

<b>Application No:</b>	<b>21/01503/RMAM</b>
<b>Proposal:</b>	<b>Erection of 136 No. dwellings</b>
<b>Location</b>	<b>Former Noble Foods Ltd, The Moor, Bilsthorpe</b>
<b>Applicant:</b>	<b>Harron Homes And Walrus Real Estate Ltd</b>
<b>Registered:</b>	<b>12.07.2021</b> <b>Target Date: 11.10.2021</b>
	<b>Extension of Time Agreed Until 05.11.2021</b>
<b>Website Link:</b>	<a href="#">21/01503/RMAM   Erection of 136 No. dwellings   Former Noble Foods Ltd The Moor Bilsthorpe (newark-sherwooddc.gov.uk)</a>

**This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Bilsthorpe Parish Council has objected to the application which differs to the professional officer recommendation.**

The Site

The site comprises an area of approximately 5.46 hectares which is fairly irregular in shape. It is currently empty and consists of areas of hardstanding and grass with some mounds of rubble in relation to the previously demolished factory buildings which once occupied the site. There are areas of dense tree cover predominantly around the boundaries of the site but also along the previous access driveway.

The site is on the south eastern edge of the village of Bilsthorpe. The site is located within the built up area as defined by the village envelope. The village envelope was extended to include the site upon adoption of the Allocations & Development Management Plan (2013). As a consequence the site forms part of a site allocation on the Bilsthorpe Proposals map with another allocation site immediately to the south (Bi/Ho/1).

There is one existing access point from the south via Kirklington Road. The site is bordered by agricultural fields to the east and north. To the west are residential dwellings and the residential area of Bilsthorpe Moor. To the south eastern site boundary is a now vacant care facility known as Wycar Ley. Further to the east, approximately 350m in distance is a large factory and commercial site.

The site is within Flood Zone 1 in its entirety. The site falls within the buffer zone for the potential Special Protection Area for Nightjar and Woodlark in the Sherwood Forest area.

Relevant Planning History

Outline planning permission was granted on 1<sup>st</sup> May 2020 for the residential development of the site for up to 136 dwellings (**18/00931/OUTM**). The application was determined by Planning

Committee on 4<sup>th</sup> June 2019 with an Officer recommendation of approval. Following the submission of a viability case, the applicant offered the provision of 10% on site affordable housing. However, Committee Members (in line with Parish Council discussions) opted to forego the affordable housing in preference for monetary contributions as outlined below.

The permission was subject to numerous conditions as well as an associated legal agreement (dated 30<sup>th</sup> April 2020) which secured the following:

- Bus stop contribution to be used towards existing bus stop provision within the vicinity of the site - **£17,000**;
- Community Facilities contributions towards community halls, village halls and indoor areas for sport - **£188,253,52**;
- Children and Young people space – not less than **575m<sup>2</sup>** to be provided on site;
- Education contribution to accommodate additional primary pupils - **£332,195,29**;
- Libraries Contribution for library stock - **£6,062**;
- Open space contribution to be used towards the provision of outdoor sports or recreation - **£100,329.92**;
- Public Open Space – not less than **1,872m<sup>2</sup>** to be provided on site;

There is more historic planning applications relating to the site but these are no longer considered relevant in the context of the extant outline permission.

### The Proposal

The proposal has been amended during its lifetime as discussed in the relevant sections of the appraisal below. An additional round of consultation has been undertaken on the basis of the revised scheme received 22<sup>nd</sup> September 2021. The proposal as revised seeks reserved matters approval for the detailed design of 136 dwellings divided into the following mix:

<b>No. of Bedrooms</b>	<b>No. of Storeys</b>	<b>No. of Units</b>
2	1	6
2	2	12
3	2	36
4	2	73
5	2	9
<b>Total</b>		<b>136</b>

The scheme would be delivered through 17 different house types. The 6 bungalows were originally presented as affordable provision in lieu of financial contributions albeit as discussed in the appraisal below this is not what was secured through the outline application and therefore the applicant has confirmed through the revised scheme that these will now form market housing in line with the requirements of the Outline legal agreement.

As is presented through the submitted Design and Access Statement, the dwellings would include detailing such as projecting gables; varied ridge lines; bay windows and covered porches as examples. Materials include red brick and render brick course at the ridge of projecting gables; stone cills and soldier brick heads and a brick plinth feature on the larger properties.

The development would include three main separate areas of public open space. The largest

would be broadly central within the site albeit slightly towards the western end at the end of the main access road. This would include an area for junior play. Another area of public open space would be towards the eastern boundary of the site which includes a drainage tank (underground). Finally there would be a small area with space for infant play towards the south east corner of the site. A landscaped buffer is demonstrated along the eastern boundary of the site.

The application has been considered on the basis of the following plans and documents:

- Location Plan Dwg.No. 556-003;
- Proposed Site Layout, Dwg.No. 556-001 E;
- Materials Plan, Dwg.No. 556-005 A;
- Boundary Treatments and External Materials Plan, Dwg.No. 556-006 A;
- Tree Retention and Removal Plan, Dwg.No. 556-008\_ Rev C;
- Site Sections, Dwg.No. 556-009;
- Coloured Site Layout, Dwg.No. 556-020;
- Visualisation, Dwg.No. 556-021;
- Sales Area Signage and Access, Dwg.No. 556-201 A;
- Topographical Survey, Dwg.No. 556-501\_Rev B;
- Landscape Masterplan Dwg.No. DR-5224-01.02;
- Edlingham Buff Brick (Floor Plans), Dwg.No. PD.04.03;
- Edlingham Buff Brick (Elevations), Dwg.No. PD.04.04;
- Harrington Red Brick, Dwg.No. PD.09.01;
- Porchester Red Brick, (Floor Plans). Dwg.No. PD.10.01;
- Porchester Red Brick, (Elevations). Dwg.No. PD.10.02;
- Bamburgh Red Brick, Dwg.No. PD.100.01;
- Hadleigh Buff Brick, Dwg.No. PD.101.02;
- Salcombe V1 Buff Brick, (Floor Plans) Dwg.No. PD.14.03;
- Salcombe V1 Buff Brick, (Elevations) Dwg.No. PD.14.04;
- Sutton Red Brick, Dwg.No. PD.151.01;
- Settle V1 Buff Brick, (Floor Plans) Dwg.No. PD.53.03;
- Settle V1 Buff Brick, (Elevations) Dwg.No. PD.53.04;
- Windsor Red Brick, Dwg.No. PD.55.01;
- Alderton Red Brick, Dwg.No. PD.70.01;
- Thorpe Red Brick Dwg No. 556.TP.01;
- Hambleton Red Brick Dwg No. 556.HM.01;
- Nidderdale Red Brick, Dwg.No. PD.54.01;
- Settle V0 Red Brick (Floor Plans) Dwg No. PD.56.01;
- Settle V0 Red Brick (Elevations) Dwg No. PD.56.02;
- Shelford Red Brick (Floor Plans) Dwg No. 556.SF.01;
- Shelford Red Brick (Elevations) Dwg No. 556.SF.02;
- Salcombe V0 Red Brick (Floor Plans) Dwg No. PD.06.01;
- Salcombe V0 Red Brick (Elevations) Dwg No. PD.06.02;
- Banbury Red Brick (Floor Plans) Dwg No. 556.BN.01;
- Banbury Red Brick (Elevations) Dwg No. 556.BN.02;
- Double Garage Buff Brick, Dwg.No. PD.G1.02;
- Design and Access Statement, Carter Jonas (March 2021);
- Planning Statement, Carter Jonas (April 2021);

- Phase I and II Site Assessment Report and gas monitoring letter: Geo-matters Consulting Engineers (February 2021);
- Preliminary Ecological Appraisal Report: Brooks Ecological (Feb 2021);
- Flood Risk Assessment, Fortem (April 2021);
- Archaeological Evaluation WSI: PCAS (January 2021);
- Tree survey: Brooks Ecological (February 2021);
- Tree Protection Plan and Arboricultural Method Statement for protection of significant existing trees and hedgerows: Brooks Ecological (March 2021);
- Housing Need Assessment (April 2021), DLP;
- Envance report on great crested newts dated 01/09/2021;
- Bat Activity Survey: Brooks Ecological – ER-5224-02 dated 08/10/2021;
- Stopping Up Plan Dwg No. 556-010 C;
- Amended Parking Schedule for 556-001 D;
- Planting Specification Dwg No. DR-5224-02.02 Rev. D;
- Detailed Planting Plan Dwg No. DR-5224-02.01 – Layout 1 Rev. D;
- Detailed Planting Plan Dwg No. DR-5224-02.02 – Layout 2 Rev. D
- Detailed Planting Plan Dwg No. DR-5224-02.03 – Layout 3 Rev. D;
- Archaeological Evaluation Report by PCAS Archaeology dated October 2021.

