

PARISH

Old Bolsover

APPLICATION

Approval of Reserved Matters application for details of appearance, landscaping, layout and scale in relation to the development of 238 homes, open space and associated infrastructure, along with discharge of conditions 6 (Phasing Programme), 8 (Framework Travel Plan), 11 (Highway Surface Water Disposal), 15 (Maintenance/Management of public areas), 16 (hedgerow retention/creation) and 19 (Noise Assessment) in respect of the areas of the site included in this application.

LOCATION

Land between Welbeck Road and Oxcroft Lane, Bolsover

APPLICANT

Persimmon Homes & Strata Homes

APPLICATION NO.

19/00005/REM

FILE NO.

CASE OFFICER

Mr Peter Sawdon

DATE RECEIVED

4th January 2019

SUMMARY

This application was originally reported to the Planning Committee in September 2019. It was originally referred by the case officer in consultation with Planning Manager and Chair of Planning Committee due to the site's strategic importance. The item is being brought back to committee to re-consider in the light of material amendments to that scheme that have been received.

In summary, the application is recommended for approval of reserved matters consent. The reserved matters are considered to accord with the parameters of the original outline planning permission and the submitted amendments are considered to have addressed the earlier resolution of the Planning Committee.

SITE LOCATION PLAN



SITE & SURROUNDINGS

The application site comprises approximately 10ha of agricultural land to the eastern portion of the approved 'Bolsover North' strategic housing expansion site. This part of that strategic site is located to the north east side of Bolsover and is to the east of Elmton Lane and to the north west of Welbeck Road/Marlpit Lane; that site extends to approximately 38.96 hectares in size. Outline planning permission for residential and associated development of this land was granted in October 2017.

The boundaries of the site are predominantly formed by mature native hedgerows that separate and form the areas network of fields. The majority of the north eastern boundary of this proposal does not follow an existing field boundary and is therefore open to the immediate field network to the north, with the exception of the eastern corner where the site is bounded by a dwelling fronting onto Marlpit Lane. To the west, the site mainly extends up to Elmton Lane, which is a bridleway to the north-west; the site extends slightly to the north west of Elmton Lane to include the location for the SuDS drainage pond that will have to be provided for the development in this early phase of the scheme.

The site lies immediately adjacent to existing residential development to the south in the form of detached properties along Welbeck Road. Further detached dwellings are located to the south of Welbeck Road where that highway becomes Marlpit Lane Bolsover Hospital is also located, beyond which are further fields.

The site is within the settlement envelope and forms part of the Bolsover North Strategic Housing Allocation contained in the adopted Local Plan for Bolsover District.

BACKGROUND

Members may recall that it was resolved to grant Reserved Matters approval for this application at its meeting on the 25th September 2019. The resolution was: -

1. Application 19/00005/REM be approved subject to:
 - (i) agreement to retain the hedgerow at the rear of plots 81-83 on the south west boundary of the site, and the provision of the electric vehicle charging points on every dwelling, which would be subject of appropriate conditions; and
 - (ii) Satisfactory resolution of the outstanding issues including landscaping, design alterations and alterations to the travel plan document; and
2. That the resolution of these issues (at (i) and (ii) above), and the determination of any other conditions be delegated to the Head of Planning, following consultation with the Chair and Vice Chair of Planning Committee.

Despite negotiations on the outstanding matters having concluded, it came to light that an increase in surface water attenuation was needed before a decision was issued. This followed further detailed design work on drainage, which demonstrated a need for a larger attenuation pond to be located, in part, at the north side of this site. This required a re-plan of the layout and design, including a small increase in the size of the application site area to its north eastern edge, which was submitted as an amendment to this application in late May/early June 2020.

As the revised proposal is materially different to that reported to Planning Committee in September 2019, the scheme has been re-publicised and is being reported again to enable these revised details to be considered by the Committee.

The proposed development would include the formation of the first section of the new spine road that will eventually connect to Longlands and which would become the main route for traffic travelling into Bolsover town centre from the north, effectively by-passing Welbeck Road. This would provide the vehicular access to the site off Marlpit Lane to the east as established by the outline planning permission. This first phase spine road will extend as far as Elmton Lane, but will eventually cross over that lane to provide access to future phases of the development. The spine road is proposed to be a tree lined avenue in accordance with the design concepts established at the outline planning application stage and is proposed to incorporate a path of sufficient width to accommodate both pedestrians and cyclists on its southern side.

A green landscaped belt is proposed along the western boundary. A similar belt was initially proposed along the northern boundary, but the latest revisions now provide for a SuDS pond along the majority of the northern boundary, that would combine with landscaping and informal footpaths to form an open amenity space. The western belt is proposed to provide a buffer to Elmton Lane as part of a green corridor through the site alongside that existing footpath/bridleway route.

The 238 dwellings would be built in development parcels off a new highway network. It is proposed that this would comprise 2, 2.5 and 3 storey dwellings.

The submitted Design and Access Statement indicates that dwellings would be built around four character areas:



- EAST VILLAGE
- THE GREEN - slightly lower density than the East Village. Areas of open space are included in the layout.
- ELMTON LANE CORRIDOR - comprised by larger plots of a lower scale and density. Areas of open space are included in the layout.
- COUNTRYSIDE EDGE - Two of the plots in Phase 1a are part of the Countryside Edge character area which is defined by larger, detached, 2 storey plots. The two plots proposed here (Roseberry house type) adhere to these characteristics and provide a smooth transition from Phase 1a into the further Phase 5.

AMENDMENTS

14/05/19:

- Revised Layout Plan ref. P18-2638.001 (Now superseded)
- Revised Design and Access Statement ref. P18-2638.001E (now superseded)

23/05/19

- Revised Layout Plan ref. P18-2638.001A (now superseded)

29/05/19

- The Greyfriars Village house type plan Rev. S (Now superseded)

19/06/19

- The Greyfriars Village house type plan ref. TGDP/MP-L/GRE

08/08/19

- Ref. P18-2638.002A ref. Materials plan ref. P18-2638.001E

19/08/19

- Revised design and access statement Ref. P18-2638.010G // AUGUST
- Landscape masterplan Ref. P18-2638.009C
- Planning layout Ref. P18-2638.001E
- Revised description to withdraw request to discharge conditions 14, 21, 22 and 23

11/09/19

- 2 e-mails with responses to question regarding hedge removal and response to Highway Authority consultation (including following documents)
- Ref. 6667_005-09 Road & Sewer Sections Phase1 - Highway drainage
- Ref. 6667_022-03 S38 Agreement Plan - Combined

12/09/19

- 6667_034-01-02 Plan showing Vehicle Tracking Phase 1 – Persimmon

16/09/19

- Revised phasing programme

24/09/20

- Withdrawal of condition 19 from the application and artists impressions and CGI images of proposed appearance of the development.

