per dwelling)

- **Public Health and Adult Social Care** Our recently published All-Age Accommodation Strategy notes a modest need to develop 'care ready' type housing for rent or affordable retirement living properties; none of the proposed dwellings meet this type of need.
- The Birch housing type falls short of the national space standards whilst the Latchford type exceeds them. All affordable dwellings are the Birch type and that these are all clustered at one end of the development. Given that the density of the development is very low, we would request that all dwellings meet the national space standards at a minimum.
- We would also request that the affordable provision is salted throughout the development and some dwellings meet M4(2) standards.
- **Employment and Skills** The County Council would wish to work collaboratively to support the District/Borough Councils to identify where activities or contributions are required to deliver employment and skills development where they are supported by policies in the local plan.
- **Monitoring fees** In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), we will seek a monitoring fee towards the monitoring and reporting of S106 contributions.

#### DCC LLFA 9/10/23

- We are unable to provide an informed comment until the applicant has provided further information:
- LLFA requires that site surface water drainage is designed in line with DEFRA's non-statutory technical standards for sustainable drainage systems. To comply, the applicants' calculations should be adjusted to account for:
  - a. urban creep (10%) and
  - b. current climate change recommendations (40%)
- Proposed storage volumes and discharge rates of Phase 3 need to be adjusted to compensate.
- Confirmation that the Phase 2 drainage network can accommodate the discharge from the Phase 3 proposals.

#### NHS 9/10/23

- Section 106 impact on health to be considered. Initial modelling suggests that the impact of this development is up to £93k.

#### CCG 11/10/23

- It is unlikely that CCG would support a single handed GP development and that the health contribution would ideally be invested in enhancing capacity/infrastructure in existing practices
- Amount requested is proportionate to the scale of the development.
- Request a financial contribution of £63,000.

#### BDC Leisure 23/10/23

- Discussed in the Public Open Space section below.
- A s106 commuted sum contribution will be sought for: New Green Space: Proposed town park within Bolsover North Existing Recreation Ground / Semi-Natural Green

Space: King George's Field (36% / poor) / former Sherwood Lodge

- The commuted sum payment would be £74,480 (70 dwellings x £1064 per dwelling), index linked to the RPI in terms of timing of payment.
- As the proposed development is not of sufficient scale to require any dedicated onsite built / outdoor sports facilities, it is recommended that a commuted sum of £90,720 (70 dwellings x £1296 per dwelling), index linked to the RPI.
- Towards improving playing pitches and their ancillary facilities at Moor Lane and Castle Leisure Park, both assessed as 'standard'.
- **Connectivity** An additional connection to Mill Walk would be desirable to increase permeability for walking and cycling.

#### DCC LLFA 22/11/23

- Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 11/09/2023.
- The LLFA has no objection subject to conditions and advisory notes.

#### DWT 17/1/24

- Insufficient habitat retention and creation has been designed into the scheme to avoid a net biodiversity loss.
- The metric currently predicts a net loss of -10.81 habitat units (-37.93%) and a net gain of +0.16 hedgerow units (-3.07%).
- Offsite compensation strategy will be required to demonstrate a net gain, in line with local and national planning policy.
- **Bat surveys** recorded multiple species of bat foraging across the site during transects in 2022, largely associated with hedgerows and boundary features. Species recorded are consistent with existing records in the local area, including known roosts identified as part of separate application 22/00402/FUL. A roost of unidentified Myotis bats were recorded as part of application 22/00402/FUL and activity surveys for this current application identified whiskered / Brandt's bats (*Myotis mystacinus* / *brandtii*) foraging on site, possibly indicating the species present on the other development site.
- Habitats on site will change significantly post-development, becoming far less suitable for foraging bats.
- The attenuation basin has greatest potential to be used as foraging habitat and it is therefore important that lighting in this area is minimised and designed in line with best practice guidance (REF).
- Gardens may provide some foraging resource and incorporating bat roosting provision in the new builds would be beneficial. It would be preferable to design the layout to retain established hedgerows in areas of open space, rather than sandwiching these between housing and pruning them back.
- Habitats are suitable for barn owl and records are known for the area. The developed site will no longer be suitable for this species. The best outcome would be to consider habitat for barn owl in the offsite compensation scheme and to provide nest boxes in the offsite area.
- Seven bird species of conservation interest (priority species) were found to hold 13 confirmed, or probable breeding territories within the application site, with another four species listed on the Amber or Red Lists of Birds of Conservation Concern (IUCN)
- Integral universal nest bricks should be provided at a ratio of 1:1 with dwellings.
- Once a finalised metric and offsite compensation strategy has been provided, we can

provide suitable condition wording.

#### BDC Urban Design 29/1/24

- At this stage, the design requires amendments to resolve issues around connectivity and character.
- There needs to be a distinctive characterisation of the estate, can be achieved by creating a treelined corridor walkway/cycleway that runs through the estate to meet up with the areas of public open spaces within the wider scheme, from the access off Mill Lane right through to the SUDS pond in the phases to the north to provide a distinctive character and improve the rural setting and biodiversity of the estate. However, this does depend on the situation regarding ownership of plots 106-107.

#### DCC Highways 20/2/24

- Overall, the TA is unacceptable and it needs to move away from a predict and provide methodology and take a more proactive approach to promoting low carbon modes of travel.

#### DCC Education 21/2/24

Comments as previous.

### **Comments received following amended scheme to increase dwellings from 70 to 74.**

#### Active Travel England 15/7/24

- No comment

#### BDC Engineers

17/7/24

- Nothing further to add.

#### BDC Environmental Health

23/7/24

- No further comments

#### BDC Leisure

- No objection subject to a S106 to secure leisure contribution in line with policy ITCR5 - £82,584
- Site not large enough for on site built / outdoor sport facility so commuted sum required - £100,640.
- Would like to see a connection to Mill Walk. However a compromise would be to provide a better connection to Mill Lane suitable for peds, cyclists and limited mobility users.
- The proposed pedestrian link past Boleappleton onto Shuttlewood Road (phase 2) appears to be removed from layout.

#### BDC Planning Policy

- Should the AH provisions, and LC1 requirements be secured via conditions and/or S106, it is considered that the application should be approved.

## BDC Urban Design

14/8/24

- Amend scheme to incorporate street trees and reduce frontage parking.
- Strengthen character of POS by changing turnaround houses to front the space
- Create a more natural SUDs pond.

29/10/24

- No objection subject to more focal trees in the streetscape.

29/11/24

- Focal Trees have now been substituted and extra heavy standard have been put in place which should be more effective from the start.
- The rail is not what I intended. I had more of a hooped fence in mind than one with finials, although it is acceptable. The use of finials will deter people climbing over
- At least there will be some visual connection.
- No further comments.

## Chesterfield Royal Hospital (NHS)

19/12/24

- Request a financial contribution of £92,391 towards secondary health care at Chesterfield Royal hospital.

## Crime prevention officer

16/7/24

- The two Hollin house types formerly at plots 329 and 354 (now plots 331 and 358) have not been substituted with the better treated Hollin type B, nor the Buckley type house formerly at plot 313 (now 315) provided with any side windows.
- The metal estate rail detail is still not shown on any drawings. The revised layout is noted. It provides the opportunity to now define the edge of site footpath link from the shared parking area for plots 370-374, whereas the meandering route of the path previously precluded this. This short portion of footpath edge should be defined with a section of the metal estate rail, both for sustainability, and to help integrate the affordable portion of the development with the remainder.
- Discussions over the high voltage cable easement around the backs of plots 323 and 336-349, (now 325 and 229-253) have been tackled by the positioning of two sets of lockable maintenance access gates to the side of plot 325, and to the rear of plot 350.
- On the assumption that the gate will need to be accessible via Mill Walk, whereas previously Mill Walk was to be terminated, there will now be unsecured access to the rear of plots 351-353. Can I suggest that the secured maintenance access gate(s) here, and any associated fencing, are set on the Mill Walk edge to secure all of the easement space from casual access.

19/12/24

- Having taken stock of the revised plans, it's considered that all reasonable efforts have been made to address previous comments, and from the perspective of reducing crime and promoting community safety through design, the scheme is acceptable as proposed.



## DCC Archaeology

30/7/24

- I note the submission of the requested Geophysical Survey report. Unfortunately the previously submitted HA and geophysical survey do not address the potential significance of the site in its context and the geophysical survey on its own seems to actively defer from doing so, as previously commented “given the clear archaeological interest in the site there is a need... to establish archaeological significance and impact from the development proposals at the point of determination”.
- The two documents as submitted do not address the issue of significance and impact is not addressed.
- Further work is needed to draw the two together to satisfy para 205 of NPPF (2024) and I maintain the previous objection.
- I that an updated heritage assessment, drawing on previous archaeological works, including geophysical surveys and excavation, is submitted as an addendum to address significance and impact. Once this is in hand, we should be reconsulted.

17/12/24

- I confirm that the approach set out in the WSI is appropriate. I am unable however to agree this WSI in full for implementation until it has been signed up to by the appointed contractor.
- Recommend standard 3-part condition.

## DCC Highways

1/8/24

- Still issues with the TA that need to be addressed.
- Issues with the revised layout which need addressing.
- Travel Plan - In the event of a S106, the Travel Plan Monitoring fee is £1,265.pa x five years, total £6,325.00.
- Travel Plan requires amendment.

23/8/24

- The updated May 24 TA has addressed advise most of the issues except location of cycle sheds/storage, affordable housing parking appears to be below requirement.
- Regarding the link road and use of Grampian condition, the HA does not feel that the traffic impacts of this proposal are reliant on the link road and associated scheme coming forward.

