

PARISH Old Bolsover Parish

APPLICATION Variation of Condition 2 (22/00402/FUL) - Update to Sudbury and Westbury house types, internal alterations, handing of plots and minor adjustment to positioning, including parking arrangements adjacent Plots 96-102

LOCATION Land South-West of Brockley Wood, Oxcroft Lane, Stanfree
APPLICANT Mr D Abbott 5 Midland Way Barlborough Chesterfield Derbyshire S43 4XA

APPLICATION NO. 24/00500/VAR **FILE NO.** PP-13512240

CASE OFFICER Kay Gregory

DATE RECEIVED 24th October 2024

SUMMARY

This application has been submitted under S73 of the Town and Country Planning Act 1990, proposing material amendments to the residential development approved under planning reference 22/00402/FUL.

The original scheme was *Full planning application comprising proposed link road between Shuttlewood Road and Oxcroft Lane, including demolition of Boleappleton Farm and associated outbuildings, ground level changes, and construction of 161 dwellings with public open spaces, access routes, landscaping and associated works (major revisions from hybrid, part outline/part full application to full planning application)*. The development has commenced insofar that parts of Boleappleton Farm have been demolished.

The proposed amendments comprise updates to the Sudbury and Westbury house types comprising internal alterations and adjustment to positioning within their plots, and revised parking arrangements adjacent to plots 96 – 102.

The application has been referred to Planning Committee by reason that the previous application 22/00402/FUL was determined by Planning Committee, and the Council's adopted Committee functions policy requires applications *that propose the removal or variations of conditions or obligations imposed on a permission granted by the Planning Committee that are more than non-material minor amendments to the original permission shall be determined by the Planning Committee*.

Following consideration of the submitted details, in consultation with adjacent residents, the Councils Urban Design officer, DCC highways and Derbyshire Wildlife Trust, it is considered that the proposed amendments are acceptable and as such Members are requested to approve the application, in accordance with the officer recommendation.

Site Location Plan

A site location plan is not a validation requirement for Section 73 applications. The site location plan extract provided below is the one approved for 22/00402/FUL.



OFFICER REPORT ON APPLICATION NO.

SITE & SURROUNDINGS

The site covers approximately 9 ha of former agricultural land at the north side of Bolsover set between Oxcroft Lane on the East side and Shuttlewood Road on the West side.



The application site originally comprised three agricultural fields separated by hedgerows with occasional trees, but all vegetation approved for removal has now been cleared and the land scraped, ready for development. The demolished Boleappleton Farm is at the west portion of the site and will form the access point into the development from Shuttlewood Road as shown on the images below:





Existing residential properties on Shuttlewood Road are adjacent to the West boundary of the site; to the South are new residential properties of the Jones Homes development site; and to the North and East sides is open countryside. Brockley Wood (ancient woodland and local wildlife site) and a 20m telecom tower are immediately adjacent to the Northeast corner.

The site sits at the top of a valley feature in the landscape with ground levels at the centre significantly lower than the East and West sides. Levels also drop to the north with the head of Hawke Brook running through the centre of the site in a northerly direction. A spur of the red line application boundary extends northwards from the main site adjacent to the brook to facilitate surface water drainage works. The current site layout is provided on the images below:





A Public Right of Way crosses the north-western corner of the site (footpath 45). Pedestrian access can be gained off Shuttlewood Road into the site and then the footpath extends north. The site is flood risk zone 1 (least likely to flood) and Coal Authority low risk zone.

PROPOSAL

This application has been submitted under Section 73 to vary condition 2 of 22/00380/FUL, which relates to the approved plans. Several of the approved plans are to be superseded in accordance with the details below.

The amendments are due to a number of minor changes being made throughout the design stage in order to comply with technical design, engineering, and client requirements.

Proposed amendments to approved scheme.

- Plots 13, 14, 21, 22, 23, 49, 51, 70, 74, 77, 78, 104-106, 108-109, 138, 144, 145, 155 handed.
- Plot 135 rotated 90 degrees to provide greater landscaped buffer and improve street scene arrangement.
- Garage and driveway for plot 144 relocated to southern side, creating double garage / driveway arrangement with neighbouring plot 161.
- Refresh update of Westbury and Sudbury housetypes - updated to improve the flow of space, internal arrangements and associated living environment for occupiers.
- Car parking arrangements adjusted to plots 126 / 127, and 96-102 to aid engineering design and relationship to properties.
- Landscaping drawings updated to reflect minor adjustments, with the house type pack also updated to correlate with these and incorporate the correct plot numbering.
- Following plot substitutions – list and house type image provide below:

Plot	Approved	Proposed
19	Trowbridge (4-bed)	Beal (3-bed)
20	Trowbridge (4-bed)	Beal (3-bed)
26	Trowbridge (4-bed)	Westbury (4-bed)
27	Trowbridge (4-bed)	Westbury (4-bed)
29	Trowbridge (4-bed)	Hardwick (3-bed)
30	Trowbridge (4-bed)	Hardwick (3-bed)
62	Trowbridge (4-bed)	Hardwick (3-bed)
63	Trowbridge (4-bed)	Hardwick (3-bed)
85	Trowbridge (4-bed)	Hardwick (3-bed)
86	Trowbridge (4-bed)	Hardwick (3-bed)
112	Trowbridge (4-bed)	Hardwick (3-bed)
113	Trowbridge (4-bed)	Hardwick (3-bed)
159	Trowbridge (4-bed)	Hardwick (3-bed)
160	Trowbridge (4-bed)	Hardwick (3-bed)





Trowbridge (4 Bed) Westbury (4 Bed)

2 Substitutions



Trowbridge (4 bed) Hardwick (3 Bed)

10 Substitutions



AMENDMENTS

All received 2 April 2025

- N2023 008 Rev U – Planning layout
- N2023 401 Rev J – Materials layout
- N2023 402 Rev J – Enclosures plan
- 9990-FPCR-XX-XX-DR-L-0003 P13 – Landscaping general layout
- 9990-FPCR-XX-XX-DR-L-0004 P12 – Detailed planting plan 1 of 2
- 9990-FPCR-XX-XX-DR-L-0005 P12 – Detailed planting plan 2 of 2
- 9990-FPCR-XX-XX-DR-L-0007 P12 – Detailed spine road planting
- 9990-FPCR-XX-XX-DR-L-0008 P12 – Detailed spine road planting
- 9990-FPCR-XX-XX-DR-L-0009 P12 – Detailed spine road planting

EIA SCREENING OPINION

A Screening Opinion was submitted for the site – 22/00141/SCREEN, under Regulation 6 of the EIA Regulations. It was determined that, *“having had regard to the scale and nature of development, the location of the proposals and the characteristics of the potential impacts, it is considered that whilst the development proposals represent a major residential development there is no evidence to suggest that the proposal would have EIA significant effects on (a) population and human health, (b) biodiversity, land, soil, water, air or the landscape, or as a result of the interaction between these factors.*

Therefore, the Council considers that the development proposals do not constitute EIA development and so an environmental statement will not be required to accompany any planning application submitted for these proposals.”

HISTORY

22/00141/SCREEN	EIA not required	Request for EIA Screening Opinion under Regulation 6 - Proposed Residential Development at Land West of Oxcroft Lane, Bolsover
22/00402/FUL	Grant conditionally	Full planning application comprising proposed link road between Shuttlewood Road and Oxcroft Lane, including demolition of Boleappleton Farm and associated outbuildings, ground level changes, and construction of 161 dwellings with public open spaces, access routes, landscaping and associated works (major revisions from hybrid, part outline/part full application to full planning application).
24/00446/DISCON	Partial approval	Discharge of condition 4 (Management Plan), condition 5 (Archaeological Written scheme of Investigation), Condition 13 (habitat Management and Monitoring Plan) and Condition 14 (Species Enhancement Plan) of application 22/00402/FUL

CONSULTATIONS

BDC Urban Design

31/10/24 - In general, the amendments are minor to moderate and will not affect the overall character of the scheme. I am however concerned where the layout changes result in a poor interface with Brockley Wood, and the knock-on impact of street trees being too close to houses that have been slightly moved forward. Other minor points can be resolved before approval.

12/3/25 - I agree with all the changes above except for:

- Changes at plot 161&144 to improve plot 145. This results in a weakening of the public realm on the link road and the landscape 'Avenue' effect.
- Plot 20 which projects forward of the building line on a bend and results in poor views into its rear along the road.
- Introduction of integral garages and more driveways to Plots 25-28 onto main road. I don't think this improved the appearance and leads to more gaps in the hedgerow verges, weakening the character of the street.
- Plots 96-102 Parking opposite is still considered a reduction in quality of public realm. I recommended a field stone wall around parking lot so that gives a distinct edge between the development and woodland. I do not think the hedges proposed will give enough screening and demarcation.

26/3/25 – All agreed, much better. They have reverted to an old plan.

DCC Highways

7/11/24 – No objections. The drawing approved in Condition 2 of Decision Notice 22/00402/FUL (n2023/008O) is being proposed to be replaced with submitted drawing n2023/008P showing additional parking spaces which from a highway perspective is acceptable, so based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion.

Derbyshire Wildlife Trust

16/1/25 - The slight increase in parking spaces north of the access road is not anticipated to cause any significant additional impact to wildlife or changes to BNG calculations. During the implementation of landscaping onsite, planting should be targeted to the rear of the spaces to reduce lightspill from the cars onto adjacent habitats. We would not expect additional lighting fixtures to be required but if so, details should be submitted for approval.

PUBLICITY

The application has been published by way of a site and press notice. There have been two representations received as a result of the publicity. Their comments are summarised below but can be viewed in full on the Council's website.

