

PARISH Old Bolsover

APPLICATION Reserved Matters application for appearance, landscaping, layout and scale of Outline Planning Permission 16/00463/OUT
LOCATION Land adjoining North side of Blind Lane, Bolsover
APPLICANT Matthew Jackson,
APPLICATION NO. 18/00481/REM
CASE OFFICERS Kay Gregory & Chris Fridlington
DATE RECEIVED 25th September 2018

SITE

The site (approximately 12 ha in area) is located on the north-western edge of Bolsover comprising several large adjoining fields running west-east between Woodhouse Lane and paddocks separating the eastern edge of the site from dwellings on Shuttlewood Road. The fields are currently unused and becoming overgrown. There are various footpath routes crossing the site but only one definitive footpath across the north-eastern part of the site.

The site has a gradual and then steep increase in gradient from west to east as it climbs the Magnesian Limestone escarpment slope, which means the application site is quite a prominent landscape feature in views towards Bolsover from public vantage points to the south and south west of the town. In addition, the site also affords numerous views back towards Bolsover Castle, which provides an impressive and distinctive backdrop to the site.

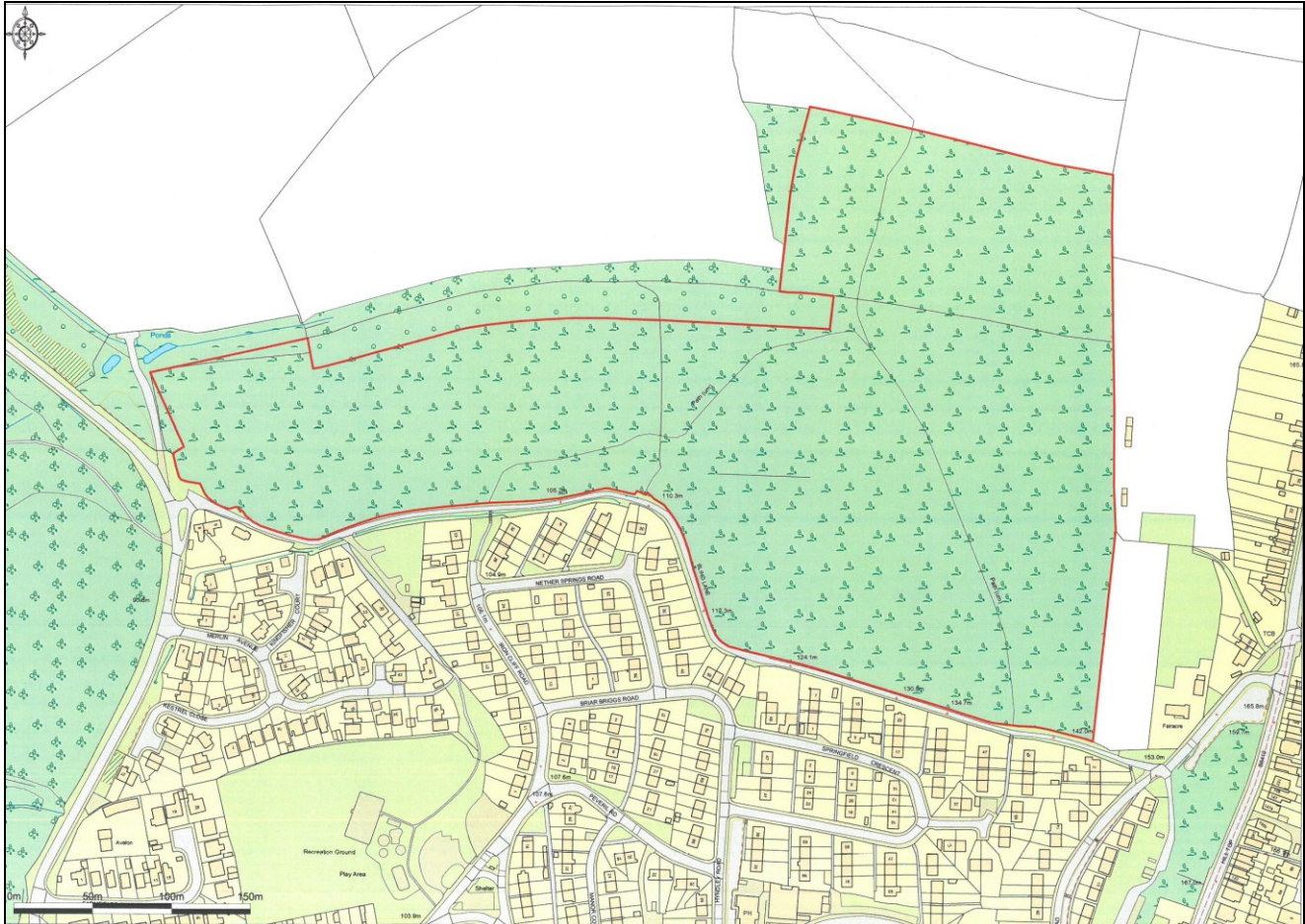
Application Site



Blind Lane runs alongside the southern site boundary and this sunken lane has a rural character and although it is currently somewhat neglected, there is attractive stone walling and stream following much of its length. Blind Lane currently separates the site from the

existing Castle Estate to the south. The mature hedgerows and a woodland belt alongside the northern boundary of the site are also important visual and ecological components of the site and its setting.

Site Location Plan



PROPOSAL

In January 2017, outline planning permission was granted for up to 250 dwellings on the application site (16/00463/OUT). This application seeks reserved matters approval for the appearance, landscaping, layout and scale of the proposed residential development granted outline consent.

The amended plans (shown overleaf) show that 218 houses are now being proposed. The new houses would be a mixture of:

- 39 x 2 bed semi/terrace
- 28 x 2 bed semi
- 65 x 3 bed semi
- 68 x 3 bed detached
- 18 x 4 bed detached

Site Layout



Amongst other things, the amended plans also show:

- provision of public open space throughout the site;
- landscape planting;
- new vehicular access from Woodhouse Lane;
- highway improvements at the junction of Blind Lane and Woodhouse Lane;
- provision of children's play area;
- attenuation pond and swales; and
- 5 no. cycle / pedestrian links from the site on to Blind Lane.

AMENDMENTS

