

PLANNING COMMITTEE – 7 AUGUST 2018

Application No:	17/01729/FULM	
Proposal:	Demolition of existing buildings and the erection of 43 retirement living apartments for the elderly including communal facilities, landscaping, car parking and ancillary development.	
Location:	Burton Joyce Car Centre, Old Main Road, Bulcote NG14 5GR	
Applicant:	McCarthy & Stone Retirement Lifestyles Ltd	
Registered:	22.09.2017	Target Date: 22.12.2017

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

The Site

The application site relates to a triangular parcel of land situated between Old Main Road and Nottingham Road. The site is surrounded by the Nottingham Derby Green Belt but lies with the part of Bulcote attached to Burton Joyce that is excluded from it and defined by a village envelope. The site is currently occupied by a large detached commercial building and large canopy roof currently in use as a hand car wash business. Immediately to the west of the site are 3 blocks of maisonettes with an associated garage block, to the south and north of the site are detached residential properties set back from the highway with landscaped frontages. Kingswood, a detached grade II listed property and associated detached grade II listed coach house is located 20m to the north of the site. A number of large mature trees line the northern boundary of the site and the levels of site gently rise towards north-eastern corner. The vast majority of the site is located within Flood Zone 2 and the boundary of the Bulcote Conservation Area lies 70m to the north-east.

Relevant Planning History

06/00731/OUTM - Proposed residential development. – Refused 04.08.2006.

09/01142/OUTM - Residential development of 16 No. dwellings (incorporating amenity open space) - approved 20.07.2011.

The Proposal

The current proposal seeks full planning permission for the erection of a single building comprising a total of 43 apartments for retirement living (the scheme is comprised of 22 one bed apartments and 21 two bed apartments).

Following negotiations with officers, the design of the proposed has been heavily amended in order to react to concerns expressed from the conservation section in relation to the potential

impact on the setting of heritage assets as well as the character and appearance of the wider locality.

The revised design has included recessed link sections, a range of roof lines and heights and 4 no. villa style frontages which are argued to positively address the Nottingham Road highway. The overall height of the proposed building has been reduced to two and a half storey (previously three storey elements were included in the design). The layout has been amended to a T-shape and re-positioned to include a greater set back from Nottingham Road. The external finish now includes a range of materials which include herringbone brickwork detailing, render finishes, timber detailing, exposed rafter ends and slate and pantile roofing. The recessed link sections of the building are set lower than the villa frontages at two storey in height and would have a darker external finish.

The proposed building would also include associated facilities such as a House Manager's Office and communal facilities such as a residents lounge. The scheme is submitted on the basis that occupation will be for over 60s for a single or eldest partner and a minimum age of 55 for a partner living in the same apartment.

The submitted Design and Access Statement (D&AS) confirms that there are 35 car parking spaces associated with the proposal. Vehicular and main pedestrian access comes via Old Main Road along the northern boundary of the site.

The proposal has been accompanied by a detailed landscaping scheme as well as a Design and Access Statement; Biodiversity Survey; Flood Risk Assessment; Heritage Assessment; Planning Statement; Statement of Community Involvement; Transport Statement and Arboricultural Impact Assessment.

Public Advertisement Procedure

Occupiers of Nineteen properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

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 6: Infrastructure for Growth

Spatial Policy 7: Sustainable Transport

Core Policy 1: Affordable Housing Provision

Core Policy 3: Housing Mix, Type and Density

Core Policy 6: Shaping our Employment Profile

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM1: Development within Settlements Central to Delivery the Spatial Strategy

Policy DM3: Developer Contributions and Planning Obligations

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

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 2014 including updates 2018
- Newark and Sherwood Amended Core Strategy DPD 2017

Consultations

Bulcote Parish Council – Comments received on the 21st March 2018

‘With reference to the planning consultation issued on 8th March 2018, the Bulcote Parish Council objects to the revised application for the same reasons as it gave to the original application.

Specifically to this latest application, the changes in the height of the buildings are too little to overcome the massing effect of the buildings and, hence, they are disproportionate. The building needs to be reduced to 2 storeys only.

The car parking provision is insufficient and, at least, 60 places would be needed. The developer claims that only one space for every two units is required and this is quite clearly nonsense. It may be so in some less affluent areas of the country but the Parish has an affluent population and a car for each resident is not unusual. Age does not preclude people from driving.

If insufficient car parking is permitted, this will lead to vehicles being parked on Old Main Road, which is a bus route with 4 buses per hour passing by, leading to congestion on that road. It should be remembered that, because of parked cars in the main street, the adjacent village of Lowdham was deprived of its through village bus service.’

Original comments received on 17 October 2017

Bulcote Parish Council is in support of developing this site in principle, but objects to the current proposals.

The massing and scale of the development, given its proximity to the A612 and the Bulcote Conservation Area, is totally out of proportion to its surroundings. This is compounded by the fact

that the ground floor level of the proposed three storey building is set one metre higher than the footpath along the A612.

The car parking provision is considered to be totally inadequate and whilst the developers seek to justify this we do not believe it takes account of the fact that 28 of the 44 apartments are two bedrooms. We consider there is a shortfall of some 15 spaces on the basis of occupancy alone and no provision for visitor parking. It is crucial that adequate parking is provided as the consequence of vehicles having to park on Old Main Road cannot be understated.

To amplify the above, the applicant claims that “typically” such residential retirement residences require only 0.8 parking spaces per unit. No evidence is presented to support this claim and it may well be appropriate for a residential home for frail or immobile people. However, the units proposed, some of which are two bedroomed, would indicate an affluent community well able to afford and drive a vehicle. The Corner Croft retirement complex in Thurgarton is perhaps an example on a smaller scale of what might be expected. Here there are 6 residences and at least 6 cars and the District Council will be aware of the problems which inadequate parking provision has caused there. The evidence is that the older generation do expect to be able to drive and many of them really do need their vehicles to get around. The evidence is that car usage is in excess of 0.8 per residence. The Planning Authority has typically required 1 ½ parking spaces per unit on new developments and, if that policy is applied to the present proposal, 66 spaces would be required.

In the Transport Statement it is implied that there will be a net reduction in traffic movements from the site. This may be so, although doubtful and it fails to address the fact that current access and egress from the site is via two entrances onto Nottingham Road the A612. All future traffic will be via a single entrance/exit onto Old Main Road. This will increase traffic flows through Burton Joyce and along a road that is prone to a significant number of parked vehicles.

Notwithstanding we believe that consideration should be given to an “in and out” facility on Old Main Road.

Surface water discharge from the site has been attenuated in accordance with current practice and limited to 5 l/s for a 1 in 100 year event. It is not clear where the surface water from the site currently drains, but the proposed discharge is to a drainage ditch on the opposite side of the A612 across third party land. The ownership of this ditch is not clear, but Bulcote has particular issues of riparian owners not maintaining drainage ditches. It is feared that a more severe event say 1 in 1000 years could cause flooding problems in parts of Bulcote.

The increased population from this development, given the age of the occupants, will place further pressures on Doctors surgeries in Burton Joyce. Whilst it may be argued that the development will free up housing by local residents downsizing; the net effect could be an influx of younger families that could place an even greater burden on local schools. Moreover this development in Bulcote cannot be considered in isolation, but should be viewed in relation to the proposed redevelopment of Bulcote Farm. The planning pressures on Bulcote are significant at present and given the lack of services and amenities within the village the question of sustainably must be considered.

NCC Highway Authority – Comments received on the 6th April 2018

‘Amended plan EM-2388-03-01-AC-003 Rev. A

The layout has been altered and the number of apartments reduced to 43 instead of 44, as originally proposed. The parking layout has not been amended.

The application site currently has two vehicular accesses onto the A612 Nottingham Road, which will be closed off and reinstated back to full kerb/verge. The existing access onto Old Main Road is also required to be closed off and reinstated back to verge.

The development is to be served by a new access from Old Main Road, approx. 35m to the west of the existing access. This is required to have a minimum width of 5.5m for a minimum distance of 5m behind the highway boundary, with a 6m radii, in accordance with the current Highway Design Guide (6C's). A new footway is to be provided to the west of the site to link with Shaftesbury Avenue.

There are no highway objections to this proposal subject to the following:

1. No part of the development hereby permitted shall be brought into use until the access to the site has been designed to have a minimum width of 5.5m for the first 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details. Reason: In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the existing 3 accesses that have been made redundant as a consequence of this consent are permanently closed and the accesses reinstated as verge/footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.'

