

PARISH

Old Bolsover

APPLICATION	Demolition of existing buildings and erection of foodstore and retail terrace, car parking and associated works		
LOCATION	Sherwood Lodge Oxcroft Lane Bolsover Chesterfield		
APPLICANT	Mr Mark Rothery Bramham		
APPLICATION NO.	17/00615/FUL	FILE NO.	PP-06561990
CASE OFFICER	Mr Chris Fridlington		
DATE RECEIVED	24th November 2017		

SITE

The Sherwood Lodge site lies adjacent to Bolsover town centre and was formerly the site of Bolsover District Council's main offices. The offices have since been vacant for over four years and site clearance works have started on site. However, the 'original' Sherwood Lodge building, which is a former mine-owner's house dating from 1897, still remains on site. This building is a non-designated heritage asset that would contribute positively to the special qualities of the surrounding designated Bolsover Conservation Area if it were to be repaired and restored following demolition of the modern extensions to the building that had previously detracted from its character and appearance.

The entire site is also within the designated Conservation Area and the length of 'intrenchment' earthworks at the site's north-eastern boundary is nationally important and should be treated as a scheduled monument. In addition, there are visible relics of the former parkland within the 1.2 hectares of the important open space surrounding Sherwood Lodge and a number of large mature trees along the boundary and to the south of the building. A formal memorial garden lies behind the Lodge but outside of the application site. The site is also crossed by a public right of way and a further right of way skirts its northern boundary.

BACKGROUND

This application concerns the redevelopment of the Sherwood Lodge site, which extends to around 3 hectares in area. The land was sold by the Council and planning permission was granted planning permission for a large food store on this site with associated petrol filling station in 2012.

This permission (12/00324/FULMAJ) has since been implemented and demolition of a number of buildings on the site has been carried out but a condition attached to the permission for the food store requires the retention of the 'original' Sherwood Lodge building until works started on building the large food store. This condition is why the original Sherwood Lodge building has been retained on site because significant changes in the retail market since 2012 mean the consented food store is no longer viable and will not be going ahead.

The current application now seeks full planning permission for alternative proposals for re-development of the site. The current proposals include a medium sized food store, a terrace

of four retail units and associated parking and access arrangements as shown on the amended plan, below.

PROPOSALS

In summary, the current application proposes the provision for 4,400m² of retail space to be divided into two blocks on a north-south axis with car parking provision occupying a broadly central position within the site between the two blocks. The larger of the two blocks would accommodate a medium size food store with a floor area of 2,402m² that would face towards Town End. A smaller terrace of additional retail units would run parallel to the west of the food store.

Proposed Site Layout



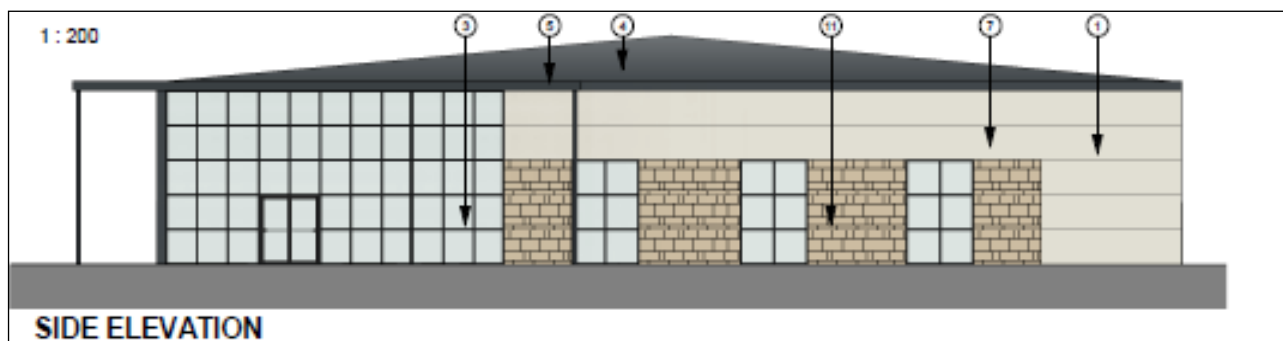
The main vehicular access to the site would be from Town End and a secondary access to the site would be provided on to Oxcroft Lane with each block having separate servicing configurations with service areas proposed to the rear of the retail terrace and to the side of

the proposed food store. A new network of footpaths would run through the site and are intended to improve links to the town centre and areas beyond the site to the north. Areas of new public open space would be introduced to the front of the site while the previous approval for removal of public open space behind Sherwood Lodge has been 'scaled back' to provide a greater separation distance between the proposed units and the nearest neighbouring residential properties.

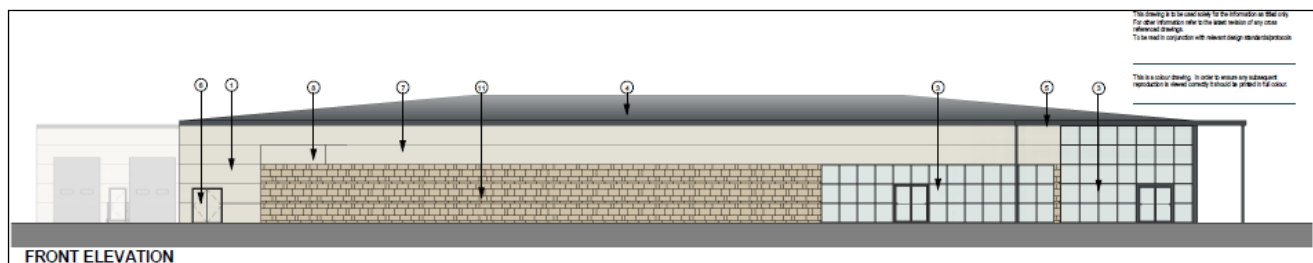
AMENDMENTS

The original submission has been amended and the changes to the scheme include revisions to the external appearance of the proposed retail units. The following extracts from the amended plans show the main elevations of the proposed units 'as amended':

Food Store – Elevation facing Town End



Food Store – Elevation facing Car Park



Retail Terrace – Elevation facing Car Park



The schedule of materials for these units includes horizontal metal cladding above a stone effect cladding at lower levels for the walls of the buildings, powder coated frames for doors and windows and a composite roof panel arrangement.

Further amendments were required to move the buildings away from the 'intrenchment' earthworks within the development site and improve the width of a corridor to the rear of the food store that would in effect be 'gifted' to the Council as part of the land required to provide a link road from Town End to Oxcroft Lane. The applicant has also made a further offer of a financial contribution of £150,000 towards highway improvements and suggested a further revision to the siting of the buildings.

KEY ISSUES

In respect of the Council's aspirations for the regeneration and redevelopment of Bolsover town centre, the Sherwood Lodge site, is allocated as an edge of town centre allocation within the emerging Local Plan.

Policy WC6: Bolsover Edge of Town Centre Allocation from the emerging Local Plan says that proposals for the development of this site will be permitted where they are comprehensive, guided by an approved masterplan for the site and:

- a) Provide for an acceptable two way vehicular access road between Town End and Oxcroft Lane;
- b) Ensure the provision of pedestrian access and linkage between Cavendish Walk and the site;
- c) Provide for at least one Convenience retail store in excess of 1,200m²;
- d) Provide for other town centre related uses which may include retail, leisure, employment, residential or community facilities;
- e) Ensure that a suitable level of public parking is made available as part of the scheme;
- f) Give special consideration to the historic grounds and remaining building on the western side of the site, as identified heritage assets;
- g) Contribute to the planned Bolsover town cycle network through the provision of cycling facilities within the site;
- h) Contribute towards place-making through the delivery of a high quality designed development that creates an attractive and locally distinctive new urban neighbourhood utilising public art as appropriate;
- i) Contribute towards the efforts to tackle climate change through its approach to sustainable construction, renewable energy and energy conservation within the site's

general layout, design and orientation;

- j) Mitigate the loss of the green space through a financial contribution to be towards the improvement of a green space within Bolsover Town.

Therefore, the extent to which the current proposals meet these criteria is one key issue in the determination of this application given that these criteria reflect the exceptional circumstances that warranted approval of the previous proposals for retail development on the Sherwood Lodge site. Retail development on the site was, and continues to be, contrary to saved policies in the current Local Plan.

Furthermore, the Bolsover Transport Study (2016) says the provision of a new link road through the Sherwood Lodge is required to provide relief to the Town End / Moor Lane / Welbeck Road junction ('the Town End junction'). The Addendum to this study completed October 2017 says without the Sherwood Lodge Link Road, the Town End junction will reach capacity and as the planned quantum of development in Bolsover comes forward, including the major residential development at Bolsover North, there will be significant increases of queuing traffic at this junction.

Consequently, if the current proposals do not provide for an acceptable two way vehicular access road between Town End and Oxcroft Lane in accordance with Policy WC6(a) in the emerging Local Plan: granting planning permission for this application may undermine the proper planning of the local area and the sustainable growth of the District as a whole because the link road is a fundamental requirement of the emerging Local Plan. It is therefore considered that WC6(a) must be afforded substantial weight in the determination of this application.

A further key issue in the determination of this application is the weight to be afforded to the benefits of granting planning permission for the current application, which the applicant says includes:

- The physical regeneration of a key landmark site within the town centre.
- The creation of around 200 new jobs
- Reducing the need to travel outside Bolsover to shop, ensuring more money is spent locally, whilst improving sustainability.
- Bringing more food shopping choice for local residents and visitors to the town.

RELEVANT PLANNING HISTORY

There is no record of planning permission having been granted for the previous use of the Sherwood Lodge site by the Council but there has been number of permissions granted for the extension of the original building to create more office space including:

BOL/173/4 - Outline planning permission 'to extend the existing Urban District Council Offices to form new headquarters' was granted on 23/03/73

BOL.184/7. Full planning permission for 'extensions to Sherwood Lodge office building' was granted on 15/2/84. This permission was implemented.

BOL.292/90 - A further outline planning permission 'for centralised offices, including link to Sherwood Lodge' was granted on 08/04/92

BOL.792/304 - Full planning permission 'for centralised offices, including link to Sherwood Lodge' was granted on 30/09/92. This permission was also implemented.

There have been other applications for minor developments on the site but the planning history that is more relevant to the current application includes the following approvals:

12/00324/FULMAJ – Full planning permission granted for demolition of existing council offices and dwelling houses and erection of foodstore, petrol filling station, service yard, car parking and associated works on 21/12/2012.

12/00325/CON – Conservation Area Consent granted for demolition of existing council offices and houses on 21/12/2012.

15/00545/DISCON – Partial discharge of pre-commencement Conditions 2 (Phasing of Works Programme), Condition 4 (Compound Details), Conditions 22 and 23 (Written Scheme of Archaeological Investigation), Condition 25 (Archaeological Method Statement), Condition 33 (Contamination) and Condition 34 (Drainage Details) of planning permission 12/00324/FULMAJ on 23/11/2015.

17/00117/DISCON – Partial discharge of pre-commencement Conditions 2 (Phasing of Works Programme); 4 (Compound Details); 22 and 23 (Written Scheme of Archaeological Investigation); 25 (Construction Management Plan); 33 (Contamination); and 34 (Drainage Details) of planning permission 12/00324/FULMAJ, to allow for the demolition of the former Council Offices (excluding the historic Sherwood Lodge) and of the former residential properties on 15 May 2017.

These approvals are relevant to the current application insofar as they establish the principle of allowing retail development on the Sherwood Lodge site subject to the criteria in policy SS7 in the emerging Local Plan. However, they do not establish a 'precedent' that would mean planning permission should be 'automatically' granted for the current proposals.

In this respect, the issue of precedent is rarely relevant to planning decisions in any event but in this case a 'precedent' does not exist because the previously approved proposals are substantially different from the current proposals in planning terms and give rise to materially different planning considerations.

Amongst other things, the current proposals do not include the provision or delivery of a link road through the site from Town End to Oxcroft Lane. Equally, the previous proposals included a food store and petrol filling station compared to the current proposals, which do not include a petrol filling station but do include additional retail units (around 2000m² for comparison goods) outside of the existing town centre and a medium sized food store as opposed to a large food store.

Furthermore, the emerging Local Plan is a relevant planning consideration that did not exist at the time of the previous approval.

CONSULTATIONS

Bolsover Civic Society – Support the future development of the Sherwood Lodge site but set out in some detail their reservations about the original submission. Revised plans have been submitted following discussions between the applicant and the Civic Society in response to their consultation response on the original application but the Civic Society have not yet made any detailed formal comments on the revised application.

Bolsover District Council (Community Arts Development Officer) – Requests contribution of 1% of development costs towards public arts

Bolsover District Council (Heritage Conservation Manager) - Objects to proposals in their current form and advises that the submitted heritage statement is inadequate suggesting that the submission of a more detailed statement and a comprehensively revised scheme that addresses these assets, the issues of harm, and looks at the whole context of the proposal within its setting would be needed to move the proposals forward in heritage conservation terms.

Bolsover District Council (Environmental Health) – No objections subject to conditions

Bolsover District Council (Leisure Services) – Requests contributions towards compensatory open space in the town, which may be a contribution to the development of a skate park or similar facility within Hornscroft Park or at another suitable location. Concerns are also raised about the design of the development and the lack of facilities for cyclists.

Bolsover District Council (Senior Engineer) – No objections subject to conditions

County Archaeologist – Objects on the grounds of the potential impacts of the proposed development on the ‘internchments’ and raises significant concerns about the impact of the proposals on the surrounding Conservation Area and the loss of Sherwood Lodge.

DCC Flood Team – Object on the basis of insufficient information submitted with the application to allow proper assessment of the drainage strategy.

DCC Highways – No objections to the proposals on highway safety grounds, subject to conditions and a legal agreement securing the offer of a commuted sum.

Historic England – Object on the grounds of the potential impacts of the proposed development on the ‘internchments’ by virtue of the proximity of the development and raise significant concerns about the impact of the proposals on the surrounding Conservation Area and the loss of Sherwood Lodge.

Old Bolsover Town Council - fully support the application for the following reasons:

The Town Council have had concerns about the future of this site since hearing that the

original plans for the large superstore were not going to be delivered whilst the site was left to fall derelict and became a magnet for anti-social behaviour. Therefore, the Town Council see the scheme as having a major positive impact on the regeneration of the town and that a food store with competitive pricing will bring residents back to shopping where they live rather than travelling out to the supermarkets in surrounding towns such as Staveley, Clowne, Shirebrook and Mansfield.

The Town Council go on to say that further retail units will also enhance the area as the rest of the town cannot provide the larger modern units retailers require and these new retailers will add to the retail mix in the town as well as creating much needed employment opportunities. In addition, the Town Council notes that the scheme also provides additional car parking which is better connected to the Town Centre and shoppers returning to the town centre will also have a positive impact on other businesses in the town.

The Town Council also support the retention of the green area at the rear of the site providing good pedestrian access through the site connecting Hilltop to the retail units and Oxcroft but would like to see the addition of a small public toilet block within the development.

Peak and Northern Footpaths Society – Comment that the impact of a development on public rights of way, recorded or unrecorded, is a material consideration when deciding if planning consent is to be granted, and in what form.

Yorkshire Water – No objections subject to conditions

The above representations summarised in this report are also published in full on the Council's website.

PUBLICITY

The original application was publicised by way of a site notice, press advert and neighbour notification.

In response to this publicity, the Council received 61 representations in support of the current application. However, over half of these representations simply registered support for the application seemingly in response to a mail-out sent out on behalf of the applicant. Nonetheless, it is clear from a large number of these representations that there is significant public interest in re-development of the Sherwood Lodge site taking into account its current condition, there is also a clearly expressed need for a new food store in the town and that many residents go out of town for their food shopping. The extra jobs the scheme would create are also welcomed in many of these representations.

The Council also received 15 representations stating objections to the proposals although 8 of these objections were made using the same template letter. The key planning issues raised in these representations, including some very detailed observations, are as follows:

- the potential adverse impact on heritage assets including impacts on the surrounding Conservation Area and the intrenchment, and the demolition of Sherwood Lodge;

- inappropriate/inadequate design standards;
- potential for the development to be unneighbourly
- potential traffic impacts; and
- diminished amenity of footpath network.

Subsequently, amended plans were received and the revised application was re-publicised by way of a site notice, press advert and letters to all interested parties who had previously commented on the original application.

In response to this publicity, the Council received 37 representations in support of the current application. Again, over half of these representations simply registered support for the application seemingly in response to a mail-out sent out on behalf of the applicant. However, in these responses, there was a further clear expression of the need for an additional food store in Bolsover and it was again made clear that many residents go out of town for their food shopping.

POLICY

National Planning Policy Framework ('the Framework')

The following paragraphs from the Framework are considered to be the most relevant to the determination of the current application:

Paragraph 2: Status of Development Plan and National Planning Policy Framework

Paragraphs 6-10: Achieving sustainable development

Paragraphs 11-16: Presumption in favour of sustainable development

Paragraph 17: Core planning principles

Paragraphs 24-27: Ensuring the vitality of town centres

Paragraph 32: Transport network

Paragraphs 56- 66: Design

Paragraphs 70, 72, 73 and 75: Promoting healthy communities

Paragraphs 109 and 118: Conserving and enhancing the natural environment

Paragraphs 120 and 121: Contamination and land stability

Paragraphs 128 – 137: Conserving and enhancing the historic environment

Paragraphs 173: Ensuring viability and deliverability

Paragraph 196: Primacy of Development Plan

Paragraphs 203-206: Planning conditions and obligations

Paragraphs 215-216: Weight to be given to relevant policies in existing plans and relevant policies in emerging plans.

Bolsover District Local Plan ('the adopted Local Plan')

The following saved policies in the adopted Local Plan are relevant to this application:

GEN1 (Minimum Requirements for Development),

GEN2 (Impact of Development on the Environment)
 GEN4 (Development on Contaminated Land)
 GEN5 (Land Drainage)
 GEN6 (Sewerage and Sewage Disposal)
 GEN8 (Settlement Frameworks)
 GEN13 (Provision for People with Disability)
 GEN17 (Public Art)
 SAC12 (Retail Development on the Edge of Defined Town and Local Centres)
 CLT1 (Protection of Existing Buildings Which Serve the Community)
 CLT6 (Existing Outdoor Playing Space and Amenity Open Space)
 TRA1 (Location of New Development)
 TRA10 (Traffic Management)
 TRA12 (Protection of Existing Footpaths and Bridleways)
 TRA13 (Provision for Cyclists)
 TRA15 (Design of Roads and Paths to Serve New Development)
 CON1 (Development in Conservation Areas)
 CON2 (Demolition of Unlisted Buildings or Structures in Conservation Areas)
 CON3 (Important Open Areas within Conservation Areas)
 CON13 (Archaeological Sites and Ancient Monuments)
 CON14 (Bolsover Area of Archaeological Interest)
 ENV5 (Nature Conservation Interests throughout the District)
 ENV8 (Development Affecting Trees and Hedgerows)

Paragraph 215 of the Framework say due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

It is considered that these policies are generally consistent with Framework other than it is relevant to this application that Paragraph 134 of the Framework goes further than saved Local Plan policies CON1. CON2 and CON3 that are otherwise consistent with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which says that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.”

Paragraph 134 of the Framework says 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.

Bolsover District Publication Local Plan ('the emerging Local Plan')

The most relevant policy in the emerging Local Plan is Policy WC6: Bolsover Edge of Town Centre Allocation, as set out above. Paragraph 216 of the Framework says from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The emerging Local Plan is now at a very advanced stage of preparation but it is accepted that the applicant objects to policy WC6. However, the following sections of this report explain in more detail how the policy criteria in WC6 are consistent with policies in the Framework.

ASSESSMENT

Principle

In principle, the proposals are contrary to saved policies in the current Local Plan but the acceptability of re-development of the Sherwood Lodge site for retail uses has been established by the previous approval for a large food store on the site.

Nonetheless, the previous approval was based on the individual planning merits of those proposals and as the current proposals are materially different to the approved development; the existing outline consent does not create a precedent that means the current application should be 'automatically' granted planning permission. This is reflected by the subsequent site allocation in the emerging Local Plan for town centre uses as set out in Policy WC6 in the emerging Local Plan.

In these respects, Policy WC6 is permissive of retail development on the Sherwood Lodge site but also sets out ten criteria (a-j) based on the positive aspects of the previously approved scheme that provides a framework to assess the relative planning merits of the current application.

Of the criteria in Policy WC6, the current application complies with WC6(c), WC6(d), and WC6(e) because the current proposals provides for at least one convenience retail store in excess of 1,200m²; provides for other town centre related uses; and ensures that a suitable level of public parking is made available as part of the scheme. Therefore, the current proposals can be deemed to be 'acceptable in principle' with due regard to policies in the emerging Local Plan.

The proposals also meet the requirements of national planning policies in the Framework in terms of the proposed retail uses outside of Bolsover's town centre having passed the 'sequential test' and having been determined to be unlikely to have a significant adverse on the vitality and viability of the town centre. Therefore, an exception to the adopted Local Plan to allow retail units on a site adjacent to the town centre would also be acceptable in principle even in the absence of the emerging Local Plan policy.

However, representations on this application go further than this assessment insofar as it is generally considered that the proposals will actually have a beneficial impact on the town

centre not least by improving the current retail offer. The County Council's policy team also advise that the proposals would be unlikely to harm the vitality and viability of Bolsover town centre and would be more likely to maintain and enhance the health of the town centre overall.

Taken together, these factors would normally weigh heavily in favour of granting planning permission for the current application subject to further consideration of all other relevant planning considerations.

In this case, it is considered the most relevant planning considerations are (i) whether the proposals conserve or enhance the surrounding Conservation Area and accord with the key provisions of WC6 relating to the conservation and enhancement of on-site heritage assets (WC6(f)); and (ii) whether the redevelopment of the site would provide for an acceptable two way vehicular access road between Town End and Oxcroft Lane in accordance with WC6(a).

Heritage

In the first instance, saved Local Plan policies CON1 (Development in Conservation Areas); CON2 (Demolition of Unlisted Buildings or Structures in Conservation Areas); CON3 (Important Open Areas within Conservation Areas); CON13 (Archaeological Sites and Ancient Monuments) provide a framework to assess the impact of the current proposals on heritage assets.

These policies are consistent with core planning principles in the Framework and paragraphs 131, 132, 135 and 137 of the Framework because they seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

These local and national planning policies also underpin the requirements of Policy WC6(f), which says that as identified heritage assets: special consideration should be given to the historic grounds and remaining building on the western side of the site (i.e. the original Sherwood Lodge building and relic parkland). The entire site is also within the designated Conservation Area and the length of 'intrenchment' earthwork at the site's north-eastern boundary is nationally important and should be treated as though it were a scheduled monument.

In terms of the 'intrenchment', amended plans have been received seeking to address the County Archaeologist's and Historic England's concerns about the potential impact of the proposals on this significant heritage asset because of the proximity of a service area to these earthworks. However, neither the County Archaeologist nor Historic England have yet confirmed that these changes are sufficient to avoid harm to the 'intrenchment'.

In addition, the County Archaeologist, Historic England and the Council's Heritage Conservation Manager have all raised concerns about the adequacy of the submitted Heritage Impact Assessment in terms of justifying the demolition of Sherwood Lodge and the impacts of the proposals on the character and appearance of the surrounding Conservation Area.

There are also some concerns raised about the impact of the proposals on the setting of Bolsover Castle but from an officer perspective; these impacts are highly likely to be negligible taking into account

- i. the intervening built development, topography and mature trees between the Castle and the application site;
- ii. the intervening built development, topography and mature trees between the site and viewpoints looking towards the Castle; and
- iii. the location of the site adjacent to the existing town centre, which would help the units merge with the existing built development when seen from the higher parts of the Castle.

Nonetheless, the demolition of Sherwood Lodge would fail to conserve the special qualities of this non-designated heritage asset as a matter of fact and by virtue of their form, massing and external appearance, the retail units do not fully reflect or respect the styles and traditions of the vernacular buildings within the surrounding Conservation Area. It is not considered the use of stone to provide an attractive entrance to the site would offset the impact of the use of the modern materials throughout the retail units by virtue of their relative size and scale and visual impact.

Unfortunately, the retail units will have a noticeable visual impact on the surrounding Conservation Area taking into account their size and scale and the fact that these buildings would be seen from a wide range of vantage points from within the Conservation Area. Therefore, officers consider the development proposals will detract from the significance of the Conservation Area and diminish its historic and architectural interest.

Consequently, whilst it is acknowledged that the redevelopment of the site would undoubtedly give rise to some immediate improvements to the environmental quality of the local area: over the lifetime of the development, the current proposals would not conserve or enhance the surrounding Conservation Area. In these respects, the current proposals would conflict with saved Local Plan CON1, CON2 and CON3. Insofar as it has not yet been demonstrated that the proposals would conserve the 'intrenchment', the proposals also conflict with saved Local Plan policy CON13.

However, with due regard to the specialist advice from the Council's conservation officer, the County Archaeologist and Historic England, these harmful impacts of the proposals are considered to amount to 'less than substantial harm' in terms of national planning policies. Therefore, it is necessary to weigh the identified harm to heritage assets against the public benefits of granting planning permission for the proposals in accordance with national planning policy set out in Paragraph 134 of the Framework.

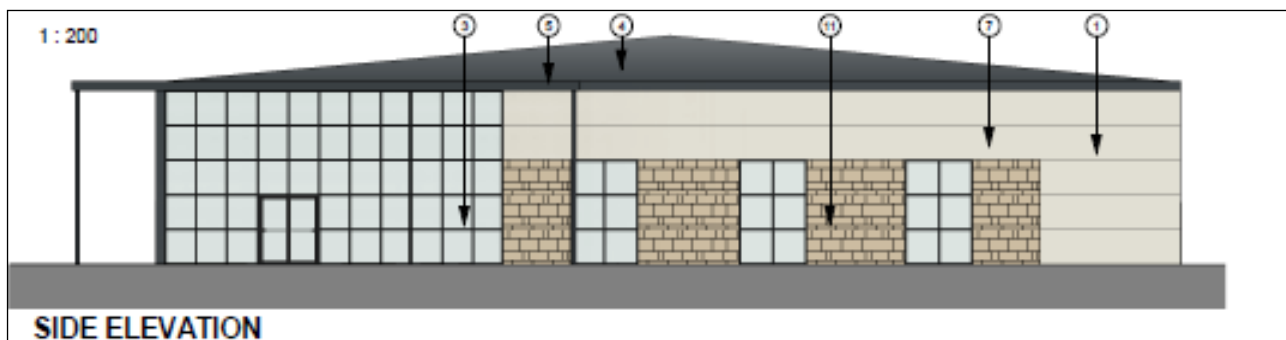
In this respect, if redeveloping the site resulted in a development of a high standard of contemporary design then the objections to the external appearance of the proposed buildings and the loss of Sherwood Lodge on conservation grounds might be better mitigated by the public benefits of granting planning permission for the current application.

Design

Policy criteria WC9(h) says that development proposals on the Sherwood Lodge site should contribute towards place-making through the delivery of a high quality designed development that creates an attractive and locally distinctive new urban neighbourhood utilising public art as appropriate. Paragraph 63 of the Framework also says in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

In this case, it is acknowledged that revised plans have been submitted primarily in response to detailed comments made by the Bolsover Civic Society in respect of the original submission. It is also recognised that by introducing cladding reminiscent of traditional stone detailing for example (see below), the revised plans now show buildings with a better link to local distinctiveness. However, they are still not 'attractive' buildings and taken as whole, the current proposals might be acceptable for a retail park in a less sensitive location but they cannot be described as being of high quality contemporary design.

Food Store – Elevation facing Town End



The Council has not yet received any further representations from the Civic Society in respect of the revised proposals. Nonetheless, it should be noted that Paragraph 66 of the Framework says applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Paragraph 66 goes on to say proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

Therefore, any further comments received by the Civic Society on the revised submissions may not be a determining factor in the determination of this application but they would be a relevant planning consideration that could be balanced against an officer conclusion that

- (i) the proposed development fails to properly reflect or respect the locally distinctive character of the surrounding Conservation Area; and
- (ii) is not of a high enough design quality to otherwise make a positive contribution to the character and appearance of the local area and avoid harm to the Conservation Area.

Open Space and Public Art

The harm to the Conservation Area resulting from the current proposals would also be exacerbated by the loss of the original Sherwood Lodge building and some of the relic parkland. From an officer perspective, this harm would not be offset by the design of the development proposals, as noted above, or offset or outweighed by the approach to open space and public art that has been taken in this application even though the current proposals retain more open space on the Sherwood Lodge site than the previously approved scheme and the applicant has also offered to make a contribution towards public art.

Specifically, Old Bolsover Town Council will be gifted the retained green space area, which is 25% greater than the previous approved Morrison's, with 40 more trees retained. By way of a contribution towards public art: the applicant has agreed to pay the sum of £4,000 for the installation of a bespoke stone carved bench in honour of the local celebrated author Fred Kitchen, located in the public realm area between the Town End car park and proposed food store. Bolsover Civic Society have already designed and costed the art installation.

Therefore, granting planning permission for the current proposals would undoubtedly result in some additional public benefits in place making terms but the proposals would still result in a net loss of important open space on the site and there are shared concerns about the utility of the retained open space given its location to the rear of a service yard and lack of natural surveillance. The contribution towards public art would also fall short of 1% of development costs.

Consequently, the current proposals do not fully accord with the place-making aspirations of emerging policy WC9(h) and do not meet the normal requirements of saved Local Plan policy GEN17 in respect of public art. The current proposals also fail to meet the requirements of emerging policy WC6(j) and saved Local Plan policy CLT6 that require the loss of the existing open space to be mitigated through a financial contribution towards the improvement of a green space within Bolsover, which has not yet been offered by the applicant.

Consequently, the current proposals are also inconsistent with the provisions of paragraphs 73 and 74 of the Framework, which set out the value of providing open space within development proposals and a presumption against building on existing important open spaces. Unfortunately, these objections are not fully addressed by reference to the previous approval because a financial contribution towards replacement open space in Bolsover was secured by way of a legal agreement attached to the existing outline permission.

Therefore, the less than substantial harm to the Conservation Area resulting from these proposals as set out above would not be offset or outweighed through the retention of open space or the provision of public art as proposed in this application.

However, as explained in more detail in later sections of this report, the wider public benefits that might be achieved through any approval of the scheme could be judged to outweigh the identified 'less than substantial harm' to heritage assets with regard to paragraph 134 of the Framework. In this respect, the provision of a link road through the Sherwood Lodge site takes on particular significance because it would provide a substantial public benefit that

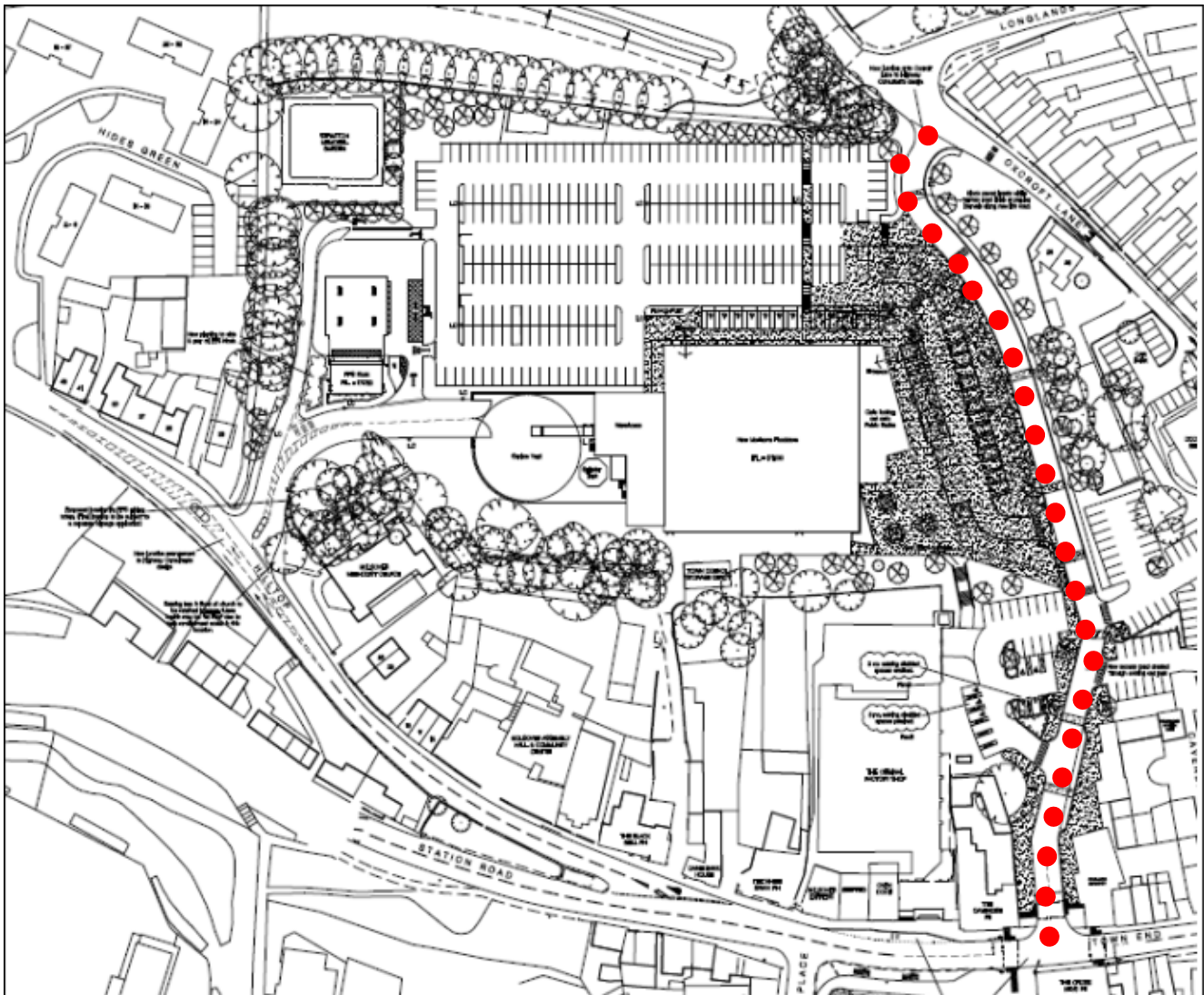
would also weigh very heavily in the determination of this application.

The 'Link Road'

The previous approval for a large food store on the Sherwood Lodge site included the provision of a link road through the site as shown by the 'dotted line' running north to south on the plan (below). As the delivery of this link road was secured by a s.278 agreement with the local highway authority, this link road was taken into account in the Bolsover Transport Study that was undertaken to understand how residential development coming forward in Bolsover over the next fifteen years would impact on the local road network.

Subsequently, the s.278 agreement has not been enforced because it was considered by all interested parties that there was no realistic likelihood that the large food store would come forward despite the original permission (12/00324/FULMAJ) having been implemented.

Approved 'Link Road' (12/00324/FULMAJ) - The dotted line shows the line of the 'link road'



In many respects, allowing the s.278 agreement to lapse gives rise to significant concern because the Bolsover Transport Study (2016) says the provision of a new link road through the Sherwood Lodge is required to provide relief to the Town End junction of Town End / Moor Lane / Welbeck Road. The Addendum to this study completed October 2017 says without the Sherwood Lodge Link Road, the Town End junction will reach capacity and as the planned quantum of development in Bolsover comes forward, including the major residential development at Bolsover North, there will be significant increases of queuing traffic at this junction.

However, Policy WC6(a) carries forward this requirement for a 'link road' and says that proposals for the development of this site will be permitted where they are comprehensive, guided by an approved masterplan for the site and provide for an acceptable two way vehicular access road between Town End and Oxcroft Lane.

This policy requirement is considered to be consistent with national planning policies in paragraph 32 of the Framework where it is said that to promote sustainable transport: local planning authorities should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of a development and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

In this case, the first set of amended plans (subject of the second round of publicity) did not show the provision of a two way vehicular access road between Town End and Oxcroft Lane. Instead the applicant proposed to effectively gift an area of land to the east of the food store to the Council. Unfortunately, this strip of land was not wide enough to accommodate a two way road, which normally has a carriageway width of between 7.1m and 7.5m. An additional 1.8m for a footway and/or 3m for a cycle way would also be required to provide adequate connectivity.

Therefore, whilst the land originally offered by the applicant may have some contributory use as part of a future route through the site, additional land would have been needed to provide a two way vehicular access road between Town End and Oxcroft Lane, which would require the acquisition of a significant area of third party land. In addition, the proposed development would not have fully met the requirements of WC6(g) because the provision of cycling facilities, as originally proposed, would not have made an especially positive contribution to the planned Bolsover town cycle network. This issue could be addressed by provision of a cycle way alongside a link road through the site.

Naturally, the applicant's further offer of a financial contribution of £150,000 towards highway improvements is welcomed and has allowed the Local Highway Authority to withdraw their objections to the current application. Nonetheless, this offer would not in itself be sufficient to allow the Council or the Local Highway Authority acquire additional third party land and pay for the link road. Therefore, officers were not able to conclude that the revised application would 'provide for' the link road that is required to mitigate for the impact of committed development in Bolsover.

This means that even though a link road is not required to deal with the traffic generated by

the proposed development: granting planning permission for the revised application would have had a severe adverse impact on the local road network. However, in light of these issues, the applicant has suggested a compromise that would allow for the transfer of sufficient land to the Council to safeguard a two way vehicular access road between Town End and Oxcroft Lane.

Indicative Site Layout



As this plan was submitted at the time of writing, there are still issues for both the Council and the applicant to consider, and the Council may also need to reconsult on the application, before this revised layout can be fully taken into account in the determination of this application.

However, in principle, this layout could be sufficient to allow officers to recommend approval of this application when taking into account that there are no other relevant planning considerations that otherwise carry as much weight in the determination of this application as the identified harm to conservation assets and the provision of the link road for the following reasons:

Accessibility and Connectivity

The indicative plans might provide the opportunity to implement a cycle link through the site, as noted above, and this link through the site might offset concerns that the character and amenity of the links through the site and the retained public rights of way would be adversely affected by the presence of the car park and service areas.

In all other respects, the revised plans show a scheme that would be accessible for all and the proposed development would not necessarily have a prejudicial impact on the existing public right of ways through the site. Pedestrian access to the site would be maintained from Hill Top, Oxcroft Lane and Town End and some consideration has been given to the provision of pedestrian access and linkage between Cavendish Walk and the site. The retained open space also helps to provide a 'greener' development than would have been achieved by the previously approved scheme.

Climate Change

Policy criteria WC6(i) says the current proposals should contribute towards the efforts to tackle climate change through its approach to sustainable construction, renewable energy and energy conservation within the site's general layout, design and orientation.

The submitted application does not appear to address this policy criteria and it remains of concern that the County Council are still not satisfied with the approach taken to sustainable drainage despite having site of the applicant's revised drainage strategy and despite Yorkshire Water and the Council's engineers having no overriding objections to the proposals in respect of drainage.

Therefore, the environmental credentials of the development do not weigh in favour of an approval of this application but these issues may be dealt with by an appropriate planning condition attached to any permission for the current application.

Ground Conditions

There is a significant change in levels across the Sherwood Lodge site but there are no land stability issues. The Council's environmental health protection officer is satisfied that an appropriate planning condition can be used to address any potential pollutants on the land. Therefore, these issues do not weigh heavily in the determination of this application.

Neighbourliness

There are some concerns about the impacts of the proposed development on the nearest neighbouring residential properties. However, the intervening distances between the proposed development and residential properties limits the extent to which the new units could be over bearing, impact on privacy, or affect the outlook of these properties. The Council's environmental health protection officer is also satisfied noise and air quality issues could be dealt with by appropriate planning conditions and the local highway authority is satisfied that the traffic generated by the proposed development would not in itself give rise to road safety issues. Therefore, the proposed development would not be unneighbourly and complies with policies GEN1 and GEN2 in this respect.

Wildlife

Other than the loss of trees from the site, it is considered unlikely that the proposals would have any other adverse impacts on any species or habitat of particular nature conservation value. A condition securing a landscaping and ecological construction and management should be use if permission were to be granted for the scheme to ensure that trees to be retained and bats and birds would be appropriately protected during the construction phase and to ensure that appropriate landscaping would be carried out prior to the proposed retail units being taken into use.

The Planning Balance

In light of the above technical assessment of the planning merits of the current proposals, it can be seen that there will be less than substantial harm to designated and non-designated heritage assets and that the proposed scheme does not fully accord with the Council's aspirations for redevelopment of the Sherwood Lodge site or the requirements of adopted planning policies.

However, the above assessment also finds that the proposed redevelopment of the site is not without merit and if the location of the buildings could be revised: the route of a link road through the site could be safeguarded and this link road is an essential pre-requisite of sustainable growth in Bolsover. There are also no other technical matters that would prevent permission being granted for the current application subject to appropriate conditions.

Therefore, a balanced decision has to be taken on this application with full regard to the wider public benefits that might be achieved by granting planning permission for this application. The applicant says the benefits of granting planning permission for the current application includes:

- The physical regeneration of a key landmark site within the town centre.
- The creation of around 200 new jobs
- Reducing the need to travel outside Bolsover to shop, ensuring more money is spent locally, whilst improving sustainability.

- Bringing more food shopping choice for local residents and visitors to the town.

In principle, officers agree with this assessment not least because it acknowledged there is significant public interest in re-development in the site and that there would be wider public benefits that would result from the grant of planning permission for this scheme. For example, regeneration of a disused site and the provision of local employment opportunities are clearly important to the local community and there is an equally clear 'qualitative need' for the proposed development if not a 'quantitative need' for the amount and type of retail uses proposed in this application.

In terms of qualitative need, it is considered that the provision of a medium-sized food store on the Sherwood Lodge site would improve Bolsover's retail offer and the introduction of a 'discounter' such as Lidl or Aldi, for example, and a wider range of choice of shops in the town would be of particular benefit to local residents.

In addition, the food store proposals plus the terrace of retail units would encourage more people to shop in the town reducing 'leakage' caused by people doing their shopping elsewhere. The proposals might also achieve a degree of 'clawback' by visitors to the town and local residents being more likely to shop locally and use other shops in the town centre. Therefore, the proposals have the capacity to enhance the vitality and viability of the town centre as a whole.

It is also considered by officers that the deteriorating condition of the site has resulted in a negative impact on the amenities of the local area whilst it has been vacant not least because the site has attracted anti-social behaviour and detracts from the character and appearance of the town. Therefore, granting planning permission for the current application would result in significant socio-economic and environmental benefits that should be afforded substantial weight in the planning balance.

In these respects, if the only key issue to determine in this application related to whether the less than substantial harm to the significance of designated and non-designated heritage asset resulting from the development proposals, as identified above, would be outweighed by the public benefits of granting planning permission: officers would be likely to recommend approval of this application given the qualitative need for the development and the potential for the scheme to enhance the vitality and viability of the town centre, as a whole.

However, this conclusion would be very finely balanced and the absence of a link road through the site would have posed a serious problem. To address this problem, indicative plans have been submitted showing how the food store building could be sited a further 3-4 metres to the west so the additional land to the east, which is intended to be offered to the Council, would be wide enough to accommodate a link road accommodating vehicular traffic in both direction and a foot way if not a cycle link.

If this plan can be agreed then it would significantly alter the decisional balance in the determination of this application because the route of the link road would be 'safeguarded' and whilst the proposals would not deliver a two way vehicular access road between Town End and Oxcroft Lane at least it could be 'provided for' by the Council (or others) without relying on acquisition of third party land.

At the time of writing, ongoing negotiations are taking place to achieve this compromise to get to a positive outcome and avoid a 'lose-lose' situation. In summary, refusing planning permission for the application will mean the socio-economic and environmental benefits of re-development of the site would not be realised and the applicant's development proposals will be stalled on a site that has already proven to be difficult to dispose of in any other way. The Council would also still have to find a way to 'provide for' a link road.

Therefore, officers consider if the current application were to provide for a link road as shown by the indicative plans then granting planning permission for the current application would achieve such substantial public benefits for the town and the District as whole, these benefits would significantly and demonstrably outweigh the adverse impacts of the proposed development on conservation interests and offset any residual concerns that the proposals do not fully accord with local and national policies as identified in the above report.

RECOMMENDATION

Accordingly, the current application is provisionally recommended for APPROVAL subject to confirmation and receipt of amended plans showing the revised siting of the proposed buildings and subject to a legal agreement related to the provision of public art and transfer of land, appropriate planning conditions and re-consultation on the revised plans showing relocation of the buildings.

Statement of Decision Process

The Council has sought to work positively and pro-actively with the applicant to find an appropriate compromise that better balances the respective aspirations of the Council and the developer in respects of the redevelopment of the site.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

Equalities

It is not considered a decision on this application would have a direct or indirect impact on any particular group of people with a shared protected characteristic but it is recognised that the provision of an additional food store in the town may be of a particular advantage to people with disabilities and older local residents, for example. Similarly, a severe adverse impact on the local road network might affect people with the same or other protected characteristics. This analysis has been considered in the weight afforded to both the negative and positive aspects of the scheme in the above report.

EIA Screening Opinion

The development is not Schedule I development but does comprise urban development as described in column one of Schedule II of the EIA Regulations 2017. In this case, it is not

Site Location Plan

