

PLANNING COMMITTEE – 7 AUGUST 2018

Application No:	18/00597/FULM	
Proposal:	Proposed development of 12 affordable homes and 4 market bungalows (Re-submission of 16/01885/FULM)	
Location:	Land at Main Street, North Muskham	
Applicant:	Mrs M Wilson	
Registered:	5 April 2018	Target Date: 5 July 2018
		Extension of time agreed in principle

The application is being referred to Planning Committee for determination has been referred to Committee by the Business Manager for Growth and Regeneration due to the previous decision of the Planning Committee weighing in the planning balance to be applied in this instance.

The Site

The site comprises a rectangular shaped area of land of approximately 1.06 hectares which forms the north-east corner of a larger flat field currently used for arable farming. The site is bounded by Main Street to the east and its junction with Glebelands, to the north by a field access and beyond that The Old Hall and to the south and west by open arable fields. Beyond the arable field to the west is the A1. The Old Hall is Grade II listed building and to the north-east of the site is the Grade I listed parish landmark of St Wilfred's Church. There are various historic buildings along Main Street, particularly close to the church, some of which are identified on the Nottinghamshire Historic Environment Record (HER) as Local Interest buildings.

The majority of the built form of North Muskham is situated on the eastern side of Main Street, south of Nelson Lane. Whilst there is currently no defined village envelope for the village, the former 1999 Local Plan formerly identified this site as being outside the village envelope that was defined at that time, albeit could be considered to be adjacent to the boundary which ran down the eastern side of Main Street.

The site is bound by a low chain link fence supported by timber posts to the north and a mature hedge adjacent to the road. On the other side of the chain link fence to the north is an existing un-made farmer only access track with field gate set back from the road which is separated from The Old Hall by mature vegetation. There are no footpaths currently along this part of Main Street which is essentially a rural lane. The wider landscape comprises largely flat open agricultural fields. The site is c350m from the River Trent to the east and c250m from the A1 to the west.

There are three residential properties opposite the site fronting Main Street – Ye Olde Police Cottage (a modern two storey detached dwelling, Yew Tree Cottage (a traditional cottage two-storey cottage) and Kings Acre (a modern bungalow).

The site is located within Flood Zone 2 and is within an area prone to surface water flooding according to the Environment Agency Maps.

Relevant Planning History

16/01885/FULM - Proposed development of 16 new affordable homes, refused on 08.09.2017, contrary to Officer recommendation, for the following reasons:

1. There is a statutory presumption against development that would harm the setting of Listed Buildings. The NPPF makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Equally it is clear that decision makers must attach significant weight to the benefits of the provision of affordable housing and any other benefits.

In the opinion of the Local Planning Authority the development, by reason of its built-form nature, siting, proximity, scale, height, density and layout would result in harm to the significance of St Wilfred's Parish Church (Grade I listed) and The Old Hall (Grade II listed), both designated heritage assets, through harm to their setting. For the avoidance of doubt such harm is considered to be less than substantial but nevertheless statutory harm to which special regard should be paid.

In the overall planning balance it is considered that there are no wholly exceptional circumstances or public benefits of a level to outweigh this level of harm. The proposed development would therefore be contrary to the National Planning Policy Framework, the National Planning Practice Guidance, Core Policy 14 of the Core Strategy, and Policy DM9 of the Allocations and Development Management DPD and fails to accord with the objective of preservation as set out within Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The application has failed to adequately demonstrate a local need to justify the quantum of affordable housing proposed. As such, the proposed development is not considered to fall within a rural affordable housing 'exceptions site,' set out within Core Policy 2 of the Core Strategy and would therefore result in additional dwellings within the open countryside, outside the main built-up area of North Muskham. The National Planning Policy Framework (NPPF) states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. This is reflected in local policy by Policy DM8 of the Allocations and Development Management DPD which strictly controls and limits the types of development in the countryside.

This policy is wholly consistent (as tested in adopting the DPD) with the NPPF. The proposed new dwellings would be an inappropriate form of development in the open countryside and the provision of affordable housing, whilst having clear merits, has not been adequately demonstrated as a local need and therefore on this quantum of development, is insufficient to constitute the special circumstances required to outweigh the inappropriateness of the proposal.

It is therefore considered that in this particular instance, the adverse impacts of this number of new dwellings in the absence of adequate justification of a local need, in an unsustainable open countryside location would, on balance, outweigh the benefits of the provision of affordable dwellings in principle in an overall planning balance. The proposal is therefore contrary to the sustainability objectives of the NPPF and Policy DM8 of the Allocations and Development Management DPD.

3. The application site lies wholly within Flood Zone 2 as defined by the Environment Agency Flood Maps, which means it is at medium risk of flooding. Both the policies of the Development Plan and the National Planning Policy Framework state that inappropriate development in areas at risk of flooding should be avoided by directing new development to areas with the lowest probability of flooding through the application of the Sequential Test. As this proposal represents new residential development, the proposal is required to pass the Sequential Test. With local need unproven for the full quantum of development proposed, in the opinion of the Local Planning Authority there are many other sites within the District (including potentially in North Muskham), at lower risk of flooding where development should be located.

It is therefore considered that the proposed development is contrary to Core Policy 9 and 10 of the Core Strategy, Policy DM5 of the Allocations and Development Management DPD and fails the Sequential Test as set out in the NPPF, which is a material planning consideration.

Proposal

Full planning permission is sought for 12 affordable dwellings and 4 market bungalows to be sited around a new cul-de-sac arrangement with a substantial area extended to the rear of the proposed houses labelled as potential allotment site (measuring approx. 55m x 68m).

The proposal comprises a layout served by a straight central road that leads to a courtyard arrangement. The scheme comprises four x 2 bedroom market bungalows (Plots numbers 1, 2, 14 and 15) positioned along the site frontage, eight x 2 bedroom two storey houses (Plots 4, 6, 7, 8, 10, 11, 13 and 16) and four houses (Plots 3, 5, 9 and 12) would have 3 bedrooms over two stories. The applicant has stated that 5 of the affordable units would be rented products and 7 would be for shared ownership. There are 32 on-site parking spaces to serve the development (2 spaces per dwelling). Cross sections across the site show that the ground levels where the buildings are located are raised by a max of approx. 1.2m above the existing ground level of Main Street, and therefore above the current ground levels on the site. As a result, between the dwellings and the boundaries of the site, the land would slope down with a gradient of approx. 1 in 13 at its steepest points.

The dwellings have a simple rectangular form and are arranged in small blocks around the site, with a traditional cottage like appearance. In terms of dimensions the two storey dwellings have gable widths of approx. 5.7m, eaves level of 5m high and a ridge level of 8m high (from raised ground level) and the bungalows measure approx. 6.6m wide, 2.5m high to eaves and 6.4m high to ridge (from raised ground level).

The layout shows the development pushed back from the Main Street frontage by approx. 22m at

its closest point and an area of land between the built form and the road which is annotated as amenity grass (communal). A new access with rolled stone surface is shown along the northern boundary of the site, just south of the existing farmer's access to provide access to the potential allotments to the rear. Boundary treatments proposed include chain link fence around perimeter of the site whilst new hedging grows, post and rail fencing around the communal grass area at the front of the site, 1.8m high walls within the site around public realm and 1.8m high close boarded timber fencing to delineate rear gardens.

The proposal would result in the existing hedge along the road frontage being removed and replaced by a new one that is positioned further back from the road in order to provide the necessary visibility splays. The proposal also includes the provision of a new footway along the northern half of the site fronting Main Street which extends further to the north along the frontage of The Old Hall and links up with the existing footway further along Main Street.

In response to the concerns raised on the previous application, the scheme has been amended to provide 12 affordable homes and 4 market bungalows. An additional Housing Statement of Need has been submitted by the Strategic Housing Section of NSDC and an additional document entitled Revised Planning Proposal/Rationale. In relation to the objection on the setting of listed buildings, the plans have been amended showing concerns raised Plots 14, 15 and 16 moved approx. 1m further to the south, two feature planting beds sited in front of these units and increased the number of new trees planted along the northern and eastern boundaries of the site. An additional Heritage Supporting Statement has also been submitted. The application has undergone a further consultation exercise and any additional responses received will be reported on the Late Items Schedule.

The application is accompanied by the following documents:

- Design, Access & Planning Statement (Rev G revised 15.05.2018),
- Heritage Supporting Statement (Anthony Aspbury, February 2018),
- Ecological Appraisal (FPCR, September 2016),
- Flood Risk Assessment - Final (Thomas Mackay, August 2017),
- Combined Phase I Desk Study & Phase II Exploratory Investigation (Geo Dyne Ltd, January 2017),
- Archaeological Desk Based Assessment, (Midland Archaeological Services, March 2017),
- Geophysical Survey (Contour Geophysics, February 2017),
- Programme of Archaeological Evaluation Trenching (Contour Geophysics, October 2017),
- Revised Planning Proposal/Rationale (NCHA),
- Statement of Housing Need, Parish of North Muskham (NSDC, March 2018),
- Scheme Delivery Statement (NCHA, May 2017),
- Site Selection History and Flood Zones (NCHA, June 2017),
- Viability Assessment (NCHA, April 2018),
- Viability Assessment (Geda Construction, April 2018).

The submitted S106 Legal Agreement to secure the development as affordable only has been held in abeyance from the previous application.