Original comments received 11th December 2017

'This proposal is for the construction of 44 retirement living apartments specifically designed for the elderly, including communal facilities, following demolition of the existing building. One member of staff is proposed for the site.

The application site currently has two vehicular accesses onto the A612 Nottingham Road, which will be closed off and reinstated back to full kerb/verge. The existing access onto Old Main Road is also required to be closed off and reinstated back to verge.

The development is to be served by a new access from Old Main Road, approx. 35m to the west of the existing access. This is required to have a minimum width of 5.5m for a minimum distance of 5m behind the highway boundary, with a 6m radii, in accordance with the current Highway Design Guide (6C's). A new footway is to be provided to the east of the site to link with Shaftesbury Avenue.

There are 35 parking spaces proposed for the site. In view of the average age of the expected residents, this may be considered to be acceptable, however, it is recommended that a suitable condition be written to recommend occupation by residents over the age of say 65. Is this possible?

Suitable conditions to be considered:

1. No part of the development hereby permitted shall be brought into use until the access to the site has been designed to have a minimum width of 5.5m for the first 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.
2. No part of the development hereby permitted shall be brought into use until the existing accesses that have been made redundant as a consequence of this consent are permanently closed and the accesses reinstated as verge/footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
3. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than parking of vehicles.
4. No part of the development hereby permitted shall be occupied on any part of the application site unless or until the new footway to the west side of the site frontage to link with Shaftesbury Avenue has been provided as shown for indicative purposes on dwg. EM-2388-03-01-AC-003 to the satisfaction of the LPA.
5. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of obstruction, structures or erections exceeding 0.6m in height.

Notes to applicant

In order to carry out the off-site works required (reinstatement of 3 access points, footway provision and construction of new access) 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 (0115) 804 0015 for details.'

Environment Agency –

Comments received on the 15 March 2018

'I refer to the above application and the amended plans received on the 8 March 2018. I have no further comments to offer.'

Original Comments received on the 10 October 2017

'Historic contaminants relating to the former site use as a petrol filling station have been identified within groundwater as a potential risk to controlled waters. Groundwater flow was assessed as being to the southeast in the general direction of the public groundwater abstraction. Therefore

supplementary site investigation and risk assessment is proposed to be undertaken at the site in relation to controlled waters. Best practice should be observed during these works to avoid the creation of preferential pathways for contaminants that might impact the public groundwater water supply abstraction or controlled waters.

A site specific piling risk assessment will also be required to be undertaken ensure that no creation of preferential pathways occurs during the piling works.

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition 1

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Therefore a piling risk assessment will be required to be submitted in relation to the proposed development.

Reason 1

Piling or any other foundation using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

Condition 2

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation scheme, based on the information submitted in the 'Site Investigation Report No. CCL02871.CB73-R1 Dated September 2016' to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason 2

To ensure the protection of controlled waters.

Condition 3

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason 3

To ensure the protection of controlled waters.

Condition 4

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason 4

To ensure protection of controlled waters.

Advice to the Applicant – Piling

Where deep foundations are proposed we recommend the developer follows the guidance set out within our document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' which is available on our website at the following address:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

Informative

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause

pollution

- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at www.environment-agency.gov.uk for further guidance.
- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information.'

Trent Valley Internal Drainage Board – No objections. Comments as follows;

'The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment.

There are no Board maintained watercourses in close proximity to the site.

Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority, Nottinghamshire County Council, is required for any proposed works or structures in any watercourse outside those designated main rivers and Board Drainage Districts.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Boards District:

- Existing catchments and sub-catchments to be maintained.
- Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.'

Tree Officer –

Comments received on the 9 March 2018

The amended layout plan will result in increased pressure on trees on the north boundary . Proposed tree planting within proposed car parking areas are not ideal choices for hard surfaced areas, more drought tolerant species should be investigated as well as the use of structural cells and porous surfacing.

Recommended conditions:

1. No works or development shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include (include pertinent sections)

a. A plan showing details and positions of the ground protection areas.

b. Details and position of protection barriers.

c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.

d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).

e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

g. Details of any scaffolding erection within the root protection areas

h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

2. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

3. Prohibited activities

The following activities must not be carried out under any circumstances.

a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.

b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,

c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.

d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.

e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

4. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells

5. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 5 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reasons.

To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the site and wider area.'

Original comments received 13 October 2017

'The proposals are broadly acceptable.

There are some concerns that proposed units on the south west corner are within close proximity to adjacent trees which may cause future issues as they develop. Recommend any approval has conditions attached that relate to tree protection and landscaping:'

NSDC Planning Policy –

Comments received 4 June 2018

'The additional information is welcomed.

However having reflected on the matter I would return back to my previous comments. The generalised need for accommodation to meet the requirements of an ageing population is acknowledged. Nevertheless the requirements for self-contained housing units, such as those proposed here, fall within our 'Objectively Assessed Housing Need' (OAN) irrespective of whose needs they are intended to meet. The relevance to this proposal being that a range of allocations has been made capable of meeting this OAN, all of which are at lesser flood risk than the application site. From this perspective the Council possesses a five year land supply and strategy which can deliver its wider requirements over the plan period. Whilst these requirements do not represent upper limits and additional development would be supported, where policy compliant, this should not include a windfall site which is subject to flood risk. In my view this represents sufficient basis to resist the proposal.

Whilst I emphasise that I do not consider the site as currently capable of demonstrating its sequential suitability, the following observations on the revised sequential exercise are nevertheless offered. Again I provide no view on the merits of the 'needs assessment' undertaken but this should not be taken to mean that I accept its findings, and depending on how you proceed with the application it may be worth obtaining independent expert review.

In terms of the scheme criteria identified, although I appreciate the new detail I'm still of the opinion that those concerning access the shopping facilities and site area have been set and then applied in far too prescriptive a way. Dealing first with the need to be within 800m-1km of a shopping area with a sufficient range of uses to meet weekly shopping needs. The principle of this characteristic in general terms is not queried, however I would argue against the setting of a rigid threshold (1km). There are significant problems with doing so, for instance does a distance of 1,100m really represent an unacceptable level of access? If the threshold were to be accepted, then how should it be measured? Is it the distance to the defined centre which is being measured, or the actual facility? Should it be taken from the centre of the site, or its closest point to the centre/facilities? As the crow flies, or the most direct route which a pedestrian could take? I would also query whether a number of the sites discounted on this basis do actually fall beyond the 800m-1km threshold in any event. Notwithstanding this I do not consider that the rigid application of a 1km threshold provides an appropriate approximation for judging access to shopping facilities, and would suggest that greater nuance and pragmatism is necessary for the test to be applied in a way which is likely to lead to genuine conclusions being drawn over the availability of sequentially preferable alternatives. It should not be forgotten that the settlements central to the spatial strategy represent the most sustainable locations for growth in the District, with housing allocations having been made in part due to the access to facilities.

The revised test hasn't really articulated why, as per my earlier comments, the possibility of securing a 0.4– 0.6ha parcel from a larger site shouldn't be considered, in particular from one of the numerous site allocations. I have previously identified 3 such examples where such an approach has been adopted for similar uses in the District. No evidence of any approach having been made to landowners has been provided, and I'm firmly of the view that such an expression of potential interest could have the potential to drive the early delivery of a site.

I would also disagree with the discounting of Newark Urban Area, on the basis that there is already an extant consent for a McCarthy and Stone facility. I am aware of other examples where two McCarthy and Stone homes operate in close proximity to one another, one relatively local instance being the two recent developments off Wilford Lane, West Bridgford. Newark Urban Area is the largest concentration of population within the District (including Newark, Balderton and Fernwood) and possesses 3 strategic urban extensions which will drive growth in the area – I am therefore unconvinced over the reasoning for its discounting.'

Comments received 4 April 2018:

Burton Joyce Car Centre Proposal (17/01729/FULM) – Sequential Test Note

Whilst the submission of additional information around the flood risk sequential test is welcomed there are, in my view, fundamental flaws with the exercise undertaken.

