

PARISH Elmton with Creswell

APPLICATION Outline planning application (all matters reserved except for access) for the residential led, mixed-use redevelopment of land to the south of Colliery Road, Creswell. Comprising of circa 300 dwellings, circa 0.8 hectares of employment land, convenience retail, community scale leisure facility, medical centre (including demolition of vacant church building) and the upgrade of Colliery Road to adoptable standard.

LOCATION Land South Of Model Village Creswell

APPLICANT Mr Darren Ridout c/o agent.

APPLICATION NO. 18/00087/OUT **FILE NO.** PP-06706973

CASE OFFICER Mr Steve Phillipson

DATE RECEIVED 13th February 2018

SITE

Former Creswell Colliery site which is to the south side of Creswell, to the south side the Model Village Conservation Area and to the south of a recently consented site for residential development (197 dwellings currently being developed by Gleeson Homes). It can be accessed from Colliery Road and also through the Model Village.

The western boundary is defined by a raised former railway line, now a greenway with open countryside beyond. The eastern boundary is contained by the Robin Hood railway line, and to the south is a belt of trees with the former colliery lagoons lying beyond the southern boundary.

The site amounts to about 14.8ha of mostly brownfield land which is now cleared of buildings but contains two deep mine shafts. One of these has a very prominent concrete raft covering about 1m thick contained within a palisade fence compound. The site is beginning to regenerate into rough grassland and appears to be used informally by dog walkers with several well-worn paths evident. Trees/hedges/scrub have established primarily around the west south and east boundaries.



The northern end of the site includes a lesser used part of the recreation ground to the south of the Model Village but excludes the cricket ground and is adjacent to a small business park to the east side of Colliery Rd. The former Methodist Chapel off Colliery Rd and Elmton Road is also contained within the application site.

The site's topography is broadly level and benefits from partial visual enclosure. This relates to the lower height profile of the site in comparison to the former, now matured, colliery tip to the east and the banked hedgerows to the west which mark the former colliery rail line route. The topography of the site changes very gradually to the south where it raises slightly in gradient before reaching the plateau containing the former colliery lagoon area. To the north the level topography of the site generally continues before meeting the existing cricket pitch area and the southern extent of the Model Village's boundary.

Despite the partial enclosure of the site there is some intervisibility between the central and eastern area of the application site with Creswell Crag (Scheduled Monument, Conservation Area and is also a candidate World Heritage Site). Creswell Crag is about 1km to the north east and intervisibility is in the context of views over and across Morven Street Industrial estate.



Definitive footpath No 10 passes through the site linking to Frithwood Lane to the west and passing over the railway bridge to the east of the site linking to Morven Street and Welbeck Street which provides an alternative pedestrian route into Creswell centre, and the railway station further north.

The site is within walking distance of a range of community services and facilities, the majority

of which are within 0.5 to 1.0km. The majority of Creswell's services are centrally located along Elmton Road. Creswell's services include a range of convenience retail stores, primary schools, a train station, bus links, medical services, pharmacy, dentist, library, community spaces and recreation areas.

PROPOSAL

Application for outline planning permission with all matters reserved except for access detail. Consent is sought for circa 300 dwellings, circa 0.8 hectares of employment land, convenience retail, community scale leisure facility, medical centre and the upgrade of Colliery Road to adoptable standard.

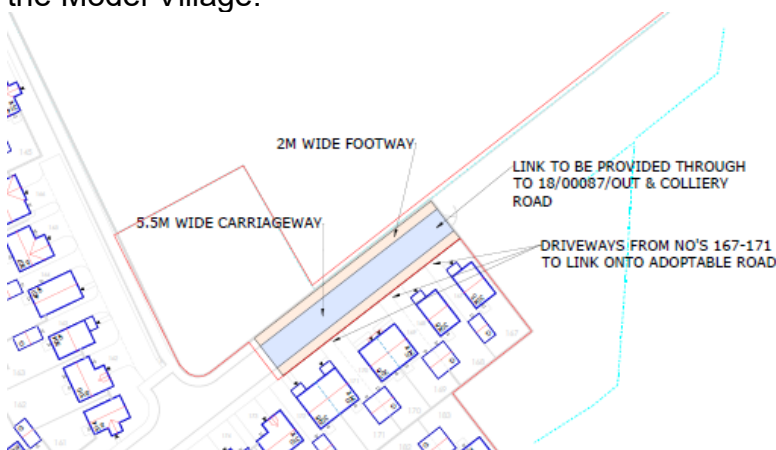
The anticipated spatial distribution of the various uses for which permission is sought is shown below on the illustrative masterplan.