4/11/24

- Require amendments to TA and TP

17/12/24

- The recently submitted revised drawings/information are now considered acceptable in principle although it should be noted that in order to implement the scheme a separate construction approval process with the HA will need to be progressed.
- Will be necessary in order for the HA to enter into a Section 38/278 Agreement for any works, so street lighting/highway drainage design will need to be formally approved by the HA as part of any Section 278/38 Agreements.
- A Construction Management Plan (CMP) will therefore be an essential element, to be

secured by condition.

- The amended Travel Plan is acceptable but is a live document so will need to evolve.
- No objections subject to conditions.

### DCC Education

6/8/24

- **Education**

- In addition to the original requested amount in our letter dated 21st February 2024 (copy attached) we would require an additional contribution of the following to allow for the extra four dwellings:
  - £20,299.61 towards the provision of 1 additional primary phase place
  - £30,587.70 towards the provision of 1 additional secondary phase place
- Therefore, an additional £50,887.31 in total is required for the amended application in order to mitigate the impact of the amended development on school places.
- **Libraries** The number of proposed dwellings has increased from 70 to 74 which means the contribution for library services would increase to £52,14.93.

5/12/24

- The education triggers in the draft S106 are acceptable.

### DCC LLFA

16/9/24

- No objections subject to conditions

### DCC Policy

24/7/24

- I am co-ordinating the response to this application from Derbyshire County Council regarding services and infrastructure. I notice that there are now 4 additional houses proposed for the site. I am struggling to find a breakdown of how many bedrooms per dwelling so that we can calculate the Education fee - are you able to advise?

### Derbyshire Wildlife Trust

17/7/24

- We are requesting the statutory version of the submitted Biodiversity Metric 4.0.

19/8/24

- A revised layout has been submitted.
- There is a net loss of -15.83 habitat units and a net loss of -3.68 hedgerow units
- The onsite attenuation pond is completely isolated within housing and residential roads, with no connection to other green space. Extending this green corridor would have the triple benefit of reducing the onsite BNG losses, buffering more of the retained hedgerow and providing connected habitat for wildlife.
- An offsite compensation strategy will be required to demonstrate a net gain, in line with local and national planning policy, and it is essential that this is submitted at this stage

17/12/24

- A revised metric (V3d) has been submitted to include improvements to the offsite landscaping in Phase 2.

- These improvements comprise planting 58 No. medium sized trees and enhancing three areas of modified grassland from poor condition to good condition via over-sowing with flowering lawn mix.
- We have some concerns regarding the number of trees proposed around the attenuation basin and would caution that there should be sufficient room around each tree for it to grow to its full potential and also sufficient space to manage the grassland around the trees.
- The new proposals reduce the net loss from -13.35 habitat units to -5.38 units, largely achieved through tree planting. A gain of +0.15 hedgerow units is still proposed. The applicant proposes to offset the residual losses using a Habitat Bank managed by Wild Solutions.
- Trading rules are not satisfied in this instance and that a large net loss of other neutral grassland will result from this application. As such, we do not agree that reducing the losses through planting more trees in amenity areas is preferable to meaningful grassland creation and enhancement elsewhere, however we acknowledge that the application is pre-mandatory BNG and that strict compliance with the trading rules cannot be enforced.
- Going forward, all applications subject to mandatory 10% BNG must satisfy trading rules and must apply the BNG hierarchy. Furthermore, newly planted trees should be estimated at small size, in line with the User Guide for the Statutory Metric.
- No objections subject to conditions.

#### Integrated Care Board (ICB)

14/8/24

- Request £74,000 in contributions towards primary care.

#### Old Bolsover Town Council

19/7/24

- Object
- Loss of biodiversity – the onsite net gain is significantly lower than the required target, we would request that this is addressed as a priority.
- Segregation of affordable units – the affordable units on the site remain separated from the remainder of the development, this separation negatively impacts community cohesion. We urge a redesign to integrate these units more effectively into the overall development.
- Despite these concerns, the Council appreciates the increase in the number of 3-bedroom dwellings included in the development.

18/11/24

- The Town Council acknowledges residents' concerns regarding highway safety.
- To address these concerns, it is recommended that once the link road is established, measures be taken to improve Mill Lane. Specifically, the introduction of a one-way traffic system should be considered to mitigate the impact of increased vehicle numbers, given the current limitations of the road's width.
- Implementing these improvements would significantly enhance highway safety for both vehicles and pedestrians, particularly in the narrowest sections of Mill Lane.

## Yorkshire Water 1/8/24

- Based on the information submitted, no observation comments are required from Yorkshire Water. Please refer to previous comments sent on 20/9/23.

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

## **PUBLICITY**

The application has been publicised by way of a site and press notice. These were re-issued in July 2024 when the application was amended from 70 to 74 dwellings.

62 residents have been notified about the application and residents were re-consulted on the 11 July 2024 when the revised description was submitted for 74 dwellings.

As of the 16 December 2024 there have been 30 representations received from adjacent residents, although it should be noted that some of these are from the same household and may also be additional comments arising from the re-consultation process. There have been three representations received from Councillors, and one representative received from the Derbyshire Swift Conservation Project.

## **Resident Comments received prior to 11 July 2024:**

### Highway issues

- Object to additional traffic – impact on substandard Mill Lane used as shortcut. Too many vehicles already
- Traffic congestion everywhere – adjacent roads unsuitable for any more traffic, and people who live in these houses will simply not walk or cycle
- Impact on infrastructure.
- Will be at least another 140 cars.
- Mill Lane should be a cul de sac – is a dangerous rat run with much traffic.
- Oxcroft Lane should be made a cycle and safe walking route - aid health and wellbeing, negate traffic related to the new development.
- Cycle routes to the centre of Bolsover should be made.
- Should have Electric Vehicle Charging points.
- Dramatic increase in the use of Shuttlewood/Bolsover Road - busier and more prone to speeding. Increased presence of trucks etc, making road more dangerous.
- Existing roads are too small to cope with all the housing.
- Traffic calming/infrastructure improvements to the surrounding highways should be used.
- This development will add further congestion on roads not built to accommodate the volume of traffic. This was seemingly brushed under the carpet. Since then, approval has been granted to at least two further developments off Oxcroft Lane and the Bole Appleton Farm.
- When will relevant authorities assess the issues and impact to the existing highway and footpath network in the Oxcroft Lane/Mill Lane area - not fit for the volumes of traffic. Dangerous
- Lots of elderly people live here, exhaust emissions are not conducive to maintaining good health.
- Vehicle speeds are frightening.

## Nature

- How will existing trees and garden fences be protected.
- Decline in the countryside, wildlife and birds – Bolsover is being overdeveloped.
- Destruction of wildlife
- Should build on brownfield and ex industrial sites.
- Farms are disappearing - no longer possible to see wild animals.
- Loss of ancient hedgerows and trees.
- The site currently has many young trees which will be removed, not acceptable.
- The plans include pruning of trees that are on our property. Should they destabilise them - we will not accept culpability - but will hold Bolsover District Council responsible.
- New trees should be fruit trees.
- No street trees.
- Japanese knotweed on site
- Rapidly losing green areas in Bolsover.
- This development will permanently remove both agricultural and allotment land.

## Infrastructure

- Not enough doctors and dentists to cope with Bolsover expansion.
- The new schools in Bolsover will need extending.
- Sewerage plants will need extending.
- This development should be instead of the development of allotments on Oxcroft Lane.
- Will impact on local services.
- New housing is too large - not enough affordable housing.
- Huge increase in the number of new properties being built - infra structure cannot cope.
- Why are developers keep being given the 'green light' to build more - the surrounding area cannot cope. Why can't the Council say 'no'.
- Developers should fund new Drs, dentists, school places as a condition of the 'New Builds'. Should be before any New Houses are built?
- No issue with building on brown field sites but surely this additional development sits outside of the Councils housing development quota previously published.

## Other

- Mill Lane is subject to large scale flooding – has been dismissed "out of hand " under the "Sources of Surface Water" and classed as Low Risk level. Try to drive down Mill Lane after a day of rain and then review claim of "low risk".
- Concerned as to where all the surface water is going to be diverted to.
- There are no site levels for the roadway next to our property - the level from Mill Lane to our property could be as much as one metre. Of course, an accurate assessment could not be made as details on levels being withheld.
- No doubt this application will be approved - Jones Homes do not buy land without having planning permission guaranteed. Therefore, any objections will not be considered.
- The building of these homes will cause continuous noise in back gardens.
- Drainage concerns - recent Storm Babet, and the floods back in 2007 - flood prevention and alleviation must be considered for future developments. The volume of rain we are now experiencing means that proper drainage solutions must be I cannot

see any reference to any such flood prevention schemes.

- Soil, grass, trees and plants all soak up water, concrete, paving, decking and tarmac do not, the water just runs off and causes flooding.
- The issue of land settlement is a concern for new developments.
- Loss of archaeology

### **Cllr Taylor**

- I understand that the site was submitted to the HLAA for assessment in 2017 and was later adopted in March 2020 as part of the Bolsover District Local Plan.
- I also understand the need for new housing within the Bolsover District, however, it has a range of issues which I am concerned about.
- Segregated affordable housing and poor connections.
- 'Affordable Housing' is segregated from the rest of the estate - future owners need to feel included.
- This development is being used as a 'through' route for the rest of the development, rather than an integral part of the application.
- The corner of Mill Lane where the hedgerow is proposed for removal is narrow and very tight highway with surface water flooding issues in period of heavy rain. The proximity of this access road to the entrance at Fallows End is also very tight and potential conflicts at this junction could become an issue.
- No connecting footway from the edge of the development which links to the wider pedestrian footway network, meaning that visibility from this access point could create an unsafe area for users – both pedestrians and road users of this junction.
- Lack of / Poor Quality Public Open Space and Habitat Creation. I would like to raise my concern at the lack of 'Public Open Space'.
- Not satisfied with the landscape proposals for this site producing a net loss of -37.93%. More work needs to be done to ensure protection and habitat creation for existing wildlife on site.
- In the bat survey report, page 35, it explicitly says that 'The Site Layout Plan for the proposed development will include habitat creation to aim for the requisite 10% biodiversity net gain.' When no effort to achieve this has been met in the rest of the application.
- Housing Type and BDC Policy. I have concerns regarding the type of properties that are being proposed at this location, pricing out young families in the local area. The applicants have failed to demonstrate a need for this number of 4-bedroom properties. This development comprises of 90% of the dwellings being 4 or more bedrooms and therefore, doesn't appropriately meet policy.
- S106 Contributions. Further to comments made by Leisure Services on 23rd October 2023, I welcome the idea of a commuted sums.

