

PARISH Elmton With Creswell

APPLICATION Residential development of 197 dwellings with associated roads and works accessed from Model Village including green buffer open space to the south of the Model Village.

LOCATION Land South Of Model Village Creswell

APPLICANT Mr Matt Jackson Gleeson Developments Ltd, The Welbeck Estates Company Ltd, 5 Europa Court, Sheffield Business Park, Sheffield

APPLICATION NO. 16/00529/FUL **FILE NO.**

CASE OFFICER Mr Steve Phillipson

DATE RECEIVED 24th October 2016

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Assistant Director of Planning. REASON: Consideration of policy issues and impact on conservation area.

SITE

Approximately 6ha site occupies an area of largely open level ground situated to the south of Creswell Model Village. This is enclosed to the west by an elevated railway embankment which is now a footpath. To the north is the SW edge of the model village. East is the model village cricket/sports pitch. The SE of the site is situated on land formerly used for employment uses (and before that former colliery) although this area is now cleared of buildings. The area to the south remains open and was once a colliery playing pitch. A public footpath No 10 passes along the southern boundary of the site on a west - east alignment. There are capped mine shafts adjacent to the south east side of the site.

Part of the northern end of the site including the site of the former Yorke House (now demolished) is within the conservation area. The site is mostly unused/derelict land partly brownfield and partly greenfield being covered in scrubby vegetation and a few trees. It is subject to fly tipping from time to time. Part of the site - the former Yorke House and land adjoining is owned by the District Council.

PROPOSAL

The proposal seeks planning permission for 197 dwellings and associated works, comprising:

- 64 two bed units
- 118 three bed units
- 15 four bed units

128 of the dwellings are semi-detached and 69 are detached. The site measures 6 hectares in area and 197 dwellings would equate to a gross density of 32.8dph.

Vehicular access is to be gained from Elmton Road through the Model Village. An identified linear 'important open area' will be retained within the application site along the northern boundary adjacent to the Model Village. A second strong edge to the development will be created along the eastern boundary, where the site overlooks the adjacent cricket pitch.

The application is accompanied by the following reports:-

- Planning Statement

- Heritage Statement;
- Design and Access Statement;
- Flood Risk Assessment;
- Site Investigation Report incorporating coal mining information;
- Extended Phase 1 Habitat Survey Ecology Report;
- Transport Assessment;
- Sustainability Statement;
- Affordable Housing Statement.



The Applicant states that:-

Gleeson's homes are priced so that they can be afforded by 90% of local couples in full time

employment. A viability appraisal has been submitted with the application showing that it is not viable to provide affordable housing as part of the scheme.

The layout of the road network, particularly along the southern and south eastern boundaries, enables future expansion into adjacent land should further residential development be required in Creswell.

AMENDMENTS

14/11/16 Phase 2 site investigation report.

08/12/16 Response to the Councils query as to why Colliery Road is not being upgraded to use as a second access: The Applicant states that the reason why Colliery Road is not being upgraded is primarily down to cost. As you are aware it is a significant length of road which will need entirely relaying. This site is already marginal in terms of viability and that amount of additional 'dead' road is just not feasible. The extant permission on the site showed a single point of access which was approved and so the upgrading of Colliery Road at this stage we would argue is unnecessary.

20/12/16 Desk based archaeological report.

24/01/17 Response to Wildlife Trust Issues

25/01/17 Revised Coal Mining Risk Assessment

Concludes that there is no significant risk to the proposed development from the two shafts which are on or close to the site. If however, some development were proposed in the area closer to the shafts in the future, the risk from the shafts to that development should be reassessed.

13/02/17 Response to DCC Flood Risk. Additional info and plans provided. Includes 900sqm storage tank, controlled discharge sw discharge not exceeding 50l/s to STW combined sewer which is said to be a reduction of 30% compared with existing peak discharge rate.

23/02/17 Revisions including:-

Revised layout plan revision 16-200-01- B

Tracking detail

Highway revisions

Landscape proposals 2744/1 Rev B

Model Village Street Scenes and design/materials revisions

Economic Benefits Paper

The Applicant states that:-

The red line has been amended to the south east of the site – both mine shafts are now omitted from the application site.

We have altered the elevational treatment to the plots fronting the Model Village. These plots will now be built incorporating features of the houses opposite including;

Predominant red brick construction

Curved brick heads over windows

Imitation slate roofs (natural slate is far too expensive from a viability

stance and creates maintenance issues and costs for future occupants)

Cottage style windows and doors (uPVC windows to minimise future maintenance costs and preserve appearance for longer and steel doors for the same reasons plus security)

Feature gables on end plots

Build line has been formalised to present a standard stand-off distance to the Model Village and replicate its uniformity.

Formal landscaping has been introduced to the POS

knee rail fencing to separate the public and private areas

Bin collection points have been introduced

The junction priority outside plots 60/61 has been altered as requested

The footpath link outside plots 49-51 is proposed to be stoned and timber edged only in order to make it clear that a footpath link exists.

25/04/17 Revised Layout C (refuge removed)

25/04/17 Design amendments Model Village edge:-

1. Good quality red bricks
2. A good quality artificial slate
3. Contrasting red brick curved heads to ground floor on the front of the houses only unless the plot has a gable end to the front in which case any first floor window in the gable end will also have a curved head.
4. We won't have identical brick cills as the MV houses but we are happy to have a brick on edge detail to the front windows which will effectively look the same from a distance.
5. The use of timber windows in our opinion is unjustified on the basis that the windows to the MV houses are white painted and don't necessarily have the appearance of wooden windows. There is also the issue of future maintenance and appearance once the houses are occupied. We are therefore proposing a uPVC window design similar to the MV to the front windows only.
6. We are prepared to use barge boards to the gable end of the properties with gables on the frontage.
7. We are prepared to use cast effect guttering (front of plots only).
8. A uniform colour scheme for the barge board and RWG's is acceptable .
9. We are prepared to omit the canopies above the front doors.
10. Replacement of proposed knee rail fence with railings or picket fence not agreed.

HISTORY (if relevant)

97/00365/OUT: Outline permission for residential development and use of land for leisure/amenity purposes; approved subject to conditions February 1999.

02/00015/FUL: Variation of condition 2 of 97/00365/OUT to extend the time period for submission of reserved matters to five years; approved May 2002.

03/00572/VAR: Variation of condition 2 of 97/00365/OUT extending the period for the submission of reserved matters to seven years; approved subject to conditions December 2003.

04/00079/REMAJ: Application for approval of reserved matters for the erection of 163 dwellings refused 24.08.06 due to impact on the conservation area; the design of the houses fronting onto the Model Village being poor; the design principles of the proposed development

not referencing those of the adjacent Model Village; unacceptable layout within the development.

06/00085/VARMAJ: Variation of condition 2 of 97/00365/OUT extending the period of submission of reserved matters to nine years; approved subject to conditions. 29.05.06

07/00326/REMMAJ Approval of reserved matters for erection of 190 dwellings and construction of roads, open space, parking and associated development without retention of existing allotment: approved 2007.

08/00053/VARMAJ Proposed variation of condition 10a of outline planning permission (06/00085/VARMAJ) in respect of the provision of the proposed junction modification of the Model Village with Elmtun Road. Approved 2008.

08/00556/FUL Revised junction layout (crossroads to replace roundabouts) in the Model Village to serve new Housing Development (approved 06/00085/VARMAJ) approved 2008.

11/00346/VAR Extension of time for start of previously approved scheme 08/00556/FUL - revised junction layout.

15/00514/TCON Works to trees in conservation area including felling, crown lifting and trimming.

It should be noted that the planning permission granted to date included access through the Model Village with emergency access only via Colliery Road. The outline permission also included a conditional requirement for 5% of dwellings on site to be affordable and for a work of art. A S106 obligation was completed with the outline permission which required the contributions for leisure including the transfer of the cricket pitch land to public ownership on long term lease, a sum of money (£44,000) to cover the cost of its future maintenance and £10,000 towards a play area on the Model Village Green. These obligations have now been discharged.

CONSULTATIONS

Urban Design Officer

13/01/17 Revisions are recommended with regard to several issues including design and landscaping enhancements needed adjacent to the Model Village and improved design and layout within the development such as to key buildings, road priority, footpath links and surfacing, and clarification over use proposed for undefined areas of land within the site.

30/03/17 Comments on amended plans of 23/02/17:

The submitted amendments have only responded to some of the issues previously identified. In number of instances these are only partially addressed or have not been discussed at all. As such, the design issues are not yet considered to be fully resolved. It is therefore recommended that the applicant is requested to further review these matters and amend the scheme in order to positively address the outstanding concerns.

Outstanding issues include:-

Maintenance responsibilities for POS footpath link should be clarified.

Agrees with the Conservation Officer concerns re relationship with the Model Village. The proposed 'adaptations' remain a weak response to the setting of the Model Village.

Amendments to and more detail needed for the landscaping scheme including tree species within the POS – small leaved lime recommended (condition if needed).

Timber knee rail fence proposed to MV POS is inappropriate. Suggests metal railings but notes that the Conservation Officer has recommended the introduction of picket fencing to reflect that of the model village opposite. This could be introduced in lieu of the knee rails currently proposed.

Knee rails are also proposed to separate new footpath routes from private areas - they lack longevity and robustness and are unlikely to provide a sound distinction between public and private space in the longer term. A railing or picket style fence to reflect boundaries associated with the model village are recommended to a minimum height of 900mm.

More variation in corner turning house types is advised.

Key positions would benefit from slightly differentiated unit types, such as through the inclusion of greater height and/or contrasting materials.

Crime Prevention Design Advisor

21/11/16 Layout is accepted as proposed, with the reservation that there are a number of points on the site periphery where movement routes run out into open space without any indication of treatment to separate private from public areas.

As far as I can make out, excepting sketches for 1800mm high open boarded timber fencing and 600mm high post and rail fencing, there is no detail within the application of any other form of boundary treatment, nor any plans to show position.

All road hammerheads and private drives around the periphery of the site and adjacent to the southern footpath link need to be defined as semi private with clear and robust boundaries.

Post and rail fencing, if that is what's proposed will not be sustainable. I'd suggest some form of estate railing?

Hit and miss open boarded fencing I don't think is appropriate for privacy around gardens and again is less sustainable than close boarded.

I'd ask that these points are addressed and a comprehensive boundary treatment plan provided to support the application.

Where there are no formal routes, between plots 70 and 76 for example, the site boundary should be enclosed, and movement directed along formal planned routes.

Housing treatment is generally good.

There are a handful of plots types where a view of private side of plot in curtilage parking isn't provided within the house layout and treatment, where an additional side window could be added for this provision.

This would be for relevant type 303, 304, 309 and 314 plots.

It's acknowledged that the 314 is specifically designed to turn corners, but where drives are provided along rear elevations they are not in view.

06/03/17 Comments following re-consultation on the revised plans:

A knee rail would be a poor substitute for estate railings in respect of both definition and sustainability. I appreciate the Applicant's comments regarding viability, but value engineering should address the long term future of the development as well as short term construction costs.

Conservation Officer

27/01/17. The proposals as submitted are considered to not adequately preserve or enhance the special character and appearance of the Creswell Village and Model Village Conservation Area. Therefore, it is considered that the proposals do not meet the requirements of the

policies and statutory duties stated.

Whilst I would not necessarily disagree with a simple and undecorated modern design approach to this site, it is considered that the proposed house types are too stripped down and use the cheaper end of the available materials market. This is considered to be problematic, particularly when placed against the richer architectural Model Village background, resulting in a development that would be detrimental to the special character and appearance of the conservation area. There is no reference to the architectural style or materials of the Model Village houses in the Design Statement only references to the layout of the village.

To address these problems, it is considered firstly that the house types should be revisited to develop a higher quality house type that could be situated along the stretch by the Model Village. There should be reference to the Model Village houses with regard to materials, style and detailing.

The palette of materials fronting the Model Village should be revisited to include:

- brick walls,
- natural stone heads and cills or brick details (perhaps employing curved heads),
- slate or tiled (non-artificial) roofs,
- painted (seasoned and treated) softwood timber windows and doors (a more robust window option could be aluminium framed windows),
- metal gutters.

Thirdly, if the properties are to be grouped in pairs of semi-detached dwellings, it is considered that the pairs should be of the same house type. Where properties are proposed to stand alone, they should be of a design that will reflect their prominence.

The relatively recent improvements to the Model Village through the regeneration scheme using Heritage Lottery Fund money, the Creswell Townscape Heritage Initiative (Creswell THI), which secured considerable enhancements to the special character and appearance of the Model Village have transformed this part of the village. Therefore, for this site to not match these enhancements, given that it is adjacent to the Model Village, is of particular concern.

Therefore, in summary, it is considered that the proposed design and grouping of the house types requires revision to achieve the high quality development this site should be expected to deliver.

17/03/17 Comments on the amended plans:

The section of proposed housing which fronts the Model Village is my main concern and I feel it is still not of sufficient quality.

- Stronger references to the Model Village are required
- There should be a mixture of house types, not all semi detached, there should be blocks of terraced houses as in the model village
- No porches
- Picket fences not knee rails
- Barge boards , plain and substantial in depth
- A mixture of red toned bricks, buff bricks should not be used

DC Archaeologist

27/01/17 Comments following re-consulting on the heritage impact assessment submitted in support of this application:

The submitted document provides a good overview of the archaeological baseline, including map regression and the results of a site walkover. There seems to be little potential for pre-modern archaeology because of significant ground disturbance across the site, and no remaining evidence of the colliery/model village features including the manager's house (Yorke House) and the tramway routed across the proposal site (although the route of the tramway can be followed in the northern part of the site).

On the basis of this information I conclude that the site retains little or no archaeological potential, and I advise that the policies at NPPF chapter 12 do not justify further archaeological work on the site.

In terms of design and layout, however, there is potential for a sense of historic connection to be retained (in line with NPPF para 131) – preserving a sense of open space to the south of the Model Village (as per the Conservation Area Appraisal), and channelling views toward the Model Village from the south. The currently proposed site plan offers a rather generic layout which – although preserving a strip of open land at its northern edge – does not link well with the Model Village to the north. A more appropriate layout could be guided by consideration of the historic linkages of the Model Village to the south (the tramway and other routes), identifying and attempting to preserve key views towards the Village from the south by channelling views through the development and a more creative use of open spaces, and preserving the historic sense of connectivity associated with the site by aligning key axes of movement through the development.

County Highways

02/12/2016 Comments regarding the Travel Plan submitted.

In the event of a S106, DCC seeks a Travel Plan monitoring fee: £1,000 pa x 5 years, total £5,000. Also a Greenways contribution. A connecting Greenways route runs along the Western edge of the proposal site, which links Creswell to Shirebrook and Clowne.

07/12/2016 Queries several issues including:

Whether certain proposed roads are to be adopted if so design to 6C's standard with footways and service strips if not unacceptably long bin carry distances; bin collection points needed; bin collection points needed at entrance to shared drives; garages need to be min' 6x3m if parking space; turning head needed to Colliery Road; bend widening needs to be indicated in the carriageway fronting plot 7; 6m should be provided in front of driveways to aid manoeuvrability.

26/04/17 Subject to the inclusion of the following conditions in any consent given there are no objections from a highway point of view:

Formation of the new access

Provision of off-street parking space

Detail of site compound to be agreed

Provision of wheel cleaning facilities

All accesses to have pedestrian visibility splays

No gates within 5m of highway and to open inwards (*not considered reasonable on security grounds*).

Accordance with the Highway Authority Policy Document “6Cs Design Guide” (*not considered necessary*).

Accesses shall be no steeper than 1 in 20 for the first 5 metres

Approval of surface water drainage detail

Parish Council

Concern about the potential traffic if access is to be solely through the Model Village.

Consideration should be given to using Colliery Road as an additional access route.

Coal Authority

28/11/16 It is the view of The Coal Authority that the Phase 2 Geotechnical and Geo-Environmental Site Investigation Report does not adequately assess the risks to the safety and stability of this development proposal from coal mining legacy issues, specifically it fails to identify the risk posed by two recorded mine entries present within/adjacent to the site. The applicant should be advised of The Coal Authority’s objection and an updated Report required, which addresses this matter.

13/03/17 Notes from the re-consultation that the applicant has now submitted an amended Planning Layout drawing (Dwg. No. 16-200-01B). The amended drawing identifies the positions of the recorded mine entries and also shows a revised application site boundary. We note that land at the south eastern edge of the original application site has now been omitted. As a result, the recorded mine entries and their associated zones of influence/instability would now appear to be located entirely outside the application site.

As the amended application site no longer encroaches into the Development High Risk Area I can confirm that The Coal Authority is able to withdraw its objection to the planning application.

DCC Flood Risk Team

19/12/16 Whilst the applicant has produced a Flood Risk Assessment (FRA) and referred to a drainage strategy within the body of the FRA, it is felt there is insufficient information for the County Council Flood Risk Management (FRM) team to make informed comments.

Further information is required to demonstrate how the site is proposed to drain in a sustainable manner.

17/02/17 Comments following receipt of further information:

Sustainable drainage systems should seek to improve water quality, amenity and biodiversity. If below ground storage is the only option available to, or achievable by the developers then they should further investigate the feasibility to attain a greenfield rate of discharge by upsizing the storage volume. If part of the highway is modelled to retain water during the 1 in 100 yr (plus climate change) event this may have an impact on the adoptability of the network and over time increase the risk of internal flooding thus not complying with S8 of DEFRA’s Non-statutory technical standards for sustainable drainage systems.

A robust justification of the choice not to dispose of surface water offsite at the greenfield rate (if this is the case) should be supplied.

If a pumped surface water scheme was to go ahead it should be demonstrated to the Local Planning Authority that if the pump was to fail there would be no flood risk to any properties. Surface water pumped systems should be an absolute last resort.

To ensure adherence to DEFRA's Non-statutory technical standards for sustainable drainage systems the following condition is recommended.

1. "No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing."

25/04/17 Comments following receipt of further information:

The Applicant's consultant has confirmed to Severn Trent Water that there are existing hard paved areas draining to the existing sewer network. The applicant's consultant has estimated the current runoff to the sewer from the existing hard paved areas and proposed to reduce the runoff by 30 % and this has been agreed in principle by Severn Trent Water, albeit with an expectation of a further reduction with the implementation of infiltration where achievable. This is in line with DEFRA's Non-statutory technical standards for sustainable drainage systems concerning previously developed land.

The County Council Flood Risk Management team's recommendations remain as previous, we have no objection in principle to the proposals but recommend the condition as per our previous response.

Drainage Engineer

Seeks to ensure maintenance plan is in place for any SuDS; and to ensure that any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the neighbouring properties.

Environmental Health Officer

25/04/17 Recommends a contaminated land survey condition.

Wildlife Trust

12/12/16 It is important that the areas of ephemeral/short perennial vegetation and poor semi-improved grassland are assessed against the OMHPDL priority habitat descriptions and the local wildlife site selection criteria. Even if they are considered to be low value, nonetheless contribute to biodiversity. The National Planning Policy Framework (NPPF) aspires to "net gain" of biodiversity from development and expects "no net loss" at a minimum. Any net loss could therefore fail the NPPF's Sustainable Development principles and could constitute significant harm.

It is noted from the Planning Layout that there is no significant retention of or creation of new wildlife habitats as part of the development

Overall, if there is a net loss of biodiversity, we would advise that the proposal cannot be considered to constitute a sustainable form of development, as stated in the Design and Access Statement.

The survey identified areas of suitable reptile habitat within the site and the Trust is aware of recent grass snake records for the area, identified during surveys carried out in 2013 in

respect of the solar farm development to the south of the application site. We would therefore advise that a reptile survey is required to determine the presence or otherwise of reptiles on the site and the extent that they may be affected by the proposed development.

The report also identified the presence of several substantial water bodies less than 500m to the south of the application site. The report considered that the ponds could harbour great crested newts which therefore could potentially inhabit the site.

We would therefore recommend that a great crested newt survey is required to determine the presence or otherwise of this species in the vicinity of the site and the extent that they may be affected by the proposed development.

We would advise that the results of the protected species surveys (great crested newts and reptiles) need to be provided prior to the determination of the application.

Unfortunately insufficient information has been provided in the consultation documents to enable the Derbyshire Wildlife Trust to make an informed assessment of whether the proposal would have any adverse ecological impacts and to advise the local planning authority accordingly as to whether the proposal complies with relevant legislation and policies relating to biodiversity.

DCC Strategic Infrastructure and Education

12/01/17 Notes the reduced number of dwellings approved in the secondary catchment area compared with DCC's initial estimate but it does not change the requirement for a contribution as set in the initial response.

14/12/16 The following S106 contributions are sought:-

£ 250,778.22 for 22 junior places at Creswell Junior School

£ 515,285.10 for 30 secondary places at Heritage High School

Guidance notes are requested to be attached to planning permission regarding access to high speed broadband services for future residents (in conjunction with service providers).

DCC advises that the normal area infant school would have sufficient capacity to accommodate the 17 infant pupils arising from the proposed development.

The proposed development falls within, and directly relates to, the normal areas of Creswell Junior School. The proposed development of 197 dwellings would generate the need to provide for an additional 22 junior pupils. Creswell Junior School has a net capacity of 228 pupils and has 254 pupils on roll currently. The latest projections show the number of pupils to be 246 during the next 5 years. The junior school would not have sufficient capacity to accommodate the 22 junior pupils arising from the proposed development. The education contribution would be used towards delivering this scheme, to be known as Project A: Provision of additional three classroom block.

The proposed development would generate the need to provide for an additional 30 secondary pupils. The school has a net capacity of 1,019 pupils and currently has 728 pupils on roll. The latest projections are indicating a rise in the number of pupils on roll to 984 during the next 5 years. There are a number of recently approved planning applications within the normal area totalling 762 dwellings amounting to an additional 114 secondary pupils, this and the analysis of the current and future projected number of pupils on roll shows that the normal area secondary school would not have sufficient capacity to accommodate the 30 secondary

pupils from the proposed development. Any funding secured is likely to be pooled with a maximum of four other S106 funding contributions towards delivering Project A: Additional classroom accommodation.

Housing Strategy

There is a need for affordable housing in the district, as demonstrated by the SHMA 2013 which estimated that 533 units of affordable housing would be required each year 2013-18 to fully meet housing need. In the Clowne sub market area alone, which includes Creswell, the estimated figure is 149 units each year.

The Local Plan stipulates that for housing development sites of 25 or more dwellings or 1 hectare or more in size the presumption in all cases will be that 10% of the total site capacity will be given to affordable housing provision.

If the interim policy is not followed then affordable housing would normally be required. However if, as stated by the applicant, the scheme is not viable with this requirement we will not ask for any affordable housing provision so that the site can be brought forward.

(Help to Buy: Equity Loan, as referred to by the applicant, is provided through a government scheme and does not meet the current definition of affordable housing in the NPPF. Nevertheless the scheme has proved popular with first time buyers and as such does provide an alternative route to market housing for those who are eligible, although it does not count as the affordable housing requirement).

Arts Officer

Seeks a contribution of 1% of development costs for public art.

NHS CCG

2/2/17 and 11/11/16 The proposal is likely to result in an increase in patient population of 493. The closest practices to this development are Creswell and Langwith Surgery and Craggs Healthcare. The practice buildings are fully utilised, The practices have plans for a new shared building in Creswell, the current buildings is insufficient for the provision of health care services to their population, based on current standards and physical capacity constraints. A financial contribution of £75,015 is sought by means of S106 obligation.

Liesure Services Officer

02/02/17 For a development of this size (197 properties), I would expect an area (or areas) of public open space to be provided within the development totalling at least 3,940m² / 0.394ha). In addition, I would also expect to see a NEAP standard play area suitable for children aged up to 14 years. A central location within the site is recommended. Alternatively seeks a commuted sum payment for informal open space, including play provision would be £123,648. However, as there has already been a contribution towards children's play provision from previous applications for this site and there is no suitable site within 400m of the development for the development of a new play area, we would look to enhance and improve the existing play area within Creswell Model Village Green, which was originally installed over 15 years ago. It is estimated that a commuted sum payment of circa £60,000 would be sufficient to replace the existing equipment.

Also seeks a commuted sum in lieu of any formal sports provision on site. Using the current policy formula the commuted sum should be £179,270 to be invested in upgrading built and outdoor sport facilities within the parish of Creswell. However, as noted above, a commuted sum payment for built and outdoor sports facilities has already been received from a previous application for this site, which was invested in the enhancement and improvement of the cricket pitch. As such, this should be taken into account when negotiating a contribution from the current application.

We would expect to receive a commuted sum for a period of 10 / 15 years following completion of the development for any land adopted by the district council if relevant (this would be subject to a separate agreement).

Although it has been acknowledged in the Design and Access Statement that pedestrian movement, permeability and access have been a key consideration in the design of this development, it is also noted that provision for cyclists is virtually non-existent and opportunities to provide improvements that would benefit both pedestrians and cyclists have been overlooked. Widening of proposed paths is recommended.

BDC Planning Policy

With regard to the Bolsover District Local Plan the site is largely covered by an allocation for residential development under policy HOU 3, although part of the site is identified on the policies map as having planning permission for employment uses at 31st March 1998 and another part is identified as a protected allotment. These uses have now ceased. So in relation to the general location of the site, the proposal is largely in accordance with policies GEN 8 – Settlement Frameworks, HOU 2 – Location of Housing Sites and HOU 3 – Housing Allocations. In light of the Council being able to demonstrate a 5 year supply of deliverable housing sites, these policies and others controlling the location of development should not be considered out of date.

Furthermore, the proposal is also largely in accordance with the policies and proposals of the emerging Local Plan for Bolsover District, in particular policies SS 3 – Spatial Strategy and Distribution of Development and LC1 – Housing Allocations (October 2016), although it should be noted that the application site is slightly different to the allocation and extends beyond the proposed allocation boundary and beyond the proposed new settlement framework boundary. The emerging Local Plan would provide a material consideration that supports the deviation from the adopted Local Plan position.

In terms of affordable housing provision, the application is contrary to policy. However, as the Council's policy predates the NPPF, should the submitted viability appraisal demonstrate that 5% affordable housing provision would make the development unviable, refusal of the application on the grounds of non-provision of affordable housing alone may be difficult to justify.

In terms of infrastructure provision, the proposal is expected to contribute to the provision of green space and equipped play areas but not education and health provision due to viability. This provision meets Local Plan policy requirements but will put additional pressure put on local infrastructure. However, provided the new permission will extinguish the extant permission and thus not increase the quantum of development that could come forward, the

proposal may be acceptable. The lack of infrastructure provision has to be balanced against the desire to see the delivery of this long standing allocation. As a result, whilst it is considered that the site represents a sustainable location for development, the impact of the development without the necessary infrastructure needs to be carefully considered. For the level of development currently proposed it is considered that the delivery of this long standing and stalled Local Plan allocation is to be welcomed.

PUBLICITY

Advertised in the press and on site. 61 properties consulted.

Two letters in support in principle. 2 letters of objection. Grounds of concern raised includes:

Concern if accessed from Elmtun Close during or after building work.

Access from Colliery Road would be better.

More traffic through the Model Village green and play area.

If routed through the Model Village additional speed restrictions should apply.

Queries whether footpath access to the greenway will be maintained.

Queries construction noise and disturbance and working time restrictions.

Queries air pollution during works.

Impact on nesting birds.

Gardens next to the old railway line should be adequate so buildings are not too close to birds' nests.

Concern regarding existing fly-tipping on the green buffer to the Model village and suggests it is provided with wooden bollards along its whole length.

The Council should serve the best interests of the community not the profits of Welbeck Estates.

Poor bus service in Creswell.

There is no modern surgery in Creswell.

One of the letters of objection is from the East Midlands Butterfly Conservation Group.

They say that they are aware of the presence in the immediate locality of the Local Biodiversity Action Plan species dingy skipper and small heath, and the increasingly uncommon, common blue, but the survey report includes no reference to these species and no recording appears to have been undertaken at the correct time of year to coincide with the flight periods of the key butterfly species. In their opinion the value of the site for these key butterflies has not been established despite the presence of what appears to be suitable habitat in the form of rough grassland and open mosaic. They recommend that the site is surveyed for butterflies and that this is conducted at the appropriate times of the year in the coming season.

POLICY

Bolsover District Local Plan (BDLP)

GEN 1 – Minimum Requirements for Development

GEN 2 – Impact of Development on the Environment

GEN 4 - Development on Contaminated Land

GEN 5 – Land Drainage

GEN 6 – Sewerage and Sewage Disposal

GEN 8 – Settlement Frameworks

GEN 11 – Development adjoining the Settlement Framework Boundary

- GEN 17 – Public Art
- HOU 3 – Housing Allocations
- HOU 5 – Outdoor Recreation and Play Space Provision for New Housing Development
- HOU 6 – Affordable Housing
- EMP 5 – Protection of Sites and Buildings in Employment Uses
- CLT 9 – Protection of Existing Allotments
- CLT 11 – New Countryside Recreation Facilities
- TRA 1 – Location of New Development
- TRA 13 – Provision for Cyclists
- CON 1 – Development in Conservation Areas
- CON 4 – Development Adjoining Conservation Areas
- ENV 5 – Nature Conservation Interests Throughout the District
- ENV 8 – Development affecting Trees and Hedgerows

Emerging Local Plan for Bolsover District

Policies SS 3 – Spatial Strategy and Distribution of Development and LC1 – Housing Allocations (October 2016)

National Planning Policy Framework

NPPF Paragraph 131

In determining planning applications, local planning authorities should take account of:-

- The desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 132 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 134 - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 137 - Local Planning Authorities should look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance.

Paragraph 173 states:- *“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable”.*

Core Planning Principles & Requiring Good Design.

Paragraph 17 states that:- “A set of core planning principles should underpin both plan-making and decision-taking, including being genuinely plan-led..., always seek to secure high quality design..., contribute to conserving and enhancing the natural environment..., actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.”

National Planning Practice Guidance (NPPG) – Design (ID: 26)

Other (specify)

The Historic Environment Supplementary Planning Document (2006)

Creswell Village and Model Village Conservation Area Appraisal and Management Plan (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)

A Building for Life 12 (BfL12) - The sign of a good place to live

Green Space Strategy (approved in April 2012).

In relation to Creswell, the Green Space Strategy and its supporting factual information contained in Green Space Audit: Quantity and Accessibility report identify that the village currently has no shortfall in the quantity of formal or semi-natural green space for its population. However, the strategy also identifies that the nearby Coronation Garden green space does not meet the Strategy's quality standard.

ASSESSMENT

The Principle of Development

The majority of this site already benefits from a planning permission for residential development that has been “commenced” and therefore remains extant. Although the application site boundary differs at the southern end from the current application boundary, this application seeks planning permission for a similar amount of development, albeit an additional 7 dwellings (190 previously approved 197 now sought).

The majority of the site is allocated for residential development in the adopted local plan (HOU3) or is otherwise within the settlement framework where residential development is acceptable in principle. Although a part of this site was recognised as being employment use in the 2000 local plan, that use has since ceased and the buildings demolished and so it is considered that it would not be appropriate to continue to protect part of the site for employment use under policy EMP5. Similarly the small area of the site that was in use for allotments in 2000 is no longer in allotment use and it is considered that it would not be appropriate to now try protect that former use under old local plan policy CLT9.

The majority of the site is also allocated for residential development in the emerging local plan. Therefore it is considered that the principle of residential development on this site has been established and that it accords with policy.

Social Infrastructure and S106 Developer Contributions

In this case the requirement for contributions towards the various aspects of social infrastructure such as play space and schools is complicated by the extant planning permission for this site. The current permission does seek an additional 7 dwellings but this is not considered to be a material increase such as to warrant reopening negotiations on S106 obligations where they have already been established. If the current application were to be approved and implemented it would quickly extinguish the old planning permission because the layout is different and it would not be possible to comply with many of the conditions of the old permission. i.e. it would then not be possible to also build out the old planning permission at the southern end of the site where it extends beyond the current application site.

At the moment however, the extant permission could still be implemented without any further S106 contributions. Furthermore the obligations under the S106 associated with the extant planning permission have already been paid and discharged in advance of that development being delivered and it is considered that the Council should honour that position and not seek ‘two bites of the same cherry’ as this may not be reasonable.

This application is also accompanied by a viability appraisal which shows that the viability of the site is very limited due to its location and development costs. Profit margin is low. This position has resulted in brownfield land with planning permission which has been stalled for 17 years. Government policy in the NPPF is relevant i.e. that sites identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Taking each of the aspects in turn:-

Leisure and Open Space:

The Leisure Services Officers response is out above. Whilst a request for provision is set out, the contributions which have resulted from the extant permission are recognised. It is

considered that obligations for formal adult leisure provision and informal play provision required by policy HOU5 of the local plan have already been established and secured through the extant planning permission and the associated S106 agreement. This includes the long term lease of the Cricket Pitch to public control (now by agreement the Parish Council) and money for maintenance of it and a sum of money paid to provide play equipment on the Model Village Green which has already been paid and spent on the Model Village Green. No further S106 contributions are therefore required. The provision of the green POS green buffer to the model Village (approximately 0.42 ha which exceeds the area sought by the Leisure Officer) and its future maintenance by management company and the improvement of the footpath link to the greenway are further leisure benefits of the proposal.

Education:

The County Education response above sets out a request for £ 250,778.22 for 22 junior places at Creswell Junior School, and £ 515,285.10 for 30 secondary places at Heritage High School. The Applicant has not agreed to these contributions. However there is no S106 requirement for education associated with the extant planning permission and that permission could still be implemented as an alternative to the current proposal. Given that this site has had planning permission since 1999 and has also been a housing allocation in the local plan since 2000, then it could be argued that the Education Authority should have been aware of and accounted/planned for the pupils generated from this site without further funding. Having regard to these issues and the viability situation it is considered that the Council is not in a position to insist on these education contributions in this case.

Health Care:

The CCG seeks a financial contribution of £75,015 due to surgery capacity issues. The Applicant has not agreed to this. However there is no S106 requirement for health associated with the extant planning permission and that permission could still be implemented. Neither does the Council have an adopted policy to require one. Having regard to these issues and the viability situation it is considered that the Council is not in a position to insist on the health contribution sought.

Affordable Housing

With regard to affordable housing, policy HOU6 applies and so failure to provide at least 5% affordable housing would be contrary to policy. The extant permission includes a conditional requirement for 5% of dwellings on site to be affordable.

Following discussions with the Housing Strategy Officer and with regard to delivering mixed communities in line with the NPPF it could be argued that the immediate locality already contains a high proportion of affordable housing and that the need to provide more in this location is low. Therefore given the viability case it is considered that it would not be appropriate to refuse solely on the grounds that no affordable housing is being delivered. It should also be noted that the former interim policy to waive the affordable requirement in return for meeting delivery targets was in force at the time the planning application was submitted.

Public Art:

The Council's policy GEN17 is to seek to negotiate a 1% cost contribution to public art. This has not been agreed by the Applicant. It is considered that the provision of art at this site is

not strictly “necessary” to make the application acceptable in planning terms neither is it necessary to deal with the impacts of the development. The legislative “tests” in the CIL regulations are not satisfied and therefore it is considered that a contribution to public art cannot be insisted upon.

Summary:

Having regard to the viability situation and that development on this largely brownfield site has been stalled for the last 17 years it is considered that no further S106 contributions are required over and above what has already been delivered for the extant planning permission on this site.

Layout and Design and Heritage

The site layout is comprises a connected loop leading to several cul-de-sacs spurs which provides a reasonably connected arrangement. Footpath connections are also accommodated to the existing adjacent footpaths. The development is generally comprised of a series of perimeter blocks with outward facing dwellings with corner turning units to overlook public land and reduce the risks of crime. The development proposes two-storey houses which is comparable with the scale of the model village and is considered to be appropriate.

The layout has been amended and improved during the course of the application and whilst there are a few additional improvement to the general layout which have not been fully resolved (see Unban Design Officers comments above) some of these relate to landscaping and materials which can in part be resolved by planning conditions.

The main focus of concern with this application has been the relationship of the proposed development with the Model Village, in particular the proposed dwellings facing it. To be acceptable the proposals must preserve or enhance the special character and appearance of the Creswell Village and Model Village Conservation Area; a nationally important heritage asset. As originally submitted this was not the case with concerns over both the layout lacking the continual frontage of the terraced dwellings of the Model Village opposite and standard the house types, with standard appearance and finishes.

As amended the Applicant has improved the designs and materials proposed to a degree. This includes the use of good quality artificial slate (not concrete tile) and good quality red brick, windows uPVC but higher spec design on the frontage (design to be agreed by condition), Omission of porches, barge boards to gables facing, uniform colour scheme, and cast effect guttering.

The Applicant is not prepared introduce any terraced blocks under any circumstances neither have they agreed to replace the proposed knee rail fence as the only boundary treatment to the Model Village and to other new footpaths proposed through the development.

Accepting that the Applicant will not agree to introduce some terraced blocks to the Model Village frontage, it is considered that the materials spec improvements agreed might just be sufficient to improve the quality of the design and to respond adequately to the identity of the model village but on the proviso that the low timber knee rail fence proposed to the open space is replaced by railings, preferable to match those which border the Model Village Green open space. It is recommended that this is required by condition. This is considered to be

important because:-

- The sections of private driveway fronting the space serves to reduce the sense of formality of the interface with the model village. A good landscape boundary treatment such as railing to this edge is necessary to improve formality and to preserve the character of the conservation area;
- It would strengthen the security for occupants by providing a definitive distinction between public and private space, reducing the risk of trespass and help reduce the likelihood of footballs, dogs etc straying from the public open space on to private gardens and vehicles;
- A knee rail fence would be too easily damaged and would be a maintenance liability and if damaged would detract from the amenity of the area;
- May result in amenity issues for residents bordering the POS if sat on, used for skate board tricks etc;
- The Conservation Officer, Urban Design officer and the Crime Prevention Officer all consider timber knee rail to be unacceptable.

In addition to the border of the proposed open space to the Model Village there are other locations which would also benefit from the proposed knee rail fence being replaced with railings. This includes the section of new footpath proposed at the side of the cricket pitch and the new section of footpath within the site linking with footpath 10 at the southern end of the site. However the justification for requiring railings in these locations would not include preservation of the character of the conservation area and given the restricted viability of the site the Committee could take the view that railings are only essential adjacent to the Model Village open space.

It should also be noted that the application site currently suffers from fly tipping and has a scrubby vegetation cover. These have a negative impact on the character of the conservation area and would be resolved by the development.

In summary the general layout is considered to be acceptable subject to conditions, and the proposals for the area which forms the interface with the Model Village are considered to be adequate subject to a series of conditions to cover materials and design details.

Access and Highway Safety

Vehicular access to the site would be through the Model Village. With only pedestrian access through Elmtown Close and in theory emergency access would also be possible via Colliery Road. Access through the Model Village brings with it impacts on the character of the conservation area and highway safety concerns raised in representations and by the Parish due to the increase in intensity of use of the road through the Model Village Green with its play spaces.

The Applicant has been asked to consider including Colliery Road as a second means of access but has not agreed to this due to the viability of the site and the significant cost involved of bringing Colliery Road up to adoptable standard. Furthermore the Applicant correctly points out that the extant planning permission was approved with the same means of access which the Council has previously accepted.

The additional 7 dwellings now proposed would not materially increase traffic above levels for the development already approved and so it is considered that it would be extremely difficult to justify a requirement for a second access for the current application.

The County Highway Authority has no objections on highway safety grounds subject to the conditions summarised above in consultations (where conditions requested are not considered to be necessary or reasonable this has been indicated above).

Mining Risk

The application boundary has been amended to omit the mine shafts and the application site no longer encroaches into the Development High Risk Area. The Coal Authority has now withdrawn its initial objection.

Drainage

The drainage solution proposed is a pumped system with some permeable infiltration areas to assist with surface water drainage. This is not ideal but avoids the need to import large amounts of material and increases the viability of the site. The planning officer has double checked with the DCC Flood Risk Team that they are satisfied with this solution and they have confirmed that they have no objection in principle to the proposals subject to a condition requiring approval of the details of the surface water drainage system.

Ecology

The Wildlife Trust raised several issues with the proposal which are set out above in "consultations". They advise that there is no significant retention of or creation of new wildlife habitats as part of the development and that if there is a net loss of biodiversity the proposal cannot be considered to constitute a sustainable form of development, as stated in the Design and Access Statement. They seek an assessment against the "Open Mosaic Priority Habitat on Previously Developed Land" description, a reptile survey and a GC newt survey prior to determination to enable the Derbyshire Wildlife Trust to make an informed assessment of whether the proposal would have any adverse ecological impacts.

The Applicant has sent a response regarding the Wildlife Trust advice. In summary the Applicant's Ecological Consultant says that:-

- They deem the request to assess the site against the OMHPDL priority descriptions and LWS selection criteria unnecessary as certain of the areas of interest surveyed did not form part of the application site in the end.
- Despite no evidence of reptiles being found on the site at the time of the survey, some areas within the site were assessed as having a low potential for reptiles. Unless Area 1B and/or other areas off site to the immediate east and south east become part of any future development, we consider further surveys unnecessary. However, with the above in mind the application of a Precautionary Method of Working such as Passive Displacement could be applied at the site along the southern boundary.
- With regard to Great Crested Newts they say that it has now become apparent that further surveys of the ponds is totally unnecessary. The five original slurry ponds are no longer there. They were filled in because of safety concerns. According to Baker Consultants, the three other 'balancing ponds' within the same area were found to be saline in their chemical composition and assessed as being "*Highly unsuitable for GCN or any other amphibian.*" We were also made aware that these ponds too are to be

filled in within the next twelve months. Therefore, it is our opinion that further survey effort of this area is unnecessary in regard to this application.

The Wildlife Trust has been re-consulted (on 26/01/17) on the additional information received and a further reminder sent. No response yet received.

Given the response above from the ecological consultant, it is considered that the risks to protected species appear to be low. Furthermore there is an extant planning permission for the majority of this site which could still be implemented without any further survey work (as a planning requirement). The low risk of finding reptiles on site could be dealt with by condition as suggested although the Applicant is currently undertaking a reptile survey and the results are expected in early May. The Committee will be updated if this report is available before the meeting.

New tree planting will be undertaken within the open spaces as part of the landscaping of the site and this will go some way to off-setting the impacts of the existing scrub/habitat removal.

Therefore it is considered that the impacts of the proposal on biodiversity and ecology are not materially different to the extant permission and any impacts would not justify the refusal of planning permission.

Conclusions

The development of this allocated, largely brownfield site, with an extant planning permission has been stalled for many years. The proposal is wholly acceptable in principle and complies with local and national planning policy relating to the location of development. The delivery of 197 new dwellings and the associated economic and social benefits are to be welcomed.

It is recognised that that this is a constrained site and one which is difficult to develop profitably. The Applicant has demonstrated that the viability of the development is marginal and that it cannot stand the cost of the provision of affordable housing or the costs of other developer contributions sought for education, art and health. Leisure provision has already been secured for the development of this site through the extant planning permission. It is considered that the remaining infrastructure capacity issues, to which there is no contribution are not so material in this case as to warrant refusal.

The viability of the proposal has also resulted in some compromises being made in terms of urban design, however as amended the layout and designs and appearance of the proposed dwellings are considered to be adequate, subject to conditions, to preserve the character of the conservation area.

Other Matters

Listed Building: N/A

Equalities: No significant issues

Access for Disabled: No significant issues

SSSI Impacts: No significant issues

Human Rights: No significant issues

RECOMMENDATION

Approve subject to the following conditions given in précis form (to be formulated in full by the Assistant Director of Planning/Planning Manager in consultation with the Chair and Vice Chair of Planning)

Conditions (in précis)

- 1. Start within 3 years.**
 - 2. Fencing off and protection of areas of retained trees and hedgerow.**
 - 3. Construction management plan including e.g. routing during construction to be agreed, times of construction work, wheel cleaning facilities if required etc.**
 - 4. Precautionary Reptile Method Statement (unless survey complete).**
 - 5. Further investigation into potential ground contamination and validation report provided, unexpected contamination, importation of soil.**
 - 6. The development hereby permitted shall not commence until detail drainage plans for the disposal of surface water and foul sewage and the maintenance of the system have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**
 - 7. Prior to progress above ground External Building materials to be approved**
 - 8. In respect of Model Village facing properties materials to include:-**
 - good quality red bricks**
 - good quality artificial slate**
 - contrasting red brick curved heads and cills**
 - Design of uPVC windows and doors**
 - Barge boards to gables facing**
 - Cast effect guttering**
 - Uniform colour scheme**
 - Location/colour of meter boxes**
 - 9. Omission of porches to MV fronting units**
 - 10. Provision of railings to MV POS location and design to be approved.**
 - 11. Prior to occupation submission of a detailed landscaping scheme to include: retention of trees; tree planting to the MV POS; street tree planting etc.**
 - 12. Maintenance of the landscaping scheme for a period of 5 years.**
 - 13. Provision of new junction with the Model Village prior to occupation.**
 - 14. Provision of new estate road prior to occupation of related dwelling.**
 - 15. Provision of car parking spaces prior to occupation.**
 - 16. Access no steeper than 1 in 20 for the first 5m from the highway.**
 - 17. All accesses within the development provided with 2m x 2m x 45° pedestrian intervisibility splays.**
 - 18. Detailed drawings of boundary treatments prior to occupation.**
 - 19. No ground level raising unless details approved in writing.**
-