#### Departure/Public Advertisement Procedure

Occupiers of 101 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press. As above there was an additional round of re-consultation on the basis of the revised plans received during the life of the application.

#### Planning Policy Framework

##### The Development Plan

##### **Newark and Sherwood Core Strategy DPD (adopted March 2019)**

Spatial Policy 1 – Settlement Hierarchy  
 Spatial Policy 2 – Spatial Distribution of Growth  
 Spatial Policy 6 – Infrastructure for Growth  
 Spatial Policy 7 – Sustainable Transport  
 Core Policy 1 – Affordable Housing Provision  
 Core Policy 3 – Housing Mix, Type and Density  
 Core Policy 9 – Sustainable Design  
 Core Policy 10 – Climate Change  
 Core Policy 12 – Biodiversity and Green Infrastructure  
 Core Policy 13 – Landscape Character

##### **Allocations & Development Management DPD**

Policy Bi/Ho/2 – Bilsthorpe – Housing Site 2  
 Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
 Policy DM2 – Development on Allocated Sites  
 Policy DM3 – Development Contributions and Planning Obligations

Policy DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

National Planning Policy Framework 2021;  
Planning Practice Guidance;  
Developer Contributions SPD;  
Residential Cycle and Car Parking Standards & Design Guide SPD June 2021;  
National Design Guide – Planning practice guidance for beautiful, enduring and successful places;  
Homes England – Building for a Healthy Life.

### **Consultations**

**Bilsthorpe Parish Council** – *(received 16<sup>th</sup> August 2021, no comments received in relation to the revised plans to date).*

Object to the proposal. Insufficient village infrastructure, services and insufficient S106 agreement values.

The impact of the Noble foods development on Bilsthorpe would affect the local primary care service, local education services and activities within the village.

An increase in travel would see more cars using the road network within the village with parking in key areas concerning and the junctions to very busy main roads difficult to negotiate.

The 106 contribution from the developers is focused on the provision of affordable bungalows of which the parish council feels is adequately provided for already and the contributions should be supportive of the increased health, education and social needs that this development will inevitably bring to Bilsthorpe.

**NCC Planning Policy** – No comments received.

**NCC Highways Authority** – *Revised comments received 18<sup>th</sup> October 2021:*

Subsequent to our previous observations, the applicant has been working with the Highway Authority to resolve issues.

Now content that the layout is generally acceptable, including the stopping up of highway which falls outside of the visibility splay for the access with Kirklington Road.

However, the details shown on the Planting Plan Layout 2 indicate that ornamental planting is proposed within the visibility splay adjacent to Plot 122. This land should form part of the maintenance agreement for the public open space and be kept clear of obstruction. Ornamental planting is likely to impede this and we will therefore require a condition to ensure that this drawing is amended to specify planting below 600mm or grass surfaced.

Accordingly, no objections subject to conditions and informatives.

**NCC Flood** – No objection subject to condition.

**NCC Ecology** – No comments received.

**NSDC Tree Officer** - Latest comments on amended scheme confirming soft landscaping details are now acceptable.

**Natural England** – No comments specific to this application.

**Nottinghamshire Wildlife Trust** - No comments received.

**Archeology** – Latest comments recommend approval of the evaluation report and discharge of any outstanding conditions relating to archaeology, subject to deposition of the site archive and dissemination of the report to the Notts HER and Archaeology Data Service (OASIS) as detailed in the WSI.

**NSDC Parks and Amenities** – No comments received.

**NSDC Strategic Housing** – No comments received.

**NSDC Conservation** - Overall, the proposed development would not cause any further harm to the setting or significance of these designated heritage assets.

**CCG** – Request for contribution towards costs of primary health care provision.

**Environmental Health (contaminated land)** – Concur with the findings of the submitted reports and recommend that full phased contamination condition is applied.

**Environmental Health (noise)** – No objections subject to conditions for a construction management plan.

**Environment Agency** – No objection.

**Severn Trent** – No comments received.

**Cadent Gas** - No comments received.

**Representations were received from 15 local residents/interested parties in relation to the original plans, all of which form objections, which can be summarised as follows:**

*Principle of Development*

- The village does not have the infrastructure to cope with another 136 houses;
- Comments from the outline should be duplicated to this application;
- The outline comments were made before the other major housing schemes in the village came forward and are therefore out of date;
- Loss of green belt land;
- The number of houses should be reduced;
- Unsure as to why a development of this size is required;

- Residents should be the primary focal point when assessing planning permission, not the developer's needs;
- The village has already substantially changed in recent years;

#### *Impact on Character*

- The layout and density is not in keeping with the older half of Bilsthorpe;
- The development would dwarf the existing developments;
- The density is not based on the need and alignment to the village requirements;
- The design is not in line with sustainability requirements such as solar powered homes;
- Bungalows should be on the roadside instead of two storey houses;
- The development would be more like a city estate than a village;
- Less dwellings with bigger gardens should be proposed;
- Bilsthorpe sits in a very picturesque green area of Nottinghamshire;

#### *Impact on Amenity*

- There will be significant noise; pollution and disturbance;
- Construction hours should be controlled;
- The houses will impose on privacy of existing houses, namely 1 Meadow Close – conservatory; en-suite and garden;
- A tall evergreen tree line should be retained between the new houses and the existing properties;
- In support of bungalows in the place they are positioned;

#### *Impact on Environment*

- A number of substantial conifers would be removed;
- Trees in neighbouring properties are due to be trimmed back but no permission has been sought from landowners;
- The conifers support wildlife; birds and bats;
- Wildlife has settled over the time since the site has been vacant;
- There would be an impact on endangered and protected species;

#### *Impact on Highways*

- The small rural roads will have to cope with extra traffic;
- Concerns about additional traffic entering and leaving the village and measures proposed nearby the Kirklington Road / Farnsfield junction;
- There is no traffic report included within the application and no mention of the impact on the road infrastructure;
- There are already 120 homes being built at Crompton Park and 103 at Mickledale Lane;
- There would be a massive impact on congestion in the village;
- The site should include a roundabout and pedestrian crossings;
- The footpath on Kirklington Road is not shown on any plans;
- There is an error in the design and access statement which says Kirklington Road is subject to a 40mph speed limit;

#### *Impact on Infrastructure*

- There is only 1 doctors;
- The chemist and post office have to share 1 small shop between them;
- The school only has so much capacity;
- The site does not have good access to existing facilities;
- Bus services are limited;
- There is no clothing store in the village as suggested so the level of research for the application is flawed;
- The drainage system has suffered problems in recent years;
- Bilsthorpe is renowned for localized electric cuts / failures;
- The police station serving Bilsthorpe is in Ollerton and the fire services are 5 miles away;
- It is unclear how soakaways would be incorporated into the boundary lines;
- Lack of leisure facilities in the village for children;
- Significant areas in Bilsthorpe are under flood risk and the development would exacerbate this;

#### *Other Matters*

- Articles suggest Harron Homes do not build quality homes;
- Would be good to understand the contamination present prior to any work being undertaken;
- The green space improvement plan for the Council concludes there is not enough green spaces in Bilsthorpe – green spaces should be made available for the wellbeing of residents.

