

PARISH Shirebrook Parish

APPLICATION Construction of 9no. dwellings; comprising 2no. 1B2P semi-detached, 3no. 1B2P terraced, 2no. 2B4P semi-detached, 2no. 3B5P semi-detached

LOCATION Alder House Recreation Road Shirebrook

APPLICANT Bolsover District Council - Miss Katie Walters The Arc High Street Clowne S43 4JY

APPLICATION NO. 24/00373/FUL **FILE NO.**

CASE OFFICER Mrs Karen Wake

DATE RECEIVED 14th August 2024

SUMMARY

The application has been referred to Planning Committee by the Development Management and Land Charges Manager due to the decision being of strategic importance to the district and in the interests of openness and transparency, as the District Council has been involved in the inception of the scheme and could be involved in its delivery.

The application seeks permission to erect nine dwellings.

The application is recommended for approval, subject to conditions.

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 24/00373/FUL

SITE & SURROUNDINGS

Fairly level grassed site occupying a corner position. There are no boundary treatments

around the highway boundaries to the site. On the rear (west) site boundary is a mature hedgerow with a care home beyond. To the north are school playing fields and to the south and east are two storey dwellings.

BACKGROUND

The site previously contained a block of flats which were demolished in 2019

PROPOSAL

The application is for the erection of 9 dwellings. The proposal includes 2, 3 bed, semi-detached dwellings, 2, 2 bed, semi-detached dwellings, 2, 1 bed, semi-detached dwellings and a block of 3, 1 bed, two storey terraced dwellings. All dwellings are two storey.



AMENDMENTS

Amendment to pedestrian access to plot 1 to address concerns raised by the Highway Authority.

EIA SCREENING OPINION

The proposals that are the subject of this application do not require screening under the Environmental Impact Assessment Regulations (2017) and are not considered to result in significant environmental effects.

HISTORY

18/00507/DETDEM Prior approval Demolition

not required

CONSULTATIONS

Parish council

No comments received.

Coal Authority

No comments to make.

Senior engineer

The sewer records show a public sewer within the curtilage of the site. The applicant should also be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010. In addition, any connections or alterations to a watercourse will need prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood Authority. The developer should provide detailed proposals of the disposal of foul and surface water from the site and give due consideration to the use of SuDS, which should be employed whenever possible and designed in accordance with current legislation and best practice. Where SuDS features are incorporated into the drainage design for developments of between 2 and 9 properties it is strongly recommended that the developer provides the new owners of these features with sufficient details for their future maintenance. 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.

DCC Highways

No objections. Suggests conditions requiring access and parking to be provided in accordance with the amended plan and the entire Recreation Road and Alder Close frontages to be free from obstruction over 1m in height. Advise note to applicant pointing out the need to enter into a S278 agreement for works within the highway.

Derbyshire Wildlife Trust

A net loss of -1.49 habitat units (87.64%) is proposed. A gain of +0.07 hedgerow units (39.42%) will be delivered. As there are no areas of Public Open Space on site and there are restrictions on what can be delivered within gardens, it will not be possible to deliver a 10 % gain on site. Options are provided in Section 4.12 of the BNG Assessment report to achieve the required gain. Whilst full details of the offsetting approach can be provided in the post-development Gain Plan, it is advised that an approach is outlined as part of the planning application, as per Planning Advice Note 1, Biodiversity Net Gain (Bolsover District Council, April 2024). If offsite land will be used, this will need to be secured via a legal agreement and a Habitat Management and Monitoring Plan will be required. If units will be purchased from a habitat bank, a bank should be identified and confirmation be provided that the required units

can be provided, to avoid delays at a later stage. In addition, request a condition requiring submission of a species enhancement plan.

Environmental Health Officer

No comments received.

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

PUBLICITY

Site notice and 12 neighbours notified. One letter of objection received which raised the following issues:

1. The proposal does not represent good value for council tax money. The project is over inflated and has only one tender, Dragonfly. £1.7m for 9 dwellings. This would be a bargain in London. But these are mostly one and two bedroom dwellings and when built their valuation will be nowhere near £200,000 each. The land hasn't got to be purchased it is there owned by BDC. This should be the subject of another tender which is more realistic.