In addition submitted during the course of the consideration of the application:

- Drainage Strategy (William Saunders, May 2018),

The plans considered by this application are listed below:

- Site Location Plan (Drawing No: 103 Rev E);
- Proposed Site Layout and Visuals (Drawing No: SK201 Rev H);
- Plots 1 and 2 Plans and Elevations (Drawing No: 250 Rev A);
- Plots 3, 4 & 5 Plans and Elevations (Drawing No: 251 Rev A);
- Plots 6, 7 & 8 Plans and Elevations (Drawing No: 252 Rev A);
- Plots 9, 10 & 11 Plans and Elevations (Drawing No: 253 Rev A);
- Plots 12 & 13 Plans and Elevations (Drawing No: 254 Rev A);
- Plots 14, 15 & 16 Plans and Elevations (Drawing No: 255 Rev A);
- Street Elevations (Drawing No: SK202 Rev A);
- Site Sections Sheet 1 (Drawing No: SK203);
- Site Sections Sheet 2 (Drawing No: SK204).

Departure/Public Advertisement Procedure

Occupiers of 91 properties have been individually notified by letter and a site notice has been displayed at the site that expired on 17 May 2018 and an advert placed in the local press which expired on 10 May 2018.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1	Settlement Hierarchy
Spatial Policy 2	Spatial Distribution of Growth
Spatial Policy 3	Rural Areas
Spatial Policy 7	Sustainable Transport
Spatial Policy 9	Site Allocations
Core Policy 1	Affordable Housing Provision
Core Policy 2	Rural Affordable Housing
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
Core Policy 14	Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM1	Development within Settlements Central to Delivering the Spatial Strategy
Policy DM3	Developer Contributions
Policy DM5	Design
Policy DM7	Biodiversity and Green Infrastructure
Policy DM8	Development in the Open Countryside
Policy DM9	Protecting and Enhancing the Historic Environment
Policy DM12	Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance (web based resource)
- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)
- Newark and Sherwood Landscape Character Area SPD (December 2013)
- North Muskham Housing Needs Survey 2015
- Publication Amended Core Strategy July 2017
- Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

North Muskham Parish Council – “After discussion, it was proposed by Councillor Morris that the Parish Council continue to raise objections on the following grounds:

- the comments in the previous Decision Notice stated that there was a statutory presumption against development that would harm the setting of Listed Buildings and there were no wholly exceptional circumstances or public benefits of a level to outweigh this level of harm. It was not considered that the new application had overturned this reason for refusal. The District Council had been unable to identify a proven local need.
- the Parish Council had not received, neither was it confident, that proven local need had been identified for this site and type of development, especially given the developments that had taken place in the community since 2015.
- there was still a flood risk issue regarding SUDS and the Parish Council was still of the mind that it still did not meet the sequential test as there were other potential sites in the village at less flood risk.
- the Parish Council were surprised and concerned that the site known as 'Rose Cottage' had never been included in the assessment of affordable housing sites, irrespective of whether the land owner would sell at a reduced rate, although this site had been identified some years ago.

This proposal was seconded by Councillor Mrs Hurry.

The Chair asked whether any other Members wished to make an alternative proposal.

In the absence of any other proposal being made, a vote was taken on the proposal before Council. This was carried by 5 votes for and one abstention.”

NCC, Highway Authority – “This application is a resubmission of one previously refused, 16/01885/FULM. Grounds for refusal did not include highway-related objections. The slightly amended submitted drawing SK201-G matches the highway details previously considered to be acceptable.

Therefore, no objections are raised subject to the following conditions:

No dwelling hereby permitted shall be occupied until its associated driveway/parking space is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the (prospective) highway boundary. The surfaced drives/parking space shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

No dwelling hereby permitted shall be occupied unless or until a footway has been provided along the west side of Main Street as shown for indicative purposes only on drawing SK201-G to the satisfaction of the Local Planning Authority. For the sake of clarity this may also require works to existing driveways within the public highway.

Reason: In the interests of pedestrian safety and to promote sustainable travel.

No dwelling hereby permitted shall be occupied unless or until a 2 metre wide grass verge frontage, to the south of the new access road, has been provided as shown on drawing SK201-G and arrangements made to dedicate this verge to the Highway Authority for potential future footway provision.

Reason: To safeguard land for future footway provision, in the interests of pedestrian safety and promote sustainable travel.

No dwelling hereby permitted shall be occupied until the visibility splays shown on drawing no. SK201-G are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.25metres in height.

Reason: In the interests of highway safety.

No part of the development hereby permitted shall be occupied until the driveway / parking spaces are constructed with provision to prevent the unregulated discharge of surface water from the driveway /parking space to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

Notes to Applicant:

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. 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 roadworks. An Agreement under Section 38 of the Highways Act 1980 will be required. Please contact david.albans@nottscc.gov.uk for details.

In order to carry out the off-site footway provision works required you 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 you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottscc.gov.uk for details."

NCC, Strategic Planning – Comments received 27.04.2018 and 25.07.2018:-

"National Planning Context

In terms of the County Council's responsibilities the following elements of national planning policy and guidance are of particular relevance.

Waste

The National Planning Policy for Waste (NPPW) sets out the Government's ambition to work towards more sustainable and efficient resource management in line with the waste hierarchy. Positive planning is seen as key to delivering these waste ambitions through supporting sustainable development. This includes ensuring that waste management is considered alongside

other spatial planning concerns and helping to secure the re-use and recovery of waste wherever possible.

Paragraph 8 of the NPPW states that:

'When determining planning applications, all planning authorities should ensure that:

- the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;

- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;

- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.'

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013).

Minerals

Section 13 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 142 points out that minerals are *'essential to support sustainable economic growth and our quality of life.'*

Paragraph 143 requires that, in preparing Local Plans, local planning authorities should:

- 'define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-minerals development, whilst not creating a presumption that resources defined will be worked; and define Mineral Consultations Areas based on these Minerals Safeguarding Areas;

- set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place'.

In Nottinghamshire, these areas are defined in the emerging Nottinghamshire Minerals Local Plan and supported by Policy DM13, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 144 of the NPPF states that:

'When determining planning applications, local planning authorities should:

- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes'.

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that *'they have an important role in safeguarding minerals in 3 ways:*

- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;

- *in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and*
- *when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.'*

Transport

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all developments which generate significant amounts of movement to be supported by an appropriate Transport Assessment and a Travel Plan. It also states that it should be ensured that such developments are '*located where the need to travel will be minimised and the use of sustainable transport modes can be maximised*'.

Education provision

Paragraph 72 states that:

'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.'*

County Planning Context

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Minerals and Waste

Minerals

In relation to the Minerals Local Plan, the site is within a Minerals Safeguarding and Consultation Area for sand and gravel. Given that the proposed development is on a site adjoining existing residential areas of North Muskham (to the north and east) and does not bring residential land use any closer to potential or existing mineral extraction areas, it is unlikely that this proposed development would sterilise a potential future extraction area and therefore there are no safeguarding concerns in respect to this site. Therefore, the County Council does not wish to raise any objections to the proposal from a minerals perspective.

Waste

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Travel and Transport

Bus Service Support

Transport & Travel Services has conducted an initial assessment of this site in the context of the local public transport network.

Service 335, which is a shared operation between NCC fleet and Travel Wright, provides only a limited service through Kneesall at peak times giving links to both Ollerton and Newark. At other times of the day service 334 operates between Tuxford and Caunton via Ollerton. Connections can be made at Tuxford with buses to and from Retford and Newark.

At this time it is not envisaged that contributions towards local bus service provision will be sought.

Current Infrastructure

The current infrastructure observations from Transport & Travel Services photographic records are as follows:

NS0227 School Lane – Bus Stop Pole.

NS0238 School Lane – Bus Stop Pole.

Transport & Travel Services would request a contribution via a Section 106 agreement for Bus Stop Improvements to the value of £5,000. This will be used towards improvements to the above bus stops to promote sustainable travel.

Justification

The current level of facilities at the specified bus stops are not at the standard set out in the Council's Transport Statement for Funding. Improvements are necessary to achieve an acceptable standard to promote sustainable travel, and make the development acceptable in planning terms. The above contribution would improve the standard of bus stop infrastructure in the vicinity of the development and could be used for, but not limited to; Real Time Bus Stop Poles & Displays including Associated Electrical Connections, Extended Hardstands/Footways, Polycarbonate or Wooden Bus Shelters, Solar Lighting, Raised Boarding Kerbs, Lowered Access Kerbs and Enforceable Bus Stop Clearways.

The improvements would be at the nearest bus stops which are situated close to the site, so are directly related to the development, and are fairly and reasonably related in scale and kind to the development (11 dwellings).

Developer contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottsc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

It is anticipated that details of any developer contributions sought by the County Council will be provided as soon as possible. Any developer contributions sought will be necessary in order for the proposed development to be considered acceptable and as such the County Council will wish to raise objections to this application unless these contributions will be secured.

Should any developer contributions be sought in relation to the County Council's responsibilities it is considered essential that the County Council is a signatory to any legal agreement arising as a result of the determination of this application.

Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site."

NCC, Developer Contributions – "In terms of the contributions, we are currently awaiting comments on this application from library colleagues. In terms of education; current projections show that there is capacity in the catchment school to accommodate any yield from the above proposed development. As such no contributions would be sought for primary education. In terms of secondary requirements, this would be covered under CIL regulations."

"On the basis that the development is below 50 dwellings I can confirm that no library contributions would be sought."

The Environment Agency – "The site falls in Flood Zone 2 and Flood Risk Standing Advice can be applied."

NCC, Lead Local Flood Authority – Comments received 22 May 2018:-

"No objections subject to the following being provided prior to construction start:

- a. Details showing how the SUDS elements will be maintained to ensure their effectiveness for the lifetime of the development must be provided prior to construction start.
- b. Details on how the properties will be protected from the risk of flooding and whether flood risk construction techniques will be used.
- c. How the developer will deal with the surface water flood risk shown on the EA flood maps and included in the submitted FRA
- d. The design must ensure that the development itself is not at risk of flooding and does not increase the risk of flooding to surrounding areas.
- e. All recommendations provided by the Environment Agency are adhered to as the site is in Flood Zone 2."

Comments received 30.04.2018:-

“Object:

2. The applicant has not submitted any details about how they will deal with surface water from the site. A detailed surface water drainage design and strategy must be submitted that shows how the surface water will be managed. This should include but not be limited to the following:
 - a. Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
 - b. For greenfield areas, the maximum discharge should be the greenfield run-off rate (Q_{bar}) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
 - c. The site drainage system should cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
 - d. Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
 - e. Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.
 - f. Details on how the properties will be protected from the risk of flooding and whether flood risk construction techniques will be used.
 - g. How the developer will deal with the surface water flood risk shown on the EA flood maps and included in the submitted FRA
 - h. The design must ensure that the development itself is not at risk of flooding and does not increase the risk of flooding to surrounding areas.
 - i. As the site is in Flood Zone 2, has areas at risk of surface water flooding and is also shown at risk of ground water flooding it is strongly recommended that the developer considers the surface water drainage strategy as a priority to ensure the viability of the development.

3. All recommendations provided by the Environment Agency are adhered to as the site is in Flood Zone 2.”

Trent Valley Internal Drainage Board – “The site is within the Trent Valley Internal Drainage Board district. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The suitability of soakaways, as a means of surface water disposal, should be

ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be re-consulted. The design, operation and future maintenance of the site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.”

Historic England – “ we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.”

NSDC, Consultant Archaeologist – “This site has undergone full evaluation in the form of Desk based assessment, geophysical survey and trial excavation. The results of these surveys have shown that the site does have archaeological potential but not of such significance that this would stop development on this site.

The site is close to some significant historic buildings including a 13th century church and a 17th century House and the site is surrounded by cropmarks which are thought to pre-date the settlement of North Muskham as well as other recorded archaeology of varying date. The trial trenching results show that there is possibly Anglo-Saxon activity on the site and some other features were recorded but unfortunately not dated.

The main focus of activity appears to be along the frontage of the site main street. It is my recommendation that plots 1,2 14, 15 and 16 should be archaeological monitored.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

“[Local planning authorities] require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.” Policy 141. National Planning Policy Framework (2012).

A brief will be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details.”

NSDC, Conservation – “We have provided advice previously on this proposal (ref 16/01885/FULM-copies attached). We felt that impact on the Old Hall was at worst less than substantial harm, and no harm was caused to the setting of the Church.

As we understand it, the main differences in the scheme from the previous submitted scheme are:

- Plots 14, 15 and 16 have moved approx. 1m further to the south with two feature planting beds sited in front of these units; and
- there is an increase in the number of new trees planted along the northern and eastern boundaries of the site.

Given that the scheme has not fundamentally changed, our previous advice remains valid. We acknowledge that improving the landscaping between the proposal site and the listed building will help reduce visual impact. However, the facing materials palette could be improved to help ensure that the development better integrates into the historic environment. Natural slate could be used instead of grey slate effect concrete for example, and natural clay pantiles could be non-interlocking (this is more authentic and visually more appealing). Window joinery could be timber or mock timber rather than standard white PVC.

In addition to the above, it should be noted that the NPPF has been revised. Section 16 broadly reflects the previous heritage section (s.12), although there are some subtle changes to order and wording to reflect recent caselaw (notably *Forge Field*). Paragraph 193 states: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". In essence, irrespective of the scale of harm, great weight should be given to the conservation of heritage assets in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Harm requires a clear and convincing justification (para.194 of the NPPF). The submitted heritage supporting statement concurs with the previous assessment that any harm is less than substantial, paragraph 196 of the NPPF applies: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". In light of recent caselaw and the changes made in the NPPF, we advise that the decision-maker should be satisfied that the benefits of the proposal decisively outweigh any identified harm to the setting of the Old Hall."

NSDC, Parks and Amenities – "As a development of 10 or more properties this scheme should make allowance for the provision of public open space in the form of provision for children and young people. The proposed site layout plan does not appear to show any children's playing space and the requirement may thus be best met through the payment of an off-site commuted sum towards provision/improvement and maintenance of the existing play facilities on the Nelson Lane playing field, which lies less than 400m away from the development.

I note that the application suggests that allotments may be provided as part of the scheme however there is no justification supplied or information on how they would be managed."

NSDC, Environmental Health (Contaminated Land) – Comments received 12.04.2018 and 20.07.2018:-

"With reference to the above development, I have received a Combined Phase I Desk Study & Phase II Exploratory Investigation report submitted by the Geodyne acting on behalf of the developer in support of an earlier planning application (16/01885/FULM).

This document includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the sites previous uses and a description of the site walkover.

Following intrusive sampling, the report states that there are no exceedances of relevant soil screening criteria and that soils may be considered uncontaminated for the purposes of proposed use.

I generally concur with this assessment and have no further comments."

NSDC, Environmental Health – “I have no observations to make.”

NSDC’s Independent Viability Consultant- Comments received 10.05.2018

“The applicant has sought to challenge the level of infrastructure contributions on the basis that the level of contributions proposed would render the development economically unviable.

An independent viability assessment has been commissioned to determine whether the policy based contributions are viable and, if not, the level of contributions that can be delivered whilst maintaining economic viability.

The main premise of the viability appraisal, following advice contained in the NPPF, is that the development should be deliverable, taking account of the full cost impact of planning policies (including affordable housing, CIL and other infrastructure contributions) whilst maintaining a reasonable return to the landowner and developer.

The detailed methodology to assess the economic viability of development is set out in ‘Vi-ab Viability for Town Planners Guidance Notes’ at 18/00597/FULM.

Summary

As an exception site the applicant proposes 100% Affordable Housing in a mix of Shared Ownership, Affordable Rent and Discount for Sale properties. This assessment therefore currently focusses solely on whether infrastructure contributions are economically viable.

Assumptions Comments

The adopted open market sales values at £2392 - £2797/sqm are in excess of the values recently adopted by the Council in the viability evidence presented at the Local Plan Examination in February 2018. £1991/sqm. The development proposes 75% Affordable housing and discount are therefore applied to these values relevant to the tenure type – Discount Sale (75% Open Market Value), Shared Ownership (60% OMV) and affordable rent (50% OMV).

The appraisal adopts current BCIS construction rates of £1318 for new build terraced houses and £1418 for new build terraced bungalows.

A residual land value appraisal produced a negative result. As an exception site on agricultural land, a nominal value of £50,000 was placed on the land for the purpose of the appraisal. This is significantly lower than the proposed land value allowance of the applicant at £144,000 which is the reported purchase price.

The standard fee and cost assumptions adopted by NSDC have been used in the appraisal. As Affordable Housing being undertaken primarily by a Registered Social Landlord a zero profit allowance assumption was made in the appraisal.

For the purpose of the appraisal no Sec 106 Infrastructure contributions, whilst it is acknowledged that have been assumed and as 100% Affordable Housing it is assumed the development will be exempt from CIL charges.

Viability Results & Conclusions

A copy of the Viability Appraisal is attached to the Report.

The viability assessment indicates a negative margin of -£178,907. The applicant has indicated that £247,000 of recycled Social Housing Grant is available to assist the scheme. This would bring the

viability margin to a positive position of £69,000. However it should be noted that this doesn't bridge the gap between the £50,000 land value allowance in the appraisal and the £144,000 option based purchase price for the land. It should also be recognised that whilst no profit return is included in the appraisal the applicants will incur management costs in undertaking the scheme that are not specifically accounted for in the assessment.

On balance it is considered that the proposed development is not able to viably support any S106 infrastructure contributions."

Amended viability figures were run on 26.07.2018 on the basis of 75% affordable units and 25% open market units:- As opposed to a negative margin of -£178,907 for the 100% affordable housing scheme, the new viability assessment no indicates a negative margin of -£10,361 and therefore the scheme is notable to viably support any S106 infrastructure contributions.

NSDC, Access and Equalities Officer – Comments received 11.04.2018 and 20.07.2018:-

"As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating accessible and adaptable dwellings within the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings and on all floors be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals.

In particular, 'step-free' access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible pedestrian pavement route is essential to and into the dwellings from facilities such as car parking and from the site boundary. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed approach, ramps, level flush thresholds, generous doorways, suitably wide corridors etc. all carefully designed to facilitate easy access and manoeuvre are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters."

38 letters of representation have been received, 26 objections from 20 different addresses, 11 letters of support from 10 different addresses and 1 letter of support with concerns, raising the following concerns:

The grounds of objection raised are summarized as:

Principle/location of the site

- There are better locations for affordable housing development in the village at the other end of the village that the Parish Council would approve which should be looked at and it should not be determined on cost alone;
- Outside of village envelope on greenfield site and in the wrong place;
- Should be determined in accordance with strategic development policies and this is not a Principle village or sustainable location for this development – there is no shops, no major employers, no post office, no doctor's surgery;
- There is no easy access to buses which run further to the north of the village, which have been cut in recent years;
- Sites within the main village envelope should be developed and good quality, flat, arable land producing food should be protected;
- There is an alternative site in the village at Rose Cottage which was identified in the SCHLAA survey in 2010. 60% of his land is a lower risk of flooding and he has proposed a scheme for affordable housing within his development of 20-30 houses and includes the provision of a shop and local play amenity (not offered by this application);
- Parish Council have already rejected this twice on flooding grounds and access being on a tight bend, this application shows nothing new.

Scale/need for affordable housing

- The village does not need more houses and more traffic;
- The issue of proven need has not been satisfactorily addressed for this scale of development;
- According to the Core Strategy a Housing Needs Survey is the only measure of housing need and the sole basis for a housing rural exception site. (also reflected in the Affordable Housing SPD which states “..in the absence of a housing needs survey, the district council may choose to use other sources of evidence to demonstrate local housing need.’) The consultation event on 8 Sept 2016 is not a valid measure of need as there is a Housing Needs Survey, neither can the ‘wider housing register’ reflect ‘proven local need’;
- The Housing Need Survey identifies 6 affordable houses and the Housing Need document produced by NSDC submitted with the application uses additional data from the council's housing register, choice based lettings, intermediate housing register, Census date 2011 and district wide assessment. This is misleading and unsound and not a ‘robust’ evidence of need;
- The analysis of the findings of the Housing Need Survey in the NSDC Housing Need document makes errors in relation to the 7th unit of need identified in HNS of 2015 and should not be counted;
- Rural exception site have only been expected traditionally to deliver 100% affordable housing, however the Core Strategy para 5.11 states they are an exception to normal planning policy and they are expected always to deliver 100% affordable housing.
- 4 ‘market bungalows’ do not fall within the definition of affordable housing and if they are used by downsizers they do not fulfil the definition of those who are in need and there are other brown field sites within the village capable of fulfilling such a need (eg Rose Cottage). This is an abuse of process and not policy compliant;
- The process to deliver a rural housing scheme is usually with the support from the Parish Council and local councils work together to identify a suitable site, but the Parish Council object;
- Market housing should be on a site identified by the market for them;

- There is no need for this to be built here, hundreds of houses are to be built south of Newark which would be better suited to the needs claimed;
- One Council property in the village was empty for months and then occupied by people from outside the area who didn't know about the lack of facilities;
- This is an SP3 village, scale is not justified by need or consistent with small scale development;
- Keep North Muskham as a village, not a town;
- Residents believe they have been misled by need for affordable housing;
- The Housing Needs Survey identifies a need for 6, why does this provide for so many more?
- The properties will now be available to everyone in Newark and Sherwood, rather than to locals only;
- Properties for rent will result in transient people who will be of no benefit to the local community;

Highway Issues

- Site access is on a blind bend;
- Will result in two new access points onto this narrow road in close proximity;
- The road is very narrow here and used by large lorries, tractors from 6am and through-out the day (factory-farms further south along Mains Street), difficult to pass and therefore dangerous – evident by the damage to the church wall on the corner – rebuilt at least 3 times in the last 20 years and the damage to the metal bars at the corner opposite is self-evident and the 20mph sign that has been knocked over in the past);
- Road needs widening and straightening the bend;
- The footpath would narrow the carriageway even more, increasing danger;
- The increase in traffic would be considerable from 32 parking spaces and visitors to the site;
- Would cause a danger to children walking to and from school as there are no footpaths from the site;
- It would increase traffic congestion around the school during drop-off/pick up times;
- Main Street is used as a shortcut if the A1 is shut, which is a weekly occurrence;
- No visitor parking has been provided which would result in overspill parking onto Main Street and block the lane;
- The existing field access was informally broken out onto Main Street and NSDC should impose an order to close the present access;
- Such a high density development should be served by a roundabout and traffic lights to make the junction safe;
- The hedge line of the listed Old Hall leaves no room for a footpath on the west side of Main Street;
- The existing lane has terrible potholes and is in a bad state of repair;
- Transport problems will get worse as Network Rail intend to close the crossing between North and South Muskham with no alternative exit for Main Street;
- The land that the footway is situated on, the owners of Old Hall have a legal right of way, delineated for legal purposes in 1885 for time immemorial. It is not legally capable of acquisition by the Highway Authority;
- The footway needs to be extended from Marsh Lane to Crab Lane to the south of the site;
- On the wider road network, there are constant queues of traffic between North Muskham and Newark already at the cattle market roundabout. This development will exacerbate and make this congestion worse;

Character and Heritage Assets

- The application does not address any concerns from previous application on heritage matters;

- Harm to heritage assets;
- The site is currently an open field with unspoilt views which would be lost and the Old Hall would lose its original context and inconsistent with guidance issued by Historic England;
- The loss of these unique aspects are not outweighed by the unproven need of a development of this scale within the village;
- The current application does not address the decision in Battledown Farm from which even harm at the low end of less than substantial harm to a grade II listed asset weighs against the granting of planning permission.
- The “Forge Field” and “Barnwell Manor” decisions make clear that even if harm is “at the lower end of less than substantial harm” (to a Grade II listed building such as the Old Hall) “weighs against granting planning permission.”
- It would change the character and feel of the village;
- Could be the start of a large housing estate that would destroy the character of the village;
- Inappropriate development in this historic environment - the oldest part of the village;
- The properties look like 1950 Council houses but smaller and with less space that will not need the needs of future occupiers;
- The modern design and layout is poor and ugly with rows of terraced houses;
- There are more properties than on the original application;
- Visibility splays would result in loss of ancient hedge line and boundary for which residents have legal redress through the courts;
- This is part of a medieval landscape that has been unique for 800 years;
- There are visible links between 3 ancient churches in a triangle (at North Muskham, South Muskham and Kelham) which the development would blight and financial compensation should be paid if this legal right of view is lost;
- The proposal will impact on the setting of listed buildings and the wider landscape setting;
- There is archaeological interest on this site – known as Chapel Field which needs more investigation;
- The Old Hall dates back to 17th century and is of significant interest in terms of its age, construction, and history;
- The Old Hall is built out of beams from a tithe barn that used to be on the same site, that was linked to the church;
- The proposed footway would be detrimental to the setting of the Old Hall;
- Alien to existing grain of village and fails to respect the historic character of the area;

Drainage/Flood Risk

- The site is within Flood Zone 2 which means it is at risk from flooding;
- This is on a potential flood plain;
- The development would potentially increase flood risk to nearby properties;
- It fails the Sequential Test;
- The Sequential Test shows alternative sites at lower risk of flooding (Rose Cottage);
- Current application does not address short comings in the FRA or threat from surface water flooding;
- The bungalows at the front have no safe refuges in the event of a flood and likely to be occupied by the most vulnerable members of the community;
- Localised flooding is already a problem and this is likely to be made worst by the use of existing soakaways rather than a SUDs device;

Other Matters

- The applicants have not appealed their previous decision and therefore the Committee can rely on their findings from the last application that they are sound and to come to a different conclusion there must be new and significant material considerations to weigh in the balance;
- Given the loss of £160K from the local authority subsidy since the previous application, the current scheme appears to be even less financially viable than the first;
- The concluding paragraph of the Heritage Supporting Statement should be disregarded and struck from the record;
- Save for the mix of tenure, the thrust of the application remains as before, nothing has changed and this is a waste of tax payer's money;
- Young people want to live in the town, not in a village where there are no amenities;
- By the time they have children and want to move back to the village, they will not need affordable housing;
- The proposal is ill-conceived and cynically planned, not conducive to lower income people;
- Contrary to the submitted Planning Statement which states there were no statutory consultees objecting the proposals, however, both the Parish Council and adjoining land owners are statutory consultees that they objected;
- Persons identified in need already live in houses and will sell up their existing house and free up their own capital;
- Little change to previous plans which were refused by Parish and District Councils;
- The democratic process has already rejected this use on this land;
- Parish Council don't support this and the number of objections far outweigh those in support, this is a clear mandate from the village;
- Would set a precedent for creeping housing development on other parcels of agricultural land as well as enlargement within this field;
- It has been impossible to get planning permission in the past for stables on land south of this site;
- The village has no gas supply, there are no fireplaces under the false chimneys so they would have to be fuelled by electricity or oil, the most expensive way to heat houses;
- It will de-value existing properties;
- If the development goes ahead the occupier of the Old Hall should be compensated for the loss in the value of their asset from the developers and NSDC;
- The units will not be occupied by people in/from the village;
- Why re-locate young people here, should be in Newark where jobs, transport and amenities are readily available;
- No-one would want allotments next to noisy A1;
- There are no shops/post office and there is quite a walk from this site to Nelson Lane to get a bus into Newark;
- No garages proposed – no secure storage facilities for future occupiers.

The representation of support with concerns can be summarised as follows:

- The previous reasons for refusal need to be addressed;
- Need footpath to south of the application site also;
- Highway safety risks increase due to increased traffic, creation of cross road with no footpaths and adding a junction into the cross roads with restricted views to north on western side of Main Street.

The grounds for support are summarised as:

- There is a desperate need for affordable housing provision in rural areas;
- There is a need to support central Government and District Council desire to provide affordable housing;
- The village is short on cheaper, smaller houses for first time buyers, renters and downsizers;
- Severe lack of 2 bed properties as owners continue to extend existing stock, making them bigger and less affordable;
- This development would bring a better balance to the existing housing stock;
- The site is an unremarkable field sandwiched between Main Street and the A1;
- It is a small scale development on a quiet road;
- The amendments to the plan appear to have remedied concerns raised previously;
- The development will enhance the population and housing resources of the village;
- Housing would be an improvement and asset to the village;
- This will help the village be more sustainable in the future and help stop young people having to leave the village to find housing;
- Houses will increase attendance at the school, shop, church, village hall and other amenities and reduce the threat of closure;
- Heritage consultants conclude no heritage harm in their report, as does the Council's conservation officer;
- The development passes the Sequential Test and flooding is not an issue;
- The local primary school has space to accommodate additional children;
- Good to include units to buy and not just to rent to encourage occupiers to become part of the village community;
- Parish Council consider because houses have been built since the survey in 2015 that there is no longer any need, but given high values, market housing is not an 'alternative' property choice;
- Need a range of housing for younger and elderly people, often new builds are too large and expensive, this will benefit the whole community;
- Modern building techniques can take flooding into account;
- Are the objections because it is an affordable housing scheme and not an executive development around a nature reserve? and
- Don't let the NIMBY brigade pressure decision makers into a refusal.

The following comments have been received from Councillor Saddington (the local ward Member):

"I am unable to be present at the August Planning meeting and would like my comments to be noted please and read out at Committee.

I have been contacted by residents, it would appear very short notice has been given with regard to the change in the planning application at North Muskham, particularly when consideration is given to the fact that people may be away on holiday and unable to comment.