**Following the round of re-consultation, an additional 5 letters of representation were received raising the following new comments (the representations largely repeated the original summarized comments):**

- Frustrated that the amendments do not reduce the volume of housing;
- The letter refers to informal agreement with the planners so what is the point of consultation;
- Driveways for Plots 134-136 will be opposite the junction with Meadow Grove with no space for visitors to park;
- Can't see comments from highways where safety issue has been analyzed and assessed;

#### Comments of the Business Manager

##### Preliminary / Procedural Matters

The site layout plan demonstrates that the title deeds for the applicant do not match the red line site location plan which was approved at outline application stage. Essentially what this means is that the applicant owns land in addition to the application site, the largest area being to the east of the proposed site entrance (adjacent to Plots 1 and 11 on the proposed plans). No development has been proposed in these areas as this would be outside of the scope of a reserved matters submission where the site location plan must match that approved at outline.

It also appears that parts of the application site are not within the control of the applicant. Again, no development has been shown in these areas (namely a small portion of land to the south of the



area of open space at the east of the site but also the very north eastern corner of the site). For the avoidance of doubt, the application has been correctly submitted in that the red line site location plan matches that which was approved at outline stage.

The original application was presented on the basis that the proposal would include 6 affordable bungalow units in lieu of financial contributions which were secured through the outline permission (on the basis of the applicant's submission that the discount paid to a registered provider on six affordable bungalows equates to a similar amount to the sum currently within the S106). As per the planning history above, the outcome of the Outline application and its associated legal agreement was a direct intervention by Planning Committee Members (in line with the Parish Council intentions). The Committee decision was on 30<sup>th</sup> April 2020 and there is nothing to suggest that Member's position has changed in the interim, in fact to the contrary, the Parish Council comments make it clear that they would wish for the scheme to be delivered in line with the Outline application's legal agreement.

The original reserved matters application submission stated that should the bungalows be for market sale, the applicant would seek to agree a 'plot-substitution' clause in the legal agreement which would effectively allow the applicant to substitute a bungalow with a house if the bungalow had previously failed to sell at a reasonable price and within a set timeframe. However Officers have confirmed that this would not be appropriate through the reserved matters process as clearly it would have implications to other material planning considerations such as amenity and parking provision.

The application has not been accompanied by a drafted deed of variation or an updated viability position and thus the legal agreement secured at Outline stage would still be relevant to the development of the site should the reserved matters submission be acceptable.

There is a suggestion from the latest round of consultation by an interested party that Officers have already agreed that the scheme is acceptable and therefore consultation is redundant. Whilst there have been ongoing discussions during the life of the application as is normal practice and recognised within the National Planning Policy Framework, a decision will not be made until Planning Committee have considered and debated the application.

### Principle of Development

The principle of the development has been set by the Outline permission which remains extant until 1<sup>st</sup> May 2023. Notwithstanding the extant permission, the site is allocated for residential development in the Allocations and Development Management DPD which is up to date for decision making. The approval of other housing schemes in the village since the Outline approval is not material to this application and does not render the housing delivery which this site would provide unnecessary. Those applications were considered in light of the Outline permission having been granted. Paragraph 74 of the NPPF (2021) is clear that local planning authorities should identify a supply of specific deliverable sites sufficient to meet housing needs. The delivery of this site would make a meaningful contribution towards the Districts housing supply which weighs positively in the overall planning balance.

### Housing Mix and Type

Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing

types to reflect local housing need. The housing mix, type and density will be influenced by the Council's relevant development plan policies at the time and the housing market at the time of delivery.

The maximum quantum of dwellings has been set by the Outline approval which considered a developable area of 4.6 hectares equating to a residential density of almost 30 (29.6) dwellings per hectare. This was accepted in principle and it is not considered necessary to further discuss the site density at reserved matters stage.

The Council, as a strategic housing authority has a statutory duty to undertake regular assessments of housing need. The Assessment is used by Local Planning Authorities to assess the size, type and tenure of housing needed for different groups in the community.

In 2020, the Council undertook a Housing Needs Assessment comprising a household survey based upon a random sample of 13,266 households and also a review of relevant secondary data as well as obtaining views and information from a wide range of stakeholders.

Bilsthorpe falls within the Sherwood sub-area for the District. The overall housing mix required, as shown by the 2020 data is as follows:

Type	Overall Mix Required %
1 to 2 bedroom house	15.5
3 bedroom house	20.2
4 or more bedroom house	35.8
2 or more bedroom flat	1.2
2 bedroom bungalow	14.4
3 or more bedroom bungalow	12.9

When compared to the District as a whole, there is a greater need for 4 or more bedroom family housing. Notwithstanding that the Outline approval did not secure any affordable housing, the need for affordable rented homes is as follows:

Type	Affordable Rented Homes Needed %
1 to 2 bedroom house	23
3 bedroom house	9
1 bedroom flat	3
1 bedroom bungalow	5
2 bedroom bungalow	10
3 or more bedroom bungalow	4

The table below repeats the overall housing mix requirements for the sub area but with additional columns to show the percentages for the proposed development as originally proposed and then as revised.

Type	Overall Mix Required %	Proposed Development (Original Scheme) %	Proposed Development (Revised Scheme) %
1 to 2 bedroom house	15.5	8.8	8.8
3 bedroom house	20.2	25	26.5
4 or more bedroom house	35.8	61.8	60.3
2 or more bedroom flat	1.2	0	0
2 bedroom bungalow	14.4	4.4	4.4
3 or more bedroom bungalow	12.9	0	0

The 'ranking' of the percentages would align with that shown in the recent housing needs evidence (i.e. the greatest delivery would be four or more bed houses, followed by three bed houses). However, the clear discrepancy is the significant skew to larger 4 or 5 bed units which as a consequence leaves the overall bungalow provisions at 4.4% rather than what would combine to a 27.3% need (for both 2 and 3 beds) from the survey.

Matters of housing mix were subject to discussion at pre-application stages and as a consequence the application submission has been accompanied by a Housing Mix Report prepared by DLP Planning. This document includes a review of the 2020 Housing Needs Assessment but also seeks to analyse any other relevant information regarding housing mix and housing delivery in the Sherwood Sub-Area and Bilsthorpe. The document draws attention to paragraphs 2.6 and 2.7 of the Council's Housing Needs Assessment which confirms that 17% of the District housing stock is bungalows, whereas 26.5% of the housing stock in the Sherwood sub-area is bungalows. A case is also made that meeting the needs of older persons goes beyond bungalow provision (a point which is not disputed).

