

**PARISH** Elmton With Creswell Parish

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**APPLICATION** Residential development of 88 dwellings including access, infrastructure and associated works  
**LOCATION** Land To The Rear Of 64 To 74 Skinner Street Creswell  
**APPLICANT** Avant Homes (Central) And Chatsworth Settlement Trustees  
**APPLICATION NO.** 19/00475/FUL **FILE NO.** PP-08062228  
**CASE OFFICER** Mr Peter Sawdon  
**DATE RECEIVED** 12th August 2019

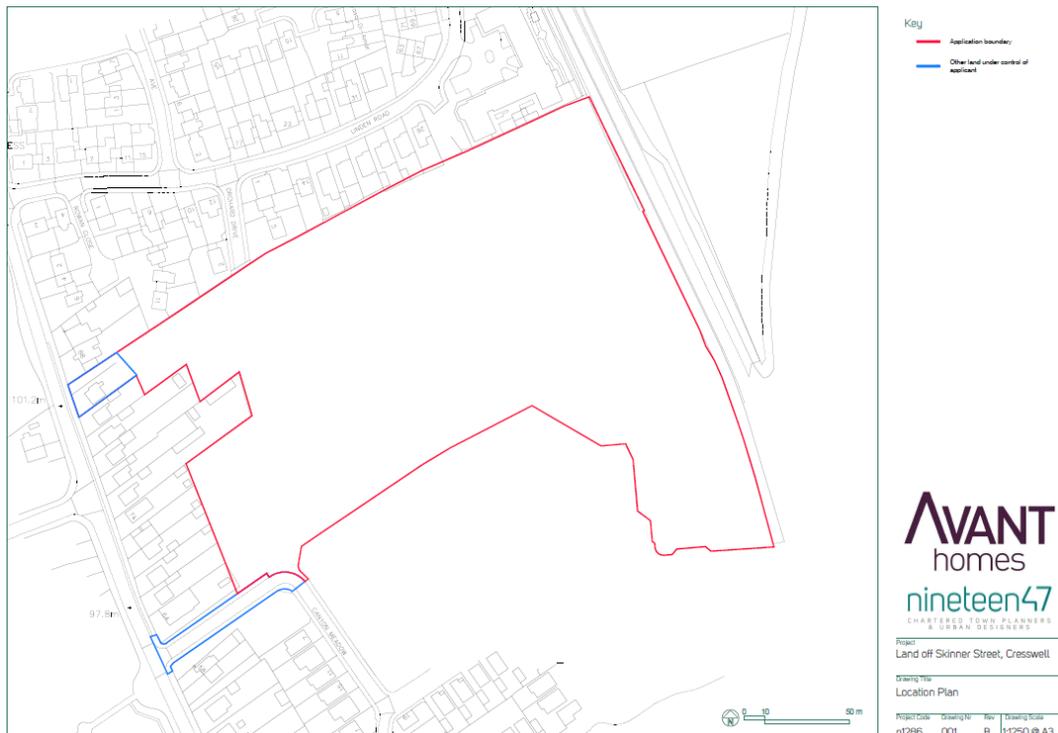
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## SUMMARY

Officers have referred this application to the Planning Committee for a final decision to consider the details of the planning application and to consider the offers in respect of infrastructure requirements that are being sought through a S106 Planning Obligation.

In summary, the application is recommended for approval. The site is considered to represent sustainable development and accord with policy requirements and sufficient contributions are being offered to meet the infrastructure requirements of the development and to make suitable affordable housing provision.

## Site Location Plan



## SITE AND SURROUNDINGS

This land forms part of a larger housing allocation (Policy HOU 3) in the adopted Bolsover District Local Plan and although no longer shown to be an allocated site in the emerging Local Plan, it is shown to be within the settlement envelope.



*Photo: - View of the site from multi-user trail to the site's north east*

This is 3.38ha of land to the east of Skinner Street at Creswell with levels that fall from west to east down to a former railway line that bounds the eastern boundary of the site; that land is presently being upgraded by Derbyshire County Council to form a multi-user trail that will connect into the adjoining housing development to the south.

The main body of the site currently forms two narrow parcels of land that are separated by a mature hedgerow; a mature hedgerow is also located along the sites southern boundary, with the remainder of the boundaries, adjacent to housing and the former railway line to the east, comprising some fencing with occasional planting. These parcels are overgrown meadow with bramble and tree saplings. An additional area of land to the south east comprises part of the adjoining approved housing site, that will form part of the open space and sustainable drainage pond areas associated with that housing site.

Skinner Street forms part of the no. 77 bus route that provides a regular bus service between Worksop and Chesterfield.

Existing housing generally bounds the site to its north and west and a new housing

development is presently under construction by the same developer on the land immediately adjacent to the south. That new housing is separated from this site by an area that will eventually form a linear open space, that would be centrally located between that housing and that proposed on this site; this area is presently occupied by the building site compound and its associated access track.

At its closest point, the site is approx. 400m from the edge of the town centre, as identified in the Bolsover District Local Plan and Creswell train station is also located here.

## PROPOSAL



This full planning application is proposing a residential development of 88 dwellings, including access, infrastructure and related works, including an extension to the SuDS pond that has been provided on the existing housing site to the south.

The proposed dwellings are all to be two-storeys, to include 20 semi-detached, 59 detached and 7 terraced houses. The applicant proposes that 9 units would be Affordable Housing.

Access is proposed off the recently formed vehicular access from Skinner Street (known as Canyon Meadows) that is already serving the new housing development to the south.

It is stated in supporting documentation that consultation was carried out by the applicants with occupants of neighbouring property and that no comments or calls were received by

them as a result.

The development would result in the removal of a central hedge that currently divides the two field parcels that currently forms the application site, key trees on the site's outer boundaries and the hedgerow to the south would be retained where practicable, although small sections of the retained hedge would need to be removed to facilitate vehicular, pedestrian and cycle access points. The access points into the central open space area would facilitate non-vehicular access routes onto the greenway to the east of the site that connects to the adjoining development to the south east. This will eventually connect to links that are to be formed to the train station and town centre to the south that are to be provided or funded under the terms of the S106 planning obligation relating to the development to the south.

## **ADDITIONAL INFORMATION AND AMENDMENTS**

- Viability Assessment - submitted 21/08/19
- Details of abnormal costs 18/10/19
- Additional drainage and site investigation information submitted 18/10/19: -
  - Proposed drainage strategy ref. P2845-SK01 REV A
  - Drainage Overview ref. P2845\_SW
  - Topographic Survey ref. PC03-01 SHEET 1 OF 2 REV. C
  - Site Investigation Report (May 2008)
- Details of canopy designs submitted 22/10/19: -
  - AV\_DP\_1810-45-01 REVB - LATHBURY- 17 CANOPY DESIGN
  - AV\_DP\_45-01(B&P) REVB - BECKFORD- 17 CANOPY DESIGN
  - AV\_DP\_45-01(B&P) REVB - EASTON-17 CANOPY DESIGN
  - AV\_DP\_45-01(B&P) REVB - LORTON- 17 CANOPY DESIGN
  - AV\_DP\_45-02(B&P) REVB - MELTON- 17 CANOPY DESIGN
  - AV\_FL\_1360-01 REVB - BAMPTON- 17 CANOPY DESIGN
- Various revisions and information submitted 24/10/19: -
  - Abbotsbury Village Housetype ref. O9/ABY/001 REV A & O9/ABY/002 Rev.A
  - Bibury Village Housetype ref. O9/BBY/001 Rev.A & O9/BBY/002 Rev.A
  - Easton Detached Village Housetype ref. O9/ETN/001 & O9/ETN/002
  - Haddington Village Housetype ref. 09/HTN/002 Rev.A & 09/HTN/002 Rev. A
  - Cycle Connection Link plan ref. 6070-001
  - 1.8M High Brick Wall details ref. SD 12-024
  - Design and Access Statement Addendum (re. Garden sizes)
  - Street Scenes ref 010-01 Rev.A
  - Revised Travel Plan (updated 22/10/19) ref. LDP2316
  - Revised Arboricultural Impact Assessment (October 2019)
  - Transport Assessment Ref. LDP2316 (23 October 2019)
  - Revised Noise Assessment Ref. LDP2316
- Flood Risk Assessment and Flood Risk Assessment Executive Summary Ref. PR/LEM/36166-001 Rev. A (Feb 2014) submitted 7/11/19
- Correction to the submitted planning application to include proposed extension of the application site to include an extension of the existing SuDS pond and revised plans submitted 12/11/19:
  - Location Plan ref. n1286 001 B
  - Revised Materials Plan ref. N1286\_101-01C
- Revised Layout plan ref. N1286\_008K submitted 22/11/19