The application has been amended by submission of revised plans, amended drainage and land stability strategy, improved landscaping proposals, additional information on Blind Lane improvements and revised landscape and ecology management plan, amongst other things. This iterative process has allow the developer to address a number of technical issues raised by various consultees as this application has progressed to a determination.

RELEVANT PLANNING HISTORY

09/00175/OUTMAJ	REF	Residential Development including localised road widening for site access
10/00568/OUTMAJ	GC	Residential development of approximately 250 dwellings including details of access (resubmission of planning application 09/00175/OUTMAJ)
14/00577/OTHER	GC	Variation of S106 Planning Obligation to remove the requirement to make a contribution to affordable housing.
16/00463/OUT	GC	Residential development of approximately 250 dwellings including details of access (renewal of planning permission 10/00568/OUTMAJ)
16/00556/VAR	WDN	Removal of condition 13 (Highways Improvements) of planning permission 10/00568/OUTMAJ
16/00559/DISCON	PTDIS	Discharge of conditions 3 (Hazardous Substances), 5 (Archaeological work), 6 (Land contamination), 7 (Foul water drainage), 9 (Surface water drainage), 11 (Landscape and Ecology Management Plan) and 14 (Pedestrian and cyclist access) on 10/00568/OUTMAJ for residential development
18/00201/FUL	PCO	Residential Development of 218 Dwellings & Ancillary Works

CONSULTATIONS

Bolsover District Council (Environmental Health) – No objections subject to clarification on radon protection measures.

Bolsover District Council (Heritage Conservation) – No objections.

Bolsover District Council (Housing Strategy) – No overriding objections to the proposals on the basis that this site is adjacent to the Castle Estate and therefore, there is already a relatively high number of affordable or social-rented properties in the local area.

Bolsover District Council (Leisure) – Offers qualified support for the current proposals

Bolsover District Council (Senior Urban Designer) – remains concerned that the proposed enhancements to Blind Lane and the overall design of the scheme falls short of the Council's expectations compared to what was anticipated when outline permission was granted for residential development on this site.

Bolsover District Council (Street Scene) – No response to date.

Bolsover Town Council – No response to date

Coal Authority – No objections

County Archaeologist – No response to date

Derbyshire County Council (Flood Team) – No objections subject to the development being carried out in accordance with the agreed drainage strategy.

Derbyshire County Council (Highways) – No overriding objections but have concerns with the road gradient in parts of the site. The County Council are seeking a series of minor amendments in relation to road surfacing, service strips, pedestrian walkways, and visibility splays that would be required before the new roads could be adopted.