POLICY

Local Plan for Bolsover District ("the adopted Local Plan")

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1: Sustainable Development
- SS3: Spatial Strategy and Distribution of Development
- LC3: Type and Mix of Housing
- SC1: Development within the Development Envelope
- SC2: Sustainable Design and Construction
- SC3: High Quality Development
- SC9: Biodiversity and Geodiversity
- SC11: Environmental Quality (Amenity)

National Planning Policy Framework ("the Framework")

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- 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, Adopted 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).

Biodiversity Net Gain Design Note:

In light of the requirement for mandatory 10% biodiversity net gain, the Council has prepared a planning advice note to provide advice on the background to the introduction of mandatory 10% Biodiversity Net Gain, how this statutory provision relates to policy SC9: Biodiversity and Geodiversity in the Local Plan for Bolsover District, and how we will expect those preparing applications to approach this new legal requirement.

National Planning Practice Guidance

ASSESSMENT

Key issues

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

- the principle of the development
- the landscape and visual impact of the proposed development
- Impact on residential amenity
- whether the development would be provided with a safe and suitable access and the impact of the development on the local road network
- Biodiversity

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

Principle

To achieve sustainable development Policy SS3 of the Adopted Local Plan sets out a spatial strategy for the distribution of development, firstly to the four main towns, followed by the defined larger villages. The larger settlements are the most sustainable and capable of accommodating urban forms of development such as the residential development proposed through this application. Shirebrook is one of the district's main towns and therefore the distribution of this development to Shirebrook is supported by Policy SS3 in principle.

The application site is located within the settlement development envelope of Shirebrook defined under Policy SC1 of the Adopted Local Plan where development is also acceptable subject to meeting criteria (a) to (e) which require the development to be appropriate in scale, design and location to the character and function of the area and to have an acceptable environmental impact. These issues are considered later in this assessment.

Policy SS1 of the Adopted Local Plan provides that development proposals should promote the social and economic wellbeing of Bolsover District's communities, contributing to reducing social advantages and inequalities and create a positive image for the district. Policy LC3 'Type and Mix of Housing' identifies that the Council will support the provision of housing for older people and specialist housing provision across all tenures, including level access flats, houses, bungalows, and sheltered housing or extra care schemes, in appropriate locations, close to services and facilities.

The framework sets out the objective of significantly boosting the supply of homes. It identifies that the needs of groups with specific housing requirements should be addressed. The overall aim should be to meet as much of the area's identified housing needs as possible, including with an appropriate mix of housing types for local communities.

The proposal provides social housing of differing size unit to meet an identified local need. The site is within walking distance of schools, shops and facilities and is located in one of the district's sustainable towns. The proposal is therefore considered to comply with the policies set out above and is acceptable in principle, subject to compliance with other relevant Local Plan policies.

Landscape and visual impact of the proposed development

The site is within an existing residential area and the existing street scene is predominantly two storey brick semi-detached dwellings. The site occupies a corner position and the layout has been designed to address both highway frontages providing interest and surveillance in the existing street scene. Parking is provided to the side of some dwelling and to the front of others but where parking is on the site frontage it is broken up with landscaping. The proposed development is considered to be in keeping with the existing streeting street scene in terms of character, scale and design in accordance with policies SC1, SC2 and SC3 of the Local Plan for Bolsover District

Impact on residential amenity

The proposal meets the requirements of the council's Housing Layout and Design Supplementary Planning Document in terms of private open space for each dwelling, distance between windows and distance between windows and gardens for existing and proposed dwellings. The proposal is therefore considered to provide an adequate standard of amenity for future residents of the proposed dwellings and is not considered to result in a loss of privacy or amenity for residents of existing dwellings adjacent to the site. The proposal is considered to meet the requirements of Policies SC3 and SC11 of the adopted Local Plan and the requirements of the Successful Places Supplementary Planning Document.

Access/Highways

Each dwelling has its own access and on-site parking and provides sufficient parking spaces to meet the councils adopted parking standards. The proposed vehicular accesses have good visibility in each direction and there are no objections to the proposal from the Highway

Authority. Subject to a condition requiring the car parking to be provided on site in accordance with the approved plans, the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policies SC3 and ITCR11 of the adopted Local Plan in this respect.