10/12/19

- Revised Planning Layout ref. P18-2638.001G

- Details of canopies to Persimmon dwellings

13/12/19

- Revised Landscape Masterplan ref. P18-2638.009E

11/02/20

- Souter Sutton Feature Walkthrough housetype ref. SU-PL-01 (PLOT 115)
- Revised Landscape Masterplan ref. P18-2638.009J
- Revised Boundary Treatments Plan ref. P18-2638.004E
- Revised Planning Layout ref. P18-2638.001J

27/02/20

- Revised Landscape Masterplan ref. P18-2638.009K
- Revised Boundary Treatments Plan ref. P18-2638.004G
- Revised Planning Layout ref. P18-2638.001K

23/04/20

- Revised Landscape Masterplan ref. P18-2638.009M
- Revised Boundary Treatments Plan ref. P18-2638.004J
- Revised Planning Layout ref. P18-2638.001K

29/05/20:

- Notification of material revisions to application with illustrative layout (details to follow)

03/06/20

- Revised Design and Access Statement;
- Revised location plan ref: BO-PL-01 Rev A;
- Revised planning layout Phase 1A ref: BO-PL-02 Rev A;
- Revised illustrative layout ref: 2386 05 A;
- Revised phasing plan ref: BO-PL-06 Rev A;
- Revised landscape masterplan ref: 2386 01 A;
- Detention basin no.1 phase 1 ref: 6667-016-02;
- Detention basin no.2 future development ref: 6667-016-02;
- Manhole schedule phase 1 – FWS ref: 6667-007-02C;
- Manhole schedule phase 1 – SWS ref: 6667-016-01B;
- Main Road & Sewer Plan Phase 1 ref: 6667-004-01J;
- Multiple road & sewer sections plan refs: 6667-004-02G; 6667-004-03G; 6667-004-04D; 6667-005-01C; 6667-005-02C; 6667-005-03C; 6667-005-04C; 6667-005-05C; 6667-005-06C; 6667-005-07C; 6667-005-08C; 6667-005-09C; 6667-005-10C; 6667-005-11C; and 6667-005-01D;
- Revised Strata house and garage types refs: MY 03-V1-4 (1182) & MY 10-V1-4 (1468); MY 03-V1-4 (1182) & MY 10-V1-4 (1468); MY 04-V10-4 (BOLOGNA) rev A (Two plans showing brick and stone variants); MY 04-V11-4 (CATANIA) rev B (Two plans showing brick and stone variants); MY 13-V1-4 (OPORTO) (Two plans showing brick and stone variants); MY 01-V3-4 (ROSAS); MY 09-V1-4 (VENICE); MY-SG2 (Single Garage); and Ref: MY-DG1 (Double Garage);
- Revised Persimmon house types refs: 638-PL-01 – Alnwick; 761-PL-01 – Hanbury; 870-PL-01 – Rufford; 951-PL-01 & 951-PL-02 – Souter; 987-PL-01 & 987-PL-02 – Sutton; 969-PL-01 & 969-PL-02 - Hatfield; 969-PL-03 & 969-PL-04 - Hatfield Corner; 999-PL-01 & 999-PL-02 – Clayton Corner; 1096-PL-01 and 1096-PL-02 -

Roseberry; 1187-PL-01 & 1187-PL-02 – Leicester; 1068-PL-01 - Greyfriars; 1222-PL-01 & 1222-PL-02 Chedworth; 1275-PL-01 & 1275-PL-02 - Winster; SGD-G-PL-01 – Garages;

- Persimmon Charter plan Ref: BO-PL-07 Rev A; and
- Strata Boundary Treatments Refs: SD10.EX.17; SD10.EX.21; SD10.EX.50 Rev. A; SD10.EX.50; SD10.EX.155; SD10.EX.07;

23/06/2020

- Revised Landscape Masterplan Ref. 2386 01 B

17/09/2020

- Revised Materials Plan (Strata) Ref. BY00062-MAP REV B
- Amended Charter Plan (Persimmon) Ref. BO-PL-07 REV.B
- Amended Planning Layout Phase 1a Ref. BO-PL-02 REV B
- Amended Site Layout Plan - Strata Parcel Ref. 18-CL5-SEGB-BO-01 REV D
- Revised Persimmon house types refs: 638-PL-01 – Alnwick; 761-PL-01 – Hanbury; 870-PL-01 – Rufford; 951-PL-01 & 951-PL-02 – Souter; 987-PL-01 & 987-PL-02 – Sutton; 969-PL-01 & 969-PL-02 - Hatfield; 969-PL-03 & 969-PL-04 - Hatfield Corner; 999-PL-01 & 999-PL-02 – Clayton Corner; 1096-PL-01 and 1096-PL-02 - Roseberry; 1187-PL-01 & 1187-PL-02 – Leicester; 1068-PL-01 - Greyfriars; 1222-PL-01, 1222-PL-02, 1222-PL-03 & 1222-PL-04 Chedworth; 1275-PL-01 & 1275-PL-02 - Winster; SGD-G-PL-01 – Garages;

19/10/2020 – clarification provided regarding the extent of considerations by this application in respect of details previously required by conditions 8 (Framework Travel Plan), 11 (Highway Surface Water) and 23 (Surface Water Drainage) of the outline planning permission ref. 14/00080/OUTMAJ.

21/10/2020 – Updated noise report to deal with enlarged application site area.

HISTORY

14/00080/OUTEA	Granted Conditionally 25.10.2017	Outline planning application (with all matters except access reserved for later consideration) for residential development in the region of 950 dwellings, provision of an extra care facility (approx 70 units) and an Infant School together with vehicular access points from Marlpit Lane, Oxcroft Lane and Longlands (with associated demolition of dwellings on Longlands and Welbeck Road), cycle and pedestrian access, associated car parking spaces and open space provision. The S106 Planning Obligation associated with that permission is close to completion but was not finalised at the time of preparing this report; in this respect development cannot commence on site until it is complete.
19/00647/DISCON	Current application not yet determined	Discharge of Conditions 11 (Highway Surface Water), 21 (Drainage Plans), 22 (Sewerage System) and 23 (Drainage Details) of planning permission 14/00080/OUTEA
19/00707/DISCON	Partially discharged	Discharge of Conditions 10 (Refuse Bin Storage Provision - On Strata parcel only), 12 (Future Maintenance & maintenance of the proposed streets - on Strata parcel only), 14B (Written Scheme of

Archaeological Investigation - for Phase 1A area only),
18 (Construction Management & Mitigation Plan - on
Strata parcel only) and 20 (Remediation - on Phase 1A
area only) of planning permission 14/00080/OUTEA

CONSULTATIONS

Archaeologist – 07/02/19

Comments made regarding the initial discharge of condition request for condition 14 of the outline planning permission (advising against the discharge of the condition), which has now been withdrawn from this planning application.