I have great concerns regarding this application and my concerns are as before.

Firstly, despite what Newark and Sherwood District Council say, the Parish Council are not, I believe, of the opinion there is a requirement for these properties.

Whether or not they are required is not my main concern.

I have lived in this village for over 60 years, we have a farm at the south end of the village and no footpaths.

Heavy traffic passes past this site throughout the day, children and residents have to negotiate the traffic and at the proposed site this is the most narrow part of the village.

It is dangerous as of now and with additional houses at this site, they will only compound the problem.

When the A1 is closed which happens on a regular basis, all traffic comes through the village and one would not dare to walk along this stretch of road.

The people who live in the village and have done so for many years, know how dangerous this part of the village is and I appeal to the Committee to remember the site visit last year where nearly everyone commented on how narrow the road is at this point, also the site is on a blind bend and reject this application please.”

Comments of the Business Manager

Background

This is a very similar scheme to that considered by the Planning Committee in September 2017. Whilst the professional officer view and recommendation was for approval, which remains a matter of fact and public record, Members resolved to refuse the scheme for three reasons as set out below:

1. There is a statutory presumption against development that would harm the setting of Listed Buildings. The NPPF makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Equally it is clear that decision makers must attach significant weight to the benefits of the provision of affordable housing and any other benefits.

In the opinion of the Local Planning Authority the development, by reason of its built-form nature, siting, proximity, scale, height, density and layout would result in harm to the significance of St Wilfred's Parish Church (Grade I listed) and The Old Hall (Grade II listed), both designated heritage assets, through harm to their setting. For the avoidance of doubt such harm is considered to be less than substantial but nevertheless statutory harm to which special regard should be paid.

In the overall planning balance it is considered that there are no wholly exceptional circumstances or public benefits of a level to outweigh this level of harm. The proposed development would therefore be contrary to the National Planning Policy Framework, the National Planning Practice Guidance, Core Policy 14 of the Core Strategy, and Policy DM9 of the Allocations and Development Management DPD and fails to accord with the objective of preservation as set out within Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The application has failed to adequately demonstrate a local need to justify the quantum of affordable housing proposed. As such, the proposed development is not considered to fall within a rural affordable housing 'exceptions site,' set out within Core Policy 2 of the Core Strategy and would therefore result in additional dwellings within the open countryside, outside the main built-up area of North Muskham. The National Planning Policy Framework (NPPF) states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. This is reflected in local policy by Policy DM8 of the Allocations and Development Management DPD which strictly controls and limits the types of development in the countryside.

This policy is wholly consistent (as tested in adopting the DPD) with the NPPF. The proposed new dwellings would be an inappropriate form of development in the open countryside and the provision of affordable housing, whilst having clear merits, has not been adequately demonstrated as a local need and therefore on this quantum of development, is insufficient to constitute the special circumstances required to outweigh the inappropriateness of the proposal.

It is therefore considered that in this particular instance, the adverse impacts of this number of new dwellings in the absence of adequate justification of a local need, in an unsustainable open countryside location would, on balance, outweigh the benefits of the provision of affordable dwellings in principle in an overall planning balance. The proposal is therefore contrary to the sustainability objectives of the NPPF and Policy DM8 of the Allocations and Development Management DPD.

3. The application site lies wholly within Flood Zone 2 as defined by the Environment Agency Flood Maps, which means it is at medium risk of flooding. Both the policies of the Development Plan and the National Planning Policy Framework state that inappropriate development in areas at risk of flooding should be avoided by directing new development to areas with the lowest probability of flooding through the application of the Sequential Test. As this proposal represents new residential development, the proposal is required to pass the Sequential Test. With local need unproven for the full quantum of development proposed, in the opinion of the Local Planning Authority there are many other sites within the District (including potentially in North Muskham), at lower risk of flooding where development should be located.

It is therefore considered that the proposed development is contrary to Core Policy 9 and 10 of the Core Strategy, Policy DM5 of the Allocations and Development Management DPD and fails the Sequential Test as set out in the NPPF, which is a material planning consideration.

This application has been submitted in an attempt to address the reasons for refusal.

As Members will be fully aware it is my role as professional officer to provide advice and offer a recommendation of whether to support or resist a scheme, and the reason(s) for this must be

based (S38) on the Development Plan and any other material planning considerations. This case presents a relatively unusual set of circumstances for a local authority planner when it comes to advising elected Members. This Committee, in acting as the Local Planning Authority has been very clear in setting out planning harm for the three refusal reasons above. This decision has not been successfully challenged. Thus, as a matter of fact, the last refusal currently represents the only published and unreversed view that this Council has given. Balanced against this is the fact that my professional judgement has not changed. My previous assessment of the scheme (which could not have had regard to the Council's view) remains a matter of fact as set out in the original officer report for 16/01885/FULM.

As a Local Authority planner I am now charged with offering a recommendation which balanced my previous professional view against the very clear and unchallenged concerns of the Council as Local Planning Authority, which is a new and significant material planning consideration.

As a matter of fact my professional view has not changed. However the resolution of Members to refuse the scheme is now a significant and new material consideration to weigh in the overall planning balance. I consider this in more detail in the 'Need,' 'Flood Risk and Drainage,' 'Character,' and 'Planning Balance and Conclusion' sections of this report. In offering an appraisal I seek to explore the degree to which the reasons for refusal imposed by Members have been addressed.

Principle of Development

The Council has published that it has a 5 year housing land supply against its promoted Objectively Assessed Need undertaken on behalf of NSDC, Ashfield and Mansfield DC's. This position has also been accepted by a number of appeal decisions that have recently been considered and should therefore carry weight. It is the Council's view that paragraph 14 of the NPPF is not engaged and the Development Plan is up-to-date for the purposes of decision making.

The proposal relates to a residential scheme for 16 dwellings and as opposed to the previously refused application that was for 100% affordable units, this proposal seeks permission for 12 affordable units and 4 market bungalow in an attempt to meet a local need for both types of housing.

Core Policy 2 of the Core Strategy states that the Council will pro-actively seek to secure the provision of affordable housing on exception sites. The acceptability of such schemes will be subject to the sites being located in, or adjacent to, the main built-up area of villages and meet the requirements set out in Spatial Policy 3 relating to Scale, Need, Impact and Character. The supporting text within Para 5.11 of the emerging Amended Core Strategy states that *"the District Council in appropriate circumstances, will allow Affordable Housing schemes on the edge of existing built up areas of settlements. These schemes are the exception to normal planning policy and normally only Affordable Housing Units will be allowed on these sites. This will help to facilitate the provision of local Affordable Housing in rural communities where the level of market housing is restricted to such a level that Affordable Housing cannot be achieved by any other means. In some circumstances the Council may consider allowing a cross-subsidy scheme on an exception site whereby a small number of market houses may be allowed that will contribute towards funding the affordable housing, but only where other funding mechanisms will not support the total development costs."*

Paragraph 5.12 goes on to state *“The identification of Affordable Housing needs on exceptions sites must be quantified by a Housing Needs Survey which meets the requirements of the District Council. Further details are provided in the Affordable Housing SPD.”*

In the new NPPF released this month, at paragraph 77, states that, *‘In rural areas planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.’*

Paragraph 78 goes on to state: *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this would support local services.”*

Location

The site is outside of the main built up part of the village and is, in policy terms, within the open countryside. In order to comply with the rural exceptions policy, the site has to be located in or adjacent to the built up part of the village. The site lies to the south-western edge of the village on the western side of Main Street.

On the opposite side of the road is residential development. On the same side of the road, immediately to the north, beyond a field access track is The Old Hall and its associated barns. Between the junctions of Nelson Lane to the north and Mill Lane to the south, existing development on the western side of Main Street is limited to the school, Old Hall and three/four houses further south. The majority of the built form being situated on the eastern side of Main Street. For the purposes of the policy, I accept the argument that the site is adjacent to the main built up part of the village and thus meets the primary requirement of Core Policy 2 as a rural affordable exceptions site. It is noted that in accepting this site as being on the edge of the village, this could lead to pressure for further development on surrounding land. However, if this were to be proposed, this would be assessed on its individual merits.

Much emphasis has been given by local residents that the application site is the wrong place in the village for such development and that other locations within the village would be better suited. The Registered Provider (Nottinghamshire Community Housing Association) has submitted a Site Selection Report and Flood Zones, which outlines that the process of finding a site within North Muskham to provide affordable housing commenced in 2006 with a Housing Needs Survey being carried out. In 2008, six different sites were identified as being possibilities by a team comprising the Parish Council, District Council (Strategic Housing), Midlands Rural Housing and NCHA. The sites were:

- Corner of Playing Field adjacent to existing village hall;
- Land opposite the existing village hall;
- Land on Main Street 1 (adjacent to the school);
- Land on Main Street 2 (application site);
- Land on Main Street 3 (opposite Manor Farm); and
- Land at Burr ridge Farm, Crab Lane;

The report sets out how and why over the next 10 years, each site was either pursued or fell away from the process. By the time the new survey was carried out in 2015, there was only one site that remained deliverable and viable, and that was Site 4. This record of the site selection process shows the length of time involved, the levels of local engagement and how difficult it has been to get to this point. The site selection process identified Site 4 was found to be the best current available affordable site with a willing vendor within the village and has hence cumulated in the submission of both the previous and this current application at this moment in time.

Scale

The scale criterion of SP3 relates to both the amount of development and its physical characteristics, the latter of which is discussed further below in the character section of the appraisal. SP3 provides that new development should be appropriate to the proposed location and small scale in nature.

In 2006 the number of dwellings in North Muskham was circa 385 and taking into account commitments and completions since that time (24 dwellings) and the proposed development of 16 dwellings, together this would increase the number of dwellings by 10%, during the current plan period.

Growth of approximately 10% of new dwellings within a Spatial Policy 3 village, is considered to be an appropriate limited level during the plan period and as such the proposal represents a reasonable scale of new housing growth in this location without undermining strategic objectives set out within the Settlement Hierarchy and Growth set out within Spatial Policy 1 and 2 of the Core Strategy.

In any event, given that the proposal relates to an exception site and is predominantly for affordable housing which weighs in its favour, I consider that this level of increase to be appropriate.

Need

The site is being promoted as a rural exception site for affordable housing alone. SP3 requires that new housing in rural areas should only be allowed where it helps to meet an identified proven local need.

In this case I have noted the reported of the Council's Strategic Housing Officer entitled "Statement of Housing Need, Parish of North Muskham (NSDC, March 2018)" which confirms that a Parish Needs Survey was undertaken in 2015 which confirmed a need for 7 such affordable units within the Parish. From the information submitted, it is clear that this scheme has come about following partnership working between Nottinghamshire Community Housing Association alongside the Parish Council.

The breakdown of the Survey identified the following:

Affordables - 1 x 1 bed bungalow – affordable shared ownership
(total of 7) 1 x 2 bed house – affordable shared ownership
2 x 3 bed house – affordable shared ownership
1 x 2 bed bungalow (adapted) – affordable rent
1 x 3 bed house – affordable rent

1 (no tenure)

Market 2 bed bungalows and houses
(total of 10) 3 bed bungalows and houses.

From the objections raised by local residents, it is clear that some objections are based upon the scale of the proposed development of 12 affordable units and 4 open market units, which is 5 units above the 7 affordables identified by the Housing Needs Survey carried out in 2015. It is acknowledged that this survey would record local need as a snap shot in time. The Council's Strategic Housing Service report identified that following the housing needs survey a follow-up consultation event took place in the village in September 2016 which identified a further 5 eligible residents who expressed an interest in the proposed properties.

Strategic Housing go on to state that further to the survey and the consultation event, the Parish Council requested a follow-up (letter-drop) asking residents identified in the survey and consultation event to contact Trent Valley Partnership to ensure there is sufficient level of interest to progress the proposed affordable housing scheme. The results of this activity concluded that 7 households are still interested and eligible, though it has not been possible to obtain a response from all households identified in need of affordable housing.

It is acknowledged therefore that since the Housing Needs Survey was undertaken (which was a snap shot in time), through the passage of time, that other events have taken place which identify further need within the local area for additional dwellings to that identified in the 2015 survey and that some weight therefore needs to be given to this increased number. The Strategic Housing Service considers that housing needs surveys need to be regularly up-dated, to keep them responsive to local need situations, rather than relying on a snap shot in time.

In addition, NCHA has submitted a Scheme Delivery Statement with the application which identifies that 16 units represents the critical mass for delivery on this development, that is to deliver anything less than 16 units on this site would result in no scheme being delivered as the figures would not stack up. This has been verified by the Council's independent viability consultant. So a development to build only the 7 units identified in the Housing Needs Survey could not be built. So in viability terms the only development that can be delivered is 0 units or 16 units (in the mix split proposed). I do note that 16 is the same quantum as previously proposed. That is due to the fact that NSDC has made clear that there will be no grant funding available for the scheme, as may have been the case (subject to a due process) previously.

A similar situation was found at Caunton where the Housing Needs Survey identified a proven local need for 2 affordable dwellings. However, in order to make the scheme viable and able to be delivered, a scheme was granted planning permission for 6 affordable dwellings. This was a rural exceptions site for 100% affordable housing.

The wording of the proposed S106 legal agreement prioritises prospective residents who were born, live and work in North Muskham, have family members who reside in North Muskham or who themselves used to live in North Muskham but were forced to move away because of a lack of affordable housing. Should no such person be eligible to reside in these houses, which the applicants state is highly unlikely, then the local housing need prioritisation cascades out to South Muskham, Bathley, Little Carlton, Kelham and then Cromwell. The agreement then states that should these villages be exhausted then NCHA does have the right to cascade out the housing

need District wide, but in reality NCHA cannot recall where this has ever happened previously on a rural exception site in Newark and Sherwood.

To conclude, whilst the Housing Needs Survey of 2015 identifies a need for 7 units, there is later evidence of further need for up to 12. In any event, it has been demonstrated that the development can only be delivered in viability terms with 16 dwellings. This will be weighed in the balance in the conclusion of this report but a scheme for 12 affordable units and 4 open market units would meet proven local need as required for the purposes of SP3.

Character

SP3 requires that new development should not have a detrimental impact on the character of the location or its landscape setting. Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this.

The application site is currently part of an open field. It is acknowledged therefore that the introduction of new built form, by its very nature will have a great impact on the open character of the site. The Old Hall represents the primary and isolated building form on this part of the western side of Main Street, which would change if the proposal were constructed. As originally submitted, the layout of the proposed development was very suburban with numerous detached and semi-detached units of modern proportions centred around a wavy central access road. There was no recognition of its rural landscape setting and was out of context with the surrounding historic environment. The amended scheme now reflects its rural and historic context, with a crew-yard like courtyard surrounded by elongated blocks of built form with linear ridgelines. The blocks of development allow for greater space between buildings and better relate to rural characteristics and the site's context. Single storey properties would front the highway, albeit they would be set back from the roadside behind the replacement hedge and green communal space area. The two storey dwellings are largely located to the rear of the site and this assists with reducing the impact from the public realm and in the streetscene. The design ethos is very much of traditional local vernacular which would form an attractive development that is sensitive to the surroundings. I note that the amendments have taken on board some of the comments from the conservation officer such as positioning the chimneys centrally. I also note that some of the materials pallet proposed includes clay pan tiles and red brick, all of which are typical in North Muskham. However other materials and joinery details need to be conditioned out and controlled by condition. Overall I consider that the revised scheme has a well-conceived layout, reflecting historic rural farmsteads and which is genuinely tenure blind and is sensitive to its rural surroundings. In my view this accords with Policies SP3, CP9 and DM5.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The courts have said that this statutory requirement operate as 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals affecting the historic environment are proportion,

height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting. DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). The NPPF states at paragraph 193 when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) Paragraph 194 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. (paragraph 196). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in their setting (paragraph 200).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

My comments on application 16/01885/FULM are set out below in italics:-

“Given that the site is located adjacent to the Grade II listed Old Hall, the Grade I listed St Wilfred’s Church on the other side of Main Street as well as a number of local interest buildings, the impact of the proposed development on the setting of these heritage assets require special consideration. Although concerns were raised by the Conservation Officer initially, the scheme has been amended to seek to address these matters. It is considered that the Grade I listed church is sufficient distance from the site, for the development not to harm its setting. In relation to the impact of the setting of the Old Hall, which it is acknowledged currently sits in isolation and therefore has some primacy on this side of Main Street, the setting back of the proposed buildings from the site frontage to mirror the positioning of the Old Hall significantly reduces any harmful impact on its setting, as well as reducing impact on the streetscene generally. Views of the application site from within the grounds of the Old Hall would catch glimpses of narrow gables with linear ridgelines with traditional forms and proportions, mimicking the historic barns that currently exist to the rear of the Old Hall. The blocks of development allow greater green spaces between the built form which lessens and mitigates the impact of the new built form. The layout reflects local vernacular farmsteads which also help to mitigate the proposal in its historic environment. The impact of being located within Flood Zone 2 will result in the need to increase both ground levels and finished floor levels on the proposed development by 1.2m AOD and 1.4m AOD (maximum) respectively, compared to the existing ground levels, which will also result in an increased visual impact and this is considered in more detail in the Flood Risk and Drainage section of the report

below. Special consideration has been given therefore to the preservation of the settings of surrounding listed buildings and it is considered that very limited harm would result."

My comments on this revised application are set out below in bold:-

"The revised application shows the footprint of Plots 14-16 being moved approximately 1m to the south and additional planting of trees along the northern and eastern boundaries of the site. In addition a Heritage Supporting Statement has been submitted by a Conservation professional. They state that "the application site is not a feature that specifically contributes to the setting of the Old Hall; it merely forms part of the agricultural landscape that is a component part of some of the views from and towards the asset." Whilst they consider that "part of the land to the south of the Old Hall has the capacity to accommodate change, there will be some harm to significance, on the basis that the open countryside formed part of the original setting of the heritage asset and will, as a result of the proposal contain built form. This harm however, would be at the lower end of less than substantial. The application site is some distance from St Wilfrid's Church and as the church is set well back from the road, there is no inter-visibility. As the site does not feature in important views from or towards the church. Also modern residential development to the south of the church has significantly altered the wider surroundings in which the church is experienced. Therefore it is their view that the proposed development would cause no harm to the existing setting and hence significance of St Wilfred's Church, on the basis that at no point will the proposed development dominate or compete with any important views of the church, and the surroundings in which the church is experienced will be unaltered." They conclude "I am of the opinion that the proposal as submitted would cause some harm, albeit at the lower end of less than substantial harm on the setting, and hence the significance to only The Old Hall. There would be no harm to the setting and hence significance of St Wilfrid's Church."

On the basis of the information submitted on this revised application, I remain of the view as a professional that there is no unacceptable heritage harm. That said, I consider the revisions made (alongside a new Heritage Supporting Statement) do not significantly amend the scheme. Therefore, it is difficult to see how they sufficiently address the Member's concerns on the heritage harm and therefore Reason 1 presented on the previous application decision is still considered to be justified, in attaching weight to the unchallenged LPA view, in this case. The weight to be given to this in the planning balance is set out in the conclusion at the end of this report.

Further archaeological assessment through trial trenching has been undertaken on the site, following the request from NCC Archaeologist, and it is likely that the wording of a suitable condition will be agreed between the Local Planning Authority and the applicant between now and the Committee meeting, which will be reported and recommended. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special consideration has been given to the impacts on the setting of listed buildings and the wider historic environment. The change from an open field to built form will have some harmful impact, however, it is considered that this harm has been well mitigated by the traditional layout, form and green spaces on the site and therefore that harm is reduced to the lower end of less than substantial harm in this case. This aspect is given due weight in the balance of considerations set out at the end of this report.

Impact

The impact criterion of SP3 states that new development should not generate excessive car-borne traffic from out of the area. It goes on to say that new development should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. Impacts are considered separately below.

Housing Mix and Density

Core Policy 3 provides that housing should generally achieve densities of 30 dwellings per hectare, or more, and sets out that it should deliver housing need in the district which is family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population.

The proposed scheme comprising four x 2 bedroom bungalows (which are open market units) positioned along the site frontage, eight x 2 bedroom two storey houses and four plots would have 3 bedrooms over two stories and meets a local need by addressing the requirements of the Housing Needs Survey of 2015 but also meets the broad aspirations of CP3 in terms of mix. The density of the scheme falls short of 30 dwellings per hectare. However I consider this to be entirely appropriate given its position at the edge of the settlement adjacent to the countryside and this assists with allowing the development to sit comfortably within its surroundings. The type of dwellings is discussed in the affordable housing section later in this report.

Impact on Residential Amenity

The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 states that development proposals should ensure there would be no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

Plot 14 on the northern side of the site would be located c31m from The Old Hall and is single storey with a lounge window in its northern gable end. The plots on the site frontage are a minimum of c36m from the existing houses on the opposite side of Main Street. These units are all single storey apart from Plot 16. As such I consider the distances are sufficient to meet the needs of privacy and avoid unacceptable impacts of overlooking and overshadowing.

I conclude that the development would preserve the amenities of neighbouring properties and would have no undue adverse impact that would warrant a refusal of this scheme. It also creates an acceptable level of amenity to the proposed occupiers of the new units themselves. The proposal therefore accords with Policy DM5 of the Allocations and Development Management DPD and the NPPF.

Impact on Highways/Sustainability

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides that proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 echoes this.

I note that the majority of representation responses received have raised concerns regarding road safety issues such as the narrow width of Main Street in this location, the blind bend in the road, the use of the lane by large lorries and tractors, potential for on-street parking congestion due to lack of visitor parking provision within the scheme and the traffic in the area generally. A full summary of all highway concerns of third parties is set out in the consultation section of this report.

In terms of car parking, the scheme seeks to provide two off-street parking spaces per plot. There is no provision for visitor parking although it would be possible to park on the cul-de-sac itself and this in itself is unlikely to lead to parking along Main Street.

The Highway Authority raise no objection, subject to the inclusion of conditions. In coming to this view it is implicit that they have considered matters raised such as the blind bend, the width of the carriageway and its adequacy to serve the proposed development and how it links with the wider transport network.

NCC have requested that the developers up-grade the existing timber bus stop on Nelson Lane an part of the S106 for this development and the applicant has agreed to this and can be secured through any S106 agreement.

Given the Highway Authority have confirmed no objection in principle and that the development can be made safe in highway terms through conditions, I consider that the proposal is acceptable in this regard in compliance with SP7 of the Core Strategy and Policy DM5 of the DPD.

Landscape/Visual Impact

CP13 sets an expectation that development proposals positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that they contribute towards meeting the landscape conservation and enhancement aims for the area. 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. It goes on to say that features of importance within or adjacent to development sites should wherever possible be protected and enhanced.

The site lies within policy zone TW11 within the Trent Washlands character area as designated in the Newark and Sherwood Landscape Character Assessment (2013). The overall Landscape Action for this policy zone is to "conserve and create." Recommended landscape actions include the following: conserve and restore the traditional pattern of hedged fields promote measures for strengthening the existing level of tree cover. New soft landscaping will also be expected (indeed as is indicated on the site layout plan) including three new hedgerows along the northern, western and southern boundaries as well as a replacement hedgerow along the eastern boundary. Trees will be planted to provide amenity value to the public realm within the site frontage and the communal open space, within rear courtyard as well as along the northern and eastern boundaries of the site. Landscaping can be secured through condition and this together with the sensitive design, lead me to conclude that the proposal would be appropriately sited without harming the landscape character of the area in accordance with Core Policy 13 of the Core Strategy and Policy DM5 of the DPD.

Flood Risk and Drainage

Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The NPPF provides that development should be located in the least sensitive areas to flood risk through the application of the Sequential Test and Exception Test where necessary.

The site is located within Flood Zone 2 according to the Environment Agency's flood risk maps and is therefore at medium probability of flooding from river sources. As such consideration must be given as to whether the application passes the Sequential Test. It is clear that if the District of Newark and Sherwood were considered as a whole, this site would certainly fail the Test as there are other areas within the District that fall within Flood Zone 1 where new housing could be built. However, if the Sequential Test is considered locally, the majority of North Muskham falls within Flood Zones 2 and 3, being located adjacent to the River Trent. As the Site Selection Report stated, all of the possible 6 sites that have been considered over the last 10 years within North Muskham are within Flood Zone 2. Within the Site Selection and Flood Risk Report, the applicants do refer to one site (rear of Rose Cottage) that is partly within Flood Zone 1, which was identified within the SCHLAA and has recently presented itself as a possible deliverable site. As such it must be concluded that this application site fails the Sequential Test. However, what is also clear is that the land area within Flood Zone 1 is only capable of providing a maximum of c6 residential units. As has already been discussed within the scale section in this report, the critical mass to present an achievable viability case for affordable housing is a minimum of a quantum of development of 16 dwellings that must be developed on one single site. It is also acknowledged that the Rose Cottage site has recently raised the possibility of deliverability, but NCHA and the Parish Council have spent years taking one of the 6 sites forward to this point. Therefore, it is recognised that sometimes the timing of the coming forward of new sites can sometimes undermine years and years of work done on other sites, some weight must be given therefore to where the situation is at the present time. So whilst the scheme fails the Sequential Test, in pragmatic terms the story of how this point has been reached, together with the need for the quantum of this number of units for the provision of much needed affordable housing, can weigh in favour of the development.

In terms of making the proposed development safe, the submitted revised Flood Risk Assessment proposes to set the internal floor levels of the dwellings at a safe level, that is 6 dwellings will have minimum of 10.75m AOD and 10 (including all bungalows) will have internal finished floor levels of 10.82m AOD. All floor levels are above the 1 in 1000 year flood event of 10.42m AOD. This will result in ground levels on the site increasing from its current levels of approx. 9.41m AOD to approx. 10.3m AOD and the finished floor levels of the unit 16 being at a level of 10.82m AOD. This will result in an increase in ground levels in the worst case scenario increasing by 900m AOD from the existing situation. The internal finished floor levels of the dwellings would then sit a further 500mm above the proposed ground levels. There was some concern initially that the development would result in having the appearance of an isolated elevated island compared to the surrounding existing levels. However sections across the site to show these relative increases have been submitted. The submitted sections do show the differences in the levels of the proposed site compared to the surrounding land, the most visually significant element of which would be that relative to Main Street. However, given the distance of set back from the road, this relative increase appears able to be relatively easily assimilated into the streetscene without resulting in an odd visual appearance. It is considered that this is less easily assimilated where development is situated closer to the proposed boundaries of the site to the north, south and east. However, the submitted sections show these relationships.

The Flood Risk Assessment confirms no compensatory flood storage is required to be provided and recommends that there is a Flood Warning and Evacuation Plans put in place for all residents as well as a detailed drainage design scheme, both of which can be conditioned.

The LLFA raise no objection to the scheme subject to the inclusion of a condition that prevents development commencing until a detailed surface water design and strategy is approved.

In summary, given the availability of a small piece of land to the extreme north of North Muskhams that sits within Flood Zone 1, the proposed site fails the Sequential Test when assessed against both the District wide and local level. However, the development can be made safe for its lifetime when conditions suggested by consultees are imposed. The failing of the Sequential Test needs to be carefully weighed in the balance, as set out in the conclusion of this report below.

Impact on Ecology

CP12 states that applications should seek to conserve and enhance the biodiversity and geological diversity of the district and sets out a number of expectations. DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network both on and off-site.

An Ecological Appraisal accompanies the application which concludes that subject to conditions, ecology is not a constraint to the site's development.

Five non-statutory designated local wildlife sites are within 500m of the site; none of the five sites are considered to impact upon the proposals given the distances involved and the relatively small scale nature of the development. Other habitats were considered to be of negligible value to wildlife.

The majority of the site comprised intensively planted maize largely devoid of other flora species. The planting of three new hedgerows along three of the site boundaries will ameliorate the loss of the existing hedgerow along the site frontage. However, biodiversity gains will result and this will increase the quality and extent of new hedgerow. The existing hedgerow along the site frontage is reported to be of low conservation value which is largely due to the low diversity of flora species and poor physical structure.

The site was surveyed for evidence of protected species and no evidence of badgers nor bats were found. The site is unable to support reptiles and impacts on Great Crested Newts is also considered to be low, although the hedgerow presents some potential to support foraging bats and commuting reptiles. It was concluded that the site has some limited potential for nesting birds.

In conclusion, I concur that the proposal should not be resisted on ecology grounds and conditions could be imposed to control the recommendations contained within section 4.21 of the Ecology Report, sensitive lighting (4.24), that no removal of vegetation is undertaken during bird breeding season as per section 4.34 and to secure biodiversity enhancements (planting, bird, bat and hedgehog boxes) as per section 4.37. Subject to appropriately worded conditions I conclude the scheme would accord with CP12 of the Core Strategy and Policy DM7 of the DPD.

Impacts on Local Infrastructure (including Viability)

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. The policies state that this infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

Certainly the Council's SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

In this case, a scheme of 75% affordable housing provision will be exempt from paying CIL on the basis of the social housing exemption provisions, however, the 4 market units will be CIL liable.

During the consideration of this application, there have been negotiations in relation to S106 developer contributions and viability issues. The applicant's position is to provide 75% affordable housing through a registered provider and to not provide any additional S106 developer contributions.

Based on the SPD I have set out below what the normal expectation for contributions would be (this is also summarise in the table below). The SPD also states that there is no discount for education contributions on developments that are solely or wholly for affordable/social housing, as evidence shows that these can reasonably be expected to generate at least as many children as private housing.

Affordable Housing

As detailed the emerging Amended Core Policy 1, for schemes of 11 or more dwellings, on-site affordable housing is expected with a tenure mix of 60% social rented/affordable rented and 40% affordable home ownership products.

A regular development of 11 or more houses would be expected to provide 30% on site affordable housing is required as per CP1. For 16 dwellings this would equate to 4 on site dwellings being 2 for social rent and 2 for affordable home ownership products. However the site is being promoted as a rural affordable exception site and is seeking to provide 75% on site affordable housing. The offer would therefore equate to 5 x social rent and 7 x affordable home ownership products. The scheme thus exceeds the affordable housing contribution in this case by 3 social rented dwellings and 5 affordable home ownership dwellings.

Public Open Space

For applications of 10 dwellings or more, provision of public open space for children and young people is expected at a rate of 18m² per dwelling. In this case 16 (dwellings) x 18m² would be expected equating to 288m².

Given the shape and size of the site and the relatively low numbers of dwellings proposed, one would not normally expect to see the provision of this on such a small site which was also

acknowledged by the Council's Parks and Amenities Manager who advised that the requirement may thus be best met through the payment of an off-site commuted sum towards provision/improvement and maintenance of the existing play facilities on the Nelson Lane playing field, which lies less than 400m away from the development.

However the revised plan shows the provision of a modest communal area of open space at the frontage of the site. This would provide a level of amenity open space that residents would benefit from and overall I consider that this broadly accords with the policy. Treatment of this area would be a matter that can be controlled through either condition or a S106 Agreement. This would be maintained in the future by the Registered Provider (NCHA).

Community Facilities

For developments of 10 or more dwellings, where schemes would lead to an increased burden on existing community facilities, a contribution may be sought which is based on £1,181.25 per dwelling (indexed at 2016) in line with the Council's SPD.

Education

The County Council have set out that a development of 10 dwellings would generate three primary school places and have set out that the existing primary school (in North Muskham) can accommodate this requirement.

Developer Contribution Requirement	Expected based on SPD for a scheme of 10 dwellings	Offer
Affordable Housing 30% on site	4 affordable housing units on site (2 social rent; 2 intermediate product).	75% affordable housing Represents an additional 3 social rent and 5 intermediate product over and above what would ordinarily be expected.
Primary Education The development would yield 3 primary school places capacity at existing school	None – capacity for 3 spaces at North Muskham primary school	None
Public Open Space (provision and management/maintenance) Children's and Young People Space of 18m ² per dwelling or Off-site contribution	Provision of 288m ² of open space on site; or £927.26 per dwelling for provision (£14836.16) and £1031.30 for maintenance (£16,496) totaling £31,332.16	C510m ² of grassed communal area
Community Facilities £1181.25 per dwelling where justification is made	£1,181.25 per dwelling (which would equate to £18,900)	None

Total Development Contribution Requirement for Scheme is therefore 4 affordable units plus £50,232.16 towards other infrastructure as set out above.

Allotments

Whilst the provision of the land to the rear of the houses could be seen as additional community infrastructure, in planning terms, allotments fall within the same Use Class as agricultural land and therefore as such is not development that requires planning permission. Whilst it might be seen as a community asset, the LPA cannot give weight to it in decision making and has no ability to control it through any condition under this application. NCHA have confirmed out of interest that:-

- NCHA does not want to take ownership of the allotment land
- NCHA's legal purchase agreement will give the Parish Council 3 years to communicate to the landowner if/when the Parish Council wishes to acquire ownership of the allotment land to be gifted at nil value.
- The Parish Council is to give the landowner 6 months notice of its above intention.

Viability

The developers have put forward a case that this 75% affordable housing and 25% open market housing scheme cannot support any other developer contributions. In support of this assertion a viability appraisal has been submitted adopted the HCA Toolkit method.

It is clear from the information submitted that this scheme is relying heavily on HCA Grant monies of £247k. It is clear that the grant money would be ring fenced solely for the provision of affordable housing and would not be available to form a contribution towards any other S106 requirement.

In any event the viability appraisal has been independently assessed and the advice received is that the scheme based on up-to date build cost rates is in negative viability. This is on both the 100% affordable housing scheme where the deficit is -£178,907 as well as on the amended proposal for 75% affordable and 25% open market scheme where the deficit is -£10,361. Whilst I do not seek to challenge the viability conclusions the proposal falls short of the policy requirement to secure the required level of contributions towards children's open space and community facilities. This is a negative of the scheme and needs to be weighed in the planning balance.

Other Matters

Comments received regarding the limited services within the village and the relocation of young people away from Newark with its readily available employment opportunities, transport and amenities are noted. I am mindful that there is access to the sub regional centre of Newark and as previously commented the provision of much needed affordable housing with a local connection does weigh in favour of the development.

I note the comments received with regards to controlling the occupation of the proposed development. The material planning consideration in this instance would relate to a local connection, which would be controlled by the S106 Legal Agreement through a cascade approach.

Planning Balance and Conclusion

As detailed above, it is my role as an officer to offer a recommendation one way or the other. My professional view on a very similar scheme was fully set out as part of the Committee report for

16/01885/FULM. Although marginally different from the previously submitted scheme, my professional opinion is that the scheme remains acceptable, which is a matter of fact. That said, as an officer, I am required by statute to also have regard to any new material planning considerations. In this case I must now also balance:

1. The fact that a very similar scheme has been refused on three grounds by the Local Planning Authority and that at the time of writing such grounds have not been successfully challenged;
2. Whether the movement of Plots 14 to 16 further 1m to the south and additional tree planting along the northern and eastern boundaries of the site overcomes the first reason for refusal which identifies the development as harming the setting of the listed buildings;
3. Whether the alteration of the mix from 16 affordable units to 12 affordable units and 4 open market units now complies with the identified local housing need and overcomes the second reason for refusal which identifies the development as being inappropriate development in the open countryside;
4. Whether the alteration of the mix from 16 affordable units to 12 affordable units and 4 open market units now complies with the identified local housing need and overcomes the third reason for refusal which identifies the development as failing the Sequential Test and needing to be located within a lower flood risk area; and
5. Whether the outcome of points 2 to 4 listed above is determinative to such a degree that the overall planning balance changes.

In terms of point 2 above, which relates to the impact of the development on the setting of the two listed buildings, the Old Hall (Grade II) and the Parish Church (Grade I), I consider that the proposed level of changes to this scheme compared to that previously considered is minor. Whilst the submitted Heritage Supporting Statement comes to a conclusion that harm is at the lower end of less than substantial harm on the setting of the Old Hall and no harm at all to the setting of the Church, I accept that Members, who are the Local Planning Authority decision makers, are unlikely to change their position on this ground alone without a material change. One does, however, still need to weight any identified harm in an overall planning balance.

With regards to point 3 above, the amended mix now meets an identified a proven local need for 12 units. The additional 4 no, units are required by reason of cross-subsidy to make the scheme deliverable. Both emerging local plan policies and the recently published national guidance in the NPPF support the concept of allowing some market housing on rural exceptions sites to facilitate the affordable units provision.

With regards to point 4 above, given the acceptance that a proven local need for 12 affordable housing units has been successfully demonstrated, it is clear that in order to meet that local need that the development must be located within or on the edge of the local village where the local need has been identified.

As such, in order to assess this development against the Sequential Test, the level of flood risk on this site would need to be judged against the level of flood risk within the village, rather than on a District wide basis. It is acknowledged, as on the previous application that there is another site on the northern edge of the village that falls within Flood Zone 1 and 2 apparently coming forward to development. As such even on a village wide basis the development fails the Sequential Test. However this has to be considered against this quantum of development being required for its viability and deliverability, and which cannot afford to be split across two different sites in the village. Consideration also has to be given to the passage of time that has passed in order to get to

this stage with just one of the six initial possible sites. Notwithstanding the Sequential Test issue, the development can be made safe for its lifetime subject to raising of internal floor levels and other conditions relating to detailed drainage designs and flood warnings and evacuation plan.

All other material planning considerations in relation to the similar scheme on the previous application were considered to be acceptable by both officers and Members and I do not consider that there have been any other material changes that would alter this opinion in relation to this application.

I am therefore weighing 2 no. planning harms in an overall balance: 1. Heritage harm which the agent in part identifies as less than substantial for a scheme which differs from the scheme Members refused in terms of 1m difference in footprint and additional landscaping; and 2. Failure of a flood risk sequential test. The site is otherwise safe from flooding for its lifetime and has been promoted to get to this point for some considerable time.

In such a balance which is necessarily a very fine one, I can see how Members may be skeptical on the degree to which heritage harm identified has been addressed. There is a degree of heritage harm to offer statutory weight in a planning balance. That said, notable issues of need have been resolved and affordable housing provision meeting an identified need remains a significant material planning consideration. In the overall balance, and balancing specifically my professional view with the unchallenged reasons of members I conclude that a recommendation of approval remains justified. I am sure Members are in no doubt from the way this report is written that I could have equally as justifiably recommend refusal in this case.

RECOMMENDATION

Approve, subject to conditions to follow

BACKGROUND PAPERS

Application case file.

For further information, please contact Julia Lockwood on ext 5902.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb
Business Manager Growth and Regeneration

Committee Plan - 18/00597/FULM