Biodiversity

The site is grass with a hedge along the site boundary. A biodiversity metric and Biodiversity net gain assessment have been submitted with the application and Derbyshire Wildlife Trust (DWT) have confirmed they are well-detailed and agreed with the conclusions.

A net loss of -1.49 habitat units (87.64%) is proposed. A gain of +0.07 hedgerow units (39.42%) will be delivered.

The Council has published a Planning Advice Note regarding Biodiversity Net Gain (BNG) to assist both the preparation of planning applications and the assessment of those applications by providing advice on the operation of policy SC9: Biodiversity and Geodiversity within the Local Plan for Bolsover District (March 2020).

To achieve this, the note provides advice on the background to the introduction of mandatory 10% Biodiversity Net Gain and how the Council will expect those preparing applications to approach this new statutory requirement.

The Planning Advice Note advises that the Local Planning Authority consider that delivery of BNG should seek to contribute towards design quality and a sense of place. A holistic approach to BNG should align with achieving good design in terms of high quality streets, open spaces, Green Infrastructure and soft landscaping. When considering how to secure BNG in association with development proposals, prospective developers should provide a higher value habitat (as defined by the Metric) that would be incongruous to its location and would not propose higher quality habitats in small, poorly located or compromised spaces. Applicants are expected to respond to the mandatory 10% BNG within their applications and proposals by demonstrating that they have taken the following sequential steps:

1. The applicant should try to accommodate the 10% net gain on land within the red line
2. If that can be demonstrated to not be possible, accommodate the 10% net gain on land in the applicant's ownership close to the application site ('blue land')
3. Then if neither sequentially preferable option can be demonstrated to be possible, then on land that will aid the delivery of the District's Local Nature Recovery Networks (as set out in the Council's Local Nature Recovery Action Plan)
4. Finally if none of these sequentially preferable options can be demonstrated to be possible, then on land elsewhere where it would enhance a biodiversity or geodiversity asset or site.

The applicant was asked if the accommodation proposed could be provided in a different way, for example flats, which would allow the same amount of accommodation but leave more of the site clear to provide the habitat required to provide a biodiversity net gain. The applicant has confirmed that the required net gain cannot be provided on site because the layout/house

types cannot be altered for the following reasons:

- Flats have caused Bolsover District Council management issues, including antisocial behaviour issues.
- First floor flats cannot be adapted for welfare needs in the future whereas houses can, and so flats are not preferable from a resilience perspective.
- There are already enough flats in the locality.
- For wellbeing reasons, it can be beneficial for residents occupying one bedroom properties to have access to private amenity space.
- The council needs to achieve as many units as possible to fulfil an identified need for houses in the area for affordable housing.
- From a financial point of view the site needs to achieve the number of units proposed to reach optimal viability. Therefore, the offsetting required should take place on another site which does not have residential development potential, of which we have identified several suitable locations within the locality of this site.

The applicant is considered to have demonstrated that the need for the social housing proposed, in the manner proposed is sufficient to result in the need to look off-site to provide the BNG required.

Bolsover District Council are currently exploring the opportunities to register some of its own land holding as official receptor sites for biodiversity net gain, in particular to support the Council's aims in delivering new Council homes through the Council owned company, Dragonfly.

As part of this work, the Council has identified a parcel of its land in Whaley Thorns, known as The Woodlands, that could deliver biodiversity net gain units. To take this forward, the Council has instructed Derbyshire Wildlife Trust to assess the site and to identify both its initial suitability and if appropriate to prepare a Habitat Management and Monitoring Plan to set out the biodiversity net gain units that could be delivered on the site.

Derbyshire Wildlife Trust have advised that the Woodlands site is suitable for biodiversity net gain units and a Habitat Management and Monitoring Plan is now being prepared. This will take account of the biodiversity net gain matrix submitted within this application.

As a result, it is intended that the Woodlands site will be allocated to meet the biodiversity net gain units required as a result of the Alder House, Recreation Road, Shirebrook development. However, in the event that the Woodlands land cannot meet the biodiversity net gain units required the Council in partnership with Dragonfly have confirmed they will find alternative land elsewhere or to purchase sufficient biodiversity net gain credits to provide the necessary BNG to enable this proposed development to be delivered.