Derbyshire Wildlife Trust – No objections subject to adoption of the revised Landscape and Ecological Management Plan submitted with this application.

Derbyshire Police (Designing Out Crime) – No overriding objections but raise concerns about some boundary treatments

Eastwoods and Partners (Land Stability) – No objections

Environment Agency – No objections

Yorkshire Water – No objections

PUBLICITY

The application was publicised by site notice and press advert and 63 neighbouring properties were notified of the proposed development: 5 representations have been received as a result of this publicity. The main issues raised include:

- loss of green space and adverse impact on wildlife;
- traffic congestion and highway safety in the local area;
- concerns about the appropriateness of proposed traffic calming measures;
- adequacy of existing public transport;
- whether there is a need for this additional housing on a greenfield site;
- potential impact of further residential development on local infrastructure and concerns raised about capacity at local schools, gps and dentists to accommodate existing residents and future occupants of the new houses;
- disruption from development in addition to the disruption from HS2, which on its current alignment would affect the local road network but would not affect the application site itself; and

- concerns about the details in the landscaping plans

These representations are available in full on the application pages on the Council's website but it should be noted that the principle of the development has already been accepted at outline stage. Therefore, only comments about the reserved matters submitted with this application are directly relevant to the determination of this application.

POLICY

Bolsover District Local Plan (adopted February 2000)

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

- GEN1 - Minimum Requirements for Development
- GEN2 - Impact of Development on the Environment
- GEN3 - Development Affected By Adverse Environmental Impacts from Existing or Permitted Uses
- GEN4 - Development on Contaminated Land
- GEN 5 - Land Drainage
- GEN 6 - Sewerage and Sewage Disposal
- GEN 7 - Land Stability
- GEN 11 - Development Adjoining the Settlement Framework Boundary
- HOU 2 - Location of Housing Sites
- HOU 5 - Outdoor Recreation and Play Space Provision for New Housing Developments
- HOU 6 - Affordable Housing
- TRA 1 - Location of New Development
- TRA 7 - Design For Accessibility by Bus
- TRA 10 - Traffic Management
- TRA 13 - Provision for Cyclists
- TRA 15 - Design of Roads and Paths to Serve New Development
- CON 10 - Development Affecting the Setting of Listed Buildings
- ENV 3 - Development in the Countryside
- ENV 5 - Nature Conservation Interests Throughout the District
- ENV 8 - Development Affecting Trees and Hedgerows
- ENV 9 - New Trees on Development Sites

Publication Version of the Local Plan for Bolsover District (published May 2018)

In accordance with Paragraph 48 of the National Planning Policy Framework some weight should now also be attached to policies in the new Local Plan following its examination in public. The most relevant policies in the new Local Plan include:

- Policy SS1: Sustainable Development
- Policy SS2: Scale of Development
- Policy SS3: Spatial Strategy and Scale of Development
- Policy LC3: Type and Mix of Housing
- Policy SC2: Sustainable Design and Construction
- Policy SC3: High Quality Development
- Policy SC9: Biodiversity and Geodiversity
- Policy SC10: Trees, Woodland and Hedgerows
- Policy SC11: Environmental Quality (Amenity)
- Policy SC12: Air Quality
- Policy SC13: Water Quality
- Policy SC14: Contaminated and Unstable Land
- Policy SC15: Hazardous Installations
- Policy SC17: Development affecting Listed Buildings and their settings
- Policy ITCR5: Green Space and Play Provision Policy
- Policy ITCR7: Playing Pitches
- Policy ITCR10: Supporting Sustainable Transport Patterns
- Policy ITCR11: Parking Provision
- Policy II1: Plan Delivery and the Role of Developer Contributions

National Planning Policy Framework (published January 2019)

The National Planning Policy Framework ('the Framework') is a relevant consideration in the determination of this application and the most relevant parts of the Framework include:

- Section 2: Achieving sustainable development, including at Paragraph 11 the presumption in favour of sustainable development
- Section 3: Plan Making: Includes Paragraph 34: Developer Contributions and Paragraph 48: Status of Development Plan.
- Section 5: Delivering a sufficient supply of homes.
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making effective use of land
- Section 12: Achieving well designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment
- Annexe 1: Implementation – refers to the weight to be given to relevant policies in existing plans and relevant policies in emerging plans.