Methodology

The generalised need for accommodation to meet the requirements of an ageing population is acknowledged. Nevertheless the requirements for self-contained housing units, such as those proposed here, fall within our 'Objectively Assessed Housing Need' (OAN) irrespective of whose needs they are intended to meet. The relevance to this proposal being that a range of allocations has been made capable of meeting this OAN, all of which are at lesser flood risk than the application site.

Search Area

The way the search area has been defined (section 4.2) is based on a District-wide assessment which is argued to demonstrate a significant need for this form of accommodation. It is then argued that 'on the basis of this level of need it could be argued that to meet the need for Bulcote and its immediate surroundings the area of search could be focussed within just this settlement'. Nevertheless the applicant has however taken a wider view and extended the areas of search to the south-eastern part of the District.

I do not offer any comment on the needs report aside from pointing out that it is a District-wide assessment, and so the 'need' identified doesn't necessarily translate into reasons why provision ought to specifically occur in Bulcote. The establishing of a level of need and the issue of how that need ought to be met are two distinct matters. It is through the Development Plan where decisions over how needs should be met are made. It doesn't follow that a need arising in any particular given location should necessarily be met there (or indeed in the vicinity). Particularly if doing so would firstly be unacceptable in planning policy terms or secondly there are an absence of suitable sites.

It is important that any sequential exercise has appropriate regard to the relevant objectives and provisions of the Development Plan, in addition to any valid functional requirements of the proposed development. The assessment carried out has had no such regard; there is no mention of the Development Plan at all. As per my earlier comments it would be reasonable to accept that the proposed development would have a functional requirement to be located in a sustainable location where residents would have good access to facilities, services and public transport connectivity. This overlaps neatly with relevant objectives of the Local Plan, which would seek to direct this form of development to locations within the Main Built-up Areas of those 'settlements central to the delivery of the spatial strategy'(i.e. those down to the 'Principal Village' level of the Settlement Hierarchy), in line with Policy DM1. In addition FNP6 of Farnsfield Neighbourhood Plan ('made' on the 28th September 2017) provides support, where there is insufficient land available within the main built up area, for land adjacent to the settlement boundary to be brought forward to meet the need for older persons care (under the C2 use class). Notwithstanding the reference to C2 use it may be that the Parish Council would adopt a pragmatic stance and provide support for a C3 scheme which provided a similar outcome – this is something which could be explored.

On this basis I therefore originally recommended that beyond the part of Bulcote joined to Burton Joyce (which I accepted as a suitable location for this form of development) locations within the main built up area of the Sub-Regional Centre, Service Centres and Principal Villages, in addition to areas adjoining the settlement boundary of Farnsfield represented the appropriate geographic extent for the test. This remains my view, and I am unconvinced why the area of search should be restricted to the south-eastern part of the District.

In addition the part of Bulcote in question is physically connected to Burton Joyce – and that settlement appears sustainable, possessing a range of services and facilities etc. The applicant should therefore also consider potential alternative sites beyond the District's administrative boundary, within Burton Joyce.

Scheme Criteria

The applicant has suggested that a suitable site area would fall within the range 0.4ha – 0.6ha, due to various requirements. I see no reason to dispute this *per se*, but do hold significant concerns

over how this requirement has then been integrated into the site search. The assumption being that the site in its entirety has to fall within this range, with no consideration being given to the possibility of securing a 0.4 – 0.6 ha parcel from a larger site, in particular one of the numerous site allocations made through the Development Plan. There are at least three examples I'm aware of where such an approach has been adopted to similar uses within the District –

1) NUA/MU/4 (Land at Bowbridge Road, Newark) – the site allocation originally anticipated delivery of around 115 dwellings and a new leisure centre. The leisure centre was delivered first and subsequently the Gladstone House extra care scheme incorporating 60 flats (falling within the C3 use class) has been built out on part of the remainder of the site, leaving a residual element for further housing in the future;

2) Co/MU/1 (Land in between Swinderby Road and Station Road, Collingham) – the site allocation anticipated around 80 dwellings and 0.75 ha of employment land. There was also additional 'reserved land' on which the potential for C2 development not able to be incorporated within the allocation would be considered. This site now benefits from extant outline consent for up to 80 dwellings, up to 0.75 ha employment land and 60 C2 class extra care units. With reserved matters now agreed for phases 3a and 3b of the development – this doesn't include the extra care element.

3) So/Ho/2 (Land south of Halloughton Road, Southwell) – site allocated for around 45 dwellings. Site now covered by a resolution to grant outline consent for 38 dwellings and 12 supported living units.

I would not necessarily disagree with the functional requirements identified at para 4.3.2, although some clarification over precisely what 'a defined shopping area' means would be helpful. If this is taken to mean a defined centre within our Hierarchy of Centres (Core Policy 8) then that would appear appropriate.

My issue is therefore with how these 3 limited criteria have been transferred into the assessment of sites in Section 4.4. It appears that the criterion of being 'within 1km of a defined shopping area and close to doctors' has been applied in a way which dismisses settlements which have a both defined centre and a doctors surgery. Even on its own terms the assessment is therefore frequently inaccurate. This has been done on the basis that those locations have an insufficient range of facilities; however at no point does the assessment define exactly what range is necessary. Realistically I struggle to see what this would include beyond those features that the larger discounted locations possess (Farnsfield for example). These locations are also defined as Service Centres and Principal Villages through Spatial Policy 1. Their discounting appears to be a somewhat strange decision, given that they are 'settlements central to the delivery of the spatial strategy' - acting as a focus for housing growth and have had numerous site allocations made within them.

Finally Newark Urban Area (Newark, Balderton and Fernwood), defined as the Sub-Regional Centre, has not been included at all. The size and status of the settlement within the District's settlement hierarchy makes this a notable omission. Again I would need to understand the rationale behind this.

To be considered a robust sequential assessment the above flaws would need to be addressed, or alternatively compelling justification provided in support of the approach followed.

Source of Sites

The final criticism I would wish to raise is over the source of sites from which the assessment has drawn. This is restricted to the Strategic Housing Land Availability Assessment, which in any event is an old assessment. The Strategic Housing and Employment Land Assessment (2017) is the most up-to-date record of potentially available land within the District. Nevertheless I would suggest that housing and mixed-use allocations, which include housing, should also form a source of sites (although clearly there will be some overlap here between allocated sites and the SHELA). These are locations where the principal of a C3 use has been established through the allocation of the site.

Conclusion

Whilst the submission of the additional information is welcomed I have nevertheless identified a range of fundamental issues with how the sequential test has been approached, and sought to be demonstrated as passed. These issues undermine the robustness of the exercise undertaken and do not allow me to reach the conclusion that there are no alternative sites suitable for the proposed development at lesser flood risk. Without remedy this would represent sufficient reason for the proposal to be resisted.

Original comments received on the 27 October 2018

Principle of development

Through Spatial Policy 4B 'Green Belt Development' new housing development within the part of Bulcote attached to Burton Joyce is supported. The proposal concerns retirement living apartments which have the features necessary for independent self-contained occupation (i.e. their own kitchen, bathroom etc.). On this basis I'm comfortable that the proposed development can be recognised as 'housing' for the purposes of SP4B. Importantly furthermore given their nature the 44 apartments can also be counted towards the five year housing land supply, and so contribute towards the maintenance of our housing supply position. The proposal would also facilitate the redevelopment of a prominent brownfield site as well as older persons downsizing to smaller properties, creating movement within the existing housing stock (although without some form of local connection applied to the sale of the properties this may not exclusively benefit Newark & Sherwood District). Nevertheless whilst the principle of development is favourable it is still important that the detail is acceptable, and there is the not insignificant matter of passing the flood risk sequential test (see below).

Flood Risk

The vast majority of the site is located within Flood Zone 2. As per the Planning Practice Guidance (PPG), the aim of the Sequential Test is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, then the flood risk vulnerability of the proposal should be taken into account and reasonably available sites in Flood Zone 2 considered, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required. This approach is reflected in that of Core Policy 10 and Policy DM5.

According to Table 2 'Flood Risk Vulnerability Classification' of the PPG (Paragraph: 066, Reference ID: 7-066-20140306) the proposed development would be defined as 'more vulnerable' in flood risk terms. In terms of its flood zone compatibility Table 3 'Flood risk vulnerability and flood zone 'compatibility' of the PPG (Paragraph: 067, Reference ID: 7-067-20140306) defines the development as suitable for Flood Zones 1 and 2. The Exceptions Test would be required to justify development within Zone 3A, with Zone 3B deemed as inappropriate and a location where this form of development should not be permitted.