The off-setting approach outlined is considered to be sufficient to give comfort that the 10% BNG can be achieved and full details of the offsetting approach can be provided in the post-development Gain Plan required by the mandatory deemed BNG condition.

The site is considered unlikely to have any protected species constraints and proposals are unlikely to impact any designated sites, based on consideration of the habitats present and a review of DWT Biological Records Database. Species enhancements can be secured via a condition and subject to such a condition the proposal is considered to meet the requirements of Policy SC9 of the adopted Local Plan.

Issues raised by resident

The issue of development's value for money has not been considered as this is not a material planning issue which could be taken into account.

CONCLUSION / PLANNING BALANCE

The proposal provides quality social housing within a sustainable settlement. The proposal is considered to be in keeping with the character of the area and does not result in harm to residential amenity or highway. The proposal results in a loss of biodiversity which cannot be replaced on site however, species enhancements on site can be required by condition and the applicant is considered to have demonstrated that the need for the social housing proposed, in the manner proposed is sufficient to justify the need to look off-site to provide the Biodiversity Net Gain required. On this basis the proposal is considered to meet the requirements of policies SS1, SS3, LC3, SC1, SC2, SC3, SC9, SC11 and ITCR11 of the Local Plan for Bolsover District.

RECOMMENDATION

The current application be APPROVED subject to the following conditions and the inclusion of informatives, including an informative relating to the deemed Biodiversity Gain Plan condition and the requirements of the Development Management Procedure Order:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with plan numbers:
 - 11102 Rev P08: Site plan
 - 10400 Rev P1: 3 Bed semi-detached floor plan
 - 10401 Rev P2: 2 Bed semi-detached floor plan
 - 10402 Rev P2: 1 Bed semi-detached floor plan
 - 10403 Rev P1: 1 Bed terraced floor plan
 - 10600 Rev P1: 1 Bed terraced elevations
 - 10600 Rev P1: 3 Bed semi-detached elevations
 - 10601 Rev P1: 2 Bed semi-detached elevations
 - 10602 Rev P1 1 Bed semi-detached elevations
3. Prior to construction of the walls of any dwelling, samples of the materials to be used for all external wall and roof areas, including windows and external doors must be submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved must be constructed in the approved materials and must be maintained as such thereafter.
4. If during the construction works associated with the development hereby approved, any suspected areas of contamination are discovered, then all works must be suspended until the nature and extent of the contamination is assessed and a report is submitted and approved in writing by the Local Planning Authority which addresses the

risk identified. The Local Planning Authority must be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination.

Any investigation required must be undertaken in accordance with a scheme submitted to and approved in writing by the Local Planning Authority and must comply with current Government Guidance to achieve the appropriate standard at completion.

Upon completion of the remediation works a validation report prepared by a competent person must be submitted to and approved in writing by the Local Planning Authority.

The validation report must include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation must be included.

5. Before the dwellings hereby approved are first occupied, the boundary treatments for each of the site boundaries must be provided on site in accordance with the approved plans and must be maintained as such thereafter.
6. The accesses and parking spaces shown on the approved plan must be provided on site concurrent with the first occupation of the dwellings hereby approved and must be maintained available for parking thereafter.
7. The following biodiversity enhancement measures must be implemented on site:
 - 4No. dwellings to incorporate an integral bat box at eaves level (favouring southern elevations)
 - Integral universal bird bricks at eaves level (avoiding southern elevations) at a ratio of 1:1 with dwellings, as per British Standard BS: 42021:2022.
 - hedgehog gaps in any new fencing.

Evidence that these measures have been implemented must be submitted to the Local Planning Authority before the dwellings hereby approved are first occupied and these enhancement measures must be maintained on site thereafter.

8. Before any dwelling is first occupied, full details of both hard and soft landscape works including a programme for implementation must be submitted to and approved in writing by the Local Planning Authority. The approved landscaping must be provided on site in accordance with the approved programme of implementation.
9. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it must 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.

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.