Derbyshire County Council (Flood Risk Management) 18/04/19, 07/05/19, 30/06/20

If this application is for a discharge of conditions then the LLFA will need additional information submitting. Details of if there will be a need for additional material to be added to the detention basin to reduce potential of scouring but also considerations for potential sediment accumulation are required, along with how the detention basin is to be landscaping and maintained.

Derbyshire County Council (Highways) – 1/3/19, 28/08/19, 12/09/19, 23/09/19; 24/09/19, 27/01/20, 21/02/20 and 26/06/20

The general (revised) site layout is generally acceptable subject to resolution of some detailed design points. This includes the need for additional information regarding conditions 8 (Framework Travel Plan) and 11 (Highway Surface Water Disposal).

Derbyshire Wildlife Trust – 10/09/19, 04/03/20, 15/07/20

No documentation as to how public areas will be managed and maintained in respect of condition 15 of the outline permission. The revised plans are drawing up in line with the hedgerow plan as required by condition 16 of the outline permission and previous advice regarding hedgerow replacement, retention and gapping up is included. The new attenuation basin offers an opportunity to incorporate additional biodiversity benefits through the provision of wild flower grassland, tree and shrub planting and wetland creation and details of planting / seeding mixes will need submitting for later approval. Hedgerow protection will be needed.

Environmental Protection Officer – 06/09/19, 07/08/20

Initially commented that based on the revised layout, recommend the inclusion of a condition to mitigate the predicted noise levels indicated in the submitted noise assessment. Unclear whether the revisions are significant in terms of the potential impact from existing sound sources; it would be useful for the acoustic assessment to be updated based on the current layout to clearly identify the properties potentially affected.

Force Designing Out Crime Officer – 18/02/19, 28/05/19, 09/09/19, 18/06/20, 24/09/20

No objections in principle subject to minor revisions to improve crime prevention measures

Leisure – 22/02/19, 09/09/19, 04/08/20, 09/10/20

Note inclusion of amendments to respond to a number of issues raised in the initial consultation. Welcome the areas of green space proposed and commitment to provide biodiversity improvements. Note requirements of outline planning permission such that no specific play provision needed in this phase, but proposed trim trail acceptable nevertheless, subject to maintenance in line with other areas of open space on this phase (it is stated that all areas of landscaping proposed within Phase 1 of the development which are not conveyed to specific residential dwellings will be maintained in perpetuity by

a Management Company). Should the developer seek adoption by the Council, commuted sums would be required to cover maintenance costs. Note S106 already makes adequate provision for built and outdoor sports facilities. Comments regarding the adequacy of paths and that appropriate cycle and pedestrian links should be provided, especially onto Elmton Lane.

Ramblers Association – 11/02/19

After comparison of the site plan with the council mapping portal it appears that Bolsover footpaths 31 and 33 and Bolsover BW 60 will not be adversely affected by the proposed changes to the site usage. Providing that this remains the case we would have no objections to offer. We would request that both Bolsover footpaths 31 and 33 and Bolsover Bridleway 60, (Elmton Lane), remain open and unobstructed during execution of any changes proposed. Careful thought should also be given to protection of the surface of Bolsover Bridleway 60 to ensure that this is not damaged by site traffic.

Urban Designer – 07/06/19, 09 & 12/09/19, 23/12/19, 30/04/20, 12/09/19, 23/12/19, 30/04/20, 10/08/20, 12/10/20

The amended scheme now largely reflects previous design discussions, but some detailed elements, mainly in respect of the northers sections of the site remain unresolved.

Yorkshire Water – 25/02/19, 20/5/19, 10/07/20

No objections based on additional submitted details made following the initial submission; notes highway surface water will be diverted away from the public sewer that will free up capacity for foul sewage to drain from the site to the public sewer network. No objections or further comments have been raised to the latest amendments

PUBLICITY

Initial publicity was carried out by means of a press advert, site notice and 14 neighbour letters. Representations were received from the occupants of 7 nearby dwellings.

Publicity was repeated following the receipt of the amended details and resulted in the receipt of 2 further letters.

The letter of representation raise the following issues: -

Principle

- Do not agree with building on prime agricultural land or green space that has not been previously built on; reasons are largely environmental.
- I know you will just go ahead with the plans anyway as targets and money beats what taxpayers have to say.
- This application should be declined with prioritisation given to the Bolsover Hospital site, which has recently been acquired by Homes England for development as this is not a greenfield site. Along with the recent developments on Oxcroft Lane and Mooracre Lane, a further development at Bolsover Hospital would provide more than enough housing to meet the current quotas for Bolsover Town.
- Would ask that no allotments are lost during the development in line with public health reasoning. E.g. physical health promotion and emotional wellbeing.

Highway Safety

- Traffic from this and the development of the former hospital to produce a massive increase in road traffic directly onto Welbeck Road. Existing parking along Welbeck Road and outside the school at key times leads to traffic chaos. Will lead to jams,

- more chaos and possible serious accidents.
- The road narrows along Welbeck Road to the east to such an extent that cars cannot pass. The number of vehicles travelling in this direction to/from Rotherham Road will significantly increase. The junction at Rotherham Road is also a safety concern for increased volumes of traffic and could potentially lead to a fatal collision.
 - Welbeck Rd / Marlpit Lane is a 60mph zone that narrows to a single lane for a 90 metre stretch then it exits on to Rotherham Rd which is blind to traffic coming from the R.H. Side. When these two problems cause a bottle neck drivers will use Horsehead Lane as a rat run, this in turn will cause problems with parked cars outside the C of E school putting children at risk.
 - Would like to see Marlpit lane become a minor road, for access only as it is presently being abused by speeding motorists. This is from horsehead lane to the Bolsover hospital site.
 - All footpaths along these roads are also poor, narrow in places, poorly lit and none existent in places. At busy times and on bin day you have to walk in the road, at your peril.
Speed of the road is also a major concern.
 - Traffic calming needs looking at between Horsehead Lane and Welbeck Gardens, speeds of 40 - 50mph plus when you have children walking to school! The extra fumes from all these cars past the properties that are very close to the road and also the school surely is detrimental to health.
 - Bolsover Market Place is not able to handle the amount of traffic at present, particularly around the Bus Stops with there only being one pull in bus stop on the Market Place side causing congestion from both sets of traffic lights and all the way through past Hill Top junction.
 - Further consideration needs to be given to the number of plant vehicles that would require access to the site if the development was to proceed, which would create a significant safety risk to residents in this area.