Other Relevant Planning Guidance

Supplementary Planning Document - Successful Places: A Guide to Sustainable Housing Layout and Design (2013)

National Planning Policy Guidance

ASSESSMENT

Principle of Development

In this case, outline planning permission has already been granted for up to 250 houses on the application site. Therefore, the acceptability of housing on this site and the suitability of the access point from Woodhouse Lane has already been determined when outline permission was granted. Accordingly, this application has been submitted solely for the approval of 'reserved matters', which in this case includes:

- **scale** - the size of the development, including the height, width and length of each proposed building;
- **layout** - including buildings, routes, open spaces, and drainage within the development and the way they are laid out in relations to buildings and spaces outside the development;
- **appearance** – the aspects of a building or place which affect the way it looks, including the exterior of the development; and
- **landscaping** - the retention, improvement or protection of the amenities of the site and the area and the surrounding area; to include planting trees and hedges, and improvements to biodiversity.

Therefore, the key issues in the determination of this application are whether the submitted details demonstrate that the residential development would be of a sufficiently high quality of design to meet the requirements of the Council's adopted planning policies and guidance and the requirements of national planning policies in the Framework with regard to these reserved matters.

In this case, it is considered the proposed development would have a negligible impact on Bolsover's designated Conservation Area because of the relationship between the site and the Conservation Area. However, this application must also be assessed with due regard to the impact of the proposed development on the setting of Bolsover Castle taking into account its potential visual impact on the surrounding landscape.

Scale

The current proposal seeks permission for 218 units, which is less than the 250 dwellings allowed for by the original outline permission. The number of houses has been reduced during the application process because it has since been determined that it is not viable to build houses on the steeper slopes that affect some parts of the site.

In terms of the houses themselves, the proposed scheme includes a mix of 2, 3 and 4 bedroom; semi-detached and detached two storey dwellings which is consistent with the scale of development on the adjacent Castle Estate and consistent with the prevailing character of most residential development in the District.

Therefore, there are no objections to the size of the houses proposed in this application or the overall scale of development as shown below on the revised plans.

Layout



The proposed layout has been dictated mostly by the topography of the land and the need to achieve manageable gradients. The layout has also been designed to respect the setting of Bolsover Castle and take advantage of views towards Bolsover Castle from within the site.

Notably, the eastern half of the site is elevated and is visible in views from Bolsover Castle and in views of Bolsover Castle from a number of public vantage points. The lower density form of development now proposed, together with the open space and increased tree planting within the upper parts of the site will minimise the visual impact of the development within the setting of the Castle and soften the appearance of the development when seen from the Castle.

The County Council have no overriding objections to the scheme but would require some minor amendments to the current plans before they would adopt any of the new roads. The County Council have also raised some concerns about the gradients of the roads but have previously advised that a lower gradient would be preferable but not essential.

The point of access has already been approved at outline stage so officers are satisfied the site would have a safe and suitable access. However, the single point of access to the site is

at the point furthest away from Bolsover's town centre. Therefore, the layout includes links from the site on to Blind Lane.

With some improvements, Blind Lane will provide a link to the town centre for pedestrians and cyclists to help reduce car dependency and improve connectivity. Existing residents should also benefit from improvements to Blind Lane because of the links from Blind Lane on to the adjoining Castle Estate. These links should help to better integrate the new houses with the town.

In all other respects, the proposals meet the requirements of the Council's design guidance with particular regard to adequate separation distances between properties, adequate outdoor amenity space and the amount of accommodation provided by the individual houses. The proposed scheme would not otherwise be unneighbourly when taking into account the intervening distances and intervening landscaping between the application site and the nearest neighbouring properties.

Therefore, taking all these points together, there are no objections to the proposed layout of the site, which benefits from a significant provision of open space, makes the best out of its location within the setting of Bolsover Castle and looks towards improving connectivity between the application site and Bolsover's town centre.

Appearance

At outline stage, it was anticipated that house types through the site would form distinct character areas with more traditional properties at the front of the site (relative to the vehicular access on to Woodhouse Lane) with a higher density of housing in the middle area of the site feathering out to a lower density of housing on the higher part of the site. It was also anticipated that the house types (in terms of materials and design) would reflect local distinctiveness and this would help create a sense of place.

Unfortunately, the submitted scheme falls short of these aspirations insofar as the majority of the scheme will be made up of 'typical' standard house types with perhaps more reliance on the use of materials to provide character and variation. However, a distinctive character area has been retained at the front of the site where Plots 1 - 8 will be built with re-constituted stone, and grey slate roofs, and arranged around a SuDS basin designed to emulate a village green.

