

**Land at Ilkeston Road/Sowbrook Lane, Ilkeston**

**Planning Obligations and Affordable Housing Statement**

The validation checklist sets out the need for a statement on 'Planning Obligations (draft Heads of Terms)'. In our initial submission we set out commentary within the Planning Statement on this matter and this statement has been prepared to supplement that at the request of the Council.

A key point made in the Planning Statement is that the Council refused to engage in pre-application discussions on this site regarding the detailed matters relevant to the proposed housing development. Consequently, it has not been possible to refine our understanding of what planning obligations would be needed to support the proposed development in accordance with the tests set out in Paragraph 204 of the National Planning Policy Framework and CIL Reg 122. This statement has been prepared in this context. The final Heads of Terms will be dependent on the consultation response received during the application process and the subsequent discussions with Officers.

The validation checklist sets out the policy framework and guidance under which the statement is requested and should be prepared. This includes:

- Core Strategy – Policy 19 – which states all development will be expected to:  
a) meet the reasonable cost of new infrastructure required as a consequence of the proposal; b) where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of developments to be managed, including identified transport infrastructure requirements; and c) provide for the future maintenance of facilities provided as a result of the development.
- Saved Policies - Policy H9 – which states that sites proposing 10 or more dwellings will be expected to enter into a section 106 agreement to ensure that education and community facilities, including infrastructure requirements,

open space, health care and local shops, are provided to the extent necessary to meet demand arising from occupiers of the new dwellings.

- Developer Contributions SPD, which states that on sites of 100 or more dwellings, planning obligations will be assessed on an individual basis taking into account the specific needs and circumstances of that development. It also sets out guidance on the following potential obligations (which notably does not include all the potential contributions identified in the Policy H9):
  - Ilkeston Travel Plan
  - Walking and Cycling network
  - Buses
  - Education – Primary School
  - Open Space

### **Draft Heads of Terms**

Below we set out our commentary on the potential heads of terms in line with the above policies and guidance.

- *Affordable Housing*
  - Policy 8 of the Core Strategy sets out a high-level target of 30% Affordable Housing. However, the SPD identified a target of 15% for greenfield sites at Ilkeston. In light of the way the settlement hierarchy is structured in the Core Strategy, we would welcome discussions as to which figure applies.
  - There is no guidance on mix, other than it will be determined in line with the latest need. We have had no guidance from the Council on this and we have not been able to find the latest evidence on housing mix on the Council's website. The Applicant remains open to discussing this during the application.

- Ilkeston Travel Plan
  - A travel plan will be provided and can be secured by condition. If the Council are proposing to administer this for a fee then it would be possible for an either/or provision to be placed in the s.106 to let the developer decide how they would like this administered.
- Walking and cycling network
  - It is proposed to upgrade the footpath provision on Sowbrook Lane.
- Sowbrook Lane
  - There is also scope to reserve the northern part of the site to facilitate upgrades to Sowbrook Lane. This could be pedestrian, cycle and/or widening the carriageway. This could be beneficial in the context of the new link road that is proposed around Kirk Hallam to the west of the Site and its relationship with the Stanton Regeneration Site immediately to the east of the Site.
- Buses
  - We note that no obligations were required as part of the recent resolution to grant planning permission on the adjacent Stanton Regeneration Site because the highway authority could not propose a scheme to improve the service.
  - The Applicant remains open to discussing improvements to the existing bus service and bus stops on Ilkeston Road.
- Primary Education
  - Two potential figures to create new pupil spaces are set out in the SPD. The Applicant remains open to discussing what is required following the response from the education authority.

- Open Space
  - A significant amount of open space is proposed on Site, including play provision and community gardens.

### **Viability**

When the final obligations are known, the Applicant will review what this means for the viability of the proposed development. If the requested obligations have the potential to impact on the viability of the proposed development, we will notify the Council at that time and seek an appropriate set of planning obligations in that context.

### **SUMMARY**

The above sets out potential Heads of Terms based on the relevant local policy and guidance. We remain open to discussing this further through the planning application process to refine the planning obligations needed to support the proposed development in line with the guidance set out in the Council's Development Contributions SPD for schemes over 100 dwellings.