### **County Cllr Yates**

- Object because of vehicle access to the development.
- Pedestrian Safety is a concern. Most residents using vehicles will take the quickest shortest route to their home and drive down Mill Lane. A section of Mill Lane from the Mill Walk junction down to the blind 90 degree bend next to number 24 Mill Lane is very narrow with no pedestrian walkway.

## **Cllr Hales**

- The seven affordable houses seem like an afterthought to meet the needs of 106 provision, residents will be segregated from the main development.
- The road infrastructure to this site is already very poor and Mill Lane is prone to flooding
- Loss of wildlife habitats in the area and there will undoubtedly be an impact on biodiversity.

## **Derbyshire Swift Conservation Project –**

- The Ecological Appraisal (Applied Ecological Services Ltd, Document 1, V2) recommends Swift bricks integrated into the façade at a density of 1 brick per dwelling.
- Integrated nest bricks are preferable to external nest boxes.
- The integration of universal nest bricks is also supported by the National House Building Council Foundation,
- It is appropriate that this development is built incorporating a reasonable number of Swift bricks to provide nests for rapidly declining urban bird species.
- We request a condition is imposed to ensure this development is built with up to 90 internal nest bricks (i.e. 1 brick per dwelling) designed for Swifts as a universal biodiversity enhancement for urban bird species and that photographic evidence of installation is made available upon completion.

## **Comments received after amended plans / change in description – 15 representations received.**

### Highway issues

- No physical boundary to stop motor vehicles from the previous phase from driving over the kerb edge opposite plot 371 and using the exit onto Mill Lane which has already become a "rat run" and will now see a further escalation of cars using it.
- The exit onto Mill Lane - those using this may fail to look to their right when we are exiting our drive which could have serious consequences.
- Extra traffic on to Mill Lane is unacceptable. Mill Lane cannot cope with any more traffic.
- Phase 3 should include more on plot and visitor car parking. Why can't the Council suggest additional parking is available in areas for "communal" parking.

### Nature

- We object to our hedge being "pruned". On the previous phase the contactors took "pruning" to the extreme, ripping out the hedge and it was only the intervention of Mr Phillipson, that the remainder of it was saved and a replacement planted. We don't want a repeat of this "vandalism" as the hedge is a haven for wildlife and is classed as "ancient".
- We want more landscaping and replacement of the trees and hedgerows on site.
- The trees that run along rear of Sutherland Farm View, provide a conservation area for wildlife and privacy for the residents. No objections to the houses but the trees should stay.
- Concerned about large Sycamore trees which will overshadow new houses No. 340, 341, 342. These trees are on my property, not the site.
- Concerns over my trees being damaged by development. The developer will be liable

for damage. I will record any work undertaken. The trees appear to be placed over the border of our property - please check and amend the plans.

- When hundreds of trees on the field are chopped down, would you publish the number of trees destroyed alongside the record of your rewilding and tree planting activity in future. Advise Derbyshire County Council of the number destroyed so they deduct that amount from their project to plant a Million Trees across Derbyshire by 2030.
- Saleability of properties 340, 341 and 342. - the builders may have difficulty selling these properties as the recommended distance from a house to a Mature Sycamore tree is 17m.
- The height of the trees will block out afternoon light, present leaf drop in Autumn, and greenfly. Will ruin the enjoyment of a 'small' garden. The noise from the rubbing branches in Winter and Spring may well put off any potential buyers.
- The Council should have the foresight to protect ancient hedgerows and strategically place solar panels around the rewilded field, preserving it as the nature area it has become.
- Plots 342, 343 and 344 are affected by Japanese Knotweed.
- The red line boundary line on drawing JHY/OLB3/SL01A - Site Layout Phase 3 is incorrect, as it indicates trees within the site which are located in gardens of 85 and 87 Shuttlewood Road. Works to the trees will need to be agreed with ourselves and not be of detriment to their health.
- Insufficient street landscaping

#### Infrastructure

- The infrastructure of Bolsover cannot support much more of this type of development.
- What a substantial strain it will put on already stretched public services. There is currently no NHS dentist within Bolsover, the doctors are at capacity and the roads are in a sorry state of repair. it really needs to be considered what impact this will have on the local area.
- What contributions will be sought to improve services.

#### Other

- Regarding the hedge line/fencing between plots 308&309 and plots 106&107 - It is requested that the height of the fence prevents people being able to climb over - the intention is that views are available from Phase 2 to 3 and we have no issues with this. It should be noted that the deeds show there is a Private Shared Driveway between these plots -not a walkway for the general public. Unclear what type of fencing would be as this seems to extend wider than the areas between marks X and Y - it would be good to get this detailed within the plans.
- On the plans shown for this development, a footway/path, to the northwest (opposite plot 361) comes over the boundary line of our property. We strongly object to this, the developer has no right to encroach onto our land. On this boundary, there are no screen fences shown and this could give access to our property from the footpath. This is also the case on the western boundary, again, no fencing is shown.
- Who will be responsible for the maintenance of the fencing to the east of our boundary and the remaining hedge when and if the exit onto Mill Lane has been opened up. Large vehicles all need access to our property and an overgrown hedge would certainly impede this.
- I live at 93 Shuttlewood Road and am disadvantaged by having a home built within a



few feet of my garden. I will be denied the morning sunshine. My open view will consist of a solid wall of a large property. This is affecting my mental health; a bungalow might be an option.

- Object to plot 325 being two storey because the side elevation will be close to 89, 91 and 93 Shuttwood Road. Affect our privacy. Should be a bungalow.
- Object to private drive being opened up. We were assured this would be a private driveway with only those living in adjacent plots having access for parking. The developer confirmed that the area would be cordoned off from properties being built at the rear.
- Owners of 39 Sutherland Farm View - concerned about removal of the existing hedge and erection of a fence instead. Jones Homes advised there would be a hedge separating our private road from the proposed new development. However, a fence will now be erected, that will allow views from our private road to the new development. What type and how high would this fence be? If under 6ft in height and one with views to and from each development, then it could be scaled to gain access to our private road? Not acceptable. Please supply information as regards the type and height of the fence and why it can't remain a hedge.
- Concerned about suggestion of a 'treelined corridor / walkway / cycleway as this would encroach on the shared, private driveway used by us and several other properties. We cannot believe this suggestion was made with, what appears to be, no consideration whatsoever to residents who would be affected by this walkway. We did not receive a letter from Bolsover District Council in this regard – the letter was only sent to two properties, we were left to find out about this proposed walkway by word of mouth. I am shocked that the Council were not aware that other properties had been purchased (despite us all paying Council Tax to Bolsover Council) - very unprofessional in my opinion.
- All residents who use this private drive are responsible for repairs. Should a public walkway be agreed, we would not be prepared to pay for the road's upkeep or repairs. You cannot have a private driveway with public access. The builder stated that the end of the cul-de-sac would be fenced off from the proposed Phase 3 development.
- Children play out during the summer and brighter days – we feel at ease knowing we have neighbours who look out for one another. Many of the plots have purchased on this road were because its 'private'. The developers have assured us in our concerns.
- The private driveway does not form part of the public domain - public rights of way cannot be established. This "green access" should therefore be completely disregarded and/or diverted entirely.
- There must be hundreds, probably over a thousand new houses within 2 miles of Bolsover town centre - infrastructure cannot cope. The council and other public bodies claim to be 'Green' and support 'Rewilding and Tree Planting', if this is anything other than 'virtue signalling', this small field should be left as it is - as it has rewilded.
- Please advise me of the total number of newbuild houses approved in the Bolsover Constituency since 2000.
- Concerned with the density of development and overlooking to our property from the new houses invading our privacy.
- What measures will be in place to protect and prevent damage during the construction works to prevent damage to our fence? The dwellings should have their own fence not share ours. Suggest a strip of buffer land between the residential site and the back of our garden is introduced.

- Concerned about the noise from the development which will spoil the quiet space we have in our garden.

Where relevant, comments received from adjacent households will be discussed in the 'Assessment' section below.

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

## **POLICY**

The starting point for decision-making is consideration of the policies set out in the development plan which comprises the Local Plan for Bolsover District (March 2020). No neighbourhood plan applies to the area identified in the application. The National Planning Policy Framework is also a material consideration.

### Local Plan for Bolsover District (Adopted March 2020)

The development plan should be read as a whole, but it is considered the policies that have relevance to the application are:

- Policy SS1: Sustainable Development.
- Policy SS2: Scale of Development.
- Policy SS3: Spatial Strategy and Distribution of Development.
- Policy LC1: Housing Allocations.
- Policy LC2: Affordable Housing Through Market Housing.
- Policy LC3: Type and Mix of Housing.
- Policy SC1: Development within the Development Envelope.
- Policy SC2: Sustainable Design and Construction.
- Policy SC3: High Quality Development.
- Policy SC4: Comprehensive Development.
- Policy SC7: Flood Risk.
- Policy SC9: Biodiversity and Geodiversity.
- Policy SC10: Trees, Woodlands, and Hedgerows.
- Policy SC11: Environmental Quality (Amenity).
- Policy SC12: Air Quality.
- Policy SC13: Water Quality.
- Policy ITCR5: Green Space and Play Provision.
- Policy ITCR7: Playing Pitches. 2
- Policy ITCR9: Local Transport Improvement Schemes.
- Policy ITCR10: Supporting Sustainable Transport Patterns.
- Policy ITCR11: Parking Provision.
- Policy II1: Plan Delivery and the Role of Development contributions.
- Policy II2: Local Employment and Skills.