- Revisions received 23/12/19 including: -
  - Confirmation of provision of affordable housing.
  - Commitment to meet the planning obligation requests received for healthcare (£41,760), sport & recreation (£86,565) and biodiversity enhancements (£15,000).
  - Revised Planning Layout Plan ref. N1286\_008L
  - Revised Presentation Layout ref. N1286\_009E
  - Revised Materials Plan ref. N1286\_101-01D
  - Nithsdale Housetype ref. A9/NIT/001 Rev. A
  - Helmsdale Housetype ref. A9/HEL/001 Rev. A
- Site investigation addendum ref. CAT/CLC/LW/37749-006 and dated 20/12/19, as submitted 03/01/20
- Severn Trent Water letter of confirmation (provided by applicant) that adequate drainage capacity exists provided on 8/01/20, with additional clarifying commentary submitted on 14/01/20
- Additional comments submitted 22/01/20: -
  - Confirmation that affordable housing would be for rent;
  - Confirmation regarding proposals for 4% energy efficiency improvements over Building Regulations for dwellings, along with the provision of electric car charging points to 20% of dwellings.(18 dwellings);
  - Clarification that additional information to be provided to deal with issues raised by the Highway Authority (Derbyshire County Council); and
  - Agreement that leisure contribution can be used towards the provision of a new Leisure Centre for Creswell.
- Additional information submitted 23/01/20 relating to highway visibility splay requirements, including the following drawings: -
  - SSC-BWB-GEN-XX-DR-TR-101\_Internal Forward Vis\_S2\_P5
  - SSC-BWB-GEN-XX-DR-TR-102\_Vis from Parking\_S2\_P1

## **HISTORY**

10/00124/OUTMAJ – Planning Committee resolved to grant planning permission, subject to a S106 legal agreement, for approximately 180 dwellings on land that comprised the current planning application site, along with land to the south east, which is currently being developed under a separate planning permission (see below). The S106 agreement was not signed and the application was subsequently withdrawn in February 2016.

14/00079/FULMAJ – Full planning permission was granted on 24<sup>th</sup> July 2014 for 87 dwellings on land to the south east of the current planning application site. This permission was the subject of a S106 Planning Obligation requiring Affordable Housing, Open Space contribution, A School Link, Public Art and a footpath link to the town centre. This permission was not implemented.

15/00368/FUL – Full planning permission was granted on the 21<sup>st</sup> January 2019 for 82 dwellings; this development is currently under construction on the site to the south with the majority of dwellings complete. This application was subject to a viability assessment that demonstrated that the scheme was unable to fund some of the normal S106 requirements, but the final permission was subject to the completion of a S106 Planning Obligation that required provision of a new highway link to the existing infant school to the south east and the

provision or contribution to the formation of a new footpath and cycle link to connect the site with the train station and town centre (to be provided on an existing track that runs to the east of the school premises between that site and the railway).

## **CONSULTATIONS**

- Archaeologist – No further investigation required 27/08/19
- Bolsover District Council Drainage Engineer – If SuDS acceptable to the Lead Local Flood Authority (Derbyshire County Council), operations and maintenance arrangements must be put in place and the developer must ensure temporary drainage arrangements to prevent surface water run-off onto the public highway and neighbouring properties 04/09/19
- Derbyshire County Council Countryside Services – are soon to become the managing service of the Clowne Branch Line greenway, (CBL) that adjoins the development site on its eastern boundary. The application does not offer any connection from the development to this key pedestrian and cycle link although it is understood that the developer has engaged in discussion with CBL project managers and given suggestion that the connection will be made as part of the development. Would like to see assurance given to secure this connection which should be delivered in accordance with Derbyshire's Key Cycle Network design criteria 25/09/19
- Derbyshire County Council (Lead Local Flood Authority) – Following the submission of further detailed information, the Flood Authority have recommended the inclusion of conditions to control details of surface water drainage 10/12/19
- DCC (Highways) – Some outstanding issues that can be resolved through the inclusion of conditions and conditions are recommended 10/01/20
- Derbyshire County Council (Planning Policy) – Support the development which constitutes sustainable growth. No education contribution sought as sufficient capacity exists in catchment area schools. Seek an advisory note re high speed broadband provision 11/09/19
- Derbyshire Wildlife Trust – the identified adverse effects for biodiversity appear insufficiently mitigated in the proposals and opportunity within the site is limited. Suggest that biodiversity offset be undertaken through the provision of off-site compensation in the form of a monetary contribution for the future management costs of Wollen Meadow and to ensure that it can cope with the increase in local population. 6/12/19
- Economic Development - The proposed scheme meets the relevant thresholds set out in the Bolsover Draft Local Plan Policy II2. Therefore, if Planning Committee is minded to grant planning permission, then Economic Development would request the inclusion of a planning condition to secure local opportunities for skills, training and employment in the District 29/08/19
- Environmental Protection Officer – Recommends conditions in respect of air quality

and noise, subject to clarification of some points in respect of air quality. Is content that no condition is required regarding contamination. 07/01/20. Satisfied with additional air quality information and recommends a condition to any secure proposals. 23/01/20

- Force Designing Out Crime Officer – satisfied initial concerns have mostly been addressed and considers a planning condition can control means of enclosure and planting. Considers controls over two wheeled vehicles would take place off site. 04/11/19
- Leisure - No provision required for onsite open space provision, as that provided on phase one to the south has already made provision that is sufficient for this development too. Is seeking £86,565 (87 dwellings x £995 per dwelling) for formal open space provision in view of a shortfall of 2.6 ha based on the standard of 1.7 ha per 1,000 population. Note footway connection provisions and need to ensure that these are provided onto the adjacent multi user trail on the former Clowne Brach Line 13/09/19
- Mineral Planning Authority – Does not affect any mineral deposits and so have no comments 28/08/19
- NHS Derby and Derbyshire CCG - Seeking a financial contribution of £41,664 towards health provision, but note that should the planned new Health Centre for Creswell be developed, that includes funding from the Colliery Road Housing development site, then sufficient capacity would exist 13/09/19
- Severn Trent Water – Suggest inclusion of an advisory note regarding the location of public sewers. Also make reference to the need for the developer to enter into a separate connection agreement with the Water Company. 23/09/19
- Strategic Housing Officer – Seeking the provision of 10% on-site affordable housing for social or affordable rent 03/09/19
- Urban Design/Landscape – Amendments submitted following earlier comments are an improvement; there is some room for further minor changes 06/11/19

## **PUBLICITY**

Initial publicity was carried out by site notice, press advert and 43 neighbour letters resulted in 2 letters of representation being received. Additional publicity was carried out following amendments to increase the planning application site size to include the proposed extension of the SuDS drainage pond, which resulted in the receipt of an additional 3 comments. Following additional changes made by the applicants to increase the number of dwellings from 86 to 88 dwellings, to include provision for affordable housing, further publicity was undertaken that has resulted in 2 further letters being received. So in total 7 letters of representations have been received from 4 local residents (3 residents have commented more than once). The representations raise the following issues: -

### Principle

- Already too many houses built in this area, too much for a village.