The document analyses dwelling commitments in Bilsthorpe specifically concluding that four bed dwellings make up 15% of total committed developments (thereby falling short of the 35.8% requirements from the housing needs data). It goes on to state:

*6.15 With respect to provision of bungalows, whilst only 3% of existing dwelling commitments in Bilsthorpe Parish are for bungalows, when factoring in the recent 30 total completions for Bilsthorpe, the total percentage of bungalows increases to just under 9% (16 bungalows from 181 dwellings).*

It is material that since the Outline approval (and indeed since the pre-application discussions), the authority has debated matters of housing need in Bilsthorpe in a public inquiry forum. Through the Planning Inspectorate, planning permission has been granted for 85 dwellings at the other end of the village (off Eakring Road) under planning reference 20/00873/FULM. The Inspector's decision

makes the following comments on housing mix and whether it will meet the housing needs in the area:

*45. The study also identifies a need for 2 and 3 bedroom bungalows to meet the needs of older people and those with disabilities. To a lesser extent there is also a need for one and 2 bedroom flats. There are no bungalows or flats proposed as part of the scheme. Nevertheless, the Council's Housing Need witness identified that the district is well served by bungalows and I am cognisant of the fact that bungalows do not represent the only means of providing for an ageing population and bungalows are not the only means of ensuring a dwelling is adaptable for disabled needs. The Council's Planning witness confirmed that there is no policy requiring bungalows to be occupied by older people and I was not directed to a policy requiring a specific percentage of new homes to be built to accessibility standards, irrespective of the recommendation for such a policy inclusion in the HNA.*

*46. At the Inquiry the Council acknowledged that every site cannot meet every need. I am satisfied that the housing mix proposed would make a positive contribution in meeting a housing need for which there is significant demand in the area and therefore would fulfil expectations made in allocating the site.*

There are two ways to look at the above paragraphs. The first, is that the Inspector's assessment would be directly applicable to the current application (with the exception that this scheme does include 6 bungalows). The second, is that in approving this reserved matters proposal, there would be three extant planning permissions in Bilsthorpe totalling 341 dwellings where just 6 dwellings, i.e. 1.8%, would be bungalows. (The other extant permission being the 120 unit Gleeson scheme at Oldbridge Way which includes no bungalow provision – 20/00642/FULM).

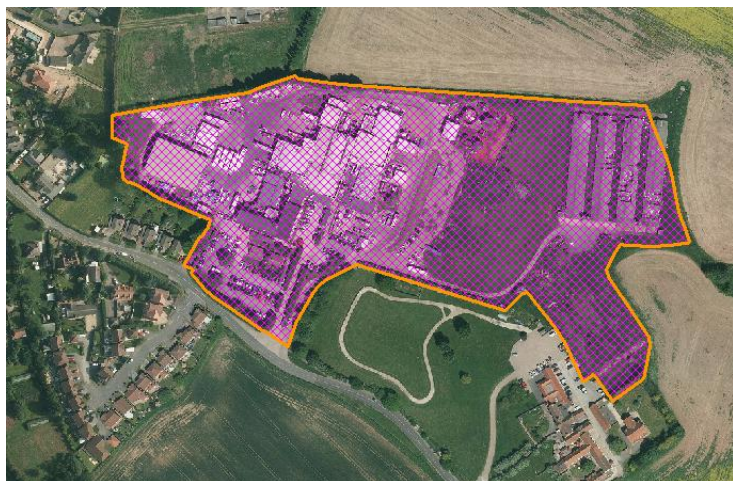
It is fully appreciated that an individual development, even when it's for as many as 136 units, could not be expected to deliver every type of housing but there are no other housing allocations in the village. Therefore any further bungalow provision would be entirely reliant on windfall applications.

Housing mix has again been subject to discussions during the life of the application and whilst the applicant has made marginal revisions (essentially 2 additional three beds and 4 additional five beds with 6 less four beds) the bungalow provision proposed remains at just 4.4%.

The applicant has put forward a well-structured and considered case and it is not disputed that recent housing completions in the village have been skewed towards bungalows (presented as at least 45%) including a 7 unit scheme at Scholars Way and 6 units at Goodman Close. In fact, all recorded (Land Registry data) new build dwellings sold in Bilsthorpe in the past 5 years are bungalows. This is perhaps unsurprising given the status of the allocated sites (i.e. either in planning stages or recently acquired planning permission) but is still a notable statistic. Unfortunately as evidenced through the recent public inquiry, I do not consider that the housing needs data alone is enough to justify a refusal purely on the basis of a lack of bungalow provision. The lack of adherence to the recent 2020 housing needs data does however weigh negatively in the overall planning balance.

Landscape / Visual Impact including Trees

The site represents previously developed land once occupied by an industrial egg packing factory. Whilst the built form associated with this use has now been demolished, it is clear from aerial imagery (2013) that the site previously displayed very different visual characteristics:



The extant Outline approval has accepted the principle of the residential development of the site which will clearly have fundamentally different landscape and visual characteristics to both the previous land use of the site but more importantly the site as existing which is primarily overgrown, low lying shrubbery.

The site is unusual in that it was not allocated as a whole in the Development Management and Allocations DPD, but rather a combination of a site with planning permission and a residential allocation for around 55 dwellings. Nevertheless, the design guidance in the specific allocation (Policy BI/HO/2) is still considered relevant to the current assessment. In particular, the policy states that development on the site will be subject to an appropriate design which addresses the site's gateway location and manages the transition into the main built area. In this respect Officers agree with the stance of the design and access statement that the eastern boundary of the site is the most sensitive, given that it can be viewed on the approach to Bilsthorpe from the open countryside.

As per the layout indicated at Outline stage, the proposed site layout seeks to address the site allocation policy requirement through a wooded tree belt on the eastern boundary of the site. This native woodland belt buffer would be 5m in width albeit the original planting schedule submitted to accompany the application did not give details of specimens / heights to be planted. This has since been provided showing the species proposed but also that heights of planting would be up to 3.5m. The intention is for the buffer to be marked by a fence allowing wildlife benefits with gated access for maintenance from the adjacent open space.

Clearly the buffer would not entirely screen the development noting that the proposed houses would be visible above it. However, one of the main areas of public open space would also be adjacent to the eastern boundary which would limit the number of residential curtilages which share their boundaries with the open countryside. Visually, the wooded landscape with the roofs of the houses beyond would not be an uncommon expectation on approach to a village. Thus, subject to the trees within the wooded tree belt being planted in accordance with the planting specification submitted, the approach to the transitional arrangement between countryside and built form is considered to be acceptable.

As existing there are areas of dense tree cover predominantly around the boundaries of the site but also along the previous access driveway. The application has been accompanied by a Tree Survey showing that the majority of the trees within the site are fast growing cypress trees, planted to screen and provide an ornamental landscape to the factory. A total of 29 individual trees and twenty groups of trees were surveyed. Of these, fifteen trees were identified as retention category 'B' and thirty-three trees/groups were identified as retention category 'C'. One category 'U' tree/stump was identified. There were no retention category 'A' trees identified.

A number of individual tree specimens are intended for removal albeit none of which are Category B. There are some crown lift works proposed to Category B trees but the vast majority of the higher quality specimens are not expected to be affected by the development. The loss of tree specimens would be balanced by proposed mitigation planting which includes individual specimens within plot frontages as well as specimen trees 'extra heavy standards' along the site entrance and frontage with Kirklington Road. This is welcomed in the context of paragraph 131 of the NPPF which acknowledges the contribution which trees make to the character and quality of urban environments and sets an expectation for new streets to be tree lined.

One of the neighbor representations received during the application made reference to the proposed works to 'T46' which is a Category C Ash tree positioned at the end of The Acorns (south west corner of the site). The Tree Survey details the need for a crown lift and crown reduction to the eastern side of the tree but also comments that the tree is located on neighbouring land. However, the revised plans showed that the tree would be reduced to a wildlife stump. This has been subject to discussions with the applicant and the Tree Officer and it has been confirmed that the tree is within the title boundary of the site and thus the Tree Survey is inaccurate in terms of ownership. It has been negotiated that the tree is suitable for retention and therefore the site / landscaping plan has been updated to reflect the works now proposed (rebalancing of the canopy and removal of deadwood).

The application has been assessed by the Council's appointed Tree Officer. Their original comments required further consideration for more native species (in the context of the proposed landscaping) and greater biodiversity but on the basis of the latest landscaping schedule the Tree Officer has agreed that the soft landscaping details proposed are acceptable.

#### Layout and Dwelling Design including Parking

Policy DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Paragraph 126 of the NPPF (2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

The NPPF sets an expectation for local planning authorities to make appropriate use of tools and processes for assessing and improving the design of development including specific reference to frameworks such as Building for a Healthy Life (BHL). The Design and Access Statement includes an assessment of the development against the 12 criteria of Building for Life 12 (the predecessor for BHL). The original 12 point structure and underlying principles within Building for Life 12 are at the heart of BHL. According to the applicant's assessment, the scheme would score a green light against all of the 12 criteria.