The National Planning Policy Framework 2024 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 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.

- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraph 161, 163, 164, and 166: Meeting the challenge of climate change.
- Paragraph 170 - 182: Planning and Flood Risk.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.

## **Supplementary Planning Documents**

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

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

### Local Parking Standards

This document relates to Policy ITCR11 of the Local Plan by advising how the parking standards contained in appendix 8.2 of the local plan should be designed and implemented with development proposals. This SPD does not revise the standards contained in the Local Plan but does provide suggested new standards for parking matters not set out in the Local Plan, such as cycle parking. The design supersedes the parking design section included within the existing Successful Places SPD (2013).

### Affordable Housing

The Council's supplementary planning guidance on is relevant to this application stating that the Council will normally expect 10% affordable housing on a scheme of the size. However, this guidance also says the Council will accept a minimum of 5% affordable where the reduced number is justified by the viability of the proposed development.

## **ASSESSMENT**

### Key issues

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

- Principle of the development
- Infrastructure Capacity and S106 Developer Contributions.
- Landscape and visual impact of the proposed development.
- Design and housing layout.
- Residential amenity.
- Highway safety, the local road network and parking provision.
- Biodiversity.
- Other technical issues: archaeology; drainage; contamination.

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

## Principle

The application site is within the settlement framework of Bolsover and is part of housing allocation LC1c, with the remaining part occupied, under construction or recently approved. This is the third phase of the Jones Homes development and as such the principle of development has already been deemed as acceptable.

This application has been assessed in accordance with the submitted details in consultation with relevant stakeholders and has been publicised accordingly.

The site is considered to be well located for access to public transport, jobs and services. Therefore, residential development on this site is acceptable in principle, in accordance with policies SS1, LC1 and SC1 of the adopted Local Plan.

## Infrastructure Capacity and S106 Developer Contributions

A draft Section 106 Agreement has been submitted and is in the process of negotiation. Members are recommended to resolve to grant planning permission and to give delegated authority to officers to issue the decision notice once the Agreement is signed. Any material variation to the terms of the Agreement will be brought back to planning committee for consideration.

The proposed Heads of Terms are as follows (index linked to RPI):

Affordable Housing Units – 7no. - Housing for sale or rent for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers) and which complies with one or more of the definitions as set out in Annex 2 of the National Planning Policy Framework.

<u>Play equipment</u> -	£82,584
<u>Playing pitches</u>	£100,640
<u>Healthcare</u> -	£74,000
<u>Library</u> -	£5,214.93
<u>Secondary education</u>	£446,737.28
<u>Travel plan monitoring</u>	£1,265 for 5 years
<b>Total contributions</b>	<b>£715,501.21</b>

Link road contribution £200,000 towards the provision of link road connection in circumstances where the approved link road on the adjacent site, approved under planning reference 22/00402/FUL does not come forward – to meet the requirements of policy LC1c of the Local Plan.

The triggers for payment are 50% at occupation of the 37<sup>th</sup> dwelling and the remainder on occupation of the 55<sup>th</sup> dwelling.

The education contribution will be 50% prior to occupation of 25% of the development (19 units), the remainder at 50% occupation (37<sup>th</sup> dwelling). With regards to the education contribution, when the dwelling numbers were increased from 70 to 74, DCC Education was re-consulted, and advised that they would wish to seek additional money for secondary education, and also included a new contribution towards primary of £20,299.61, whereby a primary contribution had not previously been requested. This was queried, and they considered that it would not be reasonable to ask for a primary education contribution at that

stage, and so could be omitted from the obligation, confirming that they are happy with the terms of the draft Section 106.

In addition to the link road contribution, the application proposes to transfer land to facilitate a potential connection through the estate to Shuttlewood Road to meet the criteria outlined in policy LC1c of the adopted Local Plan. This land is set out in the below plan:



Chesterfield Royal Hospital has requested a financial contribution of £92,391 towards secondary health care. However, at this time the Council does not have a procedure or supplementary guidance that could calculate and justify a reasonable and proportionate contribution. A contribution would not therefore comply with the Governments CIL Regulations and would not be legally enforceable. Therefore, it is considered that a contribution to Chesterfield Hospital cannot be required.

The Council fully acknowledges concerns raised by local residents in regard to infrastructure provision, so it is hoped that the contributions required towards local infrastructure will allay concerns to some extent.

Subject to a signed agreement providing the contributions above, it is considered that the proposal complies with policies LC2, ITCR5, ITCR7, ITCR10 and IL1 of the adopted Local Plan.

### **Landscape and visual impact.**

The site as existing is a former agricultural field, but the land condition has become overgrown and to the east of the site, partially disturbed during construction of the adjacent phase of development. There is a row of trees along the west boundary which predominantly sit outside of the red line boundary, and some hedgerows on the eastern boundary, none of which are high quality or considered to be 'ancient' by definition of the Hedgerow Regulations. Residents on Shuttlewood Road raised concerns that some of the trees had been included within the site but boundary were within rear gardens. An amended site layout plan was received to correct this, and the trees were removed from the biodiversity metric calculations. The land condition is generally scrub and grassland, all of which will be lost to facilitate development.

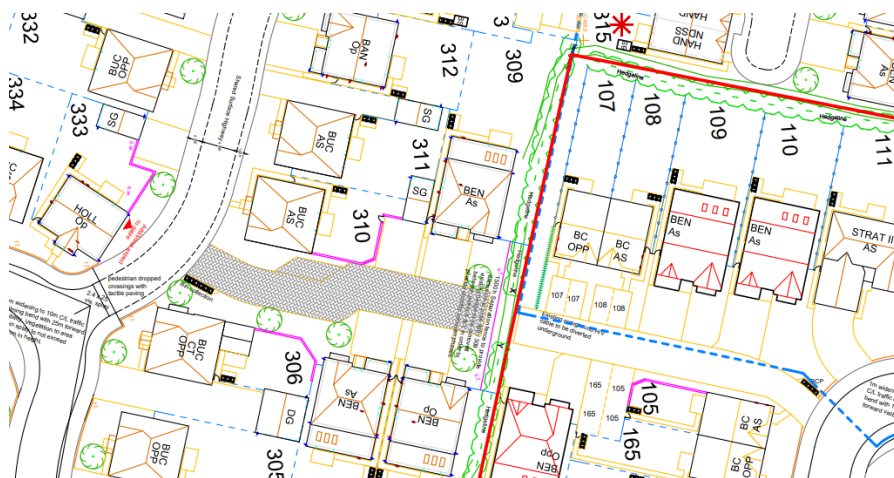
The proposed development is landlocked between existing development on Shuttlewood Road and an earlier Jones Homes phase which is still under construction. It is considered that the new development, which shares house types and street form with phase 2 will integrate seamlessly into its surroundings.

Whilst it is acknowledged that the development is on a greenfield site, it is a site which has been allocated for new housing within the Local Plan, and it is therefore considered that subject to the implementation of recommended conditions, the proposal will not cause any harm to nearby landscape character, nor any detriment to visual amenity sufficient to warrant a reason for refusal, in compliance with policies SS1, SC1 and SC3 of the adopted Local Plan.

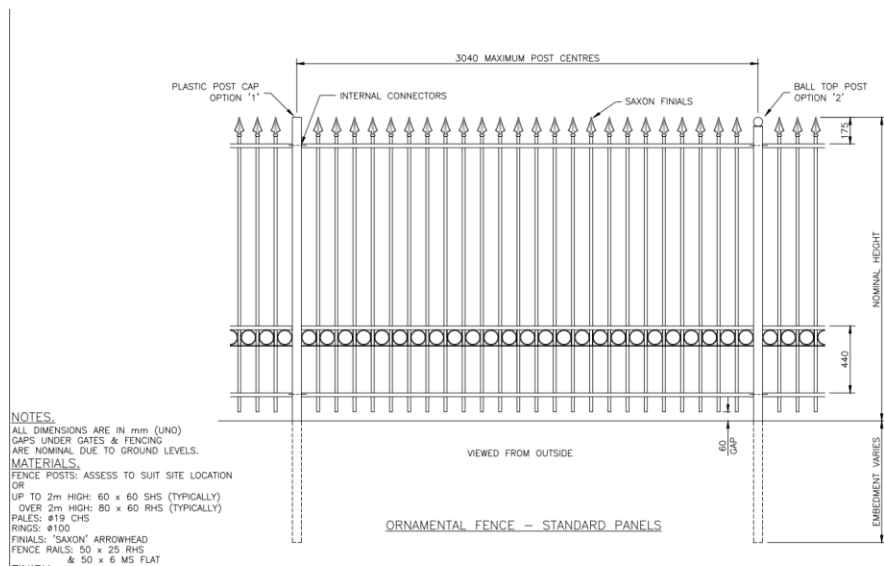
### Design and Layout

As mentioned briefly above, the design and layout of the development is a continuation of phase 2 which is partially complete and occupied in parts. Where recommendations have been made by the Urban Design officer relating to plot positions, landscaping, and boundary treatments, these have been incorporated into the scheme.

One issue of note relates to the termination of a private drive between the existing development (41 and 43 Sutherland View) and plots 308 and 309 on the new development. Resident comments have been received with concerns that the private drives would be used as a 'cut through' between phase 2 and 3 by pedestrians or even motorists, even though the plots have been sold on the basis that they are on a private drive. The Council's urban design officer wanted to maintain an open aspect with views achieved between the phases, but it is appreciated that the properties are on 'private drives'. As such, it is proposed that the existing hedge between phases will be removed to provide a 7.5m gap, as identified on the plan extract below, which will provide a visual connection between the phases.