- Impact on infrastructure. Schools are already at full capacity; longer waiting times to see GP

### Biodiversity

- Impact on wildlife and the loss will be irreplaceable – birds, squirrels, pheasants, butterflies, insects and bats.

### Amenity

- All the new trees and cosmetics will never replace the beauty that will be lost.
- Chose the dwelling for its open outlook and peace and quiet that will be lost; do not want to be on a building site or looking at bricks and mortar.

### Surface and Foul Water Sewers

- Problem with the heavy rain in October 2019 there were issues on Skinner Street - sewage manholes forced off due to what Severn Trent described as an 'overload by the SUDS/water pump from the new development to the rear of Skinner Street'. This led to raw sewage running down drive ways and the road. Flood Risk Assessment states '*The existing sewage system is owned and maintained by Severn Trent Water. Severn Trent have historical records of flooding associated with the performance of the sewer serving Skinner Street, but this is remote from site. The risk of inundation from this source is considered to be minimal*'. This is obvious it is remote from site but not capable of inundation from this source, this has been proved incorrect as there has already been inundation by the phased 1 development.
- Drainage has already proved inadequate for the present building site (2 floods so far, rendering Sheffield Rd impassable on 7 & 8/11/2019) and another estate will only add to the problem.
- The riparian owners of the watercourse in Wollen Meadows are not fulfilling their legal obligations to maintain the watercourse and banks to allow the free flow of water.
- Recent flood shows that the river cannot cope – this will worsen the situation.
- Writer's home and Wollen Meadows flooded on 7/11/19 (photo's provided) that has caused significant damage. Further flooding occurred 15/11/19.
- Are the Council or Avant Homes going to put any flood alleviation measures into Wollen Meadows to protect the highway and local property?
- 'Flood Risk Assessment' February 2014 established that soakaways were not viable for long term use due to low permeability. On 8<sup>th</sup> November 2019 the 'SUDS' pond on the current development flooded through the 600mm culvert into Wollen Meadow, a nature reserve home numerous endangered species including rare grasses and barn owls. This subsequently flooded, possibility due to low permeability in the area, as per the flood risk assessment mentioned earlier, subsequently flooding Sheffield Road. The clay laden surface water, collected by the SUDS pond at the site already under construction, was able to cause damage to the meadow and housing on Sheffield Road. Concerned a SuDS pond is a poor way to manage surface water and is only a quick fix, giving rise to issues in longer terms.
- Avant homes states that they have no evidence that their run off water was contributory to the recent flooding. There is photographic evidence of the colour of the water in the suds pond and in Wollen meadows and round property and it is obvious that it is the same. Will this happen again?
- It appears that the flow restriction device may not yet have been installed (on the

existing development) that may or may not have contributed to both the flooding generally and the quality of the flood water.

## **POLICY**

### Bolsover District Local Plan (“the adopted Local Plan”)

Planning law requires that applications for planning permission be determined in accordance with saved policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant saved Local Plan policies 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);  
GEN5 (Land Drainage);  
GEN6 (Sewerage and Sewage Disposal);  
GEN8 (Settlement Frameworks);  
GEN11 (Development Adjoining the Settlement Framework Boundary);  
GEN17 (Public Art);  
HOU2 (Location of Housing Sites);  
HOU3 (Housing Allocations);  
HOU5 (Outdoor Recreation and Play Space Provision for New Housing Developments);  
HOU6 (Affordable Housing);  
TRA1 (Location of New Development);  
TRA10 (Traffic Management);  
TRA13 (Provision For Cyclists);  
TRA15 (Design of Roads and Paths to Serve New Development);  
CON13 (Archaeological Sites and Ancient Monuments)  
ENV5 (Nature Conservation Interests throughout the District); and  
ENV8 (Development Affecting Trees and Hedgerows).

### Publication Version of Bolsover District Local Plan (“the Emerging Local Plan”)

Paragraph 48 of the National Planning Policy Framework says local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) 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
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

Following Submission in August 2018, the emerging Local Plan for Bolsover District has been subject to Independent Examination and the Council has now received the Inspector’s Report

and this was published as required under Regulation 25 – Publication of the Recommendation of the Appointed Person of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) on 20<sup>th</sup> January 2020.

The Inspector's Report concludes that the emerging Local Plan for Bolsover District, when incorporating the recommended Main Modifications, satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the NPPF. The findings of the Inspector's Report will be reported to the meeting of the Planning Committee on 12<sup>th</sup> February and in light of this favourable judgement the Council's expected date for Adoption is at the Council meeting scheduled for 4<sup>th</sup> March 2020.

As such, the emerging Local Plan for Bolsover District is at a very advanced stage and its policies and proposals can be given significant weight when determining applications as stated in paragraph 48 of the NPPF.

The most relevant policies in the new Local Plan include:

Policy SS1: Sustainable Development  
Policy SS3: Spatial Strategy and Scale of Development  
Policy LC2: Affordable Housing Through Market Housing  
Policy LC3: Type and Mix of Housing  
Policy SC1: Development Within the Development Envelope  
Policy SC2: Sustainable Design and Construction  
Policy SC3: High Quality Development  
Policy SC7: Flood Risk  
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 SC18: Scheduled Monuments and Archaeology  
Policy ITCR5: Green Space and Play Provision  
Policy ITCR7: Playing Pitches  
Policy ITCR10: Supporting Sustainable Transport Patterns  
Policy ITCR11: Parking Provision  
Policy II1: Plan Delivery and the Role of Developer Contributions  
Policy II2: Employment and Skills

#### National Planning Policy Framework (the Framework)

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

Paragraphs 7-10: Achieving sustainable development  
Paragraphs 47-48: Determining applications  
Paragraphs 54-57: Planning conditions and obligations

Paragraphs 91, 92 and 94: Promoting healthy and safe communities  
Paragraphs 96 and 98: Open space and recreation  
Paragraphs 108-111: Promoting sustainable transport  
Paragraph 118: Making effective use of land  
Paragraphs 124-128: Achieving well-designed places  
Paragraph 153: Meeting the challenge of climate change  
Paragraph 165: Sustainable Drainage Systems  
Paragraphs 170 and 175: Conserving and enhancing the natural environment  
Paragraphs 178-181: Ground conditions and pollution

#### National Planning Practice Guidance

National Planning Practice Guidance offers additional guidance on a number of key issues in the determination of this application, in particular the consideration of viability.

#### Other (specify)

##### *Supplementary planning guidance on affordable housing*

The Council's supplementary planning guidance on affordable housing is relevant to this application stating that the Council will normally expect 10% affordable housing on a scheme of the size. However, this guidance also says the Council will accept a minimum of 5% affordable where the reduced number is justified by the viability of the proposed development.

##### *'Successful Places: Guide to Sustainable Housing Layout and Design'*

This adopted Supplementary Planning Document provides guidance to developers in respect of the Council's expectations relating to the design of residential developments.

## ASSESSMENT

The current application seeks full planning permission for the development of this green field site for the erection of 88 houses.



Street Scene A-A



Street Scene B-B



Street Scene C-C



## Key issues

It is considered that the key issues in the determination of this application are:

- Principle of the development;
- Section 106 requirements including
  - Affordable housing; and
  - The ability to provide relevant infrastructure requirements.