In addition, the drawings of the street-scenes (shown overleaf) illustrate that some thought has been given to the use of 'urban' and 'rural' styling to differentiate the housing and create distinctive character areas. These houses would be built in a mixture of red and buff bricks with the contrasting brick colour and some render to provide additional detailing with a mix of red pantile and grey tile and in general terms would normally be 'acceptable' house types on many housing developments approved within the District.

Urban



Rural



Therefore, whilst this scheme might not achieve the very highest standard of design, it is considered the new houses would still be of a good standard of design. It is also reasonable to conclude that the overall attractiveness of this scheme will be significantly enhanced by its layout and extensive provision of open space, which would give this scheme a locally distinctive sense of place. Consequently, it is considered that the external appearance of the proposed development would be of a sufficiently high quality to meet the requirements of the Council's adopted planning policies and guidance and the requirements of national planning policies in the Framework and therefore, could be approved.

Landscaping

As far as practicable, existing trees and hedgerows will be retained and the amended landscaping scheme more than compensates for the loss of fifteen trees from the site. The detailed landscape proposals (received 11 June 2019) now show a number of standard (heavy and selected) trees to be planted, predominantly within the areas of open space, creating a stronger sense of character to the appearance of this part of the site.

The full tree, shrub and hedge planting schedule shown below helps to illustrate that the landscaping proposals are quite extensive, include native species, and (as shown on the amended plans) add value to the overall quality of the proposed development.

Proposed Shrubs 1						
Nr	Code	Plant Name	Ht(cm)	Root	Cntr(j)	Nrim ²
189	BrS	Brachyglottis 'Sunshine'	30-40	C	5	3.00
68	CrS	Choisya ternata 'Sandance'	30-40	C	5	3.00
58	Ccorb	Cistus corbariensis	30-40	C	5	4.00
215	EIEG	Euonymus fortunei 'Emerald 'n' Gold'	20-30	C	5	4.00
94	EIE	Euonymus fortunei 'Emerald Gaiety'	20-30	C	5	4.00
151	HpS	Hebe pinguifolia 'Sutherlandii'	20-30	C	5	4.00
167	Lah	Lavandula angustifolia 'Hidcote'	20-30	C	5	4.00
81	LrBG	Lonicera nitida 'Baggesen's Gold'	30-40	C	5	3.00
20	Vt	Viburnum tinus	20-30	C	5	2.00

Proposed Trees								
Nr	Code	Plant Name	Form	Ht(cm)	Girth(cm)	CStm(cm)	Root	Cntr(j)
60	Ac	Acer campestre	Standard	250-300	8-10	175-200	B	
11	Ap	Acer platanoides	Standard (Selected)	300-350	10-12	175-200	RB	
8	ApCK	Acer platanoides 'Crimson King'	Standard (Heavy)	350-425	12-14	175-200	C	45
12	Ag	Alnus glutinosa	Standard (Selected)	300-350	10-12	175-200	RB	
6	Ag	Alnus glutinosa	Standard (Heavy)	350-425	12-14	175-200	C	45
52	Bp	Betula pendula	Standard	250-300	8-10	175-200	B	
2	CIPS	Crataegus laevigata 'Paul's Scarlet'	Standard (Light)	250-300	6-8	150-175	B	
9	CIPS	Crataegus laevigata 'Paul's Scarlet'	Standard	250-300	8-10	175-200	B	
23	M/D	Malus 'John Downie'	Standard (Light)	250-300	6-8	150-175	B	
9	Pa	Prunus avium	Standard (Selected)	300-350	10-12	175-200	RB	
51	PaP	Prunus avium 'Plena'	Standard (Selected)	300-350	10-12	175-200	RB	
6	Pp	Prunus padus	Standard	250-300	8-10	175-200	B	
17	Sar	Sorbus aria	Standard (Selected)	300-350	10-12	175-200	RB	
24	Sar	Sorbus aria	Standard	250-300	8-10	175-200	B	
18	Tc	Tilia cordata	Standard (Heavy)	350-425	12-14	175-200	C	45