Following the stages in the Environment Agency guidance ('Demonstrating the flood risk Sequential Test for Planning Applications') the first stage would allow for the test to be passed where the site has been allocated for the proposed use, and so the sequential test carried out through the Development Plan process, and is appropriate in flood risk vulnerability terms. This is however clearly not the case here.

Stage 2 establishes the geographic area over which to apply the test and it is recommended that this occurs at the District-wide level, unless a lesser area is justified by the functional requirements of the development or relevant objectives in the Local Plan. In my view it would be reasonable to accept that the proposed development would have a functional requirement to be located in a sustainable location where residents would have good access to facilities, services and public transport connectivity. This overlaps neatly with relevant objectives of the Local Plan, which would seek to direct this form of development to locations within the Main Built-up Areas of those 'settlements central to the delivery of the spatial strategy' (i.e. those down to the 'Principal Village' level of the Settlement Hierarchy), in line with Policy DM1. In addition FNP6 of Farnsfield Neighbourhood Plan ('made' on the 28th September 2017) provides support, where there is insufficient land available within the main built up area, for land adjacent to the settlement boundary to be brought forward to meet the need for older persons care (under the C2 use class). I would therefore recommend that locations within the main built up area of the Sub-Regional Centre, Service Centres and Principal Villages, in addition to areas adjoining the settlement boundary of Farnsfield represent the appropriate geographic extent for the test.

The next element of Stage 2 is to identify the source of reasonably available sites. These should be sites which are suitable, developable and deliverable, and in my view this ought to include the following-

- Housing and mixed use allocations which incorporate housing as part of the mix. This is considered reasonable given that the proposed development constitutes independent self-contained apartments, capable of contributing towards our five year housing land supply. The proposal would, in principle, constitute an appropriate use on these kinds of allocations, either as part of a broader mix or indeed in lieu of traditional housing. For example the permission gained on the allocation Co/MU/1 includes an element of C2 development;
- Unidentified windfall opportunity sites consistent with the geographic parameters above; and
- Sites identified within the Strategic Housing and Employment Assessment, which again meet the geographic requirements outlined above.

The third stage is to then apply the test and establish, regardless of the flood risk vulnerability of the proposed development, whether there are any reasonable and available sites in Flood Zone 1. In this respect it is only really necessary to consider the first source of sites (housing and mixed use allocations which incorporate housing as part of the mix) to identify the existence of numerous

reasonably available sites at lesser flood risk than the application site. On this basis the only conclusion which can be reasonably reached is that the proposal is unable to satisfy the sequential test. Following this through to its natural conclusion national policy is very clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Notwithstanding this I will proceed to consider other aspects of the scheme through my remaining comments below.

Housing Mix and Type

Our Strategic Housing Market Assessment (SHMA) establishes that an increase in the number of people over 65 prompts the need for additional levels of care and support, as well as the provision of specialist accommodation. Similar findings are evident through the Housing Needs and Market Study (2014). The desire to meet this need is reflected in the approach of Core Policy 3 (CP3), including in its amended form emerging through the review of the Core Strategy. In this respect the provisions of CP3 recognise that securing housing for the elderly will contribute towards the housing needs of the District being met. Clearly in broad terms the proposal is consistent with this objective; however it is important that we are also content that the mix of unit types and tenure within the scheme is appropriate. The scheme is split between one (x16) and two (x28) bed units, with the balance being towards the larger dwelling type (64% of the scheme).

Given that the majority of older person households consist of either 1 or 2 persons the units would appear appropriate in general terms. With respect to the balance between units no supporting evidence has been provided by the applicant, though I am mindful they have raised viability concerns and so would presumably argue any alternative mix as unviable (I return to the matter of viability later in my comments). There is no localised housing needs information specific to older persons and no such information was recorded at the sub-area level through the Housing Needs and Market Study (2014). The Study does however include information at the District-level, which indicates that the size requirements of existing older person households planning a move are orientated towards 2 bed units (59.7%). The proportion of 2 bed units is broadly consistent with this and so on balance I would be comfortable with the mix as proposed.

Planning Obligations

As a matter of principle I do not see any reason why market sector retirement apartments, capable of independent self-contained accommodation, cannot be subject to the same affordable housing contributions as qualifying traditional market housing schemes. Particularly given the reasonable assumption that there will be a need for social housing and affordable tenancies within the elderly population. I would therefore suggest that the requirements of Core Policy 1 ought to be applicable in this instance. I am however sympathetic to the argument in favour of offsite provision through the collection of a commuted sum, given the form of housing proposed and the model of the applicant. Beyond affordable housing whilst older persons housing may not prompt the range of potentially applicable developer contributions that traditional housing would, those relating to community facilities, health, libraries, open space and transport could represent potentially appropriate areas.

The applicant has submitted a viability assessment, recommending that the residual site value does not exceed the Benchmark Land Value of the property, and so the scheme would be unable to withstand any package of planning obligations. This is largely attributable to the significant hope value from the now lapsed residential consent. However the application site is within Flood Zone 2 and so any future proposal for residential development would need to satisfy the

sequential test. We have allocated a wide range of housing and mixed use allocations sufficient to more than meet our housing requirements. There is therefore a plentiful supply of reasonably available sites at lesser flood risk than the application site. Consequently the prospects of any future residential development application being able to satisfy the sequential test are extremely limited, and so the assumed hope value is simply not realistic.

Policy DM3 highlights the importance of planning applications including appropriate infrastructure provision. Accordingly where a scheme proposes that no planning obligations can be provided it is important that this is supported by a robust viability appraisal, and I question whether this is the case. Given the importance of this matter and its fundamental contribution towards the promotion of sustainable development it may be worthwhile seeking independent advice over the veracity of the applicant's assessment. Should the position of the applicant prove to not be credible or robust then this ought to weigh heavily against the proposal, and in my view is sufficient to tip the balance away from positive determination on this basis alone.

Conclusion

Whilst the principle of development is acceptable and there are aspects which weigh in favour of the proposal it has nevertheless been unable to satisfy the flood risk sequential test, and I have severe concerns with respect to the approach to planning obligations. Consequently significant material considerations would need to be present in order for the application to be determined positively.

NSDC Emergency Planner and CCTV –

'I am not qualified to provide comments providing support or non-support of this application and my comments are for the planning team to take under consideration only.

I have noted the flood risk assessment and maps highlighting the proposed site being in a flood zone 2. As per the FRA the Environment Agency and Severn Trent Water have already been consulted on this matter. As per section 4.1 a number of recommendations have been made to prepare the development for a flooding eventuality. Given the target audience for the development, it would be prudent for those measures to meet the lifespan of the property taking cognisance of persons who may reside there at any time in the future and variables surrounding the RA (e.g. vulnerability/disability/age etc.)

I have not had sight of a specific emergency/evacuation plan for the proposed site. As per the National Planning Policy Framework (NPPF) I would draw attention to Section 3 highlighting emergency/evacuation plans; Developers are advised to have flood emergency plans in place for developments in flood risk areas to ensure that evacuation and flood response procedures for the development are documented and agreed. These plans should include:

- Aims and objectives of the plan
- Maps showing development and flood risk areas, including depth and velocity of flooding
- Evacuation or containment procedures, including evacuation routes
- Flood warnings (EA Flood Warning Service) and identification of local flood warden.
- Safe refuge information
- Identification of vulnerable residents
- Utility services

- Procedures (including details of any stores containing flood defences e.g. sandbags)
- Emergency contact information
- Media information e.g. local radio stations and warning processes for residents.

I would also highlight the following:

New developments in flood risk areas **must not** increase the burden on emergency services.

New developments **must have** access and egress routes that allow residents to safely exit their property during flood conditions. This includes vehicular access to allow the emergency services to safely reach the development during flood conditions. However, I do note that the relevant FRA deems that the proposed site would provide for dry access and egress in a flooding eventuality.'

NSDC Strategic Housing –

'The comments below are to be considered alongside comments provided by the Strategic Housing Business Unit on the 15th December, 2017.

Housing Need

The comments provided in the response of 15th December detailed the evidence available that establishes the need for the provision for specialist accommodation. The evidence base at a district level is provided through the DCA Housing Market and Needs Study (2014) and estimates that the requirements are orientated towards smaller one and two bedroom dwellings. In this location it would be usual to undertake a parish housing needs survey to determine the type, size and tenure of need and demand. No evidence of need at a parish level has been provided and the balance between one and two bedroom provision should be linked to affordability in the local area.