These issues are addressed in turn in the following sections of this report:

## Principle of Development

The site is within the settlement framework of Creswell and therefore the principle of urban development in the form of housing is acceptable. To support this matter of principle further, the site forms an unimplemented part of a housing site allocation under policy HOU 3 that is currently being built out by the applicant, Avant Homes. Therefore, provided the development of the housing allocation is served by the requisite infrastructure and contributions are secured through conditions or planning obligations to deliver the requisite infrastructure, the

development would comply with policy HOU 3.

In terms of the emerging Local Plan, Creswell is one of the District's more sustainable settlements and where a greater amount of development is directed under policy SS3: Spatial Strategy and Distribution of Development. The site remains within the urban area and so in principle it would constitute a suitable development provided it meets the five criteria of policy SC1: Development within the Development Envelope.

However, the housing allocation within the Development Plan has not been continued due to lack of need for additional housing numbers in Creswell and due to lack of certainty over whether the site could secure highway access and whether the development would be deliverable. As such, the ability for local infrastructure capacity to accommodate the additional dwellings has not been tested and not planned for during the preparation of the emerging Local Plan.

Therefore, the general location of the proposed housing is acceptable in principle provided the development is served by the requisite local infrastructure and contributions are secured through conditions or planning obligations to deliver that requisite infrastructure.

#### Affordable Housing

Policy HOU6 – Affordable Housing states that the Council will seek to negotiate the inclusion of affordable housing to meet a proven local need on sites which are capable of delivering 25 or more dwellings. As part of this negotiation, policy HOU 6 advises that the Council will take account of the economics of developing the site amongst other things.

The policy is supported by the Affordable Housing SPG (February 2002), which:

- Defines 'affordable housing' for the purposes of Policy HOU6;
- States that "in all cases the presumption will be that 10% of the total site capacity will be given to affordable housing provision... and that the Council will not accept provision that falls below 5% of the site capacity";
- States how this requirement can be met, both in terms of on-site / off-site and priorities for type of affordable housing unit.

The supporting Planning Statement submitted with the application states "it is unlikely that the proposed development will be able to fully satisfy all requests that may be made for the provision of Affordable Housing and / or developer contributions". This position is expanded within the viability appraisal work carried out on behalf of the applicants' which states "We conclude the scheme is unable to viably deliver any level of planning gain."

In order to test that viability position, the submissions have been assessed by the Council's appointed viability consultant. Whilst that assessment accepts that viability is marginal, it concludes that "the development is capable of delivering Plan Policy requirements", such as affordable housing and local infrastructure requirements.

In light of this assessment, the applicant has, in relation to affordable housing, revised their planning obligation contributions to now include for the provision of 9 affordable units (10.2% of total site capacity) on site.

In terms of the emerging Local Plan, policy LC2: Affordable Housing through Market Housing

requires proposals for 25 or more dwellings to provide 10% as affordable housing on site. The supporting text to the policy (as modified by the Local Plan Inspector) states that “the evidence base for the Local Plan indicates that the need for entry level housing at low cost, as provided for by Paragraph 71 of the 2018 NPPF, is generally well met across the district. Where exceptional circumstances apply and a proposal can clearly show that a specific need is being met and the dwellings will provide for that need over the long term, proposals will be supported.

Therefore, on the basis that the proposed 9 affordable units on site are offered as affordable housing for rent and meet the requirements of the Housing Strategy Officer, the proposal will meet the Council’s adopted and emerging policy.

In accordance with normal practice, any legal agreement would also make provision for a financial contribution to the Council in the event that a Registered Social Landlord could not be secured for those dwelling units.

#### Infrastructure Provision

The development will place a number of demands upon local infrastructure, such as education, health, waste water, road network and green spaces.

As a result, Development Plan policies require directly related demands to be addressed through conditions or planning obligations to make the proposal acceptable in planning terms.

In terms of the emerging Local Plan, policy II1: Plan Delivery and the Role of Developer Contributions provides a policy basis for planning obligations for a range of green, social and physical infrastructure types, including health and sports and recreation.

In terms of potential planning obligation requirements, following the independent review of the viability assessment already referred to in the affordable housing discussion above, the applicant has in relation to infrastructure requirements revised their planning obligation contributions to now meet the requested financial contributions of:

- £86,565 for sports and recreation;
- £41,760 for healthcare; and
- £15,000 for off-site biodiversity enhancements.

These individual requirements are discussed in more detail below under their relevant topic headings, along with other infrastructure requirements that would not be subject to any planning obligation. However in summary, on the basis that the proposed financial contributions meet the requirements of the Clinical Commissioning Group, the Leisure Department and the Derbyshire Wildlife Trust in respect of biodiversity, the proposal should sufficiently address the development’s directly related local infrastructure demands that need to be subject to a S106 planning obligation and therefore be acceptable in terms of infrastructure provision requiring financial contributions.

#### ***Open Space and Leisure***

*On site provision*

The Council's leisure officer has advised that for a development of this size (87 dwellings), we would normally expect that an area (or areas) of public open space totalling some 1,740m<sup>2</sup> (0.17ha) would be provided within the development.

He notes that this is the second of two proposed phases and the open space provision for the two phases is being provided as part of phase 1, i.e. the linear open space between the two phases, including a children's play area and a public footpath between the two phases.

Taking the two phases together, the total area of public open space should be of the order of 3,380m<sup>2</sup> (0.34ha). As outlined in the application for phase 1 (15/00368/FUL), the total area of new public open space is approximately 1ha, which is significantly in excess of the minimum requirement for both phases.

Picking up on the issue raised by the Leisure Officer, it was envisaged at the time of the grant of the phase 1 development that the excess provision made on that development would be sufficient to cover that development as well as this later phase 2. That area was also deemed appropriate for the combined site at the time that it was resolved to grant outline planning permission the larger site (even though that permission was ultimately not issued).

For this reason it is considered that the proposed open space provision that is already provided for under planning permission ref. 15/00368/FUL is sufficient to meet policy requirements in respect of on-site open space and play provision to meet the requirements of policies HOU5 of the adopted Local Plan and ITCR5 of the emerging plan.

Notwithstanding this, the applicant has indicated that they would wish to retain their existing site compound in its present location that would preclude the provision of the areas of open space and associated play areas until later in the completion of this current development; the play space should be provided by completion of the 82<sup>nd</sup> (final) dwelling on that existing 'phase 1' development.

Whilst the delay in the provision is unfortunate, the practical and financial issues relating to any requirement to re-locate this facility are understood and it is not considered that this delay in the provision of this open space and associated play facilities would be a grounds for refusal in planning terms.

#### *Built & Outdoor Sports Facilities*

In respect of the offered Sports and Recreation Contribution, the initial financial offer was made in response to the Leisure officers identified requirement for a contribution to upgrade existing outdoor recreation spaces at within the parish, specifically Bluebell Walk Playing Fields and Fox Green Playing Fields, under current policy HOU5 in the Bolsover Local Plan.

Notwithstanding the above, following discussions with the Local Ward Member, a preference was expressed that the contribution be used towards the cost of providing the proposed new Leisure Centre for Creswell. The applicants' have been approached with this proposal and have agreed that the money can be used towards the Leisure Centre.

In the event that the contributions were unable to be spent of the Leisure Centre within 5 years of the receipt of any monies, it is proposed that any agreement be drafted to enable the

monies to be spent on the upgrade to the recreation spaces identified by the Leisure officer as a fall-back position.

#### *Conclusion of Open Space and Leisure Considerations*

It has been demonstrated that the development can meet its infrastructure and policy requirements in terms of open space and leisure considerations.

#### **Education**

Derbyshire County Council has advised that there is sufficient capacity within the next five years in the normal area primary and secondary level schools to accommodate the additional pupils arising from the development; no Education S106 Contribution is therefore required.