- In the original plans plots 96 - 99 were for Holbeck affordable houses, on the new plans they are now Westbury style houses. Are these houses going to remain affordable housing?
- Given their location directly opposite the woods, I oppose any changes to these plans. If tweaks to plans are allowed in the first instance, I fear that this may set a precedent

moving forward and the housing development initially proposed will not look like the plans accepted by Bolsover district Council.

- I would like to reiterate that I have objected to any building on the land south-west of Brockley wood and will continue to object to any further building within Bolsover.
- Once again, there has been no consideration for local amenities such as Doctors and schools. I moved to the area due to wanting to live in a semi-rural location, now Bolsover does not resemble any such thing due to the volume of new builds.
- I live on Shuttlewood Road and the only 2 houses to be directly affected by the whole site are 145 and 147 Shuttlewood Road.
- According to the site map plots 44, 45 and 46 are houses overlooking 145 and 147 Shuttlewood Road yet plots 47, 48, 49, 51 and 52 on the same street are all bungalows.
- Being the only houses to be directly affected why would you build houses on plots 44, 45 and 46 and bungalows on the rest of the street, surely for nothing more than privacy plots 44, 45 and 46 need to be bungalows the same as the rest of the street.
- As regards the parking arrangements adjacent plots 96 - 102. I would like to know if there has been sufficient investigation into the effects of light being shone into the woods, and the affects it would have on the wildlife and especially the birds. Because if a light is shone into a woods or hedgerows the birds will panic and take flight probably to their deaths as they can't see where they are going or land.
- Also, I would like clarification that the public footpath will stay open during the development allowing access.

Officer response to resident comments

Plots 96 – 99 are still Holbeck units, as per the approved application, and are affordable units (First Homes).

With regards to amenities and infrastructure contributions, this is a S73 application, to make amendments to the original application. The terms of the signed S106 Agreement are still applicable, insofar that financial contributions towards education, sport and open space and primary health care are still required for payment at various stages of the development.

With regards to the proposed amendment to car parking arrangements in front of plots 96 – 99, Derbyshire Wildlife Trust has been consulted and advised they have no objections but would like a hedge to enclose the rear of the parking spaces, to reduce glare into the woodland. The urban design officer has also requested screening in the form of a wall. It is important to note that the approved 'full' application did include 4no. parking spaces within this area, and so the principle of having parking adjacent to the woodland has already been agreed. The parking spaces will also be viewed in context with the telecom mast. The applicant has also confirmed that the parking bays will be on lower ground levels than the adjacent woodland and so headlight glare will be screened by the retaining wall.

With regards to the public footpath, this may require a temporary diversion or closure notice during construction, which will be formally considered by the Council's legal services department.

One resident discussed the two houses at the rear of 145 and 147 Shuttlewood Road, querying why they could not be bungalows. There are no proposed changes to these plots,

which have already been approved by 22/00402/FUL.

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. The original ‘Full’ application was determined in accordance with the policies listed below:

- SS1: Sustainable Development.
- SS2: Scale of Development.
- SS3: Spatial Strategy and Distribution of Development.
- SS9: Development in the Countryside.
- SC1: Development within the Development Envelope.
- SC2: Sustainable Design and Construction.
- SC3: High Quality Development.
- SC7: Flood Risk.
- SC8: Landscape Character.
- SC9: Biodiversity and Geodiversity.
- SC10: Trees, Woodland and Hedgerows.
- SC11: Environmental Quality (Amenity).
- SC14: Contaminated and unstable Land.
- SC18: Scheduled Monuments and Archaeology.
- LC1: Housing Allocations.
- LC2: Affordable Housing Through Market Housing.
- LC3: Type and Mix of Housing.
- ITCR3: Protection of Footpaths and Bridleways.
- ITCR5: Green Space and Play Provision.
- ITCR7: Playing Pitches.
- ITCR10: Supporting Sustainable Travel Patterns.
- ITCR11: Parking Provision.
- II1: Plan Delivery and the Role of Developer Contributions.

National Planning Policy Framework (“the NPPF”)

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. Since determination of the full planning application there has been an amendment to the document, and so the policies provided below are listed in accordance with the updated Framework:

- Chapter 2: - Achieving sustainable development.
- Paragraphs 7 - 10: Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 96 - 102: Promoting healthy and safe communities.
- Paragraphs 103 – 108: Open space and recreation
- Paragraphs 109 - 114: Promoting sustainable transport.
- Paragraphs 115 – 118: Considering development proposals
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed and beautiful places.
- Paragraph 161, 163, 164 and 166: Meeting the challenge of climate change.

- Paragraph 170 – 175, 181-182: Planning and Flood Risk.
- Paragraphs 187, 193, 195: Conserving and enhancing the natural environment
- Paragraphs 196 - 201: Ground conditions and pollution.
- Paragraphs 202 - 221: Conserving and enhancing the historic environment.

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.

ASSESSMENT

This application has been made under S73 of The Town and Country Planning Act 1990 and seeks to substitute plans approved under 22/00402/FUL.