The following supporting documents have been submitted:-

- Supporting Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Heritage Appraisal
- Transport Assessment
- Travel Plan
- Flood Risk Assessment and Drainage Strategy (inc. Addendum)
- Preliminary Ecology Report
- Topographical Survey
- Noise Assessment
- Utilities Assessment
- Landscape and Visual Appraisal
- Landscape Strategy
- Arboricultural Report
- Phase 1 Geo-Environmental Assessment (inc. Coal Authority Report)
- Phase 1 Geo-Environmental Factual Report
- Coal Mining Review Report
- Archaeological Desk Based Assessment



Primary vehicular access is to be gained from Elmton Road via an upgraded and adoptable Colliery Road and a link will be created with the Gleeson Homes site to the west to also facilitate vehicular access from that site to Colliery Road as an alternative to access through the Model Village.



The medical centre is proposed on the site of the former Methodist Chapel, the demolition for which has received relevant consent (ref: 18/00164/RELDDEM). An expansion contribution is proposed by means of S106 obligation.

A contribution to the community scale leisure facility will be available by means of S.106 monies contributed through the development of this site and in partnership with other relevant agencies.

The Applicant states that the site will, as a whole, provide a regenerative link through to the former colliery lagoon area to the south which is subject to wider restoration.

The applicant expects that there will be ecological benefits through improved management, retention and strengthening of existing significant hedgerows, or green 'buffer' areas, alongside the creation of green linkages.

The proposal includes sustainable drainage in the design solution for surface water disposal.

The Applicant states that design cues will be taken from the surrounding area and in particular the Model Village to the north of the site given its heritage status and distinctiveness within the Conservation Area. This is in order to maintain a sense of identity with Creswell and draw on local character.

The precise format and layout of the development will be the subject of a future Reserved Matters application. However, the overall principle of the development described is to focus on a balanced mix of housing types, styles and sizes. The development is envisaged to deliver predominantly two storey dwellings. This is with opportunities to include single storey dwellings in order to meet local demand. Some two and a half storey dwellings may also be appropriate in this setting, adding interest and variety in suitable areas of the development. The residential layout will include a mix of two to four bedroom, detached and semi-detached properties.

The employment provision will likely be single storey, small scale units, in B1, B2 and B8 use classes, intended for both start-up businesses and existing firms in the area.

S106

The following S106 social infrastructure obligations have been agreed by the Applicant:-

- Medical Centre - fund/undertake extension works to the value of £30,000 to upgrade the proposed Medical Centre.
- Creswell Junior School - £45,596.
- Secondary School, Heritage, Clowne - £618,342.
- Travel Plan Monitoring - £5,000.
- Children's on-site play space – 0.6ha area to include provision of play equipment to the value of £100,000, or £100,000 (plus maintenance fee to be agreed) if adopted by Bolsover District Council.
- Adult Recreation and Sports provision within the Parish - £201,062 contribution toward the proposed Community Leisure Facility or to upgrade leisure facilities in the Parish.
- Affordable Housing – 5% affordable rent or £600,000 sum.

AMENDMENTS

Colliery Road 'General Arrangement' drawing ref: WIE 13853 – A04 (This has been confirmed as suitable for a S.38 purposes).

A minor amendment was made to the site's redline boundary (ref: 14.057/03f) with regard to access detail to allow facilitation of access through to the Gleesons Homes site and to assure that an adoptable highway link can be secured at this outline stage.

Road Link to Gleeson's site 06 024 A01

Illustrative Masterplan also was updated accordingly (ref: 14.057/02U).

An Archaeological Desk Based Assessment was submitted during the application at the request of DCC's archaeology department, the assessment satisfied quires raised and allowed for conditions to be drafted.

An addendum to the Flood Risk and Drainage Strategy was submitted during the application through discussions with the Lead Local Flood Authority in relation to the existing culvert to the east of the site, this addendum allowed for conditions to be drafted.

A Threshold Viability Appraisal was submitted indicating lower site viability given location and necessary infrastructure costs associated with the upgrade of Colliery Road.

A Coal Mining Review report was submitted during the application in relation to the two mine shafts located on site at the request of The Coal Authority, this review allowed for the initial objection of The Coal Authority to be removed and for conditions to be drafted.

Position Statement 17.026, Colliery Road, Creswell 6

RELEVANT PLANNING HISTORY

Creswell Colliery ceased works in 1991, since then part of the site had been used for a number of years as an industrial estate but the site has now been cleared and is vacant.

There have been a number of planning permissions for residential development on the North West corner of this site (about 20% of this site) the first dating back to 1997. However that permission is no longer capable of further implementation since a substantial part of that permission has been overlapped by the later Gleeson's permission which has now been implemented and lies adjacent to the north west of this site.

16/00529/FUL GC Residential development 197 dwellings – on adjacent site to the north.

18/00164/RELEM GC Demolition of Methodist Chapel

18/00522/TCON Determined not to make a Tree Preservation Order

PUBLICITY

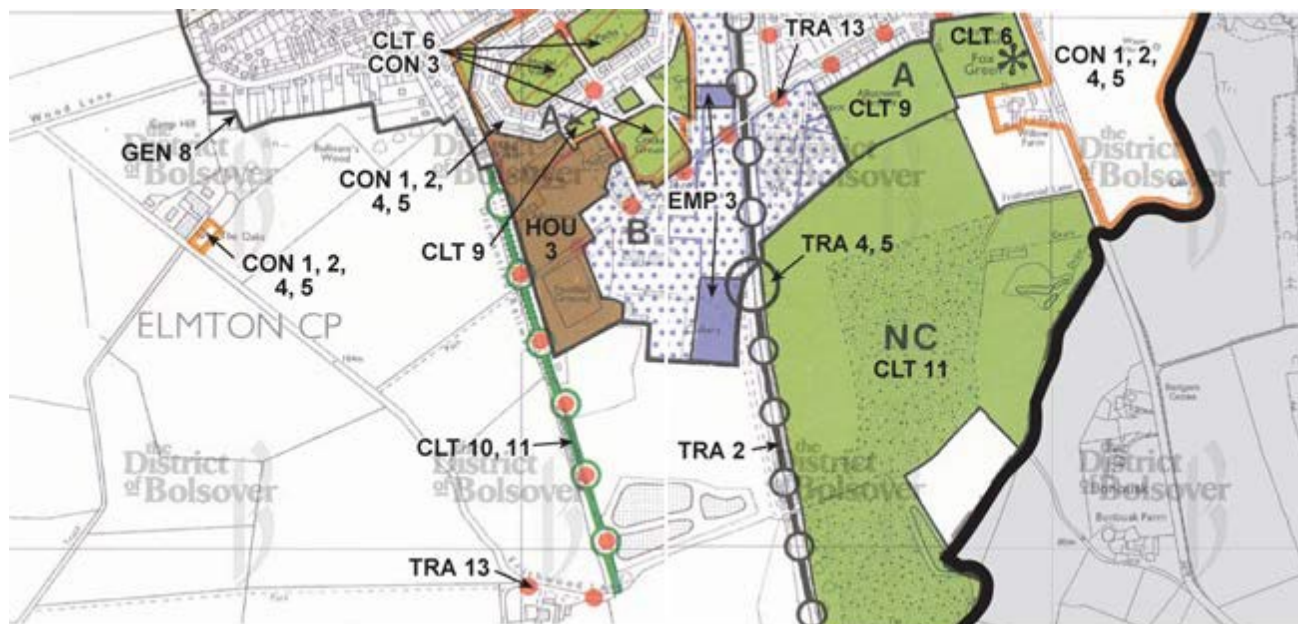
Advertised in the press, 2x site notices posted. 117 properties consulted. No representations received.

POLICY

Bolsover District Local Plan Feb 2000 (BDLP)

The site is predominantly within the settlement framework for Creswell, with the most southern part of the site, about one quarter of the site by area, being located beyond the settlement framework and thus located in the Countryside. The area of the site within the settlement framework is covered by several allocations within the Local Plan, these being:

- 1) A portion covers the remaining part of one of the housing allocations (HOU3);
- 2) two local employment site allocations (EMP3);
- 3) a large portion of the site is on an employment site / buildings commitment (EMP5);
- 4) part of an open space and recreation allocation (CLT6).



The key saved policies in the adopted Local Plan that have relevance to this application are:

- 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 17 - Public Art
- HOU 2 – Location of Housing Sites
- HOU 3 – Housing Allocations
- HOU 5 – Outdoor Recreation and Play Space Provision for New Housing Development

- HOU 6 – Affordable Housing
- EMP 3 – Local Employment Sites
- EMP 5 – Protection of Sites and Buildings in Employment Uses
- CLT 2 – New Community Facilities
- CLT 4 – Indoor Sport and Recreation Facilities
- CLT 6 – Existing Outdoor Playing Space and Amenity Open Space
- TRA 1 – Location of New Development
- TRA 12 – Protection of Existing Paths and Bridleways
- TRA 15 – Design of Roads and Paths to Serve New development
- ENV 3 – Development in the Countryside

Local Plan for Bolsover District - Publication Version May 2018

The majority of the site is unallocated in the emerging local plan and so countryside protection policies apply.

National Planning Policy Framework

8. Achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

57. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in

national planning guidance, including standardised inputs, and should be made publicly available.

Delivering a sufficient supply of homes

61. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

62. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required (Applying the definition in Annex 2 to this Framework) and expect it to be met on-site unless:

a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.

64. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership as part of the overall affordable housing contribution from the site, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

80. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

94. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications;

95. Planning policies and decisions should promote public safety and take into account wider security and defence requirements by: anticipating and addressing possible malicious threats and natural hazards...

96. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision.

98. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

103 Significant development should be focused on locations which are or can be made sustainable.

109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

117. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land...

118. Planning policies and decisions should:

a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;

b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;

c) **give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;..**

178. Planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation)...

179. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

193. 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Other

Affordable Housing SPD

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.”

ASSESSMENT

The Principle of Development

Although the site is unallocated in the publication version of local plan (May 2018) and so the development proposed does not accord with that plan, it can only be given limited weight at this stage. The saved policies of the adopted Bolsover District Local Plan 2000 still carry more weight at present.

There are various saved policies and allocations which apply to the site as detailed above in this report (see policy section with extract of the proposals map). These include employment, residential, and recreation ground allocations. All of these areas are within the settlement framework except for the southern end of the application site (about a fifth by area) which falls outside the settlement framework.

Of the allocations the proposal fully complies with the residential allocation and recreation ground allocation. Policy EMP5 aims to keep land in employment use unless one of the exception criteria is satisfied. These include that the site is no longer capable of providing an acceptable standard of accommodation for employment use, or that the benefits to the community would be greater than the potential benefits from its employment use. These criteria are deemed to be satisfied because the road connections to this site are restricted in width and by a low bridge (too low for large lorries) such as to make the site unsuitable for large scale industrial and employment related development. The smaller scale employment development now proposed in this application adjacent to the existing business park is policy compliant and considered to be appropriate in scale.

Policy EMP5 being satisfied, that leaves the remaining employment land being treated as land within the settlement framework where residential development is acceptable in principle.

Although the southern section of the site falls beyond the settlement framework where countryside protection policies apply, in this case what we are left with is a strip of brownfield land between this site and the former colliery lagoon area. It makes little sense to preserve it as countryside for its own sake. Notwithstanding that part of the site is currently outside the defined Creswell settlement framework, policy ENV3 in the adopted local plan supports development in the countryside where it will ‘benefit the local community through the reclamation or re-use of land.’ So logically it is considered that this part of the site ought to form part of the current development proposal.

The NPPF adopts a clear pro-growth principle alongside the presumption in favour of sustainable development in the interests of delivering growth that the county needs. The proposal aims to positively work within this context in the interest of delivering sustainable development in that it helps address local housing and employment land requirements whilst providing substantial site regeneration benefits.

Development that is sustainable should be approved without delay. The NPPF reinforces that housing applications should be considered in the context of this presumption, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Importantly the current principle for development allows for the regeneration of a long-standing brownfield site. After the closure of the colliery on the site in 1991, and subsequent remediation works, the land retains a visually unattractive, industrial character.

The re-use of brownfield land is actively encouraged through national planning policy and guidance. It is a core principle of the NPPF to assure that previously developed land is effectively re-used through the planning system. This is in the interests of pursuing a sequentially preferable approach to development that minimises the impact of growth on the wider countryside and assures brownfield sites are regenerated.

The NPPF advises that planning authorities should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

Therefore it is considered that the proposal is acceptable in principle complying with the saved policies of the local plan and could be approved providing the scheme is acceptable in planning terms with regard to all other relevant planning considerations.

Review of Specific Matters and Consultations

Highways, Access and Colliery Road

A Transport Assessment ('TA') and Travel Plan ('TP') have been submitted in support of the planning application. The TA concludes that there are no road safety issues associated with the local highway network and that additional trips generated by the development are not considered to have a detrimental impact on the operation of the local highway network. Also the TA concludes that the site:

- is well located to encourage walking journeys to local facilities, encouraged by existing and enhanced pedestrian infrastructure;
- allows for sustainable cycle access to local facilities, nearby villages and towns;
- enjoys good proximity to regular bus services and Creswell railway station, which in turn provides excellent links through to Nottingham, Worksop and Mansfield; and
- is well located in relation to education, health care, leisure and retail services.

The supporting TP further outlines the sustainable travel opportunities available in the vicinity of the proposed development, alongside the implementation of measures and initiatives to further promote sustainable transport options upon occupation of the scheme.

On basis of the assessments undertaken, no junction improvements connecting the site (including at Colliery Road and Elmton Road) are considered necessary in order to mitigate additional trips generated from the proposed development.

Highway capacity assessments conclude that the proposals would have a negligible impact on the local highway network in relation to associated development traffic; the residual cumulative impacts would not be 'severe' when considered against such principles of the NPPF.

The Highway Authority has confirmed that the access proposals shown in the amended General Arrangements drawing rev A04 is suitable for adoption purposes. They also confirm that the Applicant has evidenced that they have the right to deliver the proposed road link to the Gleeson development so as to provide residents of that development with a road link to Elmton Road without having to pass through the Model Village. This is considered to be a wider public benefit of the scheme which weighs in favour of the proposal in the planning balance.

It should be noted however that there will need to be a temporary period during re-construction of Colliery Road and for cash flow reasons when traffic to this site and the Gleeson's site will have to use the Model Village for access. The link to Gleeson's site is to be delivered prior to commencement, the Colliery Road upgrade is to be undertaken in accordance with a phasing plan, completed and reopened prior to 80 dwellings being completed.

The Highway Authority have no objections subject to conditions (appropriate conditions listed below) and it is considered that there are no highway safety reasons or highway capacity reasons to refuse planning permission.

Archaeology

An Archaeological Desk Based Assessment prepared by Arc Heritage has been submitted with the application. Derbyshire County Council's Archaeologist has concluded it provides a thorough assessment of the development of the site through time, along with an analysis of the available information on past land use and exploitation.

It is considered that there is a high archaeological potential for prehistoric remains in the south-western sector of the site on the basis of finds of extensive flint scatters on land immediately to the west. It is suggested also that medieval and later agricultural evidence may survive in both the areas of high potential. It also confirms that remains of industrial archaeological interest may also occur in these areas.

Field evaluation will be needed to assess this potential, however it would be appropriate for this to be undertaken following a grant of outline planning but prior to any reserved matters decisions. On the basis of the results of field evaluation more extensive archaeological recording (excavation) may be required in order to record these remains – as required under paragraph 141 of the NPPF. A planning condition is considered to be necessary to require this work to be undertaken.

Landscape and Visual Impact

A Landscape and Visual Impact Appraisal (LVIA), has been submitted in support of the application. The LVIA concludes that no adverse impacts are predicted on the immediate or surrounding landscape character as a result of the proposed development. The appraisal

considers a range of visual perspectives as a part of this, defining the site as a 'transition area' between Creswell and the existing lagoon area to the south.

The appraisal confirms that the site benefits from relative visual enclosure. This is because of the site's related topography, prominent built form of Creswell to the north and existing mature vegetation surrounding the site. As such longer distance views of the site are often broken and only partial, with the proposed development having a limited visual impact.

The proposal is not considered to be of a scale to have any impact on the Southern Magnesian Limestone national character area.

Any loss of grassland or plantation as a result of the development can be mitigated through suitable planting and habitat re-creation within the scheme.

Limited impact is expected on landscape or nature designations in the locality as a result of the development proposal.

Heritage

Below ground heritage interest is dealt with above in archaeology.

Potential visual impacts on the Model Village Conservation area are recognised. However, this can be addressed through the sympathetic design, chosen materials and vernacular adopted as a part of the development design at reserved matters stage. Therefore it is considered that the character of the conservation area will be preserved.

The southern and western parts of the development will not be visible from Creswell Crags. However despite the partial enclosure of the site there is some intervisibility between the central and eastern area of the application site with Creswell Crags (Scheduled Monument, Conservation Area and is also a candidate World Heritage Site) about 1km to the north east. However intervisibility is in the context of views over and across Morven Street Industrial estate. As such any views that can be had from the Crags already include development in the same arc of view and whilst the development would increase the amount of development that can be seen, at 1km distance the any setting impact is considered likely to be very slight at worst and not significant in the balance.

The Conservation Officer has not objected to the proposal.

Ecology, Trees and Biodiversity

A Preliminary Ecological Appraisal has been submitted. It shows that the habitat of the site falls into a 'mosaic' of open habitats including scrub land, limited woodland, grassland and bare ground within a previously developed context. The trees on site are mainly young birch and lower quality with no higher grade trees of particular amenity value. No overall barriers to development are identified in the appraisal.

The scrub and woodland habitat across the site is predominantly of low ecological interest. Some boundary vegetation and open habitats were considered to be of limited ecological value. The loss of, or adverse impact on, any areas of on-site (or relevant adjacent) ecological

value can be mitigated for and offset during the subsequent scheme design and development process.

Given the relative isolation of the site and distance from both the Creswell Crags or Holinhill and Markland Grips SSSI land, no adverse ecological impact is anticipated during the development of the site on these protected areas.

No immediate record of badgers, badger setts, bat roosts, amphibians, reptiles or invasive vegetation were noted on-site as a part of the preliminary investigation. Limited records of non-protected birds and invertebrates were noted. A low potential for bat roosting was observed.

The Wildlife Trust advised that additional further surveys for protected species are needed and underlined the particular need for a bat survey of the former Methodist Chapel prior to determination of the application. A further bat survey has been. The Wildlife Trust advise that the building has been assessed as having low potential to support roosting bats. No roosting bats were recorded during the survey hence bats are not a constraint to demolition (providing this is undertaken within 2 years of the survey). Demolition should occur outside the bird nesting season i.e. avoiding March to August, or be preceded by a nesting bird check.

Whilst it would have been preferable for additional detailed surveys to have been provided at this stage to be certain that adequate mitigation will be achievable, the Applicant has not agreed to this. The Applicant's ecologist believes that the scope of the study undertaken has been sufficient to identify species and habitats that are likely to be affected by the proposed development. They argue that further detailed survey work at this stage would be abortive given the time delay to development occurring and so would be an unnecessary financial burden. They argue that pre-commencement conditions would be adequate requiring the submission of a Construction and Environmental Management Plan and a Biodiversity Enhancement and Management Plan.

Given that this brownfield site is predominantly of low ecological interest and much of that relates to boundary vegetation which can more easily be incorporated into landscaped green spaces and so retained, the Officer view is that, on this occasion the requirement for the remaining detailed ecological survey work can be conditioned. However not pre-commencement as suggested. The additional survey work will be needed to accompany application for approval of reserved matters so it can be demonstrated that the layout and landscaping of the development has been designed to avoid impacts on areas of higher biodiversity value and otherwise adequately mitigate and compensate to ensure that overall there is no net loss of biodiversity. Given the extent of mitigation and green space required for biodiversity is not known at present it is possible that the achievement of an acceptable solution will affect the amount of development and the number of dwellings that can be fitted onto the site.

The regeneration of the site presents an opportunity for habit and biodiversity enhancements working in tandem with the landscape proposals. The provision of integrated green space and enhancement of on-site vegetation could support existing and new habitats and improve the ecological value of the site.

Flood Risk and Drainage

A Flood Risk Assessment and Drainage Strategy has been produced in support of the planning application. The assessment of flood risk has surveyed the site and the wider context, in response to the request of the local planning authority at pre-application stage. The assessment concludes that the site is in Flood Zone1 and therefore is at a very low risk of flooding from all sources. Developing the site would not result in an increased flood risk to neighbouring or surrounding areas.

Surface water drainage can be accommodated on-site through a combination of integrated SuDS (Sustainable Drainage Systems) and attenuation to allow for a controlled rate of discharge into the adjacent watercourse and public sewer network. The addendum (April 2018) clarified ability to discharge under existing culvert beneath the Robin Hood line into the lagoons east of the site (in the ownership of The Welbeck Estate) at a controlled rate - including any necessary on-site attenuation to achieve the controlled rate which was agreed with the DCC Flood Risk Team. The LLFA therefore has no objections subject to conditions requiring:-

1. A detailed design and associated management and maintenance plan of the surface water drainage for the site to have been approved prior to commencement.
2. Surface water destination to accord with the hierarchy:
 - I. into the ground (infiltration);
 - II. to a surface water body;
 - III. to a surface water sewer, highway drain, or another drainage system;
 - IV. to a combined sewer.
3. Details of how surface water run-off from the site will be avoided during the construction phase.

However, given that the provision of SuDS will affect the layout of the development (because ponds and swales take up land area), it is considered that it will be necessary to require details for conditions 1 and 2 with application for approval of reserved matters.

Coal Mining Risk

The application site falls partly within the defined Development High Risk Area. There are two recorded deep mine shafts present within the application site.

In response to concerns previously raised by the Coal Authority, the Applicant has now submitted a Coal Mining Review Report (Jul 2018, prepared by WYG). Based on a review of appropriate sources of information, the report indicates that both shafts have been previously treated and capped.

The report authors are satisfied that the catastrophic collapse/failure of the shaft cap is unlikely and, as a result, the risk of collapse is considered to be very low.

The Coal Authority notes and welcomes the recommendation contained within the report for the incorporation of development standoffs (radii) of 25m around each shaft position. The Coal Authority does not object but a condition is recommended to ensure that any reserved matters submission proposing details of layout incorporates development standoff of 25m around each mine shaft position.

Furthermore given the risks associated with the former mine shafts and the appearance of the concrete capped shaft (see image below) the development and the associated landscaping proposals will need to be carefully designed to exclude these areas from the public and from public view.



Ground Contamination

Given the previous use of the site as a colliery the land will need to be remediated before it can be safely reused for residential purposes. This will need to be undertaken carefully to ensure that any pollutants are not mobilised into the ground waters and aquifer.

The Environment Agency does not object subject to conditions requiring a scheme of further investigations for contamination being undertaken and remediation proposals to be approved and implemented. The EHO has requested a similar condition.

The Agency also seeks a restriction on piled foundations unless it has been

demonstrated that there is no resultant unacceptable risk to groundwater.

Noise

A Noise Assessment has been submitted to establish both daytime and night-time noise levels that may impact upon the proposed development.

The report identifies the Craggs Industrial Estate, to the north east of the site, as presenting the most significant risk area to noise related amenity in relevant areas of the proposal. Also intermittent rail traffic presents a low risk of adverse noise impact.

A range of mitigation options are proposed to most effectively address noise impact. These include the installation of a 3m high acoustic sound barrier to the east of the site in the form of a fence or bund, careful consideration of residential layout and appropriate residential positioning and glazing.

For these sources of noise it is considered that the extent of any acoustic barrier and its design can be determined at Reserved Matters stage and the other mitigation measures can be accommodated within the site and should assure recommended internal and external sound level criteria for new dwellings.

There is also the potential for a further source of noise that could affect amenity on site. This is works associated with the restoration of the former Colliery Lagoons area to the south of the site. However since the Applicant also owns that adjacent site, it is considered that it would not be unreasonable to impose a planning condition to mitigate noise from that site as well; in the event that those works have not been completed by the time dwellings on the application site are occupied. This may need to include a temporary noise fence along the northern boundary of the lagoon site.

The Environmental Health Officer has confirmed the need for a condition to mitigate noise.

Utilities

The supporting Utilities Report concludes that foul water, clean water, gas, electricity and telecommunications (including broadband) can all be accommodated on site in order to service the proposed development. This is subject to clean water and gas reinforcement works and the provision of an on-site electric sub-station. Sewer modelling works may also be required. Appropriate costs, evidenced in the Utilities Report, have been considered and factored into the development proposals.

Social Infrastructure (S106)

The Applicant has submitted a viability appraisal which shows the economic viability of the scheme to be low such that scheme cannot afford to pay for all policy requirements and requests resulting from other material considerations that indicate that contributions for social infrastructure might be necessary.

The Council's Senior Valuer has reviewed the appraisal and has advised that the various development costs and sales values quoted appear to be reasonable. Although sales income

will depend on the quality of the houses.

The obligations agreed, amounting to approximately £1.6 million are set out above in the proposals section of this report. The amounts would be payable on a per dwelling pro-rata basis. The obligations listed above are as requested by consultees and should be considered policy compliant with the following exceptions:-

Children play

The area agreed is policy compliant however the amount agreed for equipment at £100,000 is about half that normally required for a development of this size. However this amount is still able to provide a reasonably well equipped facility and the Applicant has expressed a preference for providing a higher offer towards the planning community leisure facility (for adult leisure) as an alternative. The amount agreed for that £201,062 is considered to be a good outcome. The Leisure Officer does not object.

Sport England also has no objections subject to conditions and S106 to secure the Leisure offer in the application. This includes the land to be added to the southern corner of the cricket pitch and otherwise on the recreation ground to be conditioned to leisure use.

Affordable Housing

Initially no affordable housing was offered as part of this application for viability reasons. However following the Housing Strategy request for 10% affordable housing on site and further to negotiations the Applicant has eventually agreed to 5% affordable rent being provided on site. This equates to 15 affordable rent units, and on the basis that 300 are provided. In the event that a housing association is not willing to take on the units provided then a commuted sum of £600,000 has been agreed as a fall-back position for the Council to acquire affordable housing.

The Council's policy requirement for affordable housing is set out in HOU6 of the Local Plan and the associated supplementary planning document on affordable housing requires 10%. However the SPD will allow a reduction in the level of provision down to 5% as a minimum where viability does not allow more. Given the viability case made it is considered that the proposal should now be seen as policy compliant.

The Applicant also draws attention to the 11 affordable rent units which have recently been provided in the former Creswell Miners Welfare building on the basis that this scheme will have helped to reduce the demand for affordable housing in the locality.

Public Art

Policy GEN17 of the local plan states that the Council will seek to negotiate a contribution for public art at a level of 1% of development costs. On a scheme this size that equates to an estimated £500,000. This request has been put to the Applicant but not agreed. A much lower request of £30,000 has since put to the Applicant given the scheme viability but this has also been rejected, although the Applicant does not rule out the provision of some sort of mining related art work being provided given the former use of the site. On this basis a condition is an option to require a scheme of art work to be agreed. However it should be noted that a condition cannot secure art work to the values referred to above.

The Council's Public Art Officer is very disappointed with the position. Unfortunately it is extremely difficult to defend a refusal of planning permission on the basis of a low provision or no provision for public art. This is because it is not strictly "necessary" on this occasion to make the development acceptable in planning terms.

Railway Station

Network Rail have requested funding to expand the station car park and to upgrade footpaths and lighting on route to it. However this has not been agreed and it is considered that Network Rail have not been able to evidence the need for it. However the reserved matters application will deal with footpath connections and surfacing up to the railway bridge which will at least upgrade the stretch of public footpath within the application site including illumination where necessary. The footpath to the east side of the railway bridge is already lit.

Retail

The illustrative plans show the potential for a convenience store and provided the floor area of this retail unit is limited by condition, there are no overriding objections to this aspect of the proposals. A small convenience store can be justified in this location as it would provide a useful facility for the future occupants of the housing schemes to the south of the model village without compromising the vitality or viability of the existing shops on the high street,

The Planning Balance

In conclusion, having reviewed the technical considerations, and infrastructure requirements of the proposal, none are considered to weigh so heavily as to indicate that permission ought not to be granted. Conditions can be applied where needed to deal with the technical issues raised. Furthermore the proposal is considered to be policy compliant in principle and granting consent for this application will achieve the following benefits:

- Regeneration of brownfield land known to require remediation.
- Additional supply of housing.
- Long term economic benefits from the employment aspect.
- Shorter term local economic benefits during construction.
- Helping to deliver a new community leisure facility and GP practice.
- Upgrading of Colliery Road and links to Gleeson's site to help reduce traffic through the Model Village (social and conservation area benefits).
- Potential retail offer from convenience store on site.

It is considered by officers that the regeneration of brownfield land, and the economic benefits and social benefits that might be achieved by granting permission for this application also weigh heavily in favour of approval. Accordingly, the current application is recommended for approval subject to conditions.

Other Matters

Listed Building: No significant issues

Conservation Area: see above

Crime and Disorder: No significant issues
Equalities: No significant issues
Access for Disabled: No significant issues
Trees (Preservation and Planting): See above
SSSI Impacts: See above
Biodiversity: See above
Human Rights: No significant issues

RECOMMENDATION

The current application be approved pending completion of a S106 obligation regarding the developer contributions and obligations as set out in the proposals section of this report in respect of:

- **affordable housing,**
- **education,**
- **play space, recreation facilities and leisure provision,**
- **Travel Plan and**
- **GP practice**

And subject to conditions including the following given in precis form below to be formulated in full by the Head of Planning/Planning Manager in liaison with chair and vice chair of the Planning Committee:-

Conditions

Approval of reserved matters before commencement.

Application for reserved matters to be made within 3 years and commencement triggers.

Permission relates to amended drawings:-

- Site Location redline boundary ref: 14.057/03f
- Colliery Road 'General Arrangement' drawing ref: WIE 13853 – A04
- Road Link to Gleeson's site 06 024 A01
- Illustrative Masterplan ref: 14.057/02U.

Application for approval of reserved matters to be accompanied by the results of an archaeological field evaluation.

Reserved Matters application to be accompanied by (a) Construction and Environmental Management Plan and (b) Biodiversity Enhancement and Management Plan.

Reserved Matters application to be accompanied by a detailed design and associated management and maintenance plan of the surface water drainage for the site to have been approved prior to commencement.

Surface water destination to accord with the hierarchy:

- I. into the ground (infiltration);
- II. to a surface water body;

- III. to a surface water sewer, highway drain, or another drainage system;
- IV. to a combined sewer.

Application for approval of reserved matters shall be designed to exclude any development or land uses to which the public have access within 25m of each of the deep mine shafts on site. In addition the development shall be designed to screen public views of the mine shaft caps.

Application for approval of reserved matters shall be designed to include any noise mitigation required to mitigate noise to achieve recommended internal and external sound level criteria for new dwellings. To address noise sources from industrial estates, railway line, and lagoon restoration scheme.

Prior to commencement, details of how surface water run-off from the site will be avoided/dealt with during the construction phase.

Ground contamination investigation and remediation.

No piled foundations unless demonstrated safe to ground water.

The link to Gleeson's site is to be delivered prior to commencement, the Colliery Road upgrade is to be undertaken in accordance with a phasing plan and completed at least to base course level and reopened prior to 80 dwellings being completed.

Land to the southern corner of the cricket pitch and otherwise within the recreation ground to be conditioned to leisure use.

Scheme of public art provision on site to be agreed.

Scale/floor area of retail uses to be limited to 500m²

Appropriate Highway Authority Conditions:-

Provision of highways to base course to link to public highway prior to occupation.

The gradient of the new road shall not exceed 1:30 for the first 10m into the site from the existing highway boundary and 1:20 thereafter.

Scheme for maintenance of the streets until S38 adoption agreement in place.

Provision of off-street parking space.

Bin stores shall be provided within private land at the entrance to shared private accesses.

Revised Travel plan.

(Informative Notes to include

Any subsequent reserved matters application will need to include design of the internal layout of the site in accordance with the guidance contained in the Manual for Streets document and the 6Cs Design Guide.

Reserved matters application should be accompanied by a swept path analysis to demonstrate that service and emergency vehicles can successfully enter and manoeuvre within the site.)