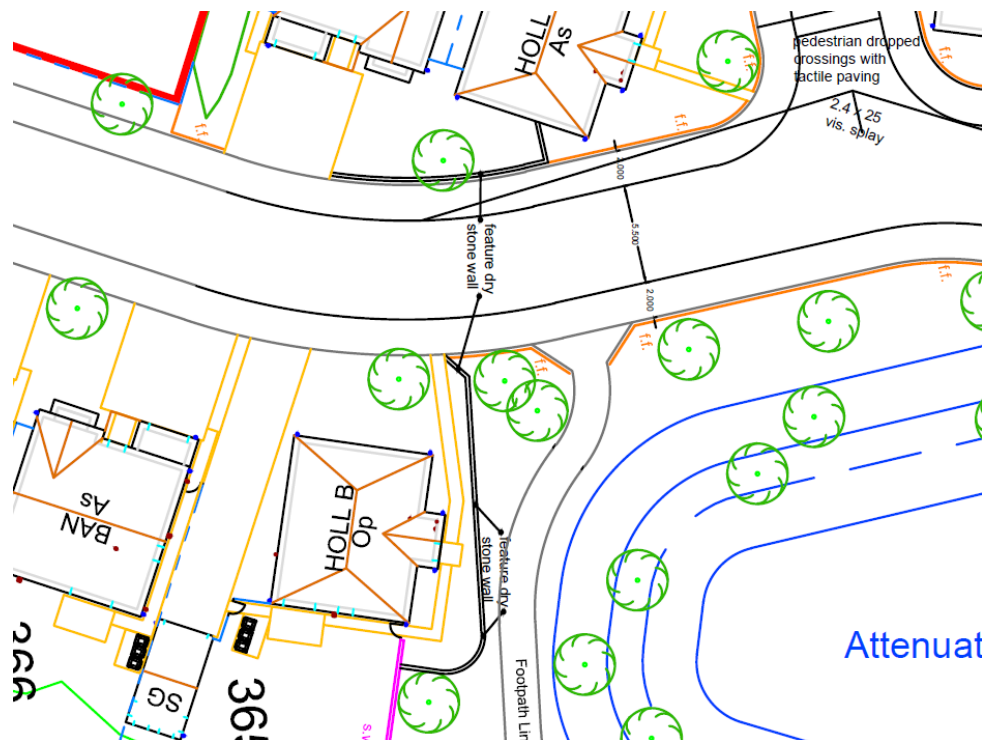


However, in order to prevent people using the private drive as a cut through, a fence will be erected between the hedge gap. An extract of the fencing is provided below, which will be secured by planning condition.



The fencing is proposed to be 1.5m high and while ornamental in appearance will prevent anyone climbing over, and will therefore serve the intended purpose, while maintaining views between phases.

Originally, there were no drystone feature walls proposed on phase 3, although they are on phase 2 at the site entrance from Oxcroft Lane. Following advice from the urban design officer, these have been included in part, around the edge of the open space, as shown on the extract below. Whilst they do not provide any privacy for residents, they are a welcome design feature giving added value to the appearance of the completed development. A condition will be included for the walls to be constructed in accordance with the amended details and built to the same standard as other drystone walls on phase 2.



With regards to on plot boundary treatments, black metal, horizontal estate fencing has been proposed on some of the prominent plots, but other plots will remain open plan with planting to define the boundaries. This is the same as provided on phase 2 and is therefore considered to be acceptable.

Hedges are to be retained on site where possible, and some new hedges to restock failed areas. The majority of these hedges will be on plot however the maintenance of these will be undertaken by the landscaping management company, which will prevent their removal by occupiers.

There are focal trees around the scheme which have been agreed with the urban design officer, and whilst 'street trees' are limited, there are 'on plot' trees which will fall under the responsibility of the landscaping management company, and so will be easier to retain once plots are occupied, as residents will not be authorised to remove them.

The sense of arrival has been improved with the softening of the Public Open Space and addition of more trees within the attenuation basin.

Certain dwellings have been repositioned within their respective plots to provide additional surveillance around the open space, and the addition of drystone walls have improved these areas.

The pedestrian linkage is improved by creating a curved footpath across the south of the attenuation basin in front of plot 364 and across into phase 2.

The access onto Mill Lane is pedestrian only, and details of the vehicle preventative measures will be requested by condition, to ensure that the access is safe and appropriate for its intended use. The layout of the private drive and walkway through this link has been improved to allow for views through to the public open space with a treelined approach.

The arrangement of the affordable housing units has now been split into two separate groups which provides an improved street arrangement as they would otherwise be clustered together and segregated from the other dwellings.

Parking arrangements have been improved with a reduction in frontage parking and rearrangement of side parking areas. Long runs of frontage parking have now been reduced.

The pattern of development has been improved with a reduction in the number of four-bedroom houses and more three and two-bedroom houses. This results in a more varied street scene and more room for different parking arrangements.

Overall, it is considered the applicant has addressed earlier concerns raised by the urban design officer. The scheme provides an improved layout, and a well-designed extension of the earlier phases of this estate, and as such complies with policies SS1, SC2 and SC3 of the Local Plan, and the recommendations within the Successful Places SPD.

### **Residential Amenity**

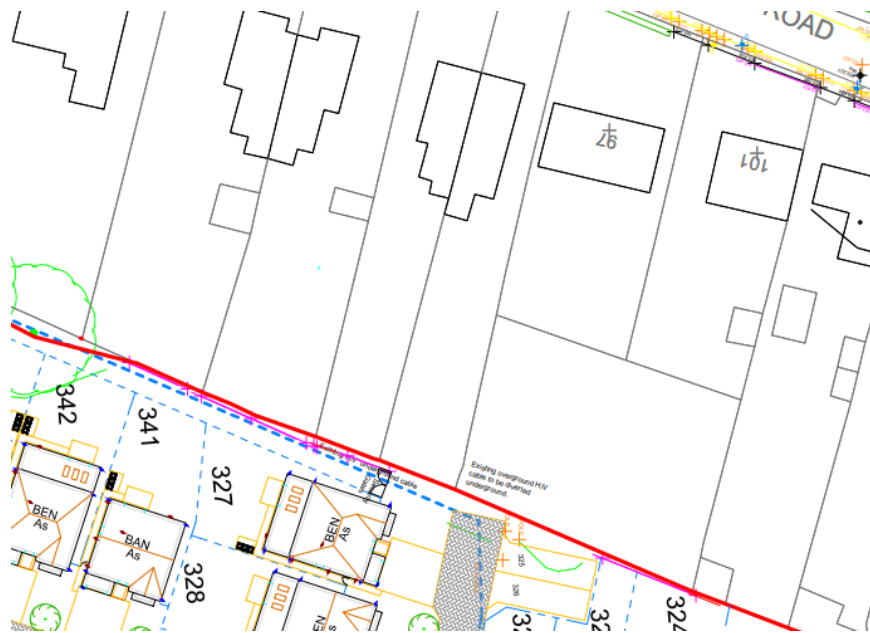
The revised layout demonstrates that the properties are all provided with at least the minimum standards for garden sizes, which will be private and screened by boundary treatments. The



development provides at least the minimum separation distances between habitable windows and several properties have windows which overlook areas of open space, providing added surveillance to these areas. The development therefore accords with the recommended standards laid out within the Successful Places SPD.

The Council's environmental health officer has recommended a condition relating to hours of construction, insofar that construction activities will be carried out only between 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday, with no work undertaken on site or deliveries to the site on Sundays or public holidays.

Residents on Shuttlewood Road raised concerns over plot 327 which has a side elevation facing their rear gardens, as shown on the plan extract below.



They requested that the property be reverted to a bungalow as originally proposed. The original layout plan received September 2023 did not propose this plot to be a bungalow however, it has always been a 'Bentley' house type, but with a hipped roof rather than gable, to minimise impact. The Council is therefore unsure why the resident assumed this plot to originally be a bungalow when there aren't any bungalows proposed on the development.

Plot 327 is positioned 5m into the application site and the side elevation will be well in excess of the recommended 12m distance from neighbouring windows, which are 34m away, therefore complying with the separation distances within the Successful Places SPD. As such, it is not considered necessary to amend this house type.

Overall, it is considered that the development provides a good standard of amenity for new residents. Whilst it is appreciated that existing residents overlooking the site have previously had views onto a green field, the fact remains that the site is a residential allocation in the adopted Local Plan, and whilst comments received from existing residents have been duly considered, the objections raised do not cause any harm to existing residents sufficient to warrant a reason for refusal, in compliance with policies SS1, SC3 and SC11 of the adopted Local Plan and the recommendations within the Successful Places SPD.