An application made under S73 of the Planning Act allows applicants to apply for amendments to approved developments. There is no statutory limit on the degree of change permissible to conditions under S73, but the change must only relate to conditions and not to the operative part of the permission.

Whilst the nature of the proposed changes can be considered in terms of their amenity impact, highway safety, and other matters such as biodiversity; the principle of the development has already been established under 22/00402/FUL and so is not a matter for consideration under the terms of the current application.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with an up-to-date development plan unless materials considerations indicate otherwise. The Local Plan for Bolsover District is the relevant development plan, and this document was adopted in 2020. Giving full consideration to consultation responses received and the relevant policies of the Local Plan and the Framework, the main considerations in this proposal are the impact on the visual amenity of the area surrounding the site, whether the proposed amendments result in unacceptable levels of harm to neighbouring properties, whether the development provides a safe and suitable access, and minimising harm to biodiversity.

Visual Amenity / Design considerations

The proposed amendments, whilst they relate to a number of different house types, are spread out around the site and so there will be no detriment to the visual amenity of the area over and above the scheme originally approved, and the design amendments will integrate into the development as a whole.

Where concerns have been raised by the Urban Design officer over street scene views or impacts on landscaping, these have been addressed where possible. One such issue was with the amendments to plots 19 and 20, which pushed plot 18 closer to the road, interrupting the building line between plots 16-18, and reducing the amount of on plot landscaping to the front. This is identified in the extracts below.

Originally proposed under the S73

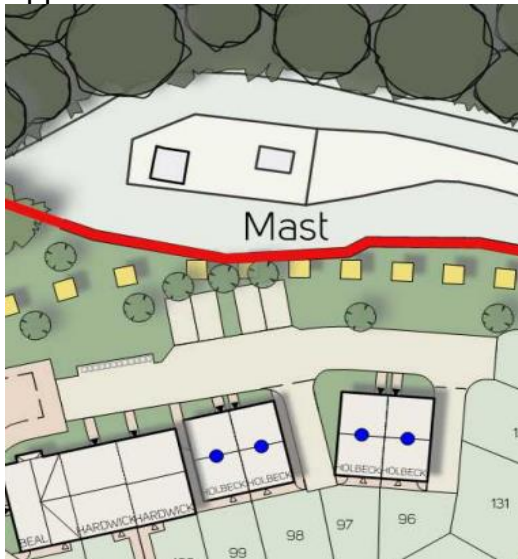


Position of plot 18 following amendment

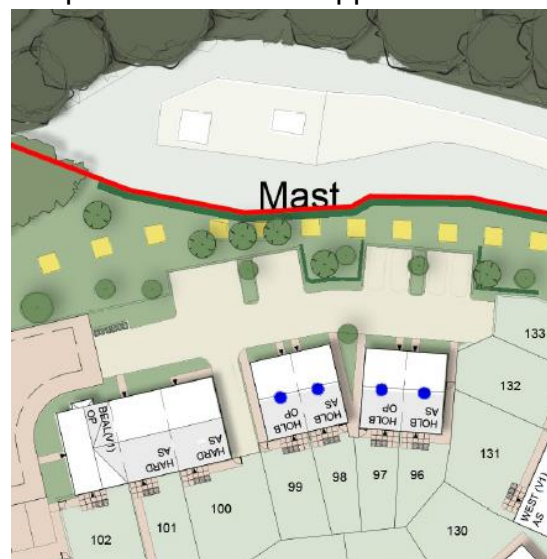


The Council's urban design officer also raised concerns over an amendment to the parking spaces fronting plots 96-102, which involves the addition of 5 parking bays adjacent to the woodland. The urban design officer verbally confirmed they were not aware that any parking spaces had been approved in this area, but the layout approved under 22/00402/FUL did include four parking spaces, as shown on the plan extract below, which set some precedent for development in this area. The S73 application proposes a further 5 spaces in addition to the four already approved, as shown on the extract below.

Approved – 22/00402/FUL



Proposed under S73 application



The applicant confirmed that this amendment was required to aid engineering arrangements, but that the broad landscape buffer to Brockley Woods would remain. They considered that the modest addition of parking spaces in this location would have no tangible effect on the enjoyment of the woodland edge. The Urban Design officer conceded on this point but requested that a wall be constructed to the rear of the spaces to reduce headlight glare.

Derbyshire Wildlife Trust had also requested screening to the rear of the spaces for the same reason. The applicant has confirmed that the parking bays will sit lower than the adjacent woodland buffer, and will have a retained wall and planting around, providing a distinct edge between the development and woodland, and to reduce headlight glare.

The proposed amendments therefore achieve an overall good quality layout in terms of place making, buildings and landscaping and will not cause any detriment to visual amenity or the character of the development, in compliance with policies SS1, SC2 and SC3 of the adopted Local Plan.

Residential amenity

The proposed amendments to the layout and substitution of house types will not cause any detriment to the amenity of future residents. Separation distances and other amenity requirements will be retained in accordance with the Council's recommended guidelines.