Infrastructure

- There will be a large increase in children. Where are the children going to be educated as the present schools are up to capacity? Would it be better to have the school built first?
- The building of houses before the construction of a school to accommodate the vast amount of children that will live in the first phase is not the best way forward in a up and coming town like Bolsover.
- Want the council to make sure that they did NOT permit ABOVE the minimum that the government are suggesting for each constituency, of affordable housing and that any development would need to adequately address the infrastructure for the people living in the houses before it goes ahead, in terms of leisure facilities, schools and roads.
- The Town itself is not geared up for all these properties. There is nothing to do for the youth, who end up making trouble in the town at night and with no police presence, they are having a field day! In the 5 months I have been living here have seen the deterioration. Broken glass everywhere, rubbish and vomit. Something not to be proud of. I thought Bolsover was a nice place to live.
- This development, along with other current and planned developments in Bolsover town will put strain on all services including doctors' surgeries. There are also no adequate leisure facilities in Bolsover town meaning travel to alternative locations at Clowne, Staveley and Chesterfield.

Design/Amenity impacts

- I object to the design of the site and in particular plan to build 2.5 storey homes, mainly plots 88-94, so close to an existing residential boundary. These houses are not in character and keeping with existing 2 storey properties being situated along Welbeck Road. The proximity to the boundary and roof windows in the proposed development is an intrusion of privacy.
- Landscaping – I object to the plans on the basis that the green areas should be included against all existing boundaries, particularly where there are existing residential properties classed as a sensitive edge. Plots 88-94 should be replaced by a green area with trees to mirror the ones along Elmton Lane and The Green where the proposed junction to Welbeck Road and Marlpit Lane is situated. This would reduce the impact of the development on the existing properties with trees that will grow to a suitable height to hide the site from view of existing properties and gardens.

Biodiversity

- Leave the hedge rows to the extremities of the estate intact. Covenants should specify the retention of hedgerows by occupants.
- Humans are destroying our hedgerows and cutting down our trees needlessly. As a result ... climate change and the decrease of native birds and wildlife are occurring at accelerated rates. At a micro level, Bolsover District Council could do something positive by NOT contributing to this further, by NOT developing green spaces. If the land were to be built on I would prefer it if the current hedgerows remained with additional hedgerows planted in between new properties, to allow wildlife such as hedgehogs and birds to dwell. It would also be a positive idea for a significant amount of native trees to be planted within the development to avoid flooding and also to provide a source of pollution control whereby the trees absorb co2 and pollutants, and to avoid risk to life.
- Want the developers to observe as many environmentally friendly products as they can as we are aware that the use of products such as cements is not environmentally friendly. The cost to our environment in using such products is too high given that global warming is hastening. Bolsover District Council Planners need to put this in place in their planning stipulations to the developers so that they are in part not contributing to the decline of our world. BDC have a responsibility here of significant proportions. We all have to do our bit and BDC need to listen to what is being said at a global level.
- If the houses were to be built I would like them to have green features such as solar panels, geo thermal heating or other even heating and electrical sources, and reflect the architectural character of Bolsover market town.
- There is a private access lane with access to Elmton Lane between the rear gardens of some dwellings fronting Welbeck Road and the application site with a hedgerow on the development side of that lane. It looks like this is proposed to be removed and replaced with a fence. This should be kept to create a small wildlife corridor to compliment the one that is already on the plans. A fence can be erected on the field side of the hedge leaving a haven for birds.
- Request native trees are planted individually and as small woodland area.

Other

- If the hedge on the private access lane accessed from to Elmton Lane between the rear gardens of some dwellings fronting Welbeck Road and the application site is removed, to protect privacy and prevent lane becoming a thoroughfare from the planned estate could a brick wall/pillars and wooden panels be constructed, not just

a wooden fence which could be ripped down or even a permanent barrier not something that can be removed leading to vandalism or fly tipping on our lane. Who will maintain this barrier?

- Queries about the adequacy of publicity and the usability of the website.

POLICY

Local Plan for Bolsover District (“the adopted Local Plan”)

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

- SS1: Sustainable Development
- SS4: Strategic Site Allocation – Bolsover North
- LC3: Type and Mix of Housing
- 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)
- SC12: Air Quality
- SC13: Water Quality
- ITCR5: Green Space and Play Provision
- ITCR10: Supporting Sustainable Transport Patterns
- ITCR11: Parking Provision

National Planning Policy Framework

Paragraphs 7-10: Achieving sustainable development

Paragraphs 47-48: Determining applications

Paragraphs 54-57: Planning conditions and obligations

Paragraphs 91, 92 and 94: Promoting healthy and safe communities

Paragraphs 96 and 98: Open space and recreation

Paragraphs 108-111: Promoting sustainable transport

Paragraph 118: Making effective use of land

Paragraphs 124-128: Achieving well-designed places

Paragraph 153: Meeting the challenge of climate change

Paragraph 165: Sustainable Drainage Systems

Paragraphs 170 and 175: Conserving and enhancing the natural environment

Paragraphs 178-181: Ground conditions and pollution

Other (specify)

The Historic Environment Supplementary Planning Document (2006)

Planning (Listed Buildings and Conservation Areas) Act 1990 – section 72

A statutory duty that requires that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.”

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

ASSESSMENT

Principle of development

The principle of the re-development of this site is established by the previous grant of outline planning permission that included details of the main access into the site and the terms of a S106 Planning Obligation that has already agreed infrastructure contributions. The site also forms part of a Strategic Allocation as defined policy SS4 of the adopted Local Plan for Bolsover.

On this basis, the considerations relating to this proposal are restricted to the reserved matters insofar as they relate to means of access (other than the main site access that was approved with the outline planning permission), layout, scale, appearance, landscaping, ecology and highway safety.

A number of representations raise issues of principle that are already established and as such cannot be re-considered in the determination of this planning application. The issues of principle raised that cannot be considered therefore include:

- The development of a greenfield site;
- Impact of the development on the highway network and improvements to that network as a result;
- Infrastructure impacts, including schools, affordable housing, police, doctors' surgeries and leisure facilities;
- Any additional impacts from subsequently approved and possible future housing schemes (such schemes should take into account this development as a committed scheme in any assessments undertaken).