#### **Healthcare**

The NHS Clinical Commissioning Group (CCG) has advised that there is insufficient healthcare capacity to meet the additional population arising from this development and on this basis has requested a financial contribution of £41,664 to ideally be invested in enhancing capacity/infrastructure in the local practices at Creswell & Langwith Surgery and Craggs Health Care. It has also stated that S106 funding would be used to support additional capacity in a new build scheme currently being planned for Creswell. The new build will provide capacity for both practices.

The applicants have agreed to make the health contribution, which would have to be included in a S106 Planning Obligation, such that the development can meet its infrastructure requirements on this issue.

#### **Ecology and Biodiversity**

The Derbyshire Wildlife Trust has reviewed the submitted ecology report that concludes that there would be permanent adverse effects for biodiversity due to loss of habitats and increase in artificial lighting, affecting a range of species groups; particular note is made of the loss of the hedgerow in the middle of the site that is classed as a priority habitat.

The limited extent of greenspace within the proposals does little to offset this loss of habitat, and whilst the Landscaping section of the Design and Access Statement includes images intended to illustrate the quality of the soft landscaping, these show only extremely small areas of closely mown amenity grassland and sparse ornamental planting, which would contribute relatively little to the biodiversity value of the site post-development.

The Framework is clear in its intention that planning decisions should contribute to and enhance the natural and local environment and should minimise impacts on, and providing net gains for, biodiversity. In determining applications one of the principles contained in the Framework is that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

In our view the net loss of biodiversity that would result from the loss of the hedgerow, along with other losses resulting from the development is significant in both a policy context and in the terms of loss of wildlife habitat.

However in this case, and in line with advice from the Derbyshire Wildlife Trust, the applicants

have offered to make a financial contribution of £15,000 to the provision of off-site compensatory measures, to be used for enhancements at Wollen Meadow, that is considered to provide adequate mitigation for the identified losses that will be sustained, in line with guidance in the Framework and policies of both the adopted and emerging plans.

This contribution would have to be secured by completion of a S106 Planning Obligation in the event that planning permission is granted.

### ***Access and Highway Safety Considerations***

The submitted details propose access to this development via a new junction with Canyon Meadow, which is the recently constructed estate street serving the new development to the south. The Highway Authority has advised that this highway will become an adopted highway in due course (under a separate agreement with that Authority).

The Highway Authority has also advised that the submitted Transport Assessment has taken into account vehicular trip rates, which are considered to be robust, together with capacity assessment of two off site junctions. They also state that there is no data that would support a reason for refusal of planning permission.

In terms of the layout of the proposal, this is generally acceptable subject to minor revisions and clarifications regarding that can be subject to conditions and has provided suggested conditions for use, some of which can be resolved directly with the Highway Authority as part of their separate adoption process under S38 of the Highways Act.

The applicant's consider that the Highway Authority's request for identification of bin collection points for all properties is entirely unnecessary. They consider that it is appropriate to assume new residents will pull their bins to the end of driveways or front path for collection, as is the norm across the majority of local housing stock. Bin collection points have been identified where bin drag distances might otherwise exceed acceptable distances, due to properties being located on cul-de-sacs or private driveways. In noting the comments of the applicant on this issue, their position on this issue is not unreasonable and the request from the Highway Authority appears excessive and above that required on other developments, such that it is not considered that a condition to cover this issue would be reasonable or necessary.

The applicants' have also indicated that measures to prevent surface water run-off from plots higher than the highway, preventing run-off before reaching the highway, will be agreed with the Highway Authority at detailed highway design stage. For clarity at this time however, it is intended that ACO-type drains will be installed within plots, as necessary. Whilst noting this comment, as the location for these drains is outside of the highway, the Highway Authority would not be in a position to enforce their provision, such that the inclusion of such a condition is considered necessary.

The Highway Authority has also sought a financial contribution (that would need to be secured under a S106 Planning Obligation) of £750 p.a. for monitoring of the Travel Plan for a period of 5 years i.e. a total of £3,750 (index linked). Whilst this fee is not included in the viability assessment and no contribution has been offered, this is in effect a voluntary contribution whereby the developer would pay Derbyshire County Council to carry out the Travel Plan monitoring on its behalf. Conditions can still be included to require the implementation and review of the Travel Plan and the absence of the contribution is not

material in planning terms.

## **Drainage and Flood Risk**

### *Foul drainage*

Severn Trent Water has raised no objections subject to the inclusion of an advisory note relating to the responsibilities of a developer to any development in proximity to public sewers; they also note that foul water is proposed to be connected to the public sewer that will require a separate approval with that organisation; advisory notes to deal with these issues can be included.

Whilst noting the comments in representation regarding the suitability of the foul sewerage pump and alleged foul overflows at a time of flooding on Skinner Street: -

- The Council's engineer is not aware of the event referred to in the representation in respect of any failure of drains on Skinner Street.
- Severn Trent Water has been asked for further comments on this issue, but have not provided a response despite reminders. Notwithstanding this, the applicant has provided a copy of a letter from Severn Trent Water to them that confirms that there is adequate capacity in the system to accommodate the development. It is important to note on this issue that the Water Company has not raised any additional questions or objected to the development on this issue, that they would normally do if there was any capacity issues.
- Avant has indicated that "It was reported to the site team that there was an off-site flooding incident on Skinner Street, in which they investigated further and could see no issue. We can confirm that Severn Trent were actually conducting works on Skinner Street at the time of the reported incident. At the time of writing, we are not aware of any issue with our installed foul water pumps; we believe they are working in line with the approved designs and see no reason why this query has been raised. The pumping station will be adopted by Seven Trent Water in due course; they will only adopt a suitable system."

In noting the above, as indicated in the response by Avant, any drainage connection requires a separate connection agreement with the water company; it is also understood that should this require off site mitigating measures, then these can be required through that process. Given that the water company has not objected to the proposal, it is not considered that there are any grounds to resist the development on this issue. Whilst there has been no specific request from the water company it is considered reasonable to include a condition regarding the prior written approval and implementation of the foul drainage scheme should permission be granted.

### *Surface Water*

The Lead Local Flood Authority (Derbyshire County Council) [LLFA] initially sought additional information in respect of the flood risk assessment and drainage design. Following the submission of that information, the LLFA has not advised against the development and has recommended the inclusion of two conditions:

- To require the agreement of the final design of the drainage scheme and its implementation, along with agreement for future management measures for it; and
- To require agreement and implementation of measures to avoid surface water run-off during the construction period.

This Council's Engineer has also commented on the future maintenance of the drainage system and arrangements during the construction period.

Subject to the inclusion of the recommended conditions of the LLFA, it is considered that the proposal is acceptable in terms of surface water drainage.

*Comments on recent surface water flooding.*

In terms of comments received in representations regarding flooding, it is known that there has been recent flooding events that have resulted in damage to dwellings to the east of the site.

The previously approved SuDS scheme does not rely on soakaway provision, rather the water passes to a collection pond to be released at a controlled rate, once fully implemented.

Avant has responded to various questions put to them (questions in italics) as follows: -

*"...regarding the flooding at Creswell to which Avant Homes are alleged to have caused or exacerbated the flooding please see our response to your following questions:*

*1. Your understanding of what happened last week and to what degree you consider that the Avant development may or may not have contributed to both the flooding generally and the quality of those flood waters;*

We are aware that a resident to Creswell village complained that their garden was being flooded on Sheffield Road. We spoke with the resident and explained to them that there was period of intense rainfall, in which a Yellow flood warning was in place. We also explained that we had installed our drainage system to the approved drawings. We cannot comment to the quality of the water as we did not see it. The area in question is quite a way from our development. We can confirm that no contact has been made to Avant from the regulatory authorities.