Affordable Housing Contribution

Core Policy 1 seeks a 30% provision on all suitable sites. In this instance the on-site requirement is for 13 dwellings. The Council's policy recognises that in some instances on-site affordable housing provision is not appropriate and in this instance I consider there may be a case in this instance. The policy allows for a commuted sum payment in lieu of on-site provision and I can see no valid reason why this should not apply.

The applicant has submitted a viability assessment recommending that the residual site value does not exceed the Benchmark land value of the property, and so the scheme would be unable to provide any of the required planning obligations. This is, in the main, due to the significant hope value from the lapsed planning consent on the site. It is my opinion that this is unacceptable and I question the expertise in providing a defensible assessment.

The Council is able to seek a commuted sum in the region of £1.1m based on 13 units with a market value of £200k per property. The Council's policy also makes reference to the increase of market properties on a site resulting in a calculation that allows for 3 affordable dwellings for every 7 provided on site. This would provide a calculation based on 18 dwellings resulting in a commuted sum of £1,520,00.00.

Conclusion

In principle the proposed scheme should be subject to the same affordable housing contributions as policy determined qualifying market housing schemes, particularly given the affordable housing need for older people across the district. Support for the scheme is subject to the provision of a commuted sum payment only.'

Original comments received on the 15th December 2017

'The proposed scheme of 44 dwellings would under the Council's current policy provide 13 units of on-site affordable housing. However, these may prove an unsatisfactory option for a Registered Provider and there is the possibility of securing a commuted sum in lieu of on-site provision. This needs to be considered along the issue of viability and it is recommended that the applicant consult with the Council's Strategic Housing Business Unit.

Housing Policy applicable to the Proposal

The District Council's Core Strategy (2011), Core Policy 1 (CP1), seeks to secure 30% affordable housing provision as defined in national planning policy (National Planning Policy Framework 2012) on all new housing development proposals on qualifying sites. The requirement on the proposed site (Burton Joyce Car Centre) is 13 affordable homes (out of a total of 44 proposed dwellings) providing a 30% contribution. (The threshold for the Bulcote area is 10 units and above and the site size is 0.2 and above). Therefore the proposal meets the threshold for delivering affordable housing.

CP1 further seeks to secure a tenure mix of affordable housing to reflect local housing need and proposes that 60% of the affordable housing contribution should be a social/affordable rented tenure and 40% should be Intermediate housing (usually shared ownership). The proposal is for 44 retirement homes. Discussions with the Council's Strategic Housing Business Unit is recommended to ascertain the likelihood of a Registered Provider seeking the on-site affordable housing on this scheme. If this is not a suitable site for an RP then the Council will seek a commuted sum payment in lieu of on-site delivery. It might also be the case that the sites close proximity to Burton Joyce means dialogue between the Council and Gedling Borough Council needs to be carried out to establish if housing need crosses the district boundaries.

Housing Need

The application site is located within the village of Bulcote but adjacent to Burton Joyce which is defined as an 'other village' (and not a Principal Village) in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. Development within these areas need to be considered against Spatial Policy 3 (SP3) which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages. It goes on to say that beyond Principal Villages, proposals for new development will be considered against five criteria; location, scale, need, impact and character.

The Council undertook a district wide housing market and needs assessment in 2014. The village of Bulcote forms part of the Nottingham Fringe Sub-area and therefore the figures are only indicative and does not demonstrate a local housing need. The results suggest that there may be demand for one and two bedroom homes and I attach a summary at the end of this document. The Council's housing register indicates a demand for affordable housing for older people's accommodation and for small dwellings (2 bedrooms). (see attachment).

Conclusion

Due to the nature of the application for a retirement home, it is difficult to identify a local preference or demand for this type of housing in this location. The DCA survey indicates a need for older people's accommodation in general but in the absence of a Parish Housing Needs survey I would defer to the planning officer to decide how much weight is to be given to the application based on need.'

NSDC Parks and Amenities – 'As it's a retirement scheme I wouldn't be looking for any children's play provision and I assume amenity open space and natural and semi-natural green space can be provided on site. So no financial contributions required.'

NSDC Community Facilities – the starting point for a Community Facilities contribution would be £1,384.07 based at 2016 price plus indexation as appropriate so £60,899.08 plus uplift and in theory the figures should be reviewed again to determine whether they need adjusting. Although the proposal includes communal facilities this would appear to be a large lounge/social area for the exclusive use of residents so I would suggest that a contribution is appropriate.

NSDC Environmental Health (contamination) –

Comments received 9th March 2018

It would appear that no further documentation has been submitted since my previous comments (dated 29.09.17) relating to the contaminated land site investigation. I would therefore refer back to my earlier comments in response to this latest consultation (copied below).

Original comments received 29th September 2017

'I have now had the opportunity to review the Site Investigation Report submitted by Crossfield Consulting (dated September 2016) in support of the above planning application. This document provides a detailed account of the sites environmental and historical setting and defines an appropriate conceptual site model. Following intrusive sampling, some elevated contaminants have been identified. The report then goes on to discuss various remedial options as a result.

I concur with the reports recommendation for a scope of additional investigative sampling once the buildings have been demolished and tanks have been lifted. Furthermore I would expect validation of tank voids once removed.

I will await the completion of the further exploratory works discussed above before commenting further on the suitability for the new use and any remediation measures.

In the meantime I would recommend the use of our full phased contamination condition.'

NSDC Environmental Health – ‘Demolition of existing buildings and the erection of 44 retirement living apartments for the elderly including communal facilities, landscaping, car parking and ancillary development.

I refer to the above planning application and have had the opportunity to look at the plans and noise impact assessment dated the 31st August 2017. I would recommend if approved the development should be constructed in accordance with the recommendations set out at point 6.3 of the assessment. Namely that provision is made for acoustically rated glazing to habitable rooms. “Whole house” mechanical ventilation (MVHR) must also be provided to all habitable rooms.’

NSDC Access and Equalities Officer – As part of the considerations to access for all, with particular reference to access and facilities for disabled people, it is recommended that the developer’s attention be drawn to BS8300: 2009 Design of Buildings and their approaches to meet the needs of disabled people – Code of Practice – in addition to Approved Documents M and K of the Building Regulations which contains further useful information in this regard. In particular, inclusive access should be carefully considered where all users, including disabled people, can equally use the proposal and use its facilities.

Access to, into and within the proposal and from the edge of the site and car parking is required to be considered where carefully laid out provision for disabled motorists, whether members the public, visitors or staff, should be incorporated as close as feasible to the principal entrances of the building. Pedestrian approaches should be carefully designed to ensure that they provide a safe, barrier free level approach to the proposal from the edge of the site, as well as car parking, with dropped kerbs, appropriate tactile warnings and carefully designed road crossings etc. as applicable. Routes should be carefully designed so as to be smooth, level, non-slip, and barrier free and of sufficient width. Inclusive access around the site and to any external features and facilities should be carefully considered.

Access into and around the proposal together with provision of suitable accessible facilities and features should be carefully considered to ensure these are equally convenient to access and use. Easy access and manoeuvre for all, including wheelchair users, should be considered throughout.

It is recommended that the developer be mindful of Equality Act 2010 requirements. A separate enquiry should be made regarding Building Regulations matters.’

NSDC Conservation –

Most recent comments were provided on 11th June 2018 stating as follows:

‘I have reviewed the submitted visibility impact assessment which I consider to be an adequate response to the request for a more detailed heritage impact assessment. This is an essential requirement under the terms of Paragraph 128 of the NPPF, which states that the level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

With this in mind, Conservation has previously raised concerns about the impact of the proposal with regards to form, scale and massing, and the impact this would have on two adjacent Grade II listed heritage assets, as well as the approach to the Bulcote Conservation Area. The applicant has since submitted elevational drawings which have attempted to address the impact of the

proposal, most significantly by altering the massing and scale of the building at the link intervals between the primary three storey elements. These elevational drawings did not provide us with sufficient clarity to form an adequate judgement on the reduced impact by modifying the link buildings.