The following outlines an Officer assessment of the scheme against BHL.

#### **Integrated Neighbourhoods**

##### *Natural connections*

The site is at the south eastern edge of the village envelope and is not at present publically accessible. The only existing connection to the site is the now redundant vehicular access from

Kirklington Road along the southern boundary of the site. Given the size of the site, and that it is within the village envelope, the number of residential curtilages which the site adjoins is limited to just 10 in total. These are towards the south western corner of the site and predominately relate to boundaries shared with rear gardens. Plot 105 would however be adjacent to the end of a private access drive known as the Acorns. There is a slight missed opportunity in that the plot turns its back / side elevations on the private access drive but it is appreciated that there are land ownership issues which would prevent the vehicular access for the plot being through this connection.

Although the main point of connection along the southern boundary would be altered slightly, this is not fundamental and if anything would bring the access point marginally closer to the rest of the village. There is pedestrian footways from the access to the rest of the village.

There is an existing public right of way approximately 425m from the eastern boundary of the site but the intervening distance is agricultural land outside of the applicant's control and therefore there is no obvious solution to introduce connectivity to this path.

Given the positioning of the site at the edge of the village, it is considered that the proposal has done enough to demonstrate connectivity to the wider site context.

In terms of the connectivity within the site, it is notable that NCC Highways in their original consultation response noted the lack of connectivity within the site with the layout forming a series of cul-de-sacs (their comments made in the context of vehicle movements rather than pedestrian desire lines). I would concur that connectivity within the site on the original scheme was poor. Other than a footpath link through the main area of public open space, the proposal was predominantly a series of shared drives which lead to nowhere which would be frustrating to residents as pedestrians would be forced to follow the footpaths around the vehicular accesses which are often longer more convoluted routes (with the exception of the footpath through the public open space).

BHL specifically identifies that a 'red' development (based on a traffic light system) is likely to have single or limited points of access; have an extensive use of private drives and internal streets and paths that are not well connected or are indirect.

The applicant has sought to address connectivity through the revised scheme with the main change being a linkage in the road network at the north eastern corner of the site:



*Original scheme*

*Revised scheme*

It is accepted that anything other than a single point of access is unrealistic given the limited amount of the site which shares a boundary with Kirklington Road. The revised plans do show some improvements to overall connectivity and Officers accept that any further interventions are likely to affect the quantum of development which in turn would affect the overall viability and deliverability of the scheme.

#### *Walking, cycling and public transport*

In some respects this links back to the previous assessment that pedestrians and cyclists would be largely reliant on the pavements adjacent to the road network with the only notable shortcut being the path through the main area of public open space. There are however some pedestrian paths which cut across the verge on the wider bends on the main access road creating a slightly shorter route.

Kirklington road is subject to a 40mph speed limit, with the site frontage having a speed limit of 30mph, this limit will be extended to the eastern end of the site to improve safety and reduce vehicle speeds. A pedestrian refuge will be added into a priority junction with a ghost island to reduce the overall crossing width for Kirklington Road.

In terms of public transport, there is a bus stop located approximately 400m from the centre of the site on Kirklington Road and Farnsfield Road and the Section 106 which accompanied the Outline permission includes a contribution of £17,000 to be used towards existing bus stop provision within the vicinity of the property.

#### *Facilities and services*

The facilities and services which the development will provide have been dictated by the Outline approval in accordance with the triggers set by the Developer Contributions SPD. The Parish Council have an active engagement with the improvement of existing facilities and the money secured through this proposal will be valuable to both the proposed occupiers of the dwellings and the existing local community.



The site itself would be generously served by three distinct areas of open space which include areas for infant and junior play. The areas of open space are well overlooked by principle elevations which will create attractive and usable environments.

### *Homes for everyone*

This category would link back to the above section on housing need. As above, it is still considered that the proposal could be improved if more bungalows were provided given the results of the recent housing needs data.

### **Distinctive Places**

#### *Making the most of what's there*

Given the brownfield nature of the site, there aren't many features to take into account in the design of the scheme. The Design and Access Statement includes an opportunities and constraints plan which shows existing site circumstances have been considered. The site does benefit from being almost entirely surrounded by the open countryside and the houses at the edge of the development would have the knock on benefit that their rear gardens would overlook the countryside beyond (particularly notable in the context of the houses along the northern boundary which would have north facing rear gardens).

Another benefit is the placement of the majority of the proposed bungalows adjacent to the existing residential boundaries to create a sensitive transition in terms of building heights. The positioning of houses at the end of roads is also welcomed as these would be a more attractive desire line moving through the site (i.e. rather than gaps in the street scene or parking areas).

There are some direct contradictions with the aspirations of BHL however, for example the retention of existing hedgerows which appear to have been placed in rear garden boundaries (Plots 13 to 24). The applicant has responded specifically to this point contending that the only way to avoid this would be to front the hedge with a single sided carriageway which would be expensive and an inefficient use of the land. A hit and miss fence is proposed to enable the hedge to be retained but it would be reliant of individual plot owners not removing the hedge at a later date which would be difficult for the LPA to control.

#### *A memorable character*

The Design and Access Statement contends that the building forms, materials and elevational treatments have been designed to be appropriate to the local context. Nevertheless, the applicant is a national house builder and therefore as expected, the house designs are reliant on a standard product which in the case of Harron Homes are of a neo-Georgian style. Dwellings exhibit features such as projecting gables; varied ridge lines; bay windows and porches. Materials would vary throughout the site with the two main pallettes being red and buff bricks (heavy predominance of red brick).

The dispersed areas of open space throughout the site will assist in creating memorable features when users are navigating the wider development as too will the aforementioned positioning of houses at the end of the roads. This is a direct result of a design evolvement as this was not the case at pre-application stage.

Despite being a national house builder, the house types promoted do display visual intrigue. Landscaping is also offered as a primary source of character through the use of street trees. For a modern development of this nature, the character is considered to be memorable which is welcomed.

### *Well defined streets and spaces*

Notwithstanding the overall skew to a car dominated scheme, the street scene will be defined by landscaping. On the whole, corner plots have been specifically designed to have a dual aspect with ground floor projecting gable windows on the side elevations. These will create active frontages which would be more welcoming for pedestrian movement.

Boundary plans have also been submitted which show a variety of boundary treatments including brick walls at more prominent positions (a benefit compared to having close boarded fences against the highway).

### *Easy to find your way around*

As above, the revised scheme is improved in terms of overall connectivity reducing the number of cul-de-sacs. However, the Design and Access Statement discusses primary roads; secondary roads and private drives which would have varying highway specifications. There is also a distinction between design elements such as soft landscaping (e.g. secondary streets would have longer front gardens and private drives would be an open plan arrangement without hedges).

## **Streets for all**

### *Healthy streets*

As already identified, there are some factors of the street hierarchy which appear to have given consideration to pedestrians, (e.g. slight path shortcuts on bends to follow usual desire lines) but on the whole the streets have been designed with vehicles in mind. Although there are pavements on either side of the main access roads, there is nowhere in the street which would be inviting to stop and socialize (advocated as an example of a green scheme in BHL).

Benefits such as active frontages and street trees have already been identified as has the distinct areas of public open space throughout the site but the scheme is still not considered particularly exemplary in terms of healthy streets.

### *Cycle and car parking*

Although the BHL document includes specific examples of what should be expected for cycle and parking provision, the Council has recently adopted an SPD on residential cycle and parking standards and therefore it is considered more relevant to assess the scheme against the provisions of this document. The relevance of this document was highlighted to the applicant at pre-application stages despite being in draft form at the time.