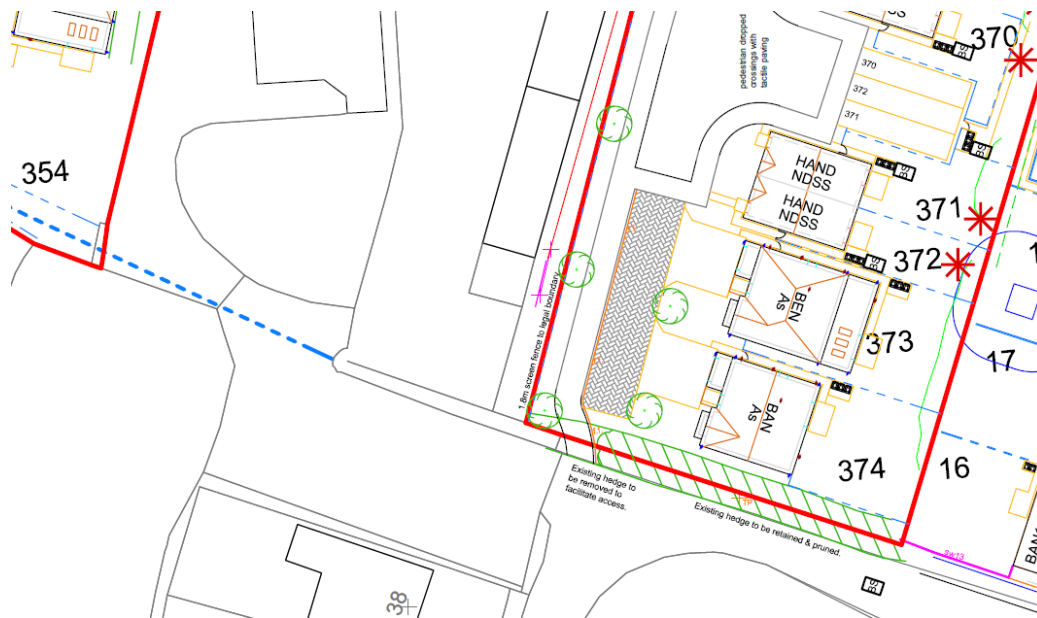
## Access

Vehicular access into the development will be via the existing estate road from Oxcroft Lane. This was constructed as part of an earlier phase.

Access into the application site will be via two roads from the ongoing phase 2 development, as provided below.



There will also be a pedestrian access onto Mill Lane, in front of plots 373 and 374, as shown on the extract below.



Concerns have been raised by residents that this will be used as a vehicular cut through onto Mill Lane, and residents at Fallows End have concerns that people exiting the footpath may be harmed by vehicles leaving Fallows End as the footpath is directly in front of their driveway. To ensure that the footpath does not become an unauthorised vehicular cut through and is a safe and suitable point of access, a condition will be included for vehicle preventative measures to be submitted for consideration.

### Highways

The County Highway Authority originally raised concerns over the content of the submitted Travel Plan and Transport Assessment. They also objected over the lack of street trees, on plot cycle parking and the use of alley ways at the rear of properties.

A revised layout plan, updated Travel Plan and Transport Assessment were submitted to take account of their concerns, and the revisions are now considered to be acceptable to the highway authority, subject to conditions.

The development provides sufficient parking to serve the dwellings, based on the number of dwellings provided and in accordance with the parking requirements laid out within the Local Plan and adopted Local Parking Standards document.

Whilst the development does not provide a link road between Shuttlewood Road and Oxcroft Lane, the applicant has committed to contribute £200,000 towards the new road on the adjacent Woodhall Homes site.

In terms of pedestrian connectivity, there will be a new pedestrian/cycle access onto Mill Lane, and within the adjacent phase 2 development there will be a footpath link on the northern edge, onto Shuttlewood Road, therefore improving connectivity and encouraging walking/cycling.

The highway authority has advised that a Section 38 Agreement will need to be entered into, so that street lighting, and highway drainage can be formally approved by the Highway

Authority.

The final Travel Plan requires continual monitoring which will need to be secured through the Section 106 Agreement by a financial contribution of £6,325.

The Council acknowledges the concerns raised by local residents about the impact of the development on adjacent roads, such as Mill Lane. However, the Highway Authority has been consulted on the application and raised no concerns with regard to highway safety.

Overall, and subject to conditions, the development will provide a safe access with pedestrian and cycle connections into existing development and sufficient parking to serve the dwellings. The addition of on plot secure cycle stores will support sustainable transport patterns and reduce the reliance on motor vehicles, all in compliance with policies SS1, ITCR10, ITCR11, and the adopted Local Parking Standards SPD.

### **Biodiversity/Landscaping**

The application was submitted to Bolsover District Council prior to the mandatory Biodiversity Net Gain Regulations coming into force at the beginning of 2024 and as such the development is not legally bound by those trading rules. As such, in accordance with policy SC9 of the adopted Local Plan, it is expected that a development for 74 dwellings will provide no net loss of biodiversity and will seek to provide net gains where possible, in this case a gain of 1% is proposed. Gains can be secured on or off site.

Sufficient information has been submitted throughout the application process to enable an assessment of the level of ecology on site and of that which is to be lost, along with the mitigation needed to provide the 1% net gain.

In accordance with the revised layout for 74 dwellings, which has been subject to consultation with the Wildlife Trust, the proposed development results in a loss of biodiversity on site, predominantly arising through the loss of grass/scrubland.

A revised biodiversity metric (V3) and an addendum from the applicant's ecologist was submitted in June 2024. The metric predicted a net loss of -13.35 habitat units, and a gain of hedgerow units of +0.15. The development had originally resulted in a loss of hedgerow habitat but the revised layout and Addendum to AES-LTD Letter 24th June 2024, identified that the losses had been reduced due to the retention of areas of amenity grassland and an increase in street trees. Hedgerows 1, 3 and 7 were also to be retained and managed. Hedgerow 4 will be enhanced to good condition. Hedgerow 5 however had to be removed from the metric because it lies outside the red line boundary and will not be impacted by development.

The Wildlife trust was disappointed that the revised layout did not link the proposed open space to the offsite green corridor on phase 2, with concerns that the attenuation pond is isolated with no connection to other green space. It was accepted however, that a link of green space between the two phases would not be possible given the approved layout of phase 2 had already been built and had isolated the open space from phase 3.

Given the loss of biodiversity on site, offsite mitigation is required to provide the 1% net gain. The applicant originally explored the possibility of achieving the gain through the purchase of

habitat credits from Wild Solutions at the Wild Whittington site. For the purchase of 0.76 scrub habitat credits at £28,500 per credit, and for the purchase of 12.88 grassland habitat units also at £28,500 per credit, a total of £391,240 would be required. This amount raised concerns by the applicant, and so they explored the possibility of providing some of the gains on the adjacent phase 2 site, which is still to be implemented. The Wildlife Trust welcomed this approach, as it would deliver local mitigation and compensation for the species affected by the development.

On the 11 December 2024, a series of landscaping plans were submitted, to provide additional mitigation within the open space on phase 2, to offset the loss on phase 3. This will be known as the Biodiversity Gain Site going forward. It was confirmed by the applicant that *the approved phase 2 landscape scheme remains unchanged as the base, but with additional planting proposals now introduced. As such it is still the intention to implement the approved phase 2 landscape and then plant more trees etc as shown.*

Derbyshire Wildlife Trust was consulted on this proposal which includes the planting of 58 additional, medium sized trees and enhancing three areas of modified grassland from poor condition to good condition via over-sowing with flowering lawn mix, all within phase 2.

These new proposals will reduce the net loss from -13.35 habitat units to -5.38 units, largely achieved through tree planting. A gain of +0.15 hedgerow units on phase 3 is still proposed. The applicant proposes to offset the residual losses using the Wild Whittington Habitat Bank managed by Wild Solutions. A revised costed schedule was submitted, dated 19 December 2024. For 0.32 scrub habitat credits at £28,500 per credit, and 5.35 grassland habitat credits, also at £28,500 the total cost payable to Wild Solutions would be £164,095, which has been accepted by the applicant.

Derbyshire Wildlife Trust raised concerns that the mitigation to be provided on the Biodiversity Gain Site (phase 2) was not entirely grassland and scrub and so the replacement was not on a like for like basis, but recognised that because the BNG trading rules did not apply in this case then the additional tree planting would be acceptable.

The habitat bank credit purchase will be detailed within the Section 106 Agreement, along with monitoring requirements, and a condition has been recommended for evidence of the credit purchase to be submitted prior to commencement of development. This condition may need to be reworded slightly once the details of the Section 106 have been finalised, as any triggers for submission of the evidence of purchase will need to correspond.

The planting within the Biodiversity Gain Site and any management and monitoring requirements on this site will be detailed within the Section 106 Agreement through the submission of a Habitat Management and Monitoring Plan.

With regards to the onsite landscaping, the Wildlife Trust has recommended a pre-commencement condition relating to the submission of a Landscape and Biodiversity Enhancement and Management Plan (LBEMP). 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 submitted Biodiversity Metric. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. 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 responsible for its delivery. In this instance, as well as the management of open space areas, the appointed company will also be responsible for the maintenance of frontage plot trees, and the on plot retained hedgerows.

A condition has also been recommended for a Construction Environmental Management Plan (CEMP: Biodiversity) to be submitted prior to commencement of development which shall include the recommendations included in the submitted Ecological Appraisal (AES Ltd. September 2023). It shall be produced by an ecologist and shall include a risk assessment of potentially damaging construction activities; identification of “biodiversity protection zones”; translocation methodology for orchids; practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction. It shall also include the location and timing of sensitive works to avoid harm to biodiversity features; the times during construction when specialist ecologists need to be present on site to oversee works; the responsible persons and lines of communication and the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. Any use of protective fences, exclusion barriers and warning signs will also need to be detailed.

A condition regarding the installation of lighting structure has also been requested whereby a detailed strategy for external lighting within the public open space shall be submitted and approved, to safeguard bats and other nocturnal wildlife. The strategy should provide details of the chosen luminaires, their locations, and any mitigating features such as dimmers, PIR sensors and timers.

Some residents raised concerns that Japanese Knotweed is present on site. The applicant has confirmed this this has been fully acknowledged in the submitted ecology survey reports, at sections 4.20 and 5.5, where it confirms that treatment was ongoing at the time of the report being prepared. The applicant is fully aware of their responsibilities under the Environmental Protection Act and any remaining areas of Japanese Knotweed will be treated appropriately by specialists as part of implementing the scheme.

To summarise, whilst it is regrettable that the development results in a net loss of onsite biodiversity, the applicant has explored avenues to uplift on site landscaping where possible through the retention of hedgerows, and to provide a net gain in biodiversity on a site which is adjacent to and so immediately related to this development, and which is within control of the applicant and any future management company. Whilst this does not replace the loss on a like for like basis (grass and scrub), it will result in an additional 58 medium sized trees and enhancements to three areas of modified grassland from poor condition to good condition, which the Wildlife Trust has accepted.