However the newly submitted visibility impact assessment has satisfied this requirement and Conservation does not object to the proposal in principle, and subject to submitted details. Across the front elevation, each of the amended link buildings would amount to a two storey range, with a blank roof plane and dark, neutral cladding, diminishing the singular volume that was present in the previous submission. This would significantly improve the massing and the proposal would relate more harmoniously to the architectural profile of the surrounding C19 and early C20 detached villas, each of which makes a positive contribution to the character of the area, most significantly the Grade II listed, Fothergill designed Kingswood.

The proposed building's varied composition of architectural details, including partly rendered facades, brickwork, mock timbers, and multiple gables asymmetrically arranged, relate well to the surrounding buildings designed in the arts & crafts style. While the scale of the building will still result in a negative impact on the surrounding designated heritage assets, Conservation no longer considers this harm to be sufficient to outweigh the perceived benefits of redeveloping this partly dilapidated site.

Should NSDC be minded to approve this application, it is considered essential to place strict conditions that require the submission of all materials to the local authority for approval, prior to the commencement of work. The quality of the detailing, particularly of the link elements to the new building, would need to be executed to a very high quality to ensure adequate mitigation to the building's substantial volume.'

Comments received 24th April 2018 repeated previous comments relating to the legal and policy considerations and the significance of heritage asset(s) and provided in the following updated assessment:

'Assessment of proposal

Conservation has scrutinised the revised plans submitted following a meeting held at NSDC offices between the applicant's architect and heritage consultant. Conservation provided further advice during the meeting about the concern that the proposal would have on the setting of the Bulcote Conservation Area and Kingswood, a Watson Fothergill designed Grade II listed building, as well as the wider principle of considerate design, in accordance with Paragraph 56 of the NPPF.

Conservation acknowledged the site's capacity for a large scale residential development and stated that it did not object in principle to a new residential care home in this location. Additional advice was provided to the applicant's architect and heritage consultant on ways in which the impact on the designated heritage assets could be mitigated by a revision in the design of the new building to address the issues of its scale, form and massing.

The revision which has been submitted following this discussion has partially acknowledged the suggested revisions that would allow conservation to withdraw its objection to the proposal. This has been achieved by altering sections of the principle façade to break up the massing and achieve an improved architectural rhythm in which the building reads as a series of primary three storey mock Tudor bays combined with flat roofed link blocks faced in timber cladding, separating the primary bays at intervals.

As a result the building, when viewed from the submitted elevational drawings, has an improved sense of character and form. However the scale of the building, which is NSDC Conservation's principle concern, has not been altered beyond the amendment to the 'link' blocks, now to be constructed as flat roofed structures. These areas are critical to the overall appearance of the building and its impact on the setting of the adjacent designated heritage assets.

The submitted drawings are somewhat ambiguous in this area and it is difficult at this stage to interpret the finished building without further details. It is suggested that measured drawings are requested which elaborate in detail the link blocks, the specific materials to be applied to the facade, the relationship of the link blocks to the primary mock-Tudor advanced bays, the window / door types and any further external accretions required as part of their construction.'

Original comments received 31st October 2017

'Many thanks for consulting Conservation on the above proposal.

Legal and policy considerations

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. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF).

Paragraph 132 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 7).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting.

Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

Significance of heritage asset(s)

The application site is located between Nottingham Road and Old Main Road in Bulcote, outside of the Bulcote Conservation Area.

The garage complex that is presently located on the site are light industry buildings, with the distinctive stepped parapet roofline, a common design feature for inter-war modernist buildings of this typology. A further stepped parapet roofed building is located to the rear of the site, where its strong geometric proportions and white rendered façade reflect the moderne style.

These buildings are a continuation of the modernist industrial infrastructure located along the A614, which terminates at the outer suburbs of Nottingham by Colwick Racecourse. Unfortunately, the original building range has been subjected to a number of unsightly modern accretions in uPVC with further brick adaptations and they are no longer worthy of retention on the grounds of architectural merit. However the complex of buildings are low in density and scale, and set back from the street frontage, thereby doing little to disrupt the green, leafy character of the surrounding environs which lead directly into the Bulcote Conservation Area.

As such the site makes a neutral contribution to the setting of the Conservation Area, as well as to the surrounding designated heritage assets. There are three listed buildings in close proximity to the site: Kingswood and adjacent pump (list entry 1370172), the Coach House at Kingswood (list entry 1286169) and gateway at Kingswood (list entry 1045536). Kingswood is a Grade II listed building, designed by Watson Fothergill, built in 1893. The house, formerly known as Tenterden, was a private house built for Mr. Thomas Walter Marshall who worked at "Snook & Co's." - linen merchants, warehousemen & clothing manufacturers – in Nottingham City. Fothergill Watson (he later changed his name to Watson Fothergill) was one of the leading local architects practicing in the Nottingham area from about 1870 to 1906. During these thirty or so years he designed over a hundred buildings including houses, banks, churches, shops and warehouses; many of which still survive today. He worked in the Gothic revival and Old English vernacular styles; very popular in the Victorian times. These styles were loosely based on medieval churches and castles, and 16th & 17th century Tudor buildings.

To the immediate north of the application site is Bulcote Hill Plantation, running east-west on an elevated plain above the village of Bulcote. This extensive belt of trees, immediately overlooking the application site, forms an important relationship with the Bulcote Conservation Area and surrounding designated heritage assets, and the 1875 OS Map shows an unbroken relationship between the plantation and Bulcote Lodge, within a park and gardens setting. Bulcote Lodge is a Grade II listed building, (list entry 1286165) a late-C17 rendered hunting lodge in the heart of Bulcote Conservation Area. To the south of Bulcote Lodge on the Old Main Road are two Grade II listed buildings formerly associated with the estate; Oaklands (list entry 1045535) and Walnut House (list entry 1193458).

When travelling along Old Main Road west to east, the visitor passes by Oaklands and Walnut House, before exiting the Conservation Area at the most northern point of the application site. At this junction, when looking towards the application site, the character of the area is defined as a leafy, semi-rural setting, in which every property is set back from the street frontage, with the vista dominated by the green infrastructure of Bulcote Hills Plantation and the Bulcote Conservation Area immediately adjacent. The gateway to Kingswood is noticeable to the north at this point, and when crossing Nottingham Road and continuing along Old Main Road, immediately behind the application site, the built form continues to be set back by a considerable distance from the street frontage.

A series of modern C20 dwellings are prominent when turning down Shaftesbury Avenue from Old Main Road, and the western aspect of the application site is considered to be least impacted by the proposal. However when heading south, once again crossing Nottingham Road a continuing along Shaftesbury Avenue, there are two buildings that are identified as non-designated heritage assets; this includes the Nottingham Corporation Waterworks building, a 1928 neo-Georgian single storey building with gauged brick voussoirs and intricate brick quoining. There is also an early C20 Managers House in the domestic revival style which makes a positive contribution to the character

of the area and continues the dominant arts & crafts theme established at the Bulcote Farm workers dwellings, within the Bulcote Conservation Area.

Assessment of proposal

Conservation **objects** to the proposal in its current form. The scale, form, rhythm, massing and palette of materials proposed is considered to be wholly incongruous with the character of the area. The proposal to adopt a continuous line of overbearing terraced apartments, close to the street frontage, with a varied roof line including multiple gables, is suggestive of development in a town centre location. Paragraph 132 of the NPPF states that significance of designated heritage assets can be harmed or lost through alterations or development within their setting.

As detailed above in the outline significance of the heritage assets, the immediate surroundings include the Grade II listed Kingswood and the Bulcote Conservation Area, which are appreciated within the context of the dominant green infrastructure of the area. If the proposal was not amended to better relate to its surroundings, the experience of entering / exiting the Bulcote Conservation Area and the setting of Kingswood will be harmed. It is important to note that impact on setting of heritage assets is not limited to views, and must also consider the wider experience of the setting, as well as the inter-relationship between places.

The immediate setting of Kingswood is identified as the most significant issue that must be considered in the proposal. The scale and mass of the development, which would be overwhelmingly substantial in the context of its surroundings, will result in overbearing impact on the Grade II listed Kingswood.

When standing at the entrance or within the grounds of Kingswood, the experience remains largely unaltered from the period of its construction, at the height of the domestic revival movement in 1893. The property was commissioned to provide a prosperous merchant with a house in the countryside, close to a historic settlement, in a peaceful rural setting. When standing in the grounds of the property today, it is immediately noticeable that there has been little change over the last century to undermine the architects original intentions. If the proposal was granted approval, this experience would be wholly transformed through a negative impact on its setting. As such, when taking into consideration the additional impact to the setting of Bulcote Conservation Area, the overall level of harm identified is considered to be less than substantial, in accordance with Paragraph 134 of the NPPF.