Layout and Design

Conditions 4 and 5 of the outline planning permission required: -

4. The submission of the reserved matters applications shall be broadly in accordance with the details shown in the revised Design and Access Statement dated February 2016 and the revised Illustrative Masterplan HG0750/MP-01 Rev.F dated 21/01/2016.

5. No later than concurrently with the submission of the first reserved matters within any phase a supplementary Design and Access Statement for that phase shall be submitted to the local planning authority for approval in writing. The supplementary Design and Access Statement shall seek to establish the design approach to inform any reserved matters proposals for that phase and should be compatible with the Design and Access Statement dated 14th February 2014 as supplemented and amended by the Design and Access Statement Addendum dated February 2016. Any subsequent reserved matters applications within that phase shall comply with the approved supplementary Design and Access Statement for that phase.

In respect of condition 4, it is considered that the reserved matters as submitted accords with the broad indications of the layout and distribution of dwellings indicated in the originally approved Design and Access Statement, as required by that condition.

A Design and Access Statement was submitted with the original planning application and a revised document has been submitted with the revisions, which is in accordance with the requirements of condition 5. Whilst these documents have been generally acceptable, there have been shortcomings in them and ideally further improvements to the latest

document would have been sought (had it been prepared in advance of detailed drawings as is the preferred approach), but given the process of detailed design negotiation has continued and has resulting in improvements in any event, and that outstanding detailed improvements can be controlled by conditions (see further discussion below), it is considered that further amendment of the DAS at this stage would not serve any beneficial purpose. On this basis it is considered that condition 5 of the outline planning permission can be accepted as having been satisfied in respect of this phase of the development.

The applicants have engaged in pre-application discussion and have continued and still continue, to positively amend the layout and design to address concerns raised through the consideration of the application. This has included amendments to house types, location of new dwellings (to ensure compliance with separation requirements) and enhancements to general distribution of dwellings and other details, including boundary treatments and other detailing, to help improve its appearance and relationship to existing neighbours. In line with the previous resolution of the Planning Committee in respect of this application, a commitment to electric car charging points is provided for that will be the subject of a condition in the event that planning permission is granted, as well as an agreement to keep the hedgerow at the rear of plots 81-83 of the southern 'Strata' half of the development.

The layout proposes to deliver key design features that were included in the originally approved Design and Access Statement, including the provision of an avenue of trees along the main highway route that will form the through route into Bolsover in later phases of the development, and the provision of an entrance feature ('The Green') at the main entrance into the site from Welbeck Road featuring a stone wall.

Although not included on the drawings available at the time of writing this report, the applicants have committed to the majority of a number of detailed design issues raised by the Force Design Out Crime Officer and the Council's Urban Design Officer. This is with the exception of three areas: -

- Connecting Private Drives – this had been requested to the front of plots 77-78 & 108-109 to improve permeability and encourage walking and cycling. This request has been declined as a footpath is to be provided to connect these areas (around the attenuation basin to the north), thus providing permeability on foot/cycle, such that providing a vehicle connection here wouldn't encourage walking/cycling.
- Turning head for the Pumping Station – We had sought a reduction in the size of the turning head adjacent to the proposed pumping station to diminish the incursion of this overall feature into the open corridor to the west. The applicants have indicated that this is not possible as the turning head has been designed to accommodate the requirements of the water company that would need access to this facility.
- Grading of the basin – changes to the shape and grading of this feature to create a more broad, shallow and naturalistic feature were requested, but the agent has reiterated their earlier comments that they do not consider they can do this as this would increase the amount of land needed and increase engineering costs, reducing the number of homes that could be built on the site and also increasing the engineering costs, thus risking the (financial) viability of the scheme.

In respect of the above details, whilst the above issues would improve the scheme further, it is acknowledged that the developers have agreed to the majority of the improvements sought and, in conversation with the Urban Design Officer, it is considered that the changes made are sufficient to make the scheme acceptable overall; this is subject to the

receipt of suitably amended drawings that to demonstrate the improvements that have been agreed to in principle. It should also be noted that the final detail for the drainage basins are not finalised at this point in any event, as these have to be subject to further submissions under conditions of the outline planning permission, although the amount of land available to deliver these is unlikely to be amended. Conditions to control both submitted and outstanding details and issues can be included and are considered necessary to ensure the design quality of the overall development.

In terms of neighbouring amenity, the layout generally accords with the Council's adopted guidelines for dwelling separation and space about dwellings. Whilst noting the concerns raised in representations about three storey dwellings being sited to the rear of existing properties fronting Welbeck Road, these dwellings are designed with the appearance of a 2 storey dwelling with rooms in the roof space. At 10m, the rear garden length of one of the proposed dwellings in this location falls short of the normally required 10.5m rear garden length, however, the new dwelling would be positioned at an angle to the two adjoining gardens, which themselves have large garden areas and it is not considered that this will result in significant harm that would make the scheme unacceptable in planning terms. Similarly, proposed garden lengths on three plots to the eastern corner of the site are under the normally required 10.5m garden length to the existing adjoining dwelling fronting Marlpit Lane on that side of the site; in this case the existing mature boundary treatments to that property and the large garden associated with it will ensure that a reasonable level of privacy and amenity will be maintained for its occupants.

Full levels details have not been submitted with the reserved matters and in order to ensure that these are reasonable and do not raise any issues for neighbours it is considered that a condition requiring such details to be provided is proposed.

Subject to the receipt of plans to confirm the agreed amendments and the inclusion of conditions to address the design issues discussed above, on balance it is considered that key objectives will be achieved to make the scheme acceptable and in general compliance with the parameters of the original outline planning permission and the Council's adopted Design Guide 'Successful Places'.

Comments regarding green features for the new dwellings raised in representation are noted, however there is currently no specific policy requiring what features should be provided and if these were to be required as a matter of principal, then this should have been included as a condition on the outline planning permission and there is not considered to be an overriding reason in planning terms to make any additional requirements of the developers in this respect.

Landscaping and Ecology

Conditions 15 and 16 of the original outline planning permission required the following: -

15 The Landscaping details submitted to accompany any reserved matters application for any phase or sub-phase of the development shall be accompanied by details for the proposed means of permanent management and maintenance for all public areas (anything not proposed to be contained within the curtilage of an individual property, i.e. the grounds of any dwelling; education establishment; or extra care facility) at all times following completion of that phase or sub-phase of the development, including timescales for implementation. The agreed details shall be implemented in accordance with those details and maintained in the manner approved at all times thereafter.

16 Any reserved matters application for layout and landscaping shall provide for the retention and creation of hedgerows generally as identified on Hedgerow Plan HP-01 Revision A. Unless approval to vary the detail is approved as part of any reserved matters submission(s), the hedgerows to be retained on site (as defined on Drg No HG0750/HP-01 Rev. A) shall not be removed and shall be protected from damage during site preparation works and construction works by the erection of protective fencing set back at least 2m from the centreline of the hedge. There shall be no ground disturbance or storage of materials within the protected areas unless an exception is approved in writing by the Local Planning Authority.

In respect of the latest revisions, The Derbyshire Wildlife Trust has advised the following (these are summarised): -

- No documentation has been included that directly relates to Condition 15 - Maintenance/Management of public areas:
- Condition 16 – Hedgerow creation and retention:
 - The revised plans have been drawn up in line with the Hedgerow Plan that was approved as part of the Outline permission.
 - The addition of hedgerow along the northern boundary between the edge of the development and the new attenuation basin will help to mitigate for the loss of hedgerows within the development.
 - Design and Access statement has been suitably amended and that hedgerow replacement, retention and ‘gapping up’ of existing hedges is marked on the new Masterplan.
- The new attenuation basin offers an opportunity to incorporate additional biodiversity benefits through the provision of wild flower grassland, tree and shrub planting and wetland creation.
- Note that the Masterplan includes these elements and we advise the LPA to request details of planting / seeding mixes for further comments at a later stage.
- In relation to the provision and retention of hedgerows being shown on the reserved matters layout and masterplan, consider the condition has been met in line with the Hedgerow Plan HP-01 Revision A. Note that condition 16 requires the retained hedgerows to be protected during construction; it is important that this protection zone is incorporated into the working practices on site. It would make sense to include this as an action within the Construction Mitigation and Management Plan (Condition 18), and shown on working plans used by site contractors and the protective fencing will need to be in place prior to works starting that could damage hedgerows.

It can be seen from the comments above that the latest revisions have resolved the majority of issues that were outstanding at the time this matter was previously considered by the planning committee. This also includes a commitment to retain the hedgerow to the south western boundary, in line with the resolution of that previous committee meeting. A condition to control the final details of landscaping is proposed.

As highlighted in the Wildlife Trust’s comments above, full details of management and maintenance of public areas are not provided and on this basis condition 15 has not been satisfied and a condition requiring additional information is proposed for inclusion in the event that reserved matters consent is given.

A question is raised in representations regarding the erection of fencing and responsibility for maintenance of any hedgerows and fencing between existing and new properties.

Boundary treatments are recommended to be controlled by condition, but ownership and maintenance of any means of enclosure is a private property matter and this is not therefore a material planning consideration.

Highway Safety

The Highway Authority's consultation response to the latest revised drawings is still awaited at the time of the preparation of this report; their most recent comments do confirm that the general (revised) site layout is generally acceptable subject to resolution of some detailed design points.

Comment has also been made regarding the need for some highway surfacing features, as well as commuted payments for some features; whilst this principally relates to adoption and so is a matter between the Highway Authority and the developer, the developer has been encouraged to retain non-standard highway features as a way of enhancing the overall quality of the development. In terms of the provision of street trees, provision is to be made in the S106 Planning Obligation associated with the outline permission for the necessary monies to cover the commuted subs to the highway authority for these.

The Highway Authority has indicated that it is satisfied that the details in respect of condition 6 (phasing programme) are generally acceptable. It initially raised a query regarding the timing for strategic drainage provision, but the programme document was amended to respond to this issue and is now considered acceptable.

The Highway Authority has previously raised several comments in respect of the requirements of condition 8 (Framework Travel Plan) and further submissions in this respect will be needed and the applicants have asked that this be made subject to a condition on any consent that is considered reasonable.

Full details of highway surface water drainage have not been submitted for the revised layout, which is subject to condition 11 of the outline planning permission and the applicants have requested that a conditions be included to allow for the determination of this detail at a later date, which is considered appropriate.

The Highway Authority previously stated that it considered that condition 12 of the original outline planning permission, relating to the future management and maintenance of roads, is presently insufficient. Notwithstanding this comment, this detail is not a specific requirement for determination under this reserved matters application, such that an advisory note can be included reminding the developer of their obligations in respect of this condition.

Whilst there are outstanding issues still require resolution, it is not considered that any of these are critical to the overall layout and design of the scheme and it is likely that these will be resolvable prior to the final issue of any decision. An update on this issue will be provided to the Committee Meeting.

Changes have been included to incorporate provision for cyclists, with the provision of a formal cycle path on the main axis road, as well as a commitment to increase the width to 3.0m of connecting paths onto Elmton Lane to facilitate its use by both pedestrians and cyclists. The provision of these facilities and links should encourage access to Elmton Lane by cyclists for recreation and travel purposes and such connections are considered important to help improve the sustainability of the development as well as encourage health benefits from the recreational use of that path. Conditions requiring their final

details and provision are recommended for inclusion in the event that consent is granted.

The Ramblers Association has noted that the public footpaths in the vicinity of the site will not be adversely affected by the proposal, but request that the paths remain open, unobstructed and undamaged during the development. Given the fact that the bridleway runs immediately alongside this first phase of the development, and is partly crossed at a small section of it in respect of the incorporation of the SuDS pond to the west, it is considered that an advisory note relating to the obligations of the developer not to obstruct or damage that footway should be included.

Flood Risk and drainage.

Relevant consultees have commented on the submitted planning application and in principle raise no objections to the detail, but have sought additional detailed information before the relevant conditions could be discharged.

As the discharge of conditions 21, 22 and 23 has been withdrawn from the planning application, an advisory note drawing the developers' attention to the comments of the consultees is proposed to advise them of those comments to help inform their future discharge of conditions applications that will have to be made in due course.

Noise

Condition 19 of the outline planning permission required the following: -

Any application for approval of reserved matters for the areas shown as Phases 1A and 5 in the originally submitted Design and Access Statement by Spawforths dated 14th February 2014 (in the vicinity of Farnsworth Farm to the east) shall include an assessment of an existing noise profile between the development site and neighbouring properties, for both airborne and impact sound. A report detailing this, and any recommended upgrading of the noise insulation for any new dwellings so as to prevent loss of amenity to the proposed residents from activities currently taking place in surrounding areas, shall be submitted to and approved by the Local Planning Authority. All such recommendations in the approved report shall be undertaken prior to first use of the affected dwellings identified in this submission.

A noise assessment was submitted with the original planning application. At the time of writing this report a revised assessment had just been received to deal with the enlarged application site, which incorporates dwellings closer to the originally identified noise source at Farnsworth Farm to the north east (off Marlpit Lane); the submission this report (even if not fully agreed) meets the first requirement of this condition.

Whilst the Environmental Protection Officer (EPO) has only just been re-consulted on the revised report, in respect of the originally submitted report, EPO noted that the assessment identified noise levels in parts of the development, both inside dwellings and in external amenity areas, which exceed normal guideline levels. From discussions with that officer, she was not satisfied that the proposed mitigation scheme satisfactorily demonstrated that suitable levels would be achieved with the suggestions it makes, but she was satisfied that the levels indicated and the nature of the development mean that these would be capable of mitigation by suitable glazing, acoustic fencing and mechanical ventilation, either individually or in combination.

From further discussions with the EPO prior to the receipt of the revised document, it is unlikely that the limited site extension will result in any significant change to her earlier comments regarding the original report. On this basis, conditions will likely be needed to

agree the final design and implementation of noise mitigation measures. Such a condition would be reasonable and necessary to ensure a reasonable level of amenity is achieved for occupants of the proposed new dwellings.

An update on this issue will be provided to the Committee Meeting.

CONCLUSION

The principle of development on this site is already established through the strategic Local Plan allocation and the previous grant of outline planning permission.

The submitted reserved matters are considered to accord with the parameters of the original outline planning permission and the Design and Access Statement approved by that permission.

The submitted amendments are considered to have addressed matters raised in the earlier resolution of the Planning Committee.

Whilst there are a few technical details that still need to be fully resolved, these are minor in nature and are not considered significant to reaching a resolution in respect of this proposal and it will be possible to include conditions on any consent issued to deal with these to make the development otherwise acceptable.

RECOMMENDATION

Grant subject to the following conditions that are provided below in draft form, the final wording to be agreed by the Planning Manager in consultation with the Chair and Vice Chair of Planning Committee: -

1. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents: -

- A DETAILED LIST OF PLANS WILL BE INCLUDED HERE TO REFLECT THE FINAL DETAILED DRAWING SUBMISSIONS.

[REASON: For the avoidance of doubt and having regard to the amended and additional documents submitted during the application in order to define the planning permission.]

2. The submitted hard and soft landscaping details submitted with the planning application, containing full details and specifications for all soft landscaping including replacement hedges, full details of all means of enclosure, highway and footpath surfacing and a detailed specification for the permanent management and maintenance for all public areas, are not hereby approved, and the requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA are not hereby discharged. Revised details must have been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA prior to the commencement of any development.

[REASON: To ensure that satisfactory landscaping is provided within a reasonable period and managed for the long term in the interests of visual amenity and biodiversity and in compliance with Policies SS1(h and i), SC2(d, h and i), SC3(a, b e, f and i). SC9 and SC10 of the Local Plan for Bolsover District.]

3. An electric vehicle recharging point shall be provided within the garage or on the exterior of each dwelling before the dwelling to which the recharging point relates is first occupied. All recharging points shall thereafter be retained. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps.

[REASON: To promote high standards of low carbon and energy efficient design, to improve air quality and in compliance with the requirements of Policy SS1(d), SC2(d) and SC3(k) of the Local Plan for Bolsover District.]

4. Notwithstanding the submitted details, revised details of all external walling and roofing materials shall have been submitted to and approved in writing for each dwelling prior to the construction of that dwelling above foundation level.

[REASON: To ensure a satisfactory standard of external appearance and in compliance with Policies SS1(h), SC1, SC2(g and i), and SC3(a, b and e) of the Local Plan for Bolsover District.]

5. Prior to any works commencing, except for the installation of any protective fencing for retained landscaping, archaeological works and site clearance works, details of the finished floor levels for all dwelling shall have been submitted to and approved in writing by the Local Planning Authority and the scheme as constructed shall fully accord with any approved details.

[REASON: To ensure a satisfactory standard of external appearance and amenity and in compliance with Policies SS1(h), SC1, SC2(h and i), and SC3(a, b, e and n) of the Local Plan for Bolsover District.]

6. All meter boxes should where practicable be located on elevations not fronting a highway and if located on such elevations, should be colour coded to tone in with the background material of each plot.

[REASON: [To ensure a satisfactory standard of external appearance and amenity and in compliance with Policy GEN2 of the Bolsover District Local Plan]

7. Prior to their installation, full details of the proposed Pumping Station and Electricity Sub-Stations must have been submitted to and approved in writing by the Local Planning Authority and the completed development must be carried out only in accordance with those approved details.

[REASON: To ensure a satisfactory standard of external appearance and amenity and in compliance with Policies SS1(h), SC1, SC2(g and i), and SC3(a, b and e) of the Local Plan for Bolsover District.]

8. Notwithstanding the submitted Noise Impact Assessment, prior to any development above foundation level, a revised scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority. The scheme shall be designed using the findings of the Noise Impact Assessment ref: NIA/8243/19/8190/v1/Marlpit Lane dated 8th January 2019 or an updated 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. 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 LAm_{ax} to occur no more than 6 times per hour (2300 hrs – 0700 hrs)
- Any outdoor amenity areas - 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs)

The approved scheme shall be implemented in full and retained thereafter.

9. Prior to occupation of each dwelling identified as requiring noise mitigation measures by any assessment approved under the terms of this condition, the scheme as approved must be validated in respect of that dwelling by a competent person and a validation report must have been submitted to and approved in writing by the local planning authority in respect of that dwelling.

[REASON: In the interests of the amenities of the occupants of the proposed dwellings and in compliance with the requirements of Policy GEN3 of the Bolsover District Local Plan.]

10. Prior to occupation of any dwelling on site, the access arrangements and modifications to Marlpit Lane/ Welbeck Road shall be provided as shown on drawing Ref. P18-2638.001L – Planning Layout.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

11. Prior to any works commencing, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works, a formal Section 38 Highways Adoption Agreement must be in place with the Local Highway Authority.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

12. The carriageways of the proposed estate roads shall be constructed in accordance with details approved under Condition 9 above up to and including at least road base level, prior to the occupation of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including binder course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

13. Internal estate street junctions shall be provided with 2.4m x 25m minimum visibility splays in each direction, measured to the nearside carriageway edge; the area in advance of the sightlines being laid out as an extended footway / margin, forming part of the estate street and not part of any adjoining plot or other third party land.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

14. The estate streets shall be provided with 15m forward visibility sightlines around the inside of bends in the street alignment, as laid out in the County Council's Delivering streets and Places design guide; the area in advance of the sightlines being laid out as an extended footway, forming part of the estate street and not part of any adjoining plot or other third party land.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

15. Individual driveways shall be provided with 2.4m x 25m visibility splays in each direction to the new estate street, or other such dimension as may be agreed with the Local Planning Authority, measured to the nearside carriageway channel level; the area in advance of the sightlines remaining thereafter free from any obstructions to visibility over 1m high (600mm in the case of vegetation) relative to the nearside carriageway channel level.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

16. Where permanent turning arrangements for service and delivery vehicles have not been provided for a dwelling, that dwelling shall not be occupied unless and until a temporary turning facility, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority, has been provided. The temporary turning facilities shall be retained as approved at all times free from obstruction to its use for the turning of service and delivery vehicles until the permanent turning facility has been provided in accordance with the approved plans.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

17. No dwelling shall be occupied until space has been provided within the site curtilage / plot for the parking of residents and visitors vehicles associated with that dwelling, all to be laid out in accordance with the approved drawings and constructed as may be agreed in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use, for the parking of motor vehicles at all times.

[REASON: In the interests of highway safety and in accordance with the requirements of Policies SC3(e) and ITCR11 of the Local Plan for Bolsover District.]

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

[REASON: In the interests of highway safety and in accordance with the requirements of Policies SC3(e) and ITCR11 of the Local Plan for Bolsover District.]

19. No gates or other barriers, including any part of their opening arc, shall be permitted to open out over public highway areas. Gates should open inwards only or should be set back an appropriate distance within the site to accommodate opening.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

20. The proposed property access drives shall be no steeper than 1 in 10 for the first 6m from the nearside highway boundary and shall be provided with sufficient vertical curvature to prevent the grounding of vehicles when traversing to and from the highway.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

21. Prior to any works commencing, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works details shall be submitted to and approved in writing by the Local

Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access concerned and retained as such thereafter.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

22. The submitted Framework Travel Plan is not hereby approved and the requirements of condition 8 of outline planning permission ref. 14/00080/OUTEA is not hereby discharged. A Revised Framework Travel Plan must have been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA prior to any works commencing, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

23. The submitted highway surface water drainage scheme is not hereby approved and the requirements of condition 11 of the outline planning permission ref. 14/00080/OUTEA is not hereby discharged. Revised highway surface water drainage details must have been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of conditions 11 of outline planning permission ref.

14/00080/OUTEA prior to any works commencing, except for the installation of any protective fencing for retained landscaping, site clearance works, remediation works and archaeological investigation works.

[REASON: In the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the Local Plan for Bolsover District.]

Statement of Decision Process

1. In compliance with the National Planning Policy Framework the Council has negotiated amendments, including partial withdrawal of elements of the original submission, and sought additional submissions in respect of site layout, highway safety, archaeology, flood risk, ecology, ground and noise in order to seek compliance with the outline planning permission, policies of the adopted Local Plan for Bolsover and the NPPF.

Notes

Attention is drawn to the attached notes in addition to any below:

1. It is confirmed that this grant of reserved matters permission includes approval of the following detail of outline planning permission ref, 14/00080/OUTEA.
 - Condition 6 – revised site phasing programme submitted 16th September 2019, with accompanying revised phasing plan submitted on 3rd June 2020.

Whilst additional details were submitted in respect of conditions 8 (Framework Travel Plan), 11 (Highway Surface Water Disposal), 15 (Maintenance/Management of public areas); 16 (hedgerow retention/creation), and 19 (Noise Assessment), these details have not been fully discharged by this consent and are subject to additional conditions in this reserved matters consent above.

2. The applicant is reminded that in withdrawing the request to formally discharge conditions 14, 21, 22 and 23 of the outline planning permission ref. 14/00080/OUTEA, there remains a need to submit further discharge of conditions applications that require approval prior to the commencement of any development on site, in addition to any other requirements of conditions of that planning permission, this reserved matters approval and the associated S106 planning obligation. In respect of condition 23, whilst the submitted drawings show the location of the proposed attenuation ponds, the details for those ponds are not approved by this consent; this is as their final design will require formal submission and approval under the terms of this condition.
3. In respect of the necessary future discharge of conditions application in respect of conditions 14, 19, 21, 22 and 23 of the outline planning permission ref. 14/00080/OUTEA, the applicant is advised to review the consultation responses of the Archaeologist, Derbyshire County Council (Flood Risk Management), the Environmental Protection Officer and Yorkshire Water, which can be viewed on the Council's website at www.bolsover.gov.uk.
4. In respect of condition 2 any revised landscaping details will need to positively respond to the advice contained in the consultation responses of the Derbyshire Wildlife Trust dated 10th September 2019 and the Urban Design Officer dated 9th September 2019, which can be found on the Council's website at www.bolsover.gov.uk. Additional details demonstrating the management and maintenance of landscaping will be needed, to include a plan to clearly delineate all areas to be subject to formal management and maintenance included in that scheme. Where fencing is demonstrated to be necessary adjacent to retained hedgerows, this should be of an open design to allow access by wildlife and sunlight penetration to the hedge, and should provide sufficient openings at its base for hedgehogs. Where side garden boundaries run alongside proposed highways, these should be treated with solid boundary walls. Details of tree pits should be provided.
5. In respect of condition 8, the access arrangements relate to those as approved by the outline planning application as shown on drawing Ref.10020-GA-04 Rev H. The access arrangements will remain in place until the spine road is completed as shown on Drawing Ref. 10020-GA-04 Rev H.
6. The developer is reminded that the development of this site must also comply with any requirements of outline planning permission ref. 14/00080/OUTEA and the associated S106 Planning Obligation. Please note in this regard that the highway authority do not consider that sufficient information has been submitted to date to satisfy the requirement of condition 12 of that permission.
7. Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. It is an offence to ill-treat any animal; to kill, injure, sell or take protected species (with certain exceptions); or intentionally to damage, destroy or obstruct their places of shelter. It is thus an offence to take, damage or destroy a wild birds nest whilst in use or being built. No removal of hedgerows, trees, shrubs, brambles or nests should take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and measures to protect the nesting bird interest on the site have been put in place. Bats enjoy additional protection. It is an offence to kill, injure or disturb bats found without first notifying

English Nature. Some other animals are protected under their own legislation (e.g. the Protection of Badgers Act 1992).

8. The developer is reminded of the need to ensure that public footpaths adjacent to the site should remain open and unobstructed during the development of the site. Additionally it is requested that care is taken to protect the surface of Bolsover Bridleway 60 (Elmton Lane) to ensure that this is not damaged by site traffic.

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.