*2. Your confirmation as to whether the approved drainage system has been fully implemented on the Phase 1 scheme in accordance with the approved drainage scheme that was approved under application reference 17/00394/DISCON; in particular can you confirm that the hydrobrake has been fully installed and was operative at the time of the incident;*

We have constructed the surface water attenuation basin onsite in line with our approved designs; the basin subsequently attenuates and releases surface water at a reduced rate in line with the former Greenfield run-off rates relevant prior to our development. Our outfall being the approved watercourse on the opposite side of the railway line; linked by an existing culvert beneath the railway itself. The railway culvert has been recently cleaned out & repaired by Network Rail; works outside of Avant Homes control. Our surface water strategy is approved & agreed with all regulatory authorities. The hydrobrake manhole has been formed; with sandbags utilised in the short-term to reduce & control the flow of water; the hydrobrake itself was installed last week.

*3. If the scheme has not been fully implemented for any reason, can you indicate what still needs to be done and the proposed timescales for that work to be completed?*

The hydrobrake manhole has been constructed, however, the hydrobrake itself was only installed last week. This aside we had introduced suitable temporary measures

to reduce & control the flow of water. The headwall itself has been formed for a number of weeks; with the formwork requiring removal- this will be undertaken this week.”

It is accepted from information seen by officers that surface water run-off from the development on the west side of the railway did appear to make its way through the culvert, that runs under the railway and into the areas to the east of that railway and in all likelihood contributed to the accumulations of water in this area.

It was indicated by the site manager at a site visit following the flooding that the approved SuDS scheme had not been fully implemented to include the necessary control device that would have limited the surface water run off to that which would reflect the former green-field site. This has been subject to a separate enforcement investigation and the control device is now in place.

We are also aware that the Lead Local Flood Authority (Derbyshire County Council) are carrying out their own investigation into the flooding that occurred in the area that has not yet been concluded. Despite this, the case officer at the Lead Local Flood Authority (Derbyshire County Council) has indicated verbally that subject to the drainage schemes being properly implemented, as approved for the existing site and as proposed for the proposed development, then the surface water run-off from these sites will be limited to green-field run-off rates, i.e. the equivalent water run-off that would have occurred without development. Therefore whilst acknowledging the recent floods and the harm that resulted from them, including the contribution that the existing development would appear to have made to that flooding, the current scheme proposed is considered acceptable in planning terms subject to the inclusion of conditions to control the final agreement and implementation of surface water drainage details, as recommended by the LLFA.

#### *Conclusion on drainage and flood risk issues*

Whilst flooding issues and drainage are key issues arising from representations from local residents the local Lead Local Flood Authority (Derbyshire County Council) and Water Company do not object to the proposals on technical grounds, such that the proposed drainage proposals are considered to be appropriate.

#### **Conclusions on Infrastructure Provision**

From an assessment of this proposal, it is considered that the proposal is in conformity with the Development Plan in the following manner:

- is in compliance with policies HOU 2 – Location of Housing Sites and HOU 3 – Housing Allocations in terms of its general location;
- is in compliance with policy HOU 6 – Affordable Housing in terms of its affordable housing provision;
- is in compliance with policy HOU 5 – Outdoor Recreation and Play Space Provision for New Housing Development in terms of its sport and recreation provision.
- is in compliance with policies GEN1 - Minimum Requirements for Development, GEN2 Impact of Development on the Environment, TRA1 (Location of New Development); TRA10 - Traffic Management; TRA13 - Provision For Cyclists; and TRA15 - Design of Roads and Paths to Serve New Development, in terms of highway considerations;

- is in compliance with policies GEN5 - Land Drainage and GEN6 - Sewerage and Sewage Disposal in terms of drainage and sewage considerations.
- is in compliance with policies ENV5 -Nature Conservation Interests throughout the District; and ENV8 - Development Affecting Trees and Hedgerows, in terms of biodiversity and ecology considerations.

Furthermore, given the very advanced stage of the emerging Local Plan it is also considered that the proposal is in conformity with it in the following manner:

- is in compliance with policies Policy SS1: Sustainable Development: Sustainable Development; SS3: Spatial Strategy and Distribution of Development in terms of the proposal's general location and would be acceptable provided it meets policy SC1: Development within the Development Envelope's five criteria;
- is in compliance with policy LC2: Affordable Housing through Market Housing in terms of the proposal's affordable housing provision;
- is in compliance with policy II1: Plan Delivery and the Role of Developer Contributions in terms of its local infrastructure provision.
- is in compliance with policies ITCR5: Green Space and Play Provision; and ITCR7: Playing Pitches, in terms of its sport and recreation provision.
- is in compliance with policies Policy ITCR10: Supporting Sustainable Transport Patterns; and ITCR11: Parking Provision, in terms of highway considerations;
- is in compliance with policies Policy SC7: Flood Risk and Policy SC13: Water Quality in terms of drainage and sewage considerations.
- is in compliance with policies Policy SC9: Biodiversity and Geodiversity Policy SC10: Trees, Woodland and Hedgerows, in terms of biodiversity and ecology considerations.

Therefore, a decision to approve the application would be acceptable from a key policy consideration perspective.

## **OTHER PLANNING CONSIDERATIONS**

Other considerations include: -

- Design
- Air Quality
- Ground Conditions
- Noise Environment
- Archaeology
- Public art
- Local Employment

### Design

The site provides good linkages to encourage more sustainable transport modes, including walking, cycling and the use of public transport: -

- It is located close to Creswell town centre and its amenities;
- Creswell Nursery and Infant School are located within reasonable walking distance of the site;
- It has good links to public transport, having a regular bus service (bus route 77) between Chesterfield and Worksop on Skinner Street;

- It is within a reasonable walking distance (approx. 200m) of Creswell train station;
- Provision is made to link the development through the adjoining new housing site to provide connections to the pedestrian and cycle link onto the Clowne Branch Line Greenway and the associated proposed links between that Greenway and the town centre.

The overall layout comprises a series of cul-de-sacs served by single-street that takes access from a new junction that would be taken from Canyon Meadow.

The applicants have submitted a number of revisions seeking to address issues raised with them, in particular those of the Landscape Urban Design Officers. Those officer have acknowledged the improvements made, but consider that further minor changes could be included. These include: -

- Splitting blocks of parking at plots 26/27 and 59/60
- Further SuDS pond details to ensure the banks are shallow and of varying gradients to enhance biodiversity and amenity value.
- Street trees have been omitted to the fronts of plots 26, 34 and 59 and the side of plot 49 that should be provided to contribute to the street scene.
- The private drive to plots 64, 65, 66 will require no dig construction and specialist treatment such as cellular confinement to protect the existing tree.

It is considered that further details and minor changes can be made subject to conditions; further conditions to control other details of the scheme, including final materials, landscaping and means of enclosure should also be included to ensure an appropriate quality finish to the development, as well as ensuring that any landscaping has further positive impacts for biodiversity to enhance the offsite provisions discussed earlier.

For the most part the proposed development meets offset distances and amenity space standards for the new dwellings. There are a limited number of plots where the normal distance requirements are not fully met, but the relationships between windows and gardens is such that in these instances reasonable levels of privacy and amenity for existing and proposed residents will be achieved and the layout is considered to be acceptable in this respect.

In terms of designing out crime, the Force Designing Out Crime Officer raises no objections to the scheme and suggests planning conditions to control means of enclosure and planting, that would be included in any event should permission be granted.

On this basis, it is considered that the layout provides a reasonable layout that is in general compliance with the Council's adopted Design Guide and the principles contained in the NPPF. As such, subject to control over detailed elements including landscaping and materials, it is considered that the latest iteration of the layout is acceptable and is in compliance with the requirements of saved Policy GEN2 in this respect and the requirements of Policy SC3: High Quality Development of the emerging Local Plan.

#### Air Quality

The Environmental Protection Officer (EPO) has reviewed the submitted information and there is no evidence that the development would have such a significant impact on air quality

that it should be refused on these grounds.