Proposed Native Hedge Mix (5.00/m)					
Nr	Code	Plant Name	Ht(cm)	Root	Mix(%)
165	Ac	Acer campestre	45-60	B	10.00
330	Cav	Corylus avellana	45-60	B	20.00
662	Cm	Crataegus monogyna	45-60	B	40.00
330	Sn	Sambucus nigra	45-60	B	20.00
165	Vo	Viburnum opulus	45-60	B	10.00

Proposed Hedging						
Nr	Code	Plant Name	Ht(cm)	Root	Cntr(j)	Nrim
859	Fs	Fagus sylvatica	40-60	B		4.00
863	Lo	Ligustrum ovalifolium	40-60	C	5	4.00

In addition, the landscaping scheme offers further reassurance that the proposed development would not harm the setting of Bolsover Castle and notably, the Council's Heritage Conservation Manager has no objections to the scheme. Therefore, there are no objections to the amended landscaping scheme, which will also help to achieve a net gain in biodiversity across the site once it has been developed and allow this development to sit more comfortably within its landscape setting.

Conclusions

In conclusion, the revised plans show a scheme that meets the requirements of the Council's adopted planning policies and guidance and the requirements of national planning policies in the Framework because:

- the size and scale of the proposed development are appropriate;
- the site layout provides the development with a distinctive sense of place;
- the external appearance of the development would be of a good quality of design; and
- the landscaping would be extensive, add value to the scheme and allow the development to be better accommodated within the surrounding landscape..

For these reasons, the proposed development would also have a limited impact on the setting of Bolsover Castle and would not harm its significance. Therefore, the current application also meets the specific requirements of heritage conservation policies in the Local Plan and the Framework. Accordingly, the current application is recommended for approval subject to variations to the existing s.106 legal agreement and appropriate planning conditions.

Planning Obligations

The existing s.106 legal agreement is attached to the outline planning permission behind this reserved matters application and contains planning obligations that require the developer (or successor in title) to make the following financial contributions towards local infrastructure:

- £1,025,000 – to be used for off-site affordable housing purposes
- £179,618 – Education contribution
- £81,562 – Health care contribution
- £80,000 – Play space contribution
- £191,250 – Recreation contribution.

In normal circumstances, it would not be possible to seek additional contributions at the reserved matters stage but the current applicant would like to offer a commuted sum of £135,866.94 to pay for a series of enhancements to Blind Lane to be undertaken by a third-party. The Council's Special Project Officer has offered qualified support for these proposals and ongoing negotiations are taking place to ensure the commuted sum would pay for what is needed and to clarify the schedule of works.

Therefore, if an agreement can be reached, the Council could accept this offer because this would allow a third-party to carry out the necessary works and effectively discharge the relevant planning conditions on the outline permission requiring improvements to Blind Lane to allow it to be better used by pedestrian and cyclists and improve connectivity between the application site and Bolsover's town centre.

If an agreement on the commuted sum cannot be reached a condition will be needed on any approval of this application requiring an agreed schedule of works to Blind Lane to be completed prior to the first occupation of more than 100 of the proposed 218 dwellings.

Affordable Housing

The applicant is also seeking to delete the obligation to pay a commuted sum of £1,025,000 that was intended to be used for refurbishment of the Castle Estate.

As noted in previous sections of this report, this reserved matters application has been heavily influenced by the topography of the site and land stability issues, which have impacted on layout and the total number of houses proposed in this application. These issues have also affected the viability of the scheme and this has resulted in the applicant's proposals to delete an obligation to pay £1,025,000 towards the regeneration of the Castle Estate and instead provide 30% on-site provision of affordable housing to offset the loss of this financial contribution.

Notably, this commuted sum was originally accepted in lieu of on-site provision of affordable housing but no Council-led scheme or any other housing project has been progressed that would benefit from this money. The Council's housing strategy officer is still uncertain how this money could be used and part of the issue is that properties on the Castle Estate are in wide range of different ownerships making it particularly difficult to facilitate a meaningful Council-led housing improvement project. In addition, it is unclear whether the money would come forward in any event if the requirement to pay this sum makes the proposed development unviable and as such: highly unlikely to go ahead.

Therefore, the proposed variation offers a reasonable alternative given that the developer is proposing to provide 30% on-site affordable housing comprising 65 dwellings that would be distributed as follows:

- 40no. 2 bed semi-detached Dwellings (code 201 on layout) with car parking spaces with a maximum selling price of £105,500 (£162per sq ft gross); and
- 25no. 3 bed semi-detached Dwellings (code 311 on layout) with car parking spaces with a maximum selling price of £120,000 (£158 per sq ft gross).