Despite a request at pre-application stages, the original application was not accompanied by a plot schedule demonstrating how many parking / cycle spaces had been allocated to each plot. The planning statement confirms that cycle parking would be within garages (and was therefore silent on plots without garages) but that electric vehicle charging facilities will be provided for all homes.

This was also raised through the original comments of NCC Highways. Other issues were identified including an under provision of spaces for 3 and 4 bed dwellings and parking spaces not meeting the required dimensions set by the SPD. Highways Officers also raised concern that there were a number of examples of disassociated parking but in Officer's view this is limited to 3 or 4 plots which is not unreasonable for a scheme of this size.

A parking schedule has now been provided based on the latest plans. This shows number and size of spaces against the size of the dwellings and also indicates whether or not there is conformity with both NCC and NSDC guidance. For the avoidance of doubt, the recently published SPD on parking standards requires the 2 bed units to have 2 spaces and the 3; 4 and 5 bed units to have 3 spaces. Spaces should be a minimum of 3m x 5.5m with an additional 0.3m if bounded by a wall, fence, hedge, line of trees or other similar obstruction on one side and 0.6m if bounded on both sides.

Overall the sizes of spaces are considered appropriate, there are some cases where they would fall slightly short of the SPD requirements (e.g. spaces in tandem are not 11m in length) but this is where there would be space for cars to overhang into curtilages (rather than public highway) if necessary and therefore this element isn't considered fundamentally detrimental. There are also cases of three spaces in tandem but this only affects 3 plots which for a scheme of this size is considered acceptable.

In terms of the number of spaces, 17 of the three bed units would only have 2 spaces rather than the required 3 spaces. In the majority of cases (10 out of 17) this affects plots which have a garage but due to the size of the garage it cannot be reasonably counted as a parking space (Alderton house type). For completeness there are 6 plots which would exceed the parking requirements providing 4 or 5 spaces.

With the exception of the spaces for plots 93-96 (which notably is not a through road), parking spaces are well separated with street frontage landscaping.

It has been confirmed during the life of the application that cycle provision for plots without garages would be reliant on occupiers erecting sheds etc. in their rear gardens on the basis that not all residents want sheds and some prefer to optimize the rear garden for leisure uses.

The applicant has taken on board issues with parking provision during the life of the application and the revised scheme represents an improvement in terms of size and number of spaces. The scheme still does not entirely conform with the advice within the SPD with the biggest discrepancy being that 17 of the 3 bed units would only have 2 spaces. However, it is accepted that for 10 of these plots at least, there would be ample garage space which would allow for cycle storage. In the absence of a formal objection from the highways authority it is difficult to see how these discrepancies would hold up a refusal in an appeal scenario.

### *Green and blue infrastructure*

The submitted layout plan is not overly specific in terms of the function of the areas of open space with the exception of the landscape buffer along the eastern boundary of the site which is intended to have a dual function as a wildlife corridor. Whilst there would be the aforementioned natural surveillance of the public open space, the areas of open space are not particularly well connected in terms of providing a wildlife corridor or a connected and accessible route throughout the site. In some respects this is not considered fundamental to this specific scheme given the

open countryside which bounds the site would provide numerous habitats for wildlife but is still considered to be a missed opportunity of the overall design concept. The implications in terms of ecology are discussed further in the relevant section below.

### *Back of pavement, front of home*

As identified above, there would be strong boundary treatments throughout the scheme which would assist in defining the areas of public and private space. Set back of dwellings from the highway are generous (largely due to them being adjacent to parking spaces so requiring some length) but this would at least increase the opportunity for social interaction. It is stated that all units will have access to their rear gardens enabling waste and recycling provisions to be located at the rear of properties.

There is undoubtedly a reliance on parking in front of dwellings rather than to the side but the spaces are at least broken up with areas of landscaping.

Overall, given the constraints of the site, and the viability of the scheme which was explored in full at outline stages, it is considered that the scheme as revised has reached an appropriate level of design. There are however undoubtedly still compromises which will need to be explored in the final planning balance below.

### Impact on Highways Network

SP7 seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems.

The assessment of the Outline application included a detailed account of the impacts of the development on the wider highways network with the main access being approved. NCC Highways have made reference to the access not taking the full opportunity of visibility in terms of land ownership but as above this is due to the need for the red line site location plan to match the site location plan approved at outline stage.

The development would be served by a single point of access from Kirklington Road with a priority junction and ghost island proposed to protect right turning vehicles and provide a pedestrian refuge. The existing access will be stopped up.

NCC Highways original comments raised a range of other issues which were passed to the agent during the life of the application for review. Some of the issues relate to design factors which have already been identified above (e.g., lack of overall connectivity and inadequate parking provision). Discussions were undertaken with NCC prior to the formal re-submission of the amended plans in an attempt to overcome their original concerns.

The revised comments acknowledge that the applicant has resolved the vast majority of the original issues during the life of the application. The exception to this being an area of ornamental planting being shown on the landscaping plans within the visibility splay adjacent to Plot 122. As suggested a condition could be imposed requiring this element of the landscaping plan to be updated. Although Plot 122 is a corner plot, the area of planting is marginal in overall context of

the scheme and thus the loss to provide adequate visibility in highways safety terms is considered acceptable.

Subject to the above, and a number of other suggested conditions, NCC are content that the revised layout is acceptable. One of the suggested conditions relates to the access arrangements which were approved through the Outline permission however as discussed below, the conditions of the Outline permission will still stand and therefore the re-imposition of this condition is not necessary. On the basis of the revised plans submitted during the life of the application, the proposal is now compliant with Spatial Policy 7 in highways safety terms.

### Impact on Amenity

A consideration of amenity impacts relates both to the relationship with existing neighbouring dwellings as well as the amenity provision for the prospective occupiers. Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. For a development of this size there will clearly be numerous amenity relationships which require careful assessment.

There are a number of existing residential curtilages which would be potentially affected by the development proposed. Notably to the SE where plots have helpfully been annotated on the submitted plans.

The intention for Plot 134 to broadly follow the building line established to the west is welcomed. Clearly the outlook from these existing plots (i.e. no. 117 to 125 Kirklington Road) would fundamentally change but their rear gardens are of a sufficient length to achieve sufficient distances with the proposed development (between 25 and 35m). Perhaps the most affected property would be no. 125 Kirklington Road given that their boundary will be shared with three residential curtilages. There are some existing trees along this boundary which as per the submitted tree survey would be retained (albeit trimmed back). Although the application has been accompanied by a boundary plan, the plan annotations at this point of the site state that the exact fencing height is to be confirmed as the existing exceeds 1.8m. In addition to this, there is an area to the side of Plot 105 which states that the exact positioning and height of the boundary will need to be confirmed following hedge trimming etc. This is not considered to be a fundamental issue and could be solved by a condition seeking the details prior to the occupation of the affected plots.

There are also properties immediately to the west of plots 104 and 105. Plot 105 would be one of the proposed bungalows but Plot 104 has been amended to a two storey dwelling in the revised scheme. The side elevation of Plot 104 would be approximately 17m away from the nearest neighbouring property to the west. Although there would be two first floor windows proposed on the side gable of this plot, these would both serve bathrooms and therefore it would be reasonable to condition that these windows are obscurely glazed. On this basis the positioning of a two storey dwelling on this plot is not considered to amount to overbearing or overlooking impacts which would warrant concern, particularly given that the main bulk of the dwelling would be at an oblique angle to the neighbouring property.

Moving then to assess the amenity provisions for the proposed occupiers, each dwelling has been afforded an area of private amenity space. As to be expected these vary in size throughout the site but would be sufficient to meet the size of the dwelling to which they would serve.

Back to back distances within the site are limited. Where they do exist, they are typically between 20m and 23m but no less than 20m. In terms of side to rear relationships these would be no less than 11m. These distances are on the cusp of acceptance to safeguard against overbearing and overlooking impacts but in the context of a new residential development of this nature (across a relatively level site) are considered to be acceptable. No justification has been identified for the removal of permitted development rights on any of the plots (other than the aforementioned window obscuration for plot 103).

Overall I have identified no specific amenity harm which would warrant resistance of the proposal against the relevant provisions of Policy DM5.

### Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.

The NPPF incorporates measures to conserve and enhance the natural and local environment and outlines a number of principles towards the contribution and enhancements of the natural and local environment within Chapter 15.

As is discussed above, it is considered that the proposals have missed an opportunity to create an integrated ecological network within the site but it is too accepted that the site is mostly bounded by the open countryside and therefore this is not in itself a fundamental barrier to development (noting the brownfield nature of the site).

The application has been accompanied by a preliminary ecological appraisal based on a survey carried out in January 2021. This acknowledges that the vast majority of the site is occupied by crushed hard core arising from the previous demolition of buildings with pockets of grassland establishing in areas where thin soils have developed. At present the habitat lacks structural diversity and is dominated by willowherbs; thistles and other common course species. At the time of the survey, the site did however include a number of standing water bodies as well as scattered trees.

The ponds have arisen since the demolition of the buildings. The report specifically requires further eDNA analysis at the optimal time of year (suggested as April - May). This has been raised as an issue during the life of the application as it appears that the report was produced in February so it is not clear why these surveys were not commissioned.

A follow up letter has been received (dated 6<sup>th</sup> September 2021) which outlines an agreement with NCC Ecology team to submit an appraisal instead of specific eDNA surveys (due to the time of year which they are required being missed). The appraisal concludes with the following:

*“Due to the absence of waterbodies likely to be used by GCN [Great Crested Newts] on the site, the limited value of terrestrial habitats and the lack of connectivity of the pond to other waterbodies within the wider landscape it is considered very unlikely that great crested newts will be present on site, however, precautionary working methods are recommended”*

It is notable that the letter explains that the approach was agreed with NCC and therefore a consultation has been undertaken to corroborate this. Unfortunately despite numerous consultation requests, no comments have been forthcoming from NCC Ecology and therefore it falls to Officers to determine if the approach taken is appropriate. The addendum letter has been provided by a qualified ecologist and includes details of a site inspection of the previous waterbody referred to in the original ecological surveys. At the time of the survey in August the previous areas of standing water were dry and entirely vegetated with terrestrial / ruderal species. It is appreciated that the survey was not undertaken at the optimal time of the year but aerial photography from earlier in the year has also been assessed.

On the basis of the evidence presented the presence of great crested newts is considered low and therefore it is not considered reasonable or necessary to delay the decision to insist on further survey works even taking into account the 'precautionary principle'.

The site provides some potential foraging and commuting habitat which is likely to be used by local bat populations. However, the scale and nature of the site suggest local populations will not be reliant on the site. Nevertheless a single activity survey is recommended to gather baseline information and outline specific mitigation requirements. A bat activity report has been received (the survey having been done in Summer). This found that the site attracts low levels of foraging by a limited range of common bat species. Based on these findings and the proposed landscaping, it is considered that the proposed development is unlikely to significantly impact local bat populations. The report includes a number of recommendations which are already secured through the Outline consent.

Existing hedges; scrub and trees is identified as providing a potential habitat for birds but no further surveys are considered necessary provided standard precautions are applied. The report is silent on the presence of the site within the buffer zone for the possible Sherwood Forest's potential Special Protection Area (pSPA). However, this was addressed at Outline stage (concluding the impact on nightjar and woodlark is likely to be minimal and therefore an appropriate assessment was not necessary) and it is therefore not considered necessary to repeat this assessment at this stage given it is part of the same residential 'project'.

No harmful impacts / further surveys are recommended in terms of water voles; badgers; hedgehogs or reptiles subject to precautions being in place during development works. Condition 017 of the Outline permission requires compliance thus ensuring the duty in relation to any protected species is carried out.

#### Impact on Flood Risk and Drainage

The site is within Flood Zone 1 in its entirety according to the Environment Agency maps. The application has been accompanied by a site specific flood risk assessment owing to the site area. This document states that development surface run off is proposed to discharge to the unnamed open watercourse located on the eastern boundary of the site. It is proposed to pump the foul water flows from the development to the existing 150mm foul sewer located at the junction of Meadow Grove and Kirklington Road.

The drainage principles have been reviewed by NCC as the Lead Local Flood Authority. No objections have been raised albeit a condition has been requested to agree the precise details with the overall aim being to demonstrate that the development will use SuDS as a primary means

of surface water management. The Outline consent already has a condition relating to the means of surface water drainage and therefore to impose one to the reserved matters consent as well is considered unnecessary. However, there is more detail to the requirements in the wording of the condition suggested through this application and therefore for completeness, this wording could be added as an informative to assist in the discharge of the Outline condition.

### Developer Contributions

The extant outline approval was accompanied by a Section 106 agreement. As above, this secured contributions towards

- Bus stop contribution to be used towards existing bus stop provision within the vicinity of the site - **£17,000**;
- Community Facilities contributions towards community halls, village halls and indoor areas for sport - **£188,253,52**;
- Children and Young people space – not less than **575m<sup>2</sup>** to be provided on site;
- Education contribution to accommodate additional primary pupils - **£332,195,29**;
- Libraries Contribution for library stock - **£6,062**;
- Open space contribution to be used towards the provision of outdoor sports or recreation - **£100,329.92**;
- Public Open Space – not less than **1,872m<sup>2</sup>** to be provided on site;

Space for children and young people would total the 575m<sup>2</sup> required (broken down into 250m<sup>2</sup> for infant play and 325m<sup>2</sup> for junior play). The remaining areas of public open space would far exceed the S106 requirements and therefore the provisions of the S106 would be met in land take terms.

### Other Matters

Colleagues in Environmental Health have requested a construction management plan be conditioned which would be a reasonable request for a development of this nature.

No conditions have been discharged since the time of the outline approval (May 2020). For the avoidance of doubt the conditions attached on the Outline application would remain relevant to the delivery of the development and therefore their repetition is not necessary in any reserved matters approval.

#### *Condition 1 – Time*

The reserved matters application has been received within three years of the outline decision. In order to comply fully with this condition, development would need to commence within two years from the date of the last reserved matters approval.

#### *Condition 2 – Details*

The current submission includes details of all reserved matters thereby complying with this condition.

#### *Condition 3 – Landscaping*

The current submission includes landscaping details thereby complying with this condition.

#### *Condition 4 – No more than 136 dwellings*



The current submission is for 136 dwellings thereby complying with this condition.

*Condition 5 – Existing and Proposed finished floor levels*

Existing site levels are included with the current application submission however the finished floor levels of the proposed dwellings will need discharging at a later date.

*Condition 6 - Surface water drainage*

No specific details have been submitted regarding surface water drainage to date and therefore this condition will still need to be discharged prior to development commencing.

*Condition 7 –Works during bird breeding season*

This condition will require ongoing compliance.

*Condition 8 – Highways works in accordance with plan*

This condition will require compliance before the dwellings are occupied.

*Condition 9 – Footway connection to bus stop*

This condition will require compliance before the 50th dwelling is occupied.

*Condition 10 – Roadway layout*

The current submission includes roadway details thereby complying with this condition.

*Condition 11 – Land Contamination*

A contaminated land report has been submitted during the life of the application and has been subject to consultation with colleagues in Environmental Health. Whilst the findings are not disputed, the original condition remains of relevance and will still need to be formally discharged at a later date.

*Condition 12 – Archeological work*

A WSI has been submitted with the current application and reviewed by the Historic Environment Officer. The latest comments confirm that subject to deposition of the site archive and dissemination of the report to the Notts HER and Archaeology Data Service (OASIS) as detailed in the WSI the requirements of the archaeological condition have been met.

*Condition 13 – Piling Risk Assessment*

This condition will require ongoing compliance.

*Condition 14 – Contamination of site (EA condition)*

This condition will require discharging prior to development commencing.

*Condition 15 – Site remediation (EA condition)*

This condition will require discharging prior to occupation.

*Condition 16 – Contamination not previously found (EA condition)*

This condition will require ongoing compliance.

*Condition 17 – Updated Ecology Survey*

This has been submitted with the reserved matters application and therefore this condition has been complied with provided the precautionary measures are adhered to.

### *Condition 18 – Ecological Mitigation*

This condition will require ongoing compliance.

### Overall Balance and Conclusion

The site has an extant Outline permission to allow for the residential delivery of the site in line with the aspirations of the Development Plan.

The Outline scheme was subject to a viability case which continues to limit the scope of what can be brought forwards in developing the site (i.e. Officers suggestion to reduce the quantum of development / increase the number of smaller bed units has been discounted). The scheme has been revised during its lifetime to marginally improve the overall housing mix and connectivity of the scheme. Whilst there remain to be compromises in terms of bungalow provision, the applicant has presented a persuasive case taking into account housing delivery in the village. In the context of the recent appeal decision at the Eakring Road site, Officers do not consider that there is scope to refuse the application purely on the basis of housing mix.

The appraisal above identifies other deficiencies of the scheme including a number of the three bed units not being served by enough car parking spaces in line with the recently adopted SPD. However, the overall placement of parking spaces is welcomed and as discussed above, the majority of the affected three bed units would also have garages, which whilst discounted as a parking space would at least be able to cater for cycle storage.

Members approved the Outline scheme with no provision for affordable housing and therefore this is not open for debate. The associated Section 106 did however secure a number of other contributions which will ensure the scheme does not add extra burden to the services in the village.

The development will make a meaningful contribution to the housing delivery of the District and in the absence of any formal objections from statutory consultees, Officers have attached positive weight to the housing delivery of an allocated site and recommend reserved matters approval subject to the conditions outlined below.

### **RECOMMENDATION**

**That reserved matters approval is given subject to the conditions and reasons shown below:**

#### Conditions

01

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents reference:

- Location Plan Dwg.No. 556-003;
- Proposed Site Layout, Dwg.No. 556-001 E;
- Materials Plan, Dwg.No. 556-005 A;
- Boundary Treatments and External Materials Plan, Dwg.No. 556-006 A;
- Sales Area Signage and Access, Dwg.No. 556-201 A;

- Landscape Masterplan Dwg.No. DR-5224-01.02;
- Edlingham Buff Brick (Floor Plans), Dwg.No. PD.04.03;
- Edlingham Buff Brick (Elevations), Dwg.No. PD.04.04;
- Harrington Red Brick, Dwg.No. PD.09.01;
- Porchester Red Brick, (Floor Plans). Dwg.No. PD.10.01;
- Porchester Red Brick, (Elevations). Dwg.No. PD.10.02;
- Bamburgh Red Brick, Dwg.No. PD.100.01;
- Hadleigh Buff Brick, Dwg.No. PD.101.02;
- Salcombe V1 Buff Brick, (Floor Plans) Dwg.No. PD.14.03;
- Salcombe V1 Buff Brick, (Elevations) Dwg.No. PD.14.04;
- Sutton Red Brick, Dwg.No. PD.151.01;
- Settle V1 Buff Brick, (Floor Plans) Dwg.No. PD.53.03;
- Settle V1 Buff Brick, (Elevations) Dwg.No. PD.53.04;
- Windsor Red Brick, Dwg.No. PD.55.01;
- Alderton Red Brick, Dwg.No. PD.70.01;
- Thorpe Red Brick Dwg No. 556.TP.01;
- Hambleton Red Brick Dwg No. 556.HM.01;
- Nidderdale Red Brick, Dwg.No. PD.54.01;
- Settle V0 Red Brick (Floor Plans) Dwg No. PD.56.01;
- Settle V0 Red Brick (Elevations) Dwg No. PD.56.02;
- Shelford Red Brick (Floor Plans) Dwg No. 556.SF.01;
- Shelford Red Brick (Elevations) Dwg No. 556.SF.02;
- Salcombe V0 Red Brick (Floor Plans) Dwg No. PD.06.01;
- Salcombe V0 Red Brick (Elevations) Dwg No. PD.06.02;
- Banbury Red Brick (Floor Plans) Dwg No. 556.BN.01;
- Banbury Red Brick (Elevations) Dwg No. 556.BN.02;
- Double Garage Buff Brick, Dwg.No. PD.G1.02;

Reason: So as to define this permission.

02

The landscaping details shown on the following plan references:

- Detailed Planting Plan Dwg No. DR-5224-02.01 – Layout 1 Rev. D;
- Detailed Planting Plan Dwg No. DR-5224-02.02 – Layout 2 Rev. D;
- Detailed Planting Plan Dwg No. DR-5224-02.03 – Layout 3 Rev. D;

shall be completed during the first planting season following the first occupation of the development and thereafter maintained in accordance with the details set out within the Planting Specification Dwg No. DR-5224-02.02 Rev. D with the exception of the ornamental planting area shown in the curtilage of Plot 122. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance and protect the landscape value and biodiversity of the site.

03

The area of ornamental planting shown on Detailed Planting Plan Dwg No. DR-5224-02.02 – Layout 2 Rev. D within the curtilage of Plot 122 shall not exceed 600m in height.

Reason: To ensure that highways visibility is maintained.

04

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary, with suitable drainage to prevent the transfer of surface water. The drive shall then be maintained as such for the life of the development.

Reason: To reduce the possibility of deleterious material and surface water being transferred to the public highway, in the interests of general highway safety.

05

Any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller shutter doors, 6.1 metres for up and over doors or 6.5 metres for doors opening outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the public highway.

06

Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The construction Environmental Management Plan shall include:

- i) Measures to minimize the creation and impact of noise, dust and artificial lighting including wheel washing facilities for construction traffic;
- ii) A layout of the construction access including a drawing showing visibility splays and method statement for the use of banksmen;
- iii) Details regarding parking provision for construction workers and plant on the site.
- iv) Hours of construction / delivery;
- v) A scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Plan shall be adhered to throughout the construction period.

Reason: In the interests of residential amenity.

07

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed.

Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

08

Prior to the occupation of each plot save for Plots 105, 106 and 109 the boundary details and electric vehicular charging point for that plot shall be implemented in full in accordance with the details shown on Boundary Treatments and External Materials Plan, Dwg.No. 556-006 A.

Reason: In the interest of residential amenity and sustainability.

09

Prior to the occupation of Plots 105; 106 and 109, updated boundary details shall be submitted to and approved in writing by the Local Planning Authority. The boundaries and electric vehicular charging point for that plot shall thereafter be implemented in full in accordance with the approved details prior to the occupation of the specified plots.

Reason: In the interest of residential amenity and sustainability.

10

The first floor window openings on the western side elevation of Plot 104 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties

#### Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

The approval should be read in conjunction with the outline permission and its associated S106 Agreement (Planning Obligation) which accompanies this permission.

03

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

04

The following comments from the Flood Team at Nottinghamshire County Council should be noted in discharging condition 06 of the outline consent:

The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

05

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works.

a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new

building is to be erected. The developer should contact the HA with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the HA as early as possible. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 38 Agreement is issued.

b) It is strongly recommended that the developer contact the HA at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.

Correspondence with the HA should be addressed to [hdc.north@nottsc.gov.uk](mailto:hdc.north@nottsc.gov.uk)

06

In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.

07

Planning permission is not permission to work on or from the public highway. In order to ensure all necessary licenses and permissions are in place you must contact [licences@viaem.co.uk](mailto:licences@viaem.co.uk)

08

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 5907.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**