The amendments therefore comply with policies SS1, SC3 and SC11 of the adopted Local Plan.

Ecology and Biodiversity Considerations

A detailed landscaping plan has been submitted to accord with the proposed layout amendments. Derbyshire Wildlife Trust has been consulted and raised no objection. They suggested that a hedge be planted to the rear of the parking bays opposite plots 96-101 to reduce headlight glare, but as mentioned above, these parking spaces will be on lower land levels than the woodland and will be screened by a retaining wall and additional planting.

In terms of Biodiversity Net Gain, this is a Section 73 application and so is exempt from normal trading rules. The original planning application was submitted prior to the mandatory BNG requirements coming into force at the beginning of 2024, although will provide a net gain in biodiversity through the significant levels of onsite open space, and through additional biodiversity enhancements on land adjacent to the 'spur' which runs alongside Brockley Wood to the north of the site, which is included within the signed Section 106 Agreement.

Key Biodiversity Information	
Reason if exempt from the biodiversity gain plan condition	Section 73 application

It is therefore considered that the proposed amendments do not cause any detriment to the landscaping scheme approved under 22/00402/FUL, in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.

Highway Issues

The proposed amendments will have no impact on the road layout approved under 22/00405/FUL.

The only difference is the addition of the five parking spaces discussed above. The highway authority has been consulted on this aspect and raised no objections.

It is therefore considered that the amended layout will cause no detriment to highway and pedestrian safety and provides a safe road network to serve the development, in compliance

with policies SS1, SC2, ITCR10 and ITCR11 of the adopted Local Plan.

Additional considerations

The application has been submitted to vary condition 2 which relates to the plans and documents approved under 22/00402/FUL.

Condition 1 on the original permission which relates to the 3-year time scale to commence development has been removed, by reason that the development has commenced with the partial demolition of Boleappleton Farm.

An application was submitted - 24/00446/DISCON for the approval of conditions 4, 5, 13, and 14 of the original permission. Where these conditions have been approved in full or in part, they have been amended in accordance with the details submitted and consultee comments received.

All other conditions will be imposed as per the original approval.

CONCLUSION / PLANNING BALANCE

It is considered that the proposed amendments when viewed in the overall context of the development, are relatively minimal, and will not cause harm to the visual amenity of the area sufficient to warrant a reason for refusal on design or amenity grounds. The proposal, as amended will not impact on the amenity of existing neighbouring properties or future residents of the development or exacerbate highway safety to an unacceptable level.

The legal agreement under s106 of the Planning Act 1990 entered into in respect of the original application dated 22nd July 2024 which secures contributions towards affordable housing, health care, playing pitch, education, library, off site biodiversity and travel plan contributions, includes a clause (2.16) which states that any application under s73 of the Act affecting this permission shall comply with the terms of the deed. It requires that a memorandum shall be endorsed on the face of the Deed which is recorded on the public register. This memorandum will need to be appended to the Deed prior to the grant of permission.

Subject to the above, it is recommended that the application is approved and the conditions amended in accordance with the comments provided above.

RECOMMENDATION – That following the endorsement of a memorandum on the face of the Deed dated 22nd July 2024, which secures the developer contributions relating to the original planning permission, that the application be Approved with conditions

1. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions below: -

- n2023_001B Location Plan
- n2023_401J Materials Plan
- n2023_402J Enclosures Plan
- n2023_403B Adoptable Areas Plan
- n2023_008U Planning Layout

- 600152-HEX-XX-XX-DR-TP-0105 P03 Proposed Access Arrangement from Oxcroft Lane
- 600152-HEX-XX-XX-DR-TP-0106 P04 Proposed Access Arrangement from Shuttlewood Road
- 600152-HEX-XX-XX-DR-TP-0111 P07 Highways Layout
- 9990-FPCR-XX-XX-DR-L-0003 P13 General Arrangement
- 9990-FPCR-XX-XX-DR-L-0004 P12 Detailed Planting Plan (Sheet 1 of 2)
- 9990-FPCR-XX-XX-DR-L-0005 P12 Detailed Planting Plan (Sheet 2 of 2)
- 9990-FPCR-XX-XX-DR-L-0007 P12 Detailed Spine Road Planting
- 9990-FPCR-XX-XX-DR-L-0008 P12 Detailed Spine Road Planting
- 9990-FPCR-XX-XX-DR-L-0009 P12 Detailed Spine Road Planting
- n2023 100-01 Beal Elevations & Floor Plans
- n2023 100-02 Beal (R) Elevations & Floor Plans
- n2023 100-03 Beal Elevations & Floor Plans
- n2023 100-04 Beal Elevations & Floor Plans
- n2023 100-05 Beal Elevations & Floor Plans
- n2023 100-06 Buckingham Elevations
- n2023 100-07 Buckingham (R) Elevations
- n2023 100-08 Buckingham Floor Plans
- n2023 100-09 Hardwick Elevations & Floor Plans
- n2023 100-010 Hardwick (R) Elevations & Floor Plans
- n2023 100-11 Kedleston Elevations & Floor Plans
- n2023 100-12 Salisbury Elevations & Floor Plan
- n2023 100-13 Salisbury Elevations
- n2023 100-14 Sudbury Elevations & Floor Plans
- n2023 100-15 Petworth Elevations & Floor Plans
- n2023 100-16 Claydon Elevations & Floor Plans
- n2023 100-17 Rev B Welbeck V1 Elevations
- n2023 100-18 Rev B Welbeck V1 Floor Plans
- n2023 100-19 Rev A Welbeck V2 (36-39) Elevations
- n2023 100-20 Rev A Welbeck V2 (36-39) Floor Plans
- n2023 100-21 Rev A Welbeck V2 (32-35) Elevations
- n2023 100-22 Welbeck V2 (32-35) Floor Plans
- n2023 100-23 Richardson Elevations
- n2023 100-24 Richardson (R) Elevations
- n2023 100-25 Richardson Floor Plans
- n2023 100-26 Trowbridge (R) Elevations
- n2023 100-27 Trowbridge Floor Plans
- n2023 100-28 Winstar Elevations
- n2023 100-29 Winstar Floor Plans
- n2023 100-30 Westbury V1 (R) Elevations
- n2023 100-31 Westbury V1 Elevations
- n2023 100-32 Westbury V1 Floor Plans
- n2023 100-33 Wycombe Elevations
- n2023 100-34 Wycombe (R) Elevations
- n2023 100-35 Wycombe Floor Plans

- n2023 100-36 Holbeck Elevations
- n2023 100-37 Holbeck Floor Plans
- n2023 100-38 Single Garage Elevations & Floor Plan
- n2023 100-39 Shared Garage Elevations & Floor Plan

2. Nesting Birds

No stripping, demolition works, or vegetation clearance shall take place between 1st March and 31st 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.

3. The development hereby permitted shall be carried out in accordance with the Construction and Ecological Management Plan (Rev A – FPCR August 2024) received on the 23 September 2024 in respect of 24/00446/DISCON.

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. There shall be no variation to the approved details unless otherwise formally agreed by the Local Planning Authority.

4. Archaeology

(a) The development hereby permitted shall be carried out in accordance with the Written Scheme of Investigation for Archaeological Works at Land West of Oxcroft Lane, Bolsover (Version 2.0 – Marrons – 11/09/2024) received on the 23 September 2024 in respect of 24/00446/DISCON.

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

(c) The development shall not be occupied until the site investigation and post investigation reporting 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 publication and dissemination of results and archive deposition has been secured.

There shall be no variation to the approved details unless otherwise formally agreed by the Local Planning Authority.

5. Slope Stabilisation Measures

Prior to the commencement of development, detailed engineering drawings and information showing the provision of appropriate slope stability measures for the site shall have been submitted to and approved in writing by the Local Planning Authority. The slope stability measures shall accord with the following requirements and shall be implemented as approved: -

a. No reduction in ground levels shall be permitted at the bottom of the valley

- b. No increase in ground levels shall be permitted at the crest of the slope.
- c. The slope of any part of the site shall not be steeper than 1 in 6 unless appropriate slope stabilisation measures are incorporated.
- d. The slope of parts of the site to be occupied by houses shall not exceed 1 in 10 (or 1 in 8 if appropriate land drainage is used) unless other suitable slope stabilisation measures are incorporated.
- e. Should there be a need for retaining walls where the ground slopes at more than 1 in 10, the maximum retaining wall height shall be 3.0m and there shall be a slope of no steeper than 1 in 40 for a zone 3.5 times the retained height in front of and behind the retaining wall. This zone should not overlap a similar zone from another retaining wall. (That is the width of level ground between two retaining walls should be no less than seven times the average of their retained heights. This gives an overall slope of 1 in 6.)
- f. Land drainage running perpendicular to the site contours shall be provided where ground with a gradient of between 1 in 8 and 1 in 10 is to be developed with housing or roads or where any springs are encountered.
- g. Soakaways shall not be used for this development.
- h. No trench more than 1m deep and 10m long shall be dug approximately parallel to the site contours in the steeper sections.
- i. No spoil heaps over 1.5m high shall be placed on any part of the slope where the gradient measured over a width extending 20m from the stockpile, or each side of it, is steeper than 1 in 10.

6. Surface Water Drainage Details

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. Flood Risk Assessment and Drainage Strategy prepared by Hexa Consulting Engineers, Ref: 600152, Dated 21st March 2023, Revision V06 and "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.

7. Surface Water Management During Construction

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

8. Surface Water Drainage System Verification Report

Prior to the first occupation of the development, a verification report carried out by a qualified 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).

9. Foul Drainage Details

No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 6.7 (six point seven) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works that would service that building.

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems shall extend to the points of discharge to be agreed.

10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

11. Ground Contamination

a. Before the commencement of the development hereby approved:

Works identified in the Remediation Strategy submitted with the application Report ref KE/GCB/JRH/47129-003 shall be undertaken in accordance with the scheme in that report. The Remediation 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.

The developer shall give at least 14 days-notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

b. No dwellings hereby approved shall be occupied until:

i) The approved remediation works required by a. above have been carried out in full in compliance with the approved methodology and best practice.

ii) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended relative to that area 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. The suspect material shall be re-evaluated through the process described in the Phase I contaminated land assessment (desk-study) submitted with the application and through the process described in a. above and,

iii) Upon completion of the remediation works required by a. 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 standard, together with the necessary waste management documentation shall be included.

12. The development hereby permitted shall be carried out in accordance with the Habitat Management and Monitoring Plan (Rev C – FPCR – September 2024), received on the 28 November 2024 in respect of 24/00446/DISCON. There shall be no variation to the approved details unless otherwise formally agreed by the Local Planning Authority.

13. The development hereby permitted shall be carried out in accordance with the Species Enhancement Plan (Ref: 9990/PRA – FPCR – 21 November 2024) received on the 28 November 2024 in respect of 24/00446/DISCON. There shall be no variation to the approved details unless otherwise formally agreed by the Local Planning Authority.

14. Lighting

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority 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.

15. Street Trees

Street trees shall be provided and maintained in accordance with a scheme to be submitted to and approved in writing by the local planning authority. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details must be provided of what management systems are to be included, this includes root protections, watering and ongoing management responsibilities and contact details.

16. No building shall be occupied until full details of both hard and soft landscape works including a programme for implementation have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved.

17. 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 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.

18. Noise Mitigation

Prior to the first occupation of plots 1-4, 161, 44-46, 135-141 and 96-102 of the dwellings hereby approved a scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority in respect of these plots. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. Unless agreed with the local planning authority the scheme shall be designed to achieve the following criteria with the ventilation operating:

Bedrooms	30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs)
Living/Bedrooms	35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
All Other Habitable Rooms	40 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
All Habitable Rooms	45 dB LAmax to occur no more than 6 times per night (2300 hrs - 0700 hrs)
Any outdoor amenity areas	55 dB LAeq (1 hour) (0700 hrs - 2300 hrs)

The scheme as approved shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority prior to occupation of the relevant plots. The approved scheme shall be implemented in full and retained thereafter.

19. Highway Safety

Before the proposed Shuttlewood Road junction can be used during the construction phase of development, Shuttlewood Road shall be realigned, and the new junction shall be provided in accordance with drawing 600152 HEX XX XX DR TP 0106 Rev P04.

20. No dwelling shall be occupied until the access, parking and turning facilities for that individual dwelling have been provided as shown on drawing TP-0111-P07.

21. The Development, which shall first be submitted and approved in writing by the Local Planning Authority, shall not be occupied until the highway improvements works comprising:

- Works A as shown on drawing DR-0105-P03.
- Works B as shown on drawing DR-0106-P04.

Relative to that phase have been constructed and completed.

22. 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.

23. The Development hereby approved shall not be brought into use until an updated Travel Plan has been submitted to and approved in writing by the Local Planning Authority that promotes sustainable forms of travel to/from the development site. The submitted details shall use Modeshift STARS Business (or an alternative that has been agreed by the LPA) to carry out this process and shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored, and reviewed in accordance with the approved details.

24. 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 demolition/construction period. The plan/statement shall include but not be restricted to:

- o 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);
- o Advisory routes for construction traffic.
- o Any temporary access to the site.

- o Locations for loading/unloading and storage of plant, waste and construction materials.
- o Method of preventing mud being carried onto the highway.
- o Arrangements for turning vehicles.
- o Arrangements to receive abnormal loads or unusually large vehicles.
- o Highway Condition survey.
- o Working hours/days for noise generating activities.
- o Methods of dust suppression during demolition and construction.
- o Methods to prevent damage from surface water run-off during construction.
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- o Complaint recording and contact details of persons responsible for implementing the Construction Management Plan.

25. Prior to the occupation of any dwelling a detailed play space scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented before any more than 75% of market dwellings have been occupied. The scheme shall include: -

- a. Access - all paths leading to the play area shall be tarmac and at least 1.5m wide with a gradient of no steeper than 1:12 (ideally 1:20).
- b. There shall be at least 5 pieces of equipment suitable for children up to the age of 12 years, which should be predominantly metal in construction.
- c. The play area shall be fenced with 2 self-closing gates to restrict access by dogs, with sufficient benches and bins (including dog bins) within the play area and surrounding open space.
- d. The play area must be located such that it benefits from informal surveillance from nearby dwellings and / or pathways, with an adequate buffer zone of at least 20m to the nearest dwelling.
- e. Planting should be arranged so that it allows open views into and out of the play area.

26. Notwithstanding the submitted planting/landscape drawings, where the existing hedgerow fronting Oxcroft Lane is to be removed at, and to the south of the proposed access point, it shall be replaced in the first available planting season, behind the proposed footway by a native mix hedgerow planted in a double staggered row at 30 cm centres. Thereafter it shall be retained and maintained.

27. Prior to any construction of the dwellings above foundation level, details or samples of all external building materials must be submitted for approval and implemented as approved.

28. No development shall commence until details of finished floor levels and ground levels throughout the site have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reasons for Conditions

1. For the avoidance of doubt having regard to the amended and additional drawings submitted during the application in order to define the planning permission.

2. To ensure that birds are adequately protected during development. In the interests of

biodiversity and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.

3. To ensure that protected species and other conservation interests are adequately protected during development. In the interests of biodiversity and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.

4. To ensure that interests of an archaeological nature are fully investigated and reported where necessary. In the interest of archaeological conservation and in compliance with policies SS1, SC2, SC3, and SC18 of the adopted Local Plan.

5. To ensure that site stability is given full consideration, and to mitigate where necessary. In the interests of site stability and in compliance with policies SS1, SC2 and SC14 of the adopted Local Plan.

6. To ensure that adequate drainage systems are implemented. In the interests of sustainable drainage and in compliance with policies SS1, SC2 and SC13 of the adopted Local Plan.

7. To ensure that surface water is adequately drained during construction. In the interests of sustainable drainage and in compliance with policies SS1, SC2 and SC13 of the adopted Local Plan.

8. To ensure that the approved drainage systems have been implemented. In the interests of sustainable drainage and in compliance with policies SS1, SC2 and SC16 of the adopted Local Plan.

9. To ensure that foul water is adequately drained from the site. In the interests of sustainable drainage and in compliance with policies SS1, SC2 and SC13 of the adopted Local Plan.

10. To ensure that foul water is adequately drained from the site. In the interests of sustainable drainage and in compliance with policies SS1, SC2 and SC13 of the adopted Local Plan.

11. To ensure that the site is free from contamination and any sources are adequately mitigated. In compliance with policies SS1, SC2 and SC14 of the adopted Local Plan.

12. In the interests of providing national biodiversity net gain requirements, and the enhancement / creation of other nature conservation interests. In compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.

13. In the interests of biodiversity net gain, and the enhancement / creation of other nature conservation interests. In compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.

14. To ensure that bats and other nocturnal species are not adversely affected by artificial light. In the interests of biodiversity and in compliance with policies SS1, SC2 and SC9 of the adopted Local Plan.

15. To provide a positive impact on the visual amenity of the street scene and to provide biodiversity enhancements. In compliance with policies SS1, SC2, SC3, SC9 and SC10 of the adopted Local Plan.
16. To ensure that the development is provided with sufficient landscaping. In the interests of biodiversity and visual amenity and in compliance with policies SS1, SC3 and SC3 of the adopted Local Plan.
17. To ensure that any landscaping which fails is replaced. In the interests of biodiversity and visual amenity and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.
18. To ensure that residents of affected properties are provided with adequate sound insulation. In the interests of residential amenity and in compliance with policies SC1, SC2, SC3 and SC11 of the adopted Local Plan.
19. To ensure that the development is provided with a safe and sustainable highway network. In the interest of highway safety and in compliance with policies SS1, SC2, SC3 and ITCR10 of the adopted Local Plan.
20. To ensure that the development is provided with a safe and sustainable highway network. In the interest of highway safety and in compliance with policies SS1, SC2, SC3, ITCR10 and ITCR11 of the adopted Local Plan.
21. To ensure that the development is provided with a safe and sustainable highway network. In the interest of highway safety and in compliance with policies SS1, SC2, SC3 and ITCR10 of the adopted Local Plan.
22. To incorporate measures and actions which provide alternative, sustainable travel modes. In the interests of sustainable travel and wellbeing, and in compliance with policies SS1, SC2, and ITCR10 of the adopted Local Plan.
23. To incorporate measures and actions which provide alternative, sustainable travel modes. In the interests of sustainable travel and wellbeing, and in compliance with policies SS1, SC2, and ITCR10 of the adopted Local Plan.
24. To ensure that provision is made within the site to park, store, and mitigate for offsite damage arising from construction vehicles during development. In the interests of residential amenity and highway safety, and in compliance with policies SS1, SC2, SC3, SC11 and ITCR10 of the adopted Local Plan.
25. To ensure that the development is served with a suitable play space. In the interests of recreation provision and residential amenity and in compliance with policies SS1, SC2, SC3 and ITCR5 of the adopted Local Plan.
26. In the interests of biodiversity and visual amenity. In compliance with policies SS1, SC3, SC9 and SC10 of the adopted Local Plan.
27. To ensure a satisfactory external appearance of the completed development. In the

interests of visual amenity and in compliance with policies SS1 and SC3 of the adopted Local Plan.

28. To ensure that the development takes the form as envisaged by the Local Planning Authority. In the interests of visual and residential amenity and in compliance with policies SS1, SC2 and SC3 of the adopted Local Plan.

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.