Paragraph 137 states that Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. The present scheme that has been submitted is not considered to better reveal the significance of the Bulcote Conservation Area or the setting of Kingswood; the maximum ridge height of the new buildings would be 12.3 meters with an the unbroken width of 81 meters to the principle elevation along Nottingham Road, amounting to 31 bays, which is entirely disproportionate to its surroundings. The mock timber gable facing the junction towards Bulcote Conservation Area, which is the most prominent aspect, is 12.2 meters to the ridge height. When taking into consideration the above stated dimensions, the proposal fails on every account with regards to the visual language of form, proportion, movement and detail. The alignment of the building, along Nottingham Road, overwhelms the green infrastructure and rural character of the area and would amount to less than substantial harm to the setting of two heritage assets'

Burton Joyce Parish Council (adjacent Parish) – Supports application.

Gedling BC (adjacent LPA) – ‘Thank you for your consultation of 8th March 2018 with regard to the above planning application. I have reviewed the revised plans and would not wish to make any detailed comments other than to request that full consideration be given to the impact that the proposed development would have on the amenities of the occupiers of the dwellings closest to the site, in particular in terms of massing/overshadowing issues.

I trust that these comments are helpful at the present time however please do not hesitate to contact me should you wish to discuss this matter further.’

Representations have been received from 21 local residents/interested parties which can be summarised as follows:

7 representations have been received which raise objections and concerns raised over the proposed development;

- Proposal is too large for the site
- The type of building does not match current village buildings
- The site access onto Old Main Road will be dangerous
- Insufficient parking at the site, the proposed development will lead to further on street parking on Old Main Road
- Removal of mature trees will be detrimental to the area
- No amenities to support this growth
- Highway safety concerns based on Old Main Road being used as the main entrance
- Pressure on existing doctors and pharmacy

14 representations have been received which support on the following grounds

- Excellent development for older people in Burton Joyce and Bulcote
- There is shortage of purpose built residence, the development would benefit the community.
- Good location
- These developments keep older people in their own property for longer as they have physical, emotional and mental support.

Comments of the Business Manager

Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The settlement hierarchy for the district is set out in Spatial Policy 1 whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries.

Spatial Policy 4B of the Core Strategy advises that within the extent of area covered by the Green Belt, new housing and employment development will be focused in the Principal villages of Blidworth and Lowdham, and the part of Bulcote which is attached to Burton Joyce. These locations are excluded from the Green Belt and defined by village envelopes. For clarity, the application site is within the section of Bulcote attached to Burton Joyce as described within Spatial Policy 4B. Consequently, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy.

I am mindful of the proposed changes to SP3 as part of the on-going plan review, some of which can now be afforded weight in the decision making process. The Amended Core Strategy and evidence base documents were submitted to the Secretary of State on 29th September 2017, with the examination undertaken last month. For the purposes of paragraph 216 of the NPPF (stage of preparation, extent of unresolved objection and degree of consistency with national policy), it is considered that those areas of the emerging SP3 content not identified in the Inspector's post-hearing notes, satisfy the tests to the extent that 1) it is at an advanced stage, with the Examination taken place in February 2018 with only the modifications to be finalised and consulted upon and 2) there are no unresolved objections to aspects of the policy relevant to this proposal. Accordingly for the purposes of this proposal, I consider that weight can be attached to the emerging policy in the overall planning balance.

Location of Development

The first criterion of Spatial Policy 3 'Location' states 'new development should be within built-up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.' The site is considered to be located in the built up area of the village which adjoins the settlement of Burton Joyce which contains a range of services and facilities and is therefore considered to be a sustainable location for new development.

Housing Need

Any new housing within 'other villages' must meet an identified proven local need in order to be considered acceptable against Spatial Policy 3. Spatial Policy 3 Guidance Note states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. This matter is dealt with in the Housing Type and Density section below.

I am also mindful of the proposed changes to Policy SP3 as part of the plan review which given its recent examination can be afforded some weight (as set out above). This states that new housing will be considered where it helps to support community facilities and local services. The proposal is very likely to support community services and facilities including the local bus services and services in nearby villages.

Scale

The guidance to accompany SP3 referred to above confirms the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the relevant sections below.

Impact

Policy SP3 states new development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people and not have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. Again, these matters are dealt with in the relevant sections below.

There has been a previous grant of planning permission for a residential scheme at the site albeit for a lower scale development of 16 dwellings, although the development was over the same broad area of the site. While this permission has now lapsed, it remains of relevance in considering the principle of the development at the site and with this in mind as well as the policy guidance identified above it is considered that the principle of residential development at the site is acceptable subject to its consideration of the site specific issues set out below.

Brownfield Status of the Application Site

The National Planning Policy Framework describes previously developed land as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.'

Paragraph 84 of the NPPF states:

'The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

Chapter 11 of the NPPF states that Planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses and at Paragraph 118 states decisions should:

'Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.'

The application site represents previously developed land within a settlement boundary identified in the Development Plan as being appropriate for new housing development and would provide an opportunity for contamination from its previous use to be remediated. I therefore consider in line with the guidance within the NPPF that substantial weight should be applied to the development of a brownfield site within any planning balancing exercise.

Housing Type and Density

Paragraph 59 of the NPPF states:

‘To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.’

Core Policy 3 ‘Housing Mix, Type and Density’ sets out, subject to individual site circumstances, an expectation for a minimum density of 30dph for housing sites. An appropriate mix of housing types reflecting local housing need is also sought, again subject to site circumstances, viability and localised housing need information.

Core Policy 3 also states that the Council will seek to secure new housing development which adequately addresses the housing need of the District namely:

- Family housing of 3 bedrooms or more
- Smaller houses of 2 bedrooms or less
- Housing for the elderly and disabled population.

Core Policy 1 requires affordable housing provision in the Newark Urban Area on sites of 10 or more dwellings with the Core Policy setting out that a level of 30% will be sought. In doing so however, consideration will be given to the nature of housing need in the locality, the cost of developing the site and the impact of this on viability. The tenure mix of the affordable housing being sought reflects a 60% social rented and 40% intermediate mix.

The scheme comprises individual self-contained 1 and 2 bedroom residential dwellings, supported by a warden on site with communal lounge and gardens. The dwellings would be offered for sale on long leases and occupiers would need to pay service charges to cover the management company that would manage the shared on-site facilities. There would be no extra care element. As such I consider that the units fall within the Use Class C3.

With regards to the requirement in Core Policy 1 for 30% of new housing on qualifying sites to be affordable units, the requirement in this instance would be for 13 dwellings. As noted by Strategic Housing colleagues, the Council’s policy recognises that in some instances on-site affordable housing provision is not appropriate and they consider this may be the case in this instance. They also note the policy allows for a commuted sum payment in lieu of on-site provision and can see no valid reason why this should not apply. The level of developer contributions attributable in this instance is considered later in this report.

Given the nature of the proposal the scheme would represent an efficient use of land that well exceeds the minimum densities stated in CP3. The proposal would also address part of the housing need specified in CP3 including smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. The comments of the Strategic Housing are also noted in this respect which refers to the district wide housing market and needs assessment carried out in 2014, which indicate that there may be demand for 1 to 2 bedroom dwellings within the Nottingham fringe area, which is the sub-area that the site would fall into. Furthermore the Council’s housing register indicates a demand for affordable housing for older people’s accommodation and for small dwellings (2 bedrooms).

I therefore consider that the housing mix and type is consistent with the aims of the NPPF and the Council's Development Plan Policies.

Local Distinctiveness and Heritage

The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture and be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Policy DM5 refers to the rich local distinctiveness of the District's character of built form requiring new development proposals to reflect their local surroundings. The site is located adjacent to the boundary with the Bulcote conservation area in a prominent corner plot. Furthermore the grade II listed building of Kingswood and separately listed associated entrance gateway and coach house building are located on the opposite side of Old Main Road from the application site.