However, as can be seen in the above descriptors, these properties will be offered for sale at a price 20% lower than market value, if consent is to be granted for this application, rather than provide affordable housing that would be offered to a registered social landlord, for example. This means that the affordable housing would meet the definition of affordable housing as set out in the Framework but not necessarily meet the identified need for affordable housing within the District.

In summary, the need in the District is predominantly for affordable / social rented housing to provide for people who cannot afford to access the market through insufficient income levels, lack of access to capital for a deposit and other fees, or mortgage restrictions. The affordable housing offered by the developer in this case would not address this need but it is intended to limit the sale of these houses to first time buyers under the age of 40.

In these respects, the on-site affordable housing would meet the requirements of national policies and would offer some wider socio-economic benefits to the District by presenting additional opportunities for younger people and young families to get on the housing ladder.

Equally, because of the proximity of the Castle Estate and the amount of affordable rented and social rented properties in the local area, additional social rented housing would exceed the level of affordable housing actually required in this part of the District.

It is also important to note that the new Local Plan will define 'affordable housing' as affordable housing for rent through a registered social landlord and this means going forward the Council could decline to accept affordable housing that does not meet this criteria. So, accepting the current proposals would not prejudice the ability of the Council to meet the identified affordable housing needs of the District when dealing with future planning applications.

Therefore, it is considered there are good planning reasons to delete the obligation for the commuted sum in the existing s.106 legal agreement, which is unlikely to come forward in any event, and accept the on-site provision of affordable housing, which will be offered for sale at a price 20% lower than market value to first time buyers under the age of 40.

Planning Conditions

As this is an application for approval of reserved matters, there is generally no opportunity to impose additional conditions on any permission for this application beyond the scope of the conditions already imposed on the outline permission. It is also not necessary to attach conditions that are already attached to the outline permission on any permission for this application.

However, the original two year time limit for commencement of the proposed development once reserved matters have been granted should be imposed on any approval for this application for clarity and avoidance of doubt. It would also add clarity to any decision notice to specify the approved plans also taking into account there have been several revisions to the submitted plans and supporting documents.

Similarly, conditions should be imposed on any permission for this application requiring the development to be carried out in accordance with the amended drainage and land stability strategies, improved landscaping proposals, and revised landscape and ecology management plan. It would also be reasonable and necessary to seek clarity on finished floor level of the housing, most pertinently in respect of the housing on the higher level of the site to ensure that they do not have more of an impact on Bolsover Castle than expected once they are completed.

In addition, conditions relating to the creation of the new access, highway improvements and estate roads would be recommended to ensure the site access is safe and suitable to use, to ensure the development does not have an adverse impact on the local road network and to ensure the estate roads are made up to an adoptable standard.

Finally, it is recommended that samples of external facing materials should be submitted to and approved in writing by the Council prior to construction in the interests of securing a high quality development with a locally distinctive character and an attractive appearance.

RECOMMENDATION

For the above reasons, it is recommended that the current application be **APPROVED** subject to:

- (i) a **VARIATION** to the existing s.106 legal agreement deleting the obligation requiring a commuted sum of £1,025,000 towards affordable housing and inserting an obligation on-site provision of 30% affordable housing to be offered for sale at a price 20% lower than market value to first time buyers under the age of 40; and
- (ii) the addition of a **PLANNING OBLIGATION** to the existing s.106 legal agreement requiring a commuted sum towards improvements to Blind Lane or a **PLANNING CONDITION** requiring an agreed schedule of works to Blind Lane to be completed prior to the first occupation of more than 100 dwellings; and
- (iii) subject to the following **PLANNING CONDITIONS** requiring the development to be:
 - commenced within two years,
 - carried out in accordance with the revised plans;
 - carried out in accordance with approved drainage strategy;
 - carried out in compliance with the recommendations in the revised land stability and land contamination reports;
 - carried out in accordance with revised Landscape and Ecological Management Plan and the detailed landscape proposals;
 - carried out in accordance with relevant highways conditions; and if not fixed prior to the issue of a decision:
 - finished floor levels must be submitted to and agreed in writing prior to construction; and
 - samples of external facing materials must be submitted to and agreed in writing prior to construction.

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to resolve a number of technical issues arising in consultation responses and agree a revised application that meets the requirements of the Council's adopted planning policies and guidance and the requirements of relevant national policies in the Framework.