The Government's current approach to micro-renewable energy generation means that it is not possible to use planning conditions to secure photo-voltaic tiles or solar panels, for example, or other forms of energy saving measures such as air-source heat pumps.

The applicant states that Avant Homes will be building to a 'fabric first' approach in order to achieve a 4% improvement in energy efficiency (i.e. reduced energy demand of the home) compared with current building regulations, and if the Council consider this detail is necessary, it can be provided by way of a condition requiring submission and approval of a Sustainability Statement. In addition the applicants are also proposing to install electric vehicle charging points to 20% of dwellings, stating that this is reflecting consumer demand and technical limitations, and having regard to overall site viability.

On this latter point regarding viability it is worth noting that through the viability assessment work undertaken, whilst this has shown that the site is viable with the contributions discussed earlier in the report, this viability is marginal and so it is accepted that the offer made in respect of this site is reasonable within the financial constraints of this site.

The EPO acknowledges that the proposed energy efficiency measures, travel plan and electric car charging points will reduce emissions and would welcome a condition requiring a sustainability statement and the 20% of dwellings to have electrical charging points installed. Whilst not stated by the EPO, the sustainable location of the site with good links to public transport and potential links to the wider footpath network and nearby multi-user trails should also encourage more sustainable patterns of living to reduce emissions further.

The EPO also recommends that a Construction Environmental Management Plan is required to control impacts during the construction period, and the applicants have agreed to the inclusion of such a condition.

Therefore, through the implementation of the items discussed above, the proposed development can satisfy air quality considerations and can also make a reasonable contribution to reducing carbon dependency within the limited scope of what can be achieved within the current planning policy framework and it is recommended that these be accepted, subject to inclusion of the conditions to require their provision to ensure the opportunities this scheme presents are fully realised.

#### Ground Conditions

Following the submission of additional information, The Environmental Protection Officer has confirmed that the submissions do not indicate that there is any significant contamination present on the site and no condition relating to contamination is required.

#### Noise Environment

The Environmental Protection Officer has reviewed the submitted noise assessment. She has concerns that the rail noise from the nearby railway has been averaged out over a 16hr day and so does not fully reflect the impact of noise, particularly in respect of early and late train movements; trains run from 05:28 to 23:32 such that 6 of those movements are at night time hours. There is no indication that any acoustic barriers are proposed, but the existence of an intervening former railway embankment will provide some protection. The

Environmental Protection Officer considers clarification is needed in respect of these issues, but considers that a condition could be used to require this and any noise mitigation measures, should these prove necessary as a result. Subject to the inclusion of such a condition the proposal is considered to be acceptable in this respect.

### Archaeology

The Council's Archaeological advisory has advised that archaeological potential has been noted in commenting on previous planning applications for this site and the site to the south, based on plentiful evidence for prehistoric activity in the vicinity of Creswell.

Geophysical survey and evaluation trenching was carried out on the site immediately to the south in 2017, producing negative results. The geophysical evidence for the current site is limited, being restricted to parts of the northern field. This however suggests a very disturbed picture perhaps reflecting former use of the site as allotments.

In view of the above the archaeologist has advised that on balance given the absence of positive geophysics targets and the negative results from evaluation of the adjacent site, he advises that further archaeological work is not required under the policies at NPPF chapter 16.

On this basis, the development also complies with the requirements of policies CON13 of the adopted Local Plan and SC18 if the emerging plan.

### Public Art

No specific response has been received from the Arts Officer, but the development is of a size where contributions to public art would normally be sought under policy GEN17. However, the scale of the development would not be of a scale for which art provision should be made under emerging Policy SC3: High Quality Development, which would only require contributions on schemes in excess of 10,000 sq. metres floorspace, or 100 houses, or 3 hectares in land area.

Whilst no contribution is being offered by the developer, this is considered to accord with the requirements of emerging policy, that reflect the latest thinking in terms of a reasonable threshold for public art provision and this is not considered objectionable in planning terms.

This again is considered to have a neutral impact in terms of the planning balance.

### Local Employment

The Council's Economic Development Team has noted that "The proposed scheme meets the relevant thresholds set out in the Bolsover Draft Local Plan Policy II2. Therefore, if Planning Committee is minded to grant planning permission, then Economic Development would request the inclusion of [a] planning condition ... to secure local opportunities for skills, training and employment in the District.

As weight can be given to that policy, it is recommended that this condition be included in should planning permission be granted.

### Neighbour Comments

All issues raised in letters of representation have been covered in the above assessment.

## **CONCLUSION**

In conclusion, the above analysis is considered to demonstrate that the development proposed in this application can be made acceptable in planning terms subject to:

- (i) Appropriate planning conditions; and
- (ii) Subject to planning obligations securing affordable housing provision, and financial contributions towards leisure facilities, local medical provision and biodiversity enhancements.

Accordingly, this application is recommended for conditional approval subject to prior entry into a S.106 legal agreement.

**RECOMMENDATION:** That the current application be APPROVED subject to prior entry into a S.106 legal agreement containing the following planning obligations:

### **Affordable Housing**

- A.** On site provision of 10% affordable housing (equivalent to 9 new houses), all for social or affordable rent; and
- B.** Provision for an off-site payment in the form of a commuted sum to cover a scenario where no Registered Provider can be engaged to take the affordable homes.

### **Public Health**

- A.** Financial contribution of £41,760 (index linked) towards the new build medical centre being proposed in Creswell.

### **Public Open Space**

- A.** Sport & recreation contribution of £86,565 (index linked) towards the new build Creswell Leisure Centre being proposed in Creswell; or
- B.** In the event that the Leisure Centre facility cannot be delivered within a suitable timeframe, that the contribution be used to upgrade existing outdoor recreation spaces at within the parish, specifically Bluebell Walk Playing Fields and Fox Green Playing Fields.

### **Biodiversity**

- A.** A Biodiversity mitigation sum of £15,000 (index linked) to be used to deliver enhancements at Wollen Meadow.

**AND** subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following

approved drawings and documents: -

- House Types, as submitted with the original planning application:
  - Bampton Village 09/BTN/001 Rev A
  - Beckford Village 09/BFD/001 Rev A
  - Finsbury Village 09/FBY/001 Rev A
  - Kinnerton Village 09/KTN/001 Rev A
  - Kintbury Village 09/KBY/001 Rev A
  - Kintbury Dual Aspect Village KBY/001 Rev D
  - Lathbury Village 09/LBY/001 Rev A
  - Lorton Village 09/LTN/001 Rev A
  - Melton Village 09/MTN/001 Rev A
  - Overbury Village 09/OBY/001 Rev A
- Details of canopy designs submitted 22/10/19: -
  - AV\_DP\_1810-45-01 RevB - Lathbury- 17 Canopy Design
  - AV\_DP\_45-01(B&P) RevB - Beckford- 17 Canopy Design
  - AV\_DP\_45-01(B&P) RevB - Easton-17 Canopy Design
  - AV\_DP\_45-01(B&P) RevB - Lorton- 17 Canopy Design
  - AV\_DP\_45-02(B&P) RevB - Melton- 17 Canopy Design
  - AV\_FL\_1360-01 RevB - Bampton- 17 Canopy Design
- Revised housetypes as submitted 24/10/19: -
  - Abbotsbury Village Housetype ref. O9/ABY/001 REV A & O9/ABY/002 Rev.A
  - Bibury Village Housetype ref. O9/BBY/001 Rev.A & O9/BBY/002 Rev.A
  - Easton Detached Village Housetype ref. O9/ETN/001 & O9/ETN/002
  - Haddington Village Housetype ref. 09/HTN/002 Rev.A & 09/HTN/002 Rev. A
- Revised housetypes received 23/12/19: -
  - Nithsdale Housetype ref. A9/NIT/001 Rev. A
  - Helmsdale Housetype ref. A9/HEL/001 Rev. A
- Revised Location Plan ref. n1286 001 B received 12/11/19
- Revised Planning Layout Plan ref. N1286\_008L received 23/12/19
- Revised Presentation Layout ref. N1286\_009E received 23/12/19
- Cycle Connection Link plan ref. 6070-001 submitted 24/10/19

3. Notwithstanding the submitted information, before construction commences on the erection of any wall or building, a schedule of wall and roof materials for that wall or building shall first have been submitted to and approved in writing by the Local Planning Authority. The completed scheme shall accord with the details approved under this condition.

4. Before any equipment, machinery or materials are brought on to the site fencing shall be erected to protect any retained trees and hedgerows, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. Nothing shall be stored or placed within the fenced area around a retained tree or hedgerow and the ground levels within the fenced area shall not be altered, and no any excavation shall take place, without the written consent of the Local Planning Authority.

5. Prior to any excavations being undertaken to form the shared driveway to plots 65, 66 and 67, full details of any works within the identified root protection areas of the retained tree to the south of those plots shall have been submitted to and approved in writing by the Local Planning Authority, to include details of no dig construction and specialist treatment, such as

cellular confinement, to protect the existing tree and its root system. No works other than those approved under this condition shall be carried out in the root protection area of that tree.

6. Notwithstanding the submitted landscape and boundary treatment plans, prior to the commencement of the building of any dwelling, revised details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved. The revised details shall include:

- Design of the green spaces and ponds, including biodiversity enhancements in accordance with the submitted ecological assessment recommendations;
- Details of all means of enclosure;
- All hard surfacing areas, including all footpath connections to the housing site to the south of the site;
- Details of tree pit design and root protection measures for trees to be located within 3m of the highway; and
- A programme for implementation of the hard and soft landscaping that must include details of the implementation of the balance of the central open space, including the approved play equipment on the land to the south west of the current application site (previous permission references 15/00368/FUL and 17/00394/DISCON).

7. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

8. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. Avie Consulting Ltd (2019), Skinner Street Phase 2, Creswell, Flood Risk Assessment and Drainage Strategy Statement, P2810, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team, and
- b. DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

9. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

10. No development shall commence above foundation level until provision has been made for the satisfactory disposal of foul water from the site in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the foul drainage scheme has been installed and is operative

in respect of that dwelling and the foul drainage scheme shall be fully installed and operative prior to the occupation of the final dwelling.

11. Prior to the commencement of any works on any dwelling above foundation level, a sustainability statement shall have been submitted to and approved in writing by the Local Planning Authority that shall show details of the proposed 'fabric first' approach in order to achieve a 4% improvement in energy efficiency (i.e. reduced energy demand of the home) compared with current building regulations, and the provision of electrical charging points to 20% of the proposed dwellings. All details in the approved sustainability statement document shall be included each dwelling prior to its occupation.

12. Prior to the first occupation of the dwellings, further information should be submitted to supplement the BWB Noise Impact Assessment ref: LDP2316 July 2019 and if necessary, a sound insulation scheme specifying the provisions to be made for the control of sound has been submitted to and approved in writing by the Local Planning Authority. The assessment shall identify and quantify all sound sources that would affect the development. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. The scheme shall be designed to achieve the following criteria with the ventilation operating:

Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs)  
Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)  
All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)

All Habitable Rooms 45 dB LAmax to occur no more than 10 times per hour (2300 hrs - 0700 hrs)  
Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs - 2300 hrs)

13. Before the development hereby approved commences, an Employment Scheme to enhance and maximise employment and training opportunities during the construction phase of the project shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority.

14. No development shall take place, including any works of demolition, until a construction environmental management plan has been submitted to and approved in writing by the local Planning Authority. This shall include mitigation measures for all potentially significant environmental impacts including, but not restricted to, dust; noise; waste management; odour; and vibration. This shall include details of working hours, locations of any soil stockpiles, complaint procedures etc.

15. No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- i. Parking of vehicles of site operatives and visitors
- ii. routes for construction traffic
- iii. hours of operation

- iv. method of prevention of debris being carried onto highway
- v. pedestrian and cyclist protection
- vi. proposed temporary traffic restrictions
- vii. arrangements for turning vehicles
- viii. Roadside hoarding and construction access arrangements

16. Before any other operations are commenced, excluding construction of the temporary access referred to in Condition 15 [viii] above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

17. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed to.

18. Prior to occupation of any dwelling on site the permanent access arrangements with Canyon Meadow shall be fully completed to the satisfaction of, and in accordance with detailed designs first submitted to and approved in writing by, the Local Planning Authority in consultation with the Highway Authority.

19. No development shall take place until the layout and construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing / construction materials, means of surface water drainage and street lighting) have been submitted to and approved in writing by the Local Planning Authority.

20. The carriageways of the proposed estate roads shall be constructed in accordance with details approved under Condition 18 up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including binder course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, unless otherwise agreed in writing by the Local Planning Authority.

21. Internal estate street junctions shall be provided with 2.4m x 25m minimum visibility splays in each direction, measured to the nearside carriageway edge; the area in advance of the sightlines being laid out as an extended footway / margin, forming part of the estate street and not part of any adjoining plot or other third party land.

22. The estate streets shall be provided with 15m forward visibility sightlines around the inside of bends in the street alignment, as laid out in the County Council's Delivering Streets and Places design guide; the area in advance of the sightlines being laid out as an extended

footway, forming part of the estate street and not part of any adjoining plot or other third party land.

23. Individual driveways shall be provided with 2.4m x 25m visibility splays in each direction to the new estate street, or other such dimension as may be agreed with the Local Planning Authority, measured to the nearside carriageway channel level; the area in advance of the sightlines remaining thereafter free from any obstructions to visibility over 1m high relative to the nearside carriageway channel level.

24. The premises, the subject of the application, shall not be occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn, all as may be agreed in writing with the Local Planning Authority. In the case where interim turning arrangements are constructed these must remain available until any permanent estate street turning is available, in accordance with the approved estate street designs.

25. No dwelling shall be occupied until space has been provided within the site curtilage/ plot for the parking of residents and visitors vehicles associated with that dwelling, all to be laid out in accordance with the approved drawings and constructed as may be agreed in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use, for the parking of motor vehicles at all times.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

27. No gates or other barriers, including any part of their opening arc, shall be permitted to open out over public highway areas. Gates should open inwards only or should be set back an appropriate distance within the site to accommodate opening.

28. The proposed property access drives shall be no steeper than 1 in 10 for the first 6m from the nearside highway boundary and shall be provided with sufficient vertical curvature to prevent the grounding of vehicles when traversing to and from the highway.

29. Prior to the construction of any works above foundation level of any dwelling, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the proposed highway. The approved scheme shall be undertaken and completed prior to the first use of the access concerned and retained as such thereafter.

30. Works shall not commence on site until a scheme for the disposal of highway surface water has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwellings and retained accordingly thereafter.

31. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have

been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

32. The Approved Travel Plan (Revised Travel Plan updated 22/10/19 - ref. LDP23160) shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.

33. No dwelling where provision for the storage of bins and collection of waste from points adjacent to, but not within, the proposed highways, as shown on drawing ref. n1286 008 rev. L, shall be occupied until those details have been implemented; the facilities shall be retained for the designated purposes at all times thereafter.

### **Statement of Decision Process**

The developer and officers have worked positively and pro-actively to address issues raised during the consideration of the application, that has resulted in amendments and additional contributions to ensure that the development appropriately comply with development plan policies. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the National Planning Policy Framework.

### **Equalities Statement**

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. "the Public Sector Equality Duty").

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic

### **Human Rights Statement**

The specific Articles of the European Commission on Human Rights ('the ECHR') relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.