The Council fully acknowledges residents’ concerns about the loss of this field and the potential impact on wildlife, however, the site is a housing allocation in the adopted Local Plan and so residential development has already been deemed as acceptable, in principle. It is also considered that the conditions recommended by the Wildlife Trust will ensure that any harm to biodiversity is minimised during and post construction, and the development will provide a net gain in biodiversity to offset the loss.

As such it is considered that the development satisfies the requirements of policy SC9 of the

adopted Local Plan.

## **Public Open Space / Leisure considerations**

### Open space

Policy ITCR5 of the Local Plan for Bolsover (March 2020) sets out standards to improve green space and play provision in the district. A proposal for 25 dwellings would require the provision of 0.10 ha of Formal Green Space and 0.06 ha of Semi natural Green Space.

Formal Green Space can be either amenity green space, informal recreation grounds, or equipped play areas, or a combination, bearing in mind that all residents should be within 400 metres of an equipped play area.

As noted above, Policy ITCR5 sets out new Green Space Quantity Standards Any residential development of 25 or more dwellings will be required to make provision for an equipped play area and new or enlarged green space either on site or within 400 metres walking distance in accordance with the following minimum standards:

- a) 1.86 ha. of Formal Green Space (Amenity green space, Recreation Grounds, and Equipped Play Areas) per 1,000 population
- b) 1.2 ha. of Semi-natural green space per 1,000 population
- c) In settlements where the current provision for either formal or semi natural green space exceeds minimum standards a reduction will be made in the relevant requirement to reflect the percentage of the development site that is within 400 metres walking distance from the edge of existing publicly accessible formal and/or semi-natural green space of at least 0.5 hectares in size.

The Bolsover Green Space Strategy (2012, updated 2018) indicates that Bolsover has a significant under provision of open space – 5.85ha of additional formal green space is required to meet the minimum standard.

In accordance with policy ITCR5, a development of 74 dwellings would require provision of 0.30 ha of Formal Green Space and 0.18 ha of Semi natural Green Space (a total of 0.48ha).

The proposed site layout plan identifies that the area surrounding the proposed attenuation basin is designated as POS, although there is some uncertainty about the usability of this area. Notwithstanding that, this area is adjacent to the POS / play area which forms part of phase 2 and as the play area will be developed before Phase 3 and will be within 400m walking distance of all of the dwellings within Phase 3, there is no need for an additional play area in this instance.

Policy ICTR5 also states that “In addition new residential developments of more than 10 units will be expected to make reasonable financial contributions, either for new green spaces, or to improve green spaces, falling within the following walking distances:

- Equipped Play Areas within 400 metres
- Amenity Green Space within 500 metres
- Recreation Grounds or Semi-Natural Green Space within 800 metres

In line with Policy ICTR5 a s106 commuted sum of £82,584 (index linked) is required towards the proposed town park within Bolsover North (new recreation) and King George's Field / former Sherwood Lodge (existing recreation).

### Built & Outdoor Sports Facilities

Policy ICTR7 (Playing Pitches) states that *"If improvements to existing pitches are needed, new residential development of more than 10 dwellings will be expected to make financial contributions to the improvement of playing pitches and / or their ancillary facilities."* The Playing Pitch strategy and assessment has been used to consider the most appropriate site, which must be well-related to the development.

As the proposed development is not of sufficient scale to require any dedicated on-site built / outdoor sports facilities, a suitable commuted sum of £100,640 (index linked) has been negotiated in lieu of any formal on site requirement, to be used to invest invested in improving playing pitches and their ancillary facilities at Moor Lane and Castle Leisure Park.

A maintenance sum has been requested by the Council's leisure for a period of 10 / 15 years following completion of the development for any land adopted by the district council. This would be index linked in accordance with the current Local Plan policy and would need to cover grounds maintenance and the ongoing management and maintenance of any play equipment, fencing, etc. provided by the developer. The exact level of commuted sum will need to be negotiated once the nature, size and form of the land to be adopted has been agreed and approved.

### Connectivity

Permeable walking and cycling access to and from Phase 3 is limited to a pedestrian connection to Mill Lane. Otherwise, access and egress is at Oxcroft Lane via the existing estate roads, and a footpath connection on phase 2 onto Shuttlewood Road. The Council's leisure officer initially requested an additional pedestrian link onto Mill Lane, to provide an onward connection to Limekiln Fields as part of a direct route to Bolsover town centre and to increase permeability for walking and cycling. This was addressed with the applicant who confirmed that this link would not be possible due to third party owned intervening land between the development and Limekiln Fields.

It is therefore considered that subject to the payment of contributions within the Section 106 Agreement which meets the recommendations of the Council's Leisure officer, the development complies with policies ICTR5 and ICTR7 of the adopted Local Plan.

### **Archaeology**

As set out in the Consultations section of this report, the site has potential to contain archaeology of regional importance. Subject to a condition under policy SC18 to ensure that any important archaeology is fully investigated and recorded before development commences, then archaeology is not considered to be a constraint to development.

### **Drainage**

A flood risk assessment has been submitted with the application which identifies that foul water will discharge to public combined water sewer via downstream adoptable Network and surface water will discharge to watercourse via downstream adoptable network - subject to approval by appropriate governing body. An attenuation basin is proposed on site to capture



the surface water draining from the completed development.

Yorkshire Water and the Lead Local Flood Authority were consulted and both confirmed that there were no objections in principle.

A condition has been recommended by Yorkshire Water that the development is carried out in accordance with the FRA to ensure a satisfactory and sustainable drainage scheme is provided for the development. They also recommended an informative advising the developer that if the development is having new sewers, these will need to be included in a sewer adoption agreement with Yorkshire Water.

The County Flood Authority recommended conditions requiring a detailed design and associated management and maintenance plan of the surface water drainage for the site, a condition for details of how surface water will be managed during construction, and a condition for details to 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.

Subject to the above, it is considered that the development can be constructed to manage surface and foul water drainage systems on site, in compliance with relevant policies of the adopted Local Plan.

### **Contamination**

A GEOTECHNICAL AND GEO-ENVIRONMENTAL SITE INVESTIGATION report has been submitted with the application, prepared by Eastwood and Partners. The Council's environmental health team were consulted on the application.

They have no objections subject to conditions, requiring that the remedial works identified in the report ref 46420 shall have been undertaken in accordance with a scheme approved by the Local Planning Authority, to ensure that the development 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.

They have also stipulated a condition requiring that if any contamination is discovered during construction, that work will cease until the contamination has been adequately assessed. The third condition requires a validation report to be submitted to demonstrate that the remediation works and Quality Assurance/Quality Control results 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.

Subject to the full compliance with all recommended conditions it is considered that sufficient work will have been done to demonstrate that the site is free of contamination and safe for occupiers, in compliance with relevant policies of the adopted Local Plan.

### **CONCLUSION / PLANNING BALANCE**

The application site is within the settlement framework of Bolsover and within housing allocation LC1c and is considered to be a sustainable location for housing development, where Bolsover is identified as being at the top of the settlement hierarchy, and where there is

good access to a range of services, employment opportunities, facilities and public transport.

The development, although results in a loss of biodiversity on site will provide a 1% net gain overall, in accordance with policy SC9 of the Local Plan, on an adjacent site immediately related to the development, and the shortfall will be made up through the purchase of off-site habitat credits at the Wild Whittington site in Chesterfield borough, which will all be secured by planning condition and through the terms of the Section 106 Agreement.

The financial contributions requested through the Section 106, while currently in draft have not been disputed by the applicant and are considered to be appropriate, necessary and related to the development. In accordance with policy LC1c and the link road requirement, the applicant has agreed to make a financial contribution of £200,000 towards the potential provision of the link road on the site in circumstances where it does not come forward as part of the adjacent Woodhall Homes development and have offered up land to help facilitate this.

Subject to the full implementation of recommended conditions and the obligations contained within the Section 106 agreement, it is considered that the proposed development provides a good standard of amenity and will integrate into its surroundings. The proposal therefore complies with the relevant policies of the Bolsover District Local Plan, and National Planning Policy Framework, and is therefore recommended for approval.

## **RECOMMENDATION**

The current application be approved subject to conditions and prior entry into a Section 106 Agreement. It is recommended that Members resolve to grant planning permission but to delegate the final decision to officers, on completion of the Section 106 Agreement. If any revisions to the Section 106 are proposed, the application will be referred back to planning committee.

### **Conditions:**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. Except where otherwise stated in the conditions below, the development hereby permitted shall be carried out in accordance with the documents and plans listed below:
  - Revised site location plan – JHY/OLB/PH3/LP/01B; 20 Dec 24.
  - Phase 2 soft landscaping plan general arrangement – 2100 Rev F; 11 Dec 24
  - Phase 2 soft landscaping plan detailed layout 1 of 4 – 4124/2101 Rev F; 11 Dec 24
  - Phase 2 soft landscaping plan detailed layout 2 of 4 – 4124/2102 Rev F; 11 Dec 24
  - Phase 2 Soft Landscaping plan detailed layout 3 of 4 4124/2103 Rev F; 11 Dec 24
  - Phase 2 Soft landscaping plan detailed layout 4 of 4 – 4124/2104 Rev F; 11 Dec 24
  - Proposed phase 2 landscaping metric (for offsite BNG) – Xcel format; 11 Dec 24
  - Transport Assessment (Sanderson Associates); 4 dec 24
  - Travel Plan (Sanderson Associates); 4 Dec 24
  - Revised site layout – JHY/OLB3/SL01D; 29 Nov 24
  - Ornamental fence detail – ORN/1011; 29 Nov 24
  - Soft Landscape plan 1 of 3 – General arrangement – 4131/2100/Rev L; 29 Nov 24

- Landscape plan 2 of 3 – detailed layout – 4131/2101/Rev L; 29 Nov 24
- Landscaping plan 3 of 3 – detailed layout – 4131/2102/Rev L; 29 Nov 24
- Off site Biodiversity Net Gain at Wild Whittington Quote proposal – Wild Solutions and Derbyshire Wildlife Trust (19 November 2024); 28 Nov 24
- Landscape Management Area Plan – 4131/2103/Rev A; 28 Oct 24
- The Banbury House type – plots 319, 324 and 362 – OX/BN/V1 Rev B; 28 Oct 24
- The Banbury house type – plots 341, 366, 367, 374 – OX/BN/V3 Rev B; 28 Oct 24
- The Banbury Opp – plot 312 – OX/BN/V5; 28 Oct 24
- The Banbury house type - plot 318 – OX-BN-V2B; 28 Oct 2024
- The Buckley Corner Turner – plot 306 – OX/BUC/CT/V2/ST Rev A; 28 Oct 24
- The Buckley NDSS As Hipped Street Style A – plots 310, 311, 334, 344, 348 - OX/BUC/V1 Rev A; 28 Oct 24
- The Buckley NDSS Opp Hipped Street Style A – plots 305, 320, 332, 335, 350, 351, 357, 358 – OX/BUC/V2 Rev A; 28 Oct 24
- The Buckley NDSS As Hipped Stone Elevation – plot 345 – OX/BUC/V3 Rev A; 28 Oct 24
- The Bentley Hipped Roof As Street Scene Style C – Plots 303, 307, 309, 317, 327, 337, 342, 352, 355, 363, 373 – OX/BY/V1 Rev B; 28 Oct 24
- The Bentley Gabled Roof Opp Street Scene Style A - Plots 308, 330, 338, 343, 353, 356 – OX/BY/V2 Rev B; 28 Oct 24
- The Bentley - Gabled Roof Street Scene Style C - Plots 328 & 346 – OX/BY/V3 Rev B; 28 Oct 24
- The Bentley Hipped Roof Opp Street Scene Style A - Plots 329,347, 349, 354, 360 – OX/BY/V4 Rev B; 28 Oct 24
- The Handforth NDSS Floor Layout & Elevation – Plots 315, 316, 368-372 – OX/HAND/V1 Rev A; 28 Oct 24
- THE HOLLIN A - PLOT 359 – OX/HN/135 Rev B; 28 Oct 24
- THE HOLLIN A - PLOT 333 – OX/HN/333; 28 Oct 24
- THE HOLLIN A - PLOT 336 – OX/HN/336; 28 Oct 24
- THE HOLLIN B - Plots 304 & 365 – OX/HN/B/V2 Rev B; 28 Oct 24
- The Hollin B - Plot 364 – OX/HN/B/V3 Rev B; 28 Oct 24
- The Keswick NDSS – OX/KES/V1; 28 Oct 24
- Dry Stone Wall Entrance 3 - OX2-DWE-03; 28 Oct 24
- Dry Stone Wall Entrance 4 - OX2-DWE-04; 28 Oct 24
- Biodiversity Metric Calculations; 28 Oct 24
- ADDENDUM TO AES-LTD LETTER 24th JUNE, 2024 - Applied Ecological Services Ltd; 28 Oct 24
- Amended Design and Access Statement; 28 Oct 24
- House Types Materials Schedule; 28 Oct 24
- Arboricultural Impact Assessment – Iain Tavendale; 3 July 24
- Archaeological geophysical survey (Project No. ARC/3604/1410) – Phase Investigations; 3 July 24
- Amended application form; 28 June 24

- Bat Survey Report – Applied Ecological Services; 27 Sept 23
- Breeding Bird Surveys 2022 – Applied Ecological Services; 27 Sept 23
- Ecological Appraisal – Applied Ecological Services; 27 Sept 23
- Boundary treatment plan – JHY/SDL 49 Rev D; 7 Sept 23
- Detached Single Garage Plan - SDL-2022-092 Rev B; 7 Sept 23
- Detached Double Garage - SDL-2022-094 Rev B; 7 Sept 23
- Twin Garage – SDL-2022-095B; 7 September 23
- Brick Boundary wall and Piers with Cast Stone Coping & Frontage Fence – SF13 BOLS; 7 Sept 23
- Flood Risk Assessment - Fortem Civil Engineering (July 2023); 7 Sept 23
- Heritage Assessment – Wardell Armstrong; 7 Sept 23
- Geotechnical And Geo-Environmental Site Investigation – Eastwood and Partners – Issue 1 May 2022; 7 Sept 23
- Existing site levels; 7 Sept 23
- Proposed site / finished floor levels – 1088-204; 7 Sept 23
- Arboricultural Impact Assessment – Iain Tavendale; 7 Sept 23

3. The feature drystone walls shall be provided in accordance with the details submitted on the 29 November 2024 as detailed under condition 2 above, constructed from natural magnesian limestone, laid in courses and with a mortar specification all in accordance with the drystone walls constructed on phase 2.

4. The on-plot boundary fences and walls as detailed in the approved site layout under condition 2 above shall be constructed before the respective dwellings are occupied.

5. Prior to the occupation of plots 307, 308 and 309, the boundary fencing as detailed on the Ornamental fence detail plan ORN/1011, received on the 29 November 2024 shall have been constructed in accordance with the approved details, and retained as such for the life of the development.

6. Notwithstanding the submitted details, details of the vehicle preventative measures to be installed on the pedestrian entrance onto Mill Walk, and a time scale for their implementation shall be submitted to and approved in writing. The measures shall be installed in accordance with the approved details and retained as such for the life of the development.

#### Archaeology

7. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

i). The programme and methodology of site investigation and recording

ii). The programme for post investigation assessment

iii). Provision to be made for analysis of the site investigation and recording

iv). Provision to be made for publication and dissemination of the analysis and records of the site investigation

- v). Provision to be made for archive deposition of the analysis and records of the site investigation
- vi). Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

### Biodiversity

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

9. 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 recommendations included in the Ecological Appraisal (AES Ltd., September 2023). It shall be produced by an ecologist and shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Translocation methodology for orchids.
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) 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.

10. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. 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 submitted Biodiversity Metric. 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 (V3d).
- 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, 5, 10, 20 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) 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.

11. Prior to the installation of any lighting fixtures in public open spaces, a detailed lighting strategy for the public open space shall be submitted to and approved in writing by the LPA 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 light spill 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.

12. Should any hedges proposed for retention become damaged during development, they shall be replaced in the first available planting season, in a double staggered row at 30 cm centres. Thereafter they shall be retained and maintained in accordance with the approved landscaping plans provided in condition 2 above.

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

14. Prior to commencement of development, the developer shall submit evidence to the Local Planning Authority that the Habitat Bank units to compensate for habitat loss on site have been purchased, and the units have been registered to the development hereby

approved.

### Highways

15. The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing JHY/OLB3/SL01D.

16. No individual dwelling in the Development hereby approved shall be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

17. The Residential Travel Plan hereby approved, dated December 2024 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

18. Prior to commencement of the development hereby permitted details of a 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 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.

Reason: 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.

19. No above ground works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed timescale for planting, have been approved in writing by the local planning authority. The approved tree planting shall thereafter be carried out in accordance with those details.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

### Drainage

20. The development shall be carried out in accordance with the details shown on the submitted plan, "Flood Risk Assessment' (Rev 2) prepared by Fortem, dated 14/07/23", unless otherwise agreed in writing with the Local Planning Authority.

21. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

a. FORTEM. (09/11/2023). Flood Risk Assessment. 1088-R003-V3. 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.

22. Prior to commencement of the development, the applicant shall submit for approval to the LPA 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 LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

23. 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).

#### Contamination

24. No dwellings hereby approved shall be occupied until:

The remedial works identified in the report ref 46420 have been undertaken in accordance with a scheme approved by the Local Planning Authority. The works shall ensure that the development 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.

a) If during the construction works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the Local Planning Authority and the Local Planning Authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. Where the site investigation and risk assessment shows that further remediation is required, a remediation scheme shall be prepared and submitted to the Local Planning Authority for written approval, and the approved remediation scheme implemented.

b) Upon completion of the remediation works required above, a validation report prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation, together with the necessary waste



management documentation shall be included.

25. 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 on Sundays or public holidays.

### **Advisory notes**

1. This site is subject to a Planning Agreement 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. In accordance with condition 20 above (Yorkshire Water), If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he/she should contact our Developer Services Team (telephone 03451 208 482, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.
3. The proposed development is situated within a Smoke Control Area. This has legal implications for the type of solid fuel appliance which may be installed in the proposed development and types of solid fuel which may be burnt in these appliances. Further information is available at <https://www.gov.uk/smoke-control-area-rules>
4. (a) Subject to acceptance of the SuDS design by DCC (LLFA), the developer shall submit 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 )  
  
(b) The sewer records do not show any public sewers within the curtilage of the site. However, there may be 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 Yorkshire Water in order to determine their responsibilities under the relevant legislation.  
  
(c) All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.  
  
(d) 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.

5. The developer is advised to work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. However, if it can be shown that this would not be possible, practical, or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation. Guidance on the characteristics of qualifying NGA technologies is available from The Department for Digital, Culture, Media, and Sport.
6. Derbyshire County Council Lead Local Flood Authority has provided a set of advisory notes dated 22 November 2023 which will need to be adhered to, and which can be viewed in full on the Council's website.
7. The Derbyshire County Council Highway Authority has provided a set of advisory notes dated 17 December 2024 which will need to be adhered to, and which can be viewed in full on the Council's website.

### **Statement of Decision Process**

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

### **Equalities Statement**

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

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

### **Human Rights Statement**

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

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