With regards to the neighbouring heritage assets, there are both legislative requirements and policy tests to consider in relation to the proposed development:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *"if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') which outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker *"shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72(1) of the Act is also relevant and requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise that a finding of harm to a listed building, or harm to the setting of a listed building, or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. The presumption is not irrefutable; it can be

outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other, if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering. This is a matter that has been considered in a number of recent court cases (in particular: Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014); The Forge Field Society v Sevenoaks District Council (2014); and Mordue (2016).

Alongside the statutory tests, the NPPF forms a material consideration to the determination of the applications. Paragraph 11 of the NPPF outlines a presumption in favour of sustainable development.

The importance of considering the impact of new development on the significance of designated heritage assets, is set out in detail in section 16 of the National Planning Policy Framework (NPPF). Paragraph 189 requires LPAs to ensure that in the submission of applications affecting heritage assets applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. For clarity in the context of the current application, the applicant has done this through the submission of a Heritage Statement and the subsequent visibility impact assessment which the Conservation Officer has confirmed is an adequate response to this requirement.

Paragraphs 193 and 194 of the NPPF direct decision makers as to the tests which apply when considering the impact of a proposed development on the significance of a designated heritage asset. For clarity these tests apply to both the designated heritage assets of the listed buildings identified and Bulcote Conservation Area.

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.’

Paragraph 194 states:

‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.’

The setting of heritage assets is defined in the Glossary of the NPPF:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

In addition, significance (for heritage policy) is also defined:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting...”

At a local level there are a suite of policies which are also of relevance. These include Policies CP14 and DM9 of the Council's LDF DPDs. CP14 acknowledges the rich and distinctive historic environment of the District and seeks to ensure *“the continued preservation and enhancement of the character, appearance and setting of the District’s heritage assets and historic environment.”* The policy goes on to explicitly identify the need for the *“preservation of the special character of Conservation Areas.”* It is noted that CP14 of the Core Strategy (adopted in March 2011) pre-dates the NPPF. Whilst it is acknowledged that some of the wording differs from that used in the NPPF, the general thrust of the policy and the objectives it seeks is consistent with the stance of the NPPF.

Policy DM9 follows the intentions of CP14 in that, *“all development proposals concerning heritage assets will be expected to secure their continued protection of enhancement”*. In respect of development proposals *“affecting heritage assets and their settings, including new operational development and alterations to existing buildings, where they form or affect heritage assets,”* proposals *“should utilise appropriate siting, design, detailing, materials and methods of construction.”*

Achieving an appropriate design to compliment the local distinctiveness of the area and looking to preserve the setting of neighbouring heritage assets are inextricably linked. The impact of the proposals on the adjacent heritage assets has been the subject of detailed discussions between the applicant and officers and these discussions have informed substantial design revisions to the proposed development. I am mindful that the most recent comments from the conservation section follow the submission of a visibility impact assessment. The Conservation officer notes the alterations made during the application process to the massing and scale of the building at the link intervals (taking in to account the link buildings would be two storey, with blank roof plane and dark neutral cladding) between the primary three storey elements. These alterations, with additional illustration through the visibility impact assessment has helped assessment of the design and has overcome the Conservation Officer’s previous concerns. The Conservation officer does not object to the proposal in principle and considers the proposal would now relate more harmoniously with the character of the area, most significantly the Grade II listed, Fothergill designed Kingswood.

I note the Conservation Officer comments that the scale of the building will still result in a negative impact on the surrounding designated heritage assets, but that they no longer consider this harm to be sufficient to outweigh the perceived benefits of redeveloping this partly dilapidated site.

Paragraph 196 of the NPPF states:

‘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’.

Less than substantial harm, as has been identified in this instance is still harm and in line with the relevant sections of the Listed Buildings Act it I must give that harm considerable importance and

weight. Taking in to account the comments of the Conservation Officer, I am satisfied that the revisions to the scheme have broken down the appearance of mass and scale and incorporate an improved architectural rhythm which will have an improved relationship with the character of the area and that the level of harm to nearby heritage assets is at a level which is outweighed in this particular instance by the public benefits namely the provision of housing in a sustainable location, addressing a specific house type identified in the Development Plan and making use of previously developed land.

I note the Conservation Officer's request for strict conditions requiring the submission of all materials to the local authority for approval, prior to the commencement of work and consider it would be reasonable to attach such conditions in this instance to maximize the build quality and to fully execute the design envisaged mitigating the substantial volume of the building so as to appropriately address the relationship with nearby heritage assets.

Impact on Highways

Spatial Policy 7 encourages and supports development proposals which promote an improved and integrated transport network and an emphasis on non-car modes as a means of access. Development proposals should minimise the need for travel and provide safe, convenient and attractive accesses for all. Proposals should be appropriate for the highway network in terms of volume of traffic generated and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. Appropriate and effective car parking provision should be made.

The application has been accompanied by a *Transport Statement* dated September 2017. This document confirms how the parking spaces intended to serve the development have derived from independent parking surveys which were undertaken in order to understand the specific needs of their residents and inform future developments. The latest independent studies were undertaken in September 2016 by Dr Allan Burns and the key points drawn from the independent research include:

- There is an average car ownership for McCarthy & Stone's 'Retirement Living' sites of 0.45 spaces per unit.
- The vehicle parking demand has been calculated as 0.55 per apartment which also includes an allowance for visitor parking.

These figures would suggest that residents of the proposed development would own 19 cars, with the site as a whole generating parking demand for 23.65 spaces.

The proposed development is to be served by a new access from Old Main Road, approx. 35m to the west of the existing access and the proposal includes provision of 35 spaces, a ratio of 0.8 spaces per apartment. A new footway is to be provided to the west of the site to link with Shaftesbury Avenue. Bus stops are located close to the site some c.50m to the west of the proposed access on Old Main Road and another eastbound stop some 40m to the east of the site on Old Main Road.

While I am mindful of the concerns raised by the Parish Council and local residents over inadequate provision of on-site parking provision and potential increased on street parking along

Old Main Road, on the basis of the above, and indeed the lack of objection from NCC Highways in respect to the access proposals and parking provision, I consider it would be unreasonable to insist on a greater level of parking provision within the site.

Should planning permission be granted, I consider it reasonable to attach the recommended conditions from the Highway Authority in relation to the width of the access drive and the redundant access points being closed off.

For the above reasons I consider the proposal would accord with the aims of Spatial Policy 7.

Impact on Amenity

Amenity impacts are a long standing consideration in the planning process and require assessment in terms of amenity standards for both existing neighbouring properties and proposed occupiers. Policy DM5 confirms the policy framework which forms the basis of assessment. This refers to numerous potential impacts arising from new developments including overbearing impacts, loss of light and privacy.

Due to the nature of the site within a corner plot and bound by highways to the north, east and south of the site, there is a significant degree of separation between the closest neighbouring properties along Old Main Road and Nottingham Road. However, I am mindful of the relationship with the maisonettes along Shaftesbury Avenue immediately to the west of the site. In considering this relationship I am of the view that the linear nature and T-shape layout of the proposed building would result in the majority of the built form being positioned away from the western boundary of the site with the properties along Shaftesbury Avenue. Furthermore, having considered the separation distance between the closest elevations at 16 to 22 Shaftesbury Avenue (16.1m between the side elevation of the proposed building and the rear elevation of the neighbouring property) as well as the mature trees located within the neighbouring site and close to the boundary with the application site, I am satisfied that the proposal would not result in any material overbearing or overshadowing impact.

The majority of windows are a sufficient distance or at an oblique angle to the nearest windows serving neighbouring properties. I am mindful of the 2 No. small windows on the side elevation at first floor level facing the neighbouring properties on Shaftesbury Avenue, although in light of the previously discussed separation distance and trees close to the boundary I am satisfied that these small windows which serve secondary rooms, would not result in any material overlooking impact on neighbouring amenity.

Shared amenity space is proposed as part of the landscape scheme and I am satisfied that this will provide a suitable level of amenity space for residents in accordance with Policy DM5.

I note the comments from colleagues within Environmental Health who have had regard to the submitted Noise Impact Assessment and recommend that a condition be placed to ensure provision is made for acoustically rated glazing to habitable rooms as per the recommendations within the Noise Impact Assessment submitted as part of the application. I consider such a condition to be both appropriate and proportionate to be attached to any grant of planning permission in order to protect the amenity of future residents.

On the basis of the above I have identified no detrimental amenity impacts which would warrant resistance of the proposal. The scheme is therefore compliant with the amenity criterