

PARISH Old Bolsover

APPLICATION Residential development of approximately 250 dwellings including details of access (renewal of planning permission 10/00568/OUTMAJ)
LOCATION Land Adjoining North Side of Blind Lane Bolsover
APPLICANT Paul Burton, Hallam Land Management, Banner Cross Hall, Sheffield
APPLICATION NO. 16/00463/OUT
CASE OFFICER Peter Sawdon / Chris Fridlington
DATE RECEIVED 23rd September 2016

SITE

The site is located on the north-western edge of Bolsover comprising several large adjoining fields running west-east between Woodhouse Lane and paddocks separating the eastern edge of the site from Shuttlewood Road. The site has a gradual and then steep increase in gradient from west to east, which means the application site is quite a prominent landscape feature in views towards Bolsover from public vantage points to the south and south west of the town. In addition, the site also affords numerous fine views back towards Bolsover Castle, which provides an impressive and distinctive backdrop to the site.

Blind Lane runs alongside the southern site boundary and this sunken lane has a rural character and although it is currently somewhat neglected, there is attractive stone walling and stream following much of its length. Blind Lane currently separates the site from the existing Castle Estate to the south. Mature hedgerows and a woodland belt alongside the northern boundary of the site are also important visual and ecological components of the site and its setting.

PROPOSAL

The current application seeks outline planning permission for residential development of approximately 250 dwellings with all matters, except access, reserved for future approval. In effect, this application is a resubmission of 10/00568/OUTMAJ, which was granted outline planning permission in January 2012. In this respect, the identical Sketch Master Plan Layout approved in 2012 has been submitted with the current application and the current application seeks to 'renew' the 2012 permission for these proposals.

The submitted Sketch Masterplan Layout (shown on the following page) indicates that the site would have houses grouped by 'character areas' in terms of their design and the houses would be connected by a series of looped estate roads. Vehicular access to the site would be off Woodhouse Lane, which would be widened to allow provision of right turn harbourage. A field in the north eastern corner of the site is shown as open space with wild flower meadow, small car park, and a viewpoint that would take advantage of the views towards Bolsover Castle. The provision of a children's play area (LEAP standard) is shown to the centre of site, and a balancing pond to be designed as a 'village' pond is shown at the lowest, western end of the site adjacent to Woodhouse Lane connected to an additional pond to the centre of site by a swale.



There would also be an emergency access point/footpath/cycleway in the south east corner of the site to give access to Blind Lane/Cundy Road and the Masterplan (above) indicates existing footpath links into the Castle Estate would be improved (to the recreation ground, to bus stops on Houfton Road, to the local shops and public house) and onto Hill Top (using an existing definitive footpath route).

Documents submitted in support of the application include:

- Supporting Planning Statement;
- Design and Access Statement;
- Archaeological Desk Based Assessment;
- Engineering, Environmental Risk and Ground Conditions Studies;
- Flood Risk Assessment;
- Ecological Appraisal;
- Geotechnical Appraisal;
- Arboricultural Survey;
- Landscape Appraisal;
- Transport Assessment;
- Transport Plan; and
- Heritage Appraisal;

AMENDMENTS

A unilateral undertaking has now been submitted that contains the same obligations made in the legal agreement attached to the existing outline planning permission for the development proposed in the current application. These obligations include an offer of a commuted sum of £1,557,430 in total that would be made up of the following contributions:

- Affordable housing contribution of £1,025,000;
- Sports/recreation £191,250;
- Education £179,618;
- Health £81,562;
- Play space (Improvements to Houghton Road Recreation Ground);and
- £80,000 towards maintenance of on-site leisure facilities (management company or 10 years maintenance).

HISTORY

The planning history for the site is summarised below:

09/00175/OUTMAJ - Residential Development including localised road widening for site access. Application refused 12/05/2010.

10/00568/OUTMAJ - Residential development of approximately 250 dwellings including details of access (resubmission of planning application 09/00175/OUTMAJ). Approved with conditions 13/01/2012.

14/00577/OTHER - Variation of S106 Planning Obligation to remove the requirement to make a contribution to affordable housing. Approved 09/03/16.

16/00555/REM - Approval of reserved matters for erection of 100 dwellings pending determination. A second reserved matters application for a further 100 houses was pending validation at the time of the report.

16/00556/VAR - Removal of condition 13 (Highways Improvements) of planning permission 10/00568/OUTMAJ.

CONSULTATIONS

Bolsover District Council ('BDC') Engineers - The developer must ensure any temporary drainage arrangements during construction and permanent SUDS give due consideration to the prevention of surface water runoff onto Blind Lane and neighbouring properties.

BDC (Housing Strategy) - The applicant states that the scheme cannot support an affordable housing requirement. If this is verified to be correct, it is suggested that a mechanism is put in place to reassess the viability as the scheme progresses; as it is likely to be built out over a number of years this would give the opportunity to reconsider in the light of any market changes.

BDC (Leisure Services) -

- Request provision of an LEAP standard play area within the development (as proposed) suitable for 0 to 12 year olds;
- Request provision of a commuted sum (exact amount to be agreed) to be invested in expanding teenage provision and upgrading the existing junior / toddler play provision on Houfton Road Recreation Ground, particularly as it is proposed to upgrade the existing link to the recreation ground.
- Request a commuted sum of £227,500 (250 dwellings x £910 per dwelling) in respect of built and outdoor sports facilities
- Request a commuted sum for maintenance for a period of 10 / 15 years following completion of the development for any land adopted by the district council (exact amount to be agreed depending on nature of facility etc)
- Concerns re: connectivity of the site and routes being cycle friendly but the provision of an agreed contribution towards the implementation of a new cycle link along the A632 westbound (Transport Plan, section 5.4.5, p. 20) connecting Station Road to Markham Vale is also welcomed; and
- Request a contribution of 1% of the total development costs to Public Art.

Bolsover Town Council – Support the application

Coal Authority – No objections subject to a condition requiring prior to the commencement of development:

- The undertaking of a scheme of intrusive site investigations within the area of the thick coal outcrop located at the north-western end of the site;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval if necessary; and
- Implementation of those remedial works if necessary.

Conservation Officer – Concludes that a detailed design code and masterplan should be conditioned as part of any full application.

County Archaeologist - recommends that a conditioned scheme of archaeological work take place, involving a phase of geophysical survey and trial trenching before reserved matters, and a further scheme of mitigation (if required) before commencement of development.

Crime Prevention Officer – Suggests opportunities should be taken to extinguish the existing footpath and divert along the improved route onto the Iron Cliff Road cul-de-sac, with a raised route and Blind Lane passing under.

Derbyshire County Council ('DCC') (Economy, Transport and Communities) - Request the following contributions:

- £239,379.21 for 21 infant places at Bolsover Infant and Nursery School Via Project B:

Provision of additional teaching spaces;

- £330,571.29 for 29 infant places at Bolsover C of E Junior School via Project B: Classroom extension; and
- £652,694.46 for 38 secondary places at The Bolsover School via Project C: Additional teaching capacity.

DCC (Flood Team) – No objections subject to various pre-commencement conditions.

DCC (Highways) - subject to the conditions recommended in the Highways' letter dated 15 February 2010 which were included in the consent for the previous application on the site, there are no objections to the proposal from the highway point of view.

Derbyshire Wildlife Trust – object in absence of adequate survey work in respects of Great Crested Newts, it is not clear whether this response has been made taking into account the survey work attached to the parallel application for discharge of conditions

Eastwoods - The documentation submitted under the current application does not appear to provide any new information relating to ground stability matters and our comments therefore remain the same as per the previous application.

Environment Agency – refer to local lead flood authority (i.e. DCC Flood Team)

Environmental Health - potential for contamination to be present and although an initial site investigation was submitted with the previous application, this will need updating. This report also identified that further investigation was required

Highways England – No objection

Historic England – Require the Council to refer to in-house specialist (i.e. the Council's Conservation Officer) and do not wish to comment further on the current application.

NHS (Clinical Commissioning Group) - £95,100 financial contribution requested - This is the cost of providing additional accommodation for 625 patients.

Urban Designer - No objection on urban design grounds subject to condition and advisory note.

Yorkshire Water – No objections subject to conditions

PUBLICITY

The current application was advertised in press, two site notices were posted and 62 neighbours were notified. Subsequently, eight letters objecting to the proposals were received: all eight were written by local residents who live close to the application site; three were from the same address.

The key issues raised in these objections included the potential for additional traffic movements to cause problems within the local area and along Iron Cliffe Road in particular; potential for noise and disturbance in a relatively quiet area of the town; potential loss of privacy at a property on Shuttlewood Road; and concerns about the impacts of the development on wildlife currently using the site.

One of these letters also expressed a strong view that existing houses that are currently boarded up should be brought back into use before permission is granted for new housing within the local area.

ASSESSMENT

Policy

The saved policies of the Bolsover District Local Plan (the 'adopted Local Plan') show the site as being outside the settlement framework. Therefore, when outline planning permission was granted for residential development on the application site in 2012, it was granted as an exception to the adopted Local Plan. Subsequently, the site has been allocated for housing in the emerging Local Plan, which is being prepared for publication following the public consultation that was undertaken in the latter part of 2016. In these terms, any approval of the current application would continue to be an exception to policies in the Council's adopted Local Plan but any approval would be consistent with the Council's longer term housing strategy as set out in policies in the emerging Local Plan.

Although the emerging Local Plan only carries limited weight prior to publication, examination in public and subsequent adoption, it is relevant and material to the determination of this application that the application site has been allocated for housing because this means that the site has been assessed at a strategic level and is considered by the Council to be a sustainable location for housing. This conclusion has been assisted by the ongoing remediation of the nearby Coalite site, which no longer poses a hazard to residential development on the application site. In these terms, the support for residential development on the application site in the emerging Local Plan is considered to outweigh the potential conflict with the adopted Local Plan arising from the location of the site outside of the current settlement framework.

However, it should be noted that the housing proposed in the current application does not form part of the five year housing supply identified in the emerging Local Plan but it would contribute to housing supply within the District over the next 25 years. Therefore, there are no overriding policy objections to an approval for the current application especially when taking into account policies in the emerging Local Plan are consistent with national planning policies in the National Planning Policy Framework ('the Framework') that aim to significantly boost the supply of housing across the country. Nonetheless, whilst the proposed development may be deemed to be acceptable 'in principle' any approval would still be subject to the proper consideration of all relevant planning considerations and the proposed development being found to be acceptable in planning terms.

Relevant Planning Considerations

In the first instance, the existing permission is a highly relevant and material consideration in its own right taking into account the current application now seeks to 'renew' this permission. In short, the existing permission establishes the acceptability of residential development on the application site and this application should only be refused if circumstances are materially different now compared to the situation in 2012 when permission was granted for 10/00568/OUTMAJ.

As noted immediately above, the policy position has changed in favour of residential development on this site since 2012 and taken together, the existing permission and the site allocation in the emerging Local Plan are highly relevant planning considerations that weigh heavily in favour of approving the current application. The applicant has also committed to making the same financial contributions to health, education, leisure and affordable housing that were secured in 2012. Therefore, if the application site remains the same as it did in 2012 and the proposed development would not have any greater impact on the local area than it would have done when the existing permission was granted in 2012 then it is highly likely planning permission should be granted for the current application.

In terms of the surrounding local area, it is notable that the proximity of the former Coalite site was previously a significant restraint on development of the site, which was addressed by a pre-commencement condition attached to the existing outline planning permission (10/00568/OUTMAJ). As also noted immediately above, the nearby Coalite site is now in remediation and therefore no longer a significant restraint on the development, this is a positive change in circumstances that makes development of the site more likely to happen now than at any time over the last five years and supports the 'renewal' of the existing permission.

Nonetheless, whilst the situation with the former Coalite site has changed significantly, there have been no other major changes to the site or its surroundings since 2012, which means that there are still a number of site specific constraints that make this particular site more costly to 'build out' than what might be described as a more typical 'greenfield site'. This is a further factor that has stalled the proposed development beyond the potential of hazardous substances on the former Coalite site alongside prevailing market conditions that have so far worked against this site being brought forward. In this context, the offer of maintaining the same level of contributions as were secured in 2012 is a substantial undertaking by the applicant taking into account the marginal commercial viability of the proposed scheme.

However, additional contributions are now being sought by Derbyshire County Council for education, the Clinical Commissioning Group for healthcare, and by the District Council's own Leisure Services, over and above those offered by the applicant in the submitted unilateral undertaking and those secured in 2012. As noted above, the viability of the proposed development is marginal already. Therefore, the additional contributions cannot be made without wholly compromising the deliverability of the proposed development.

Consequently, it is considered the key issue in the determination of this application is whether the scale of obligations requested in respect of the current application unacceptably threatens the viability of a proposed development that is otherwise supported in the emerging Local Plan and can be deemed to be acceptable in principle because of the existing permission, as set out above. However, this issue needs to be determined having first taken into account the

cost of development arising from the mitigation of site specific constraints that would be required to make the development acceptable in planning terms, as detailed below:

Ground Conditions

As noted previously in this report, the site has a gradual and then steep increase in gradient from west to east, which means the application site is a relatively prominent landscape feature in views towards Bolsover Castle. However, the topography of the site and the underlying geology pose particular difficulties in terms of the stability of the land and finding an appropriate engineering solution that would allow the site to be developed safely. The application site also has the potential to be affected by former mining works and potential for contamination to be present. Although these issues place a significant constraint on development, and have cost implications, these issues are not insurmountable taking into account that the key consultees have suggested pre-commencement conditions requiring further details to address these matters rather than recommend refusal.

Although the applicant has made some progress towards dealing with these matters (since 2012), the information submitted to date has not fully addressed the concerns raised by consultees on this application. Therefore, the Coal Authority, the Council's Environmental Protection Officer and Eastwoods (the Council's appointed consultee on land stability matters) have recommended almost identical conditions to those imposed on the existing outline permission because the issues remain the same as they did in 2010 when the earlier application was submitted.

In summary, making the site safe in terms of dealing with potential contamination and land stability are fundamental to the acceptability of the proposed development and these works must be carried out before any development is commenced on site. Therefore, the conditions suggested by the key consultees, as noted above, should be imposed on any permission for the current application and would ensure the proposals would comply with national policy in paragraphs 120 and 121 of the Framework and relevant policies in the Local Plan including policies GEN4 and GEN7, which define how the Council should address land stability and contaminated land issues to allow development to go ahead.

Flood Risk

In terms of flood risk, the site is not in a Flood Zone but the proposals are for major development and it is therefore necessary to consider how surface water run off would be dealt with. The sloping nature of the site also means it is important to consider how drainage will be dealt with not least to prevent any risk to properties at a lower level. The County Council's Flood Team, the District Council's Engineers and Yorkshire Water are satisfied these matters can be dealt with by pre-commencement conditions and this reflects the approach taken on the previous application.

The applicant has submitted some details with the recent discharge of conditions application but these details have not yet been agreed. Moreover, the design of any drainage system may also need to take into account any additional works on site required to maintain land stability, address any coal mining legacy issues and potential contamination before it can be fully agreed. In these respects, it is clear from policies GEN5 and GEN6 in the Local Plan

and national planning policies that resolving these issues are fundamental to the acceptability of the development and the nature of sustainable drainage systems means that their design must be agreed before development starts on site.

Consequently, imposing pre-commencement conditions on any permission for the current application similar to those imposed on the existing permission reserving approval of details of drainage are fully justified and are reasonable and necessary to make the proposed development acceptable in planning terms.

Highway Safety

The issue of traffic generation from the housing development has been raised in representations made by local residents, living close to the application site. However, the County Council, in its capacity as the Local Highway Authority, has not expressed any overriding concerns that the proposed development would have a severe impact on the local road network subject to several conditions that were also imposed on the existing outline permission. These suggested conditions require off-site works to modify a pinch point on Woodhouse Lane and create a right turn harbourage for access to the site.

In a parallel application, the applicant has sought to modify the requirement for these off-site works but the County Council has not yet commented on this application but has already – in part - addressed the arguments made by the applicant in this parallel application. Amongst other things, the County Council are not convinced by the submitted analysis of the impacts of traffic generated by the former Coalite site compared to the site being vacant whilst remediation takes place and the nature of traffic generation following re-development of the site.

It is therefore considered the conditions suggested on highway safety grounds remain reasonable and necessary to ensure the proposed development has a safe and suitable access and does not have a severe impact on the local road network as required by policies GEN1 and GEN2 of the adopted Local Plan and national planning policies set out in paragraph 32 of the Framework. Nonetheless, these conditions could be varied at a later date if the applicant is able to demonstrate that they are not required to make the proposed development acceptable in planning terms.

Heritage Assets

The location of the site and the scale of the proposed development mean that the proposals will have some impacts on the setting of Bolsover Castle and the designated Bolsover Conservation Area. The development would also affect the setting of a range of designated and non-designated heritage assets within the Conservation Area. However, the relationship between the site and the Conservation Area and Bolsover Castle, in terms of the intervening distances and how they would be seen together from public vantage points, means that it is highly unlikely that the proposed development would give rise to any substantial harm to the character and appearance of the Conservation Area or Bolsover Castle.

Therefore, there are no overriding objections to the proposals in terms of their potential impacts on the historic built environment. Nonetheless, the details of the design and layout of

the housing to be submitted with reserved matters will need to be carefully considered to ensure that the proposed development will reflect and respect the locally distinctive quality of its landscape setting. Consequently, a condition identical to that imposed on the existing permission setting out a detailed design framework remains reasonable and necessary. This type of condition would also ensure the completed development would follow guidance in the Council's supplementary planning document: *Successful Places*, which sets out appropriate standards for the siting, design and layout of residential development, and ensure the completed development meets the requirements for development to be of a high quality design as set out in policies GEN1 and GEN2 of the adopted Local Plan and national planning policies in the Framework..

Archaeology

In terms of archaeology, the County Archaeologist has noted that the site is highly likely to be of interest and a written scheme of investigation (WSI) needs to be agreed before development starts on site. The applicant has commissioned this work but further comments on this submission have not yet been received from the County Archaeologist. Therefore, taking into account national planning policy set out in paragraph 128 of the National Planning Policy Framework, it remains reasonable and necessary to impose a pre-commencement condition on any permission for this application requiring an archaeological assessment before development starts on site. This type of condition can be partially discharged and varied to require work to be carried out in accordance with the recommendations made in a WSI once they have been agreed with the County's Archaeologist.

Ecology

In the first instance, Derbyshire Wildlife Trust are now satisfied that adequate survey work has been completed in respects of Great Crested Newts. The submitted ecological appraisals and suggested mitigation measures do not suggest any other protected species or any wildlife interest of particular importance would be adversely affected by the proposed development despite concerns raised in representations. It is acknowledged in the submitted application that some trees will need to be removed to facilitate the development, mostly along Blind Lane, but it is also stated that the trees involved are not particularly good specimens and their loss would be offset by additional planting carried out as part of the development.

Therefore, subject to agreement of a landscaping and ecological management plan prior to the commencement of the development, the proposed development would not conflict with the objectives of safeguarding wildlife and promoting biodiversity as set out in paragraphs 117 and 118 of the Framework and policy ENV5 in the Local Plan. An appropriate landscaping scheme should also help to allow the proposed development to be accommodated more readily within its landscape setting and along with a carefully considered layout for the proposed housing, an appropriate landscape scheme should help to prevent any adverse impact on the residential amenities of the nearest neighbouring residential properties.

Neighbourliness

It is acknowledged that a number of local residents are concerned about the impact of the proposed scheme on their living conditions. Conditions requiring compliance with an agreed

Transport Plan should serve to mitigate the potential impact of increased traffic movements to and from the site noting that the County Council do not consider the new housing would give rise to a severe adverse impact on the local road network. Securing a construction phase management plan would also help to minimise the impact of the proposed development when the site was being developed. As mentioned above, securing an appropriate landscaping scheme and layout would also help minimise the impacts of the development on the residential amenities once the proposed development has been implemented and completed.

In all other respects, the intervening distances between the site and the nearest neighbouring properties and the opportunity to carefully consider the precise relationship between the new houses and existing houses at reserved matters stage means the proposed development could not be deemed to be unneighbourly at this stage. Furthermore, the potential impact of the proposed development on the residential amenities of nearby properties remains the same as it did in 2012 when permission was granted for an identical indicative scheme. Therefore, it is now difficult to consider that a refusal on amenity grounds could be warranted despite the understandable concerns expressed by local residents

Summary

In summary, subject to appropriate planning conditions, the site can be made safe for housing development, the proposed development can be provided with a safe and suitable access and traffic generated by the development would not have a severe adverse impact on the local road network. Subject to an appropriate design and layout being approved at reserved matters stage, the proposed development would not be unneighbourly and would not have an adverse impact on the setting of Bolsover Castle, the designated Bolsover Conservation Area or the setting of any other designated or non-designated heritage asset and. Appropriate planning conditions could be used to safeguard archaeological and ecological interest on site and secure an appropriate landscaping scheme.

Therefore, very similar planning conditions to those imposed on the existing permission granted in 2012 can be used to deal with site specific constraints that would otherwise stop the proposed development going ahead. However, these measures required to make the development acceptable in planning terms will add to the cost of the proposed development, which in turn affects the viability of the scheme and limits the financial contributions that can be offered. Nonetheless, the submitted unilateral undertaking offers contributions that are broadly in line with the relevant policies in the adopted Local Plan in respects of affordable housing and open space The unilateral undertaking also offers financial contributions towards health care and education broadly in line with the sums requested by Derbyshire County Council and the equivalent of the current Clinical Commission Group that were made in 2012.

However, the District Council's Leisure Services are now seeking a commuted sum of £227,500 in respect of buildings/outdoor leisure and 1% of total development costs towards public art; the applicant is offering £191,250 towards leisure facilities and nothing towards public art. The Clinical Commission Group are requesting £95,100 compared to the £81,562 offered by the applicant, and Derbyshire County Council are requesting £1,222,644.96 compared to £179,618 offered by the applicant. Notably, the 1% for public art was not secured when the existing permission was granted in 2012 and the gap between the requests made by the District Council's Leisure Services and the Clinical Commissioning Group is

significant but these particular shortfalls are not in themselves considered to be so substantial by officers that they would warrant refusing planning permission for the current application.

Therefore, the key issue in the determination of this application can be narrowed down to whether the scale of the obligations requested by the County Council in respect of education is reasonable or otherwise required to make the proposed development acceptable in planning terms.

Education Contribution

The County Council's calculations of the number of additional school places that would be required if the development were to go ahead has not changed since 2012 and the multiplier of cost per pupil has not changed either. The main difference between the level of contributions now requested compared to the sum requested in 2012 is down to a different evaluation of the capacity of the three schools in Bolsover. Previously, only 25 additional primary school places were required to be funded; 50 primary school places and 38 secondary school places are now required to be funded by the County Council. The difference appears to arise from a calculation based on existing permissions granted for housing in Bolsover that would take the three schools beyond their capacity.

However, the County Council do not specify which permissions are referred to and whether these developments have or have not offered contributions so it is difficult to determine whether the current request is reasonable given that it is acknowledged by the County Council that two primary schools and the secondary school in Bolsover are projected to be under capacity within the next five years if the other housing developments the County Council refers to were not to go ahead. In other words, it is not clear whether the requested contribution is required to mitigate the impact of the development in this application or whether the full contribution is even required at this stage.

The County Council have also not seemingly taken into account that reserved matters applications have now been received by the Council that would keep the existing permission 'alive'. This means that a developer could rely on the original permission to progress residential development on the site within the terms of the existing permission making the original contribution towards education as agreed in 2012 and now offered in the unilateral undertaking submitted to support this application. Furthermore, the current education request is not required by any development plan policy in the adopted Local Plan or by any specific policy in the National Planning Policy Framework.

Therefore, in the absence of a clear evidence base for the requested contribution and in view of the uncertain viability of the site and the need to enable development that is supported as a site allocation in the emerging Local Plan it is difficult to argue that the requested education contribution is reasonably related to the proposed development. Taking into account the same proposals have already been approved with a lesser contribution towards education, and the proposals are otherwise considered to be consistent with the adopted Local Plan and national planning policies subject to appropriate planning conditions in all other respects; it is not considered reasonable to prevent the proposed development being granted planning permission in the absence of the commuted sum now requested by the County Council.

Conclusions

It is therefore concluded that the current application can be recommended for approval subject to the planning conditions suggested in the earlier sections of this report and subject to acceptance of the submitted unilateral undertaking that offers the following contributions:

- Affordable housing contribution of £1,025,000;
- Sports/recreation £191,250;
- Education £179,618;
- Health £81,562;
- Play space (Improvements to Houghton Road Recreation Ground); and
- £80,000 towards maintenance of on-site leisure facilities (management company or 10 years maintenance).

It is acknowledged this recommendation means that there would be a shortfall of around £1,000,000 in respect of the contribution requested by the Country Council towards education and this may give rise to a potential 'conflict of interest' with regard to the acceptance of a commuted sum towards affordable housing in the District. However, the offer of a commuted sum towards affordable housing just over £1,000,000 is firmly supported by planning policies in the adopted Local Plan whereas the requested contribution for education is not. Furthermore, the proposed development has the benefit of an existing permission that means the request for the larger contribution towards education would not necessarily be secured in any event.

Consequently, it is considered that the planning balance is in favour of accepting the lesser education contribution and in all other respects, the adverse impacts of doing so are outweighed by the benefits of granting planning permission for the current application that would promote further opportunities to develop a site that is supported in the emerging Local Plan and encourage development to come forward that would achieve a wider range of public benefits that are less likely to be achieved if permission were to be refused.

Other Issues

Crime and Disorder: See comments of Crime Prevention Design Advisor.

Equalities: No specific issues raised

Access for Disabled: No specific issues raised

SSSI Impacts: n/a

Human Rights: No specific issues raised

RECOMMENDATION

The current application is recommended for APPROVAL subject to the completion of a Unilateral Undertaking made under s.106 of the Town and Country Planning Act 1990 containing the following obligations:

- **Affordable housing contribution of £1,025,000;**
- **Sports/recreation £191,250;**
- **Education £179,618;**

- Health £81,562;
- Play space (Improvements to Houghton Road Recreation Ground); and
- £80,000 towards maintenance of on-site leisure facilities (management company or 10 years maintenance);

And subject to the following conditions given in précis form to be formulated in full by the Planning Manager/ Assistant Director of Planning & Environmental Health:-

- **Submission of Reserved Matters within 5 years; development start within 5 years or 2 years of approval of last reserved matters.**
- **Follow recommendations of tree survey, retained trees as identified to be protected by fencing as detailed.**
- **Archaeological evaluation.**
- **Landscape and Ecology Management to be agreed and implemented.**
- **Construction Phase Management to be agreed and implemented.**
- **Contaminated land and mining legacy remediation work to be agreed and implemented.**
- **Sustainable surface water drainage scheme to be agreed and implemented.**
- **Foul water drainage scheme to be agreed and implemented.**
- **No development within 3m of existing public sewer.**
- **Engineering conditions (suggested by Eastwoods).**
- **Highway Conditions (suggested by Derbyshire County Council): including Woodhouse Lane/Buttermilk Lane junction improvement; details to be agreed and implementation of improvements to Woodhouse Lane pinch point, footway to frontage with Woodhouse Lane, and ‘refurbishment’ of Blind Lane.**
- **Implement Travel Plan,**
- **Urban design conditions to include the following:**
 - As part of any Reserved Matters submissions a Design Framework shall be submitted in writing to the local planning authority for approval. The design framework shall:**
 - (a) Be used to guide the development.**
 - (b) Be in conformity with other conditions attached to this planning permission;**
 - (c) Be generally in accordance with the approach detailed in the Design and Access Statement (November 2010) submitted with the application documents and the Sketch Masterplan Layout (Dwg. No.C9471.09.SK805 – Rev. D).**
 - (d) Be based upon an assessment of the architectural character and distinctiveness of Bolsover which should identify areas, buildings and details which exhibit positive qualities, recognise locally distinctive materials and boundary treatments, and should explain how this assessment is used to inform the design, character, appearance and scale of each character area.**
 - (e) Include guidance based on the assessment at (d) on the design of the development including layout, siting, massing, the design of buildings with typical details, materials and colours, boundary treatment and detailing of the public realm, landscaping and sustainable technologies as appropriate to each character area.**

- (f) Develop the landscape concept plan submitted as appendix 6 of the Design and Access Statement (November 2010) to ensure a softening of the development in views to the site and green corridors within the site, particularly with increased tree planting along the main spine roads and within the Upper Woodhouse character area.**
- (g) Include typical details of each street type to include typical plan and street sections, carriageway and pavement widths, proposed materials and details of hard and soft landscaping including kerb/edge details.**
- (h) Include details of the location and design of the SUDS to manage clean surface and roof water to include the design and location of any balancing ponds, swales or other features or structures that form part of the system including any associated landscape planting and the maintenance of the SUDS.**
- (i) Specify the Code for Sustainable Homes level which the homes on the development will achieve.**
- (j) Include details of all enhancements, with a timetable of provision, to Blind Lane and the associated footway connections to the Castle Estate to include proposed surface materials, kerb/edge treatments, measures for managing the existing stream, maintenance of the stone boundary walls, measures for the improvement of footpath connections to the Castle Estate, including any new structures required and proposals for the provision of street lighting. Proposals for the retention, management or removal of existing hedges and vegetation shall also be put forward. The enhancements must be sensitive to the rural character of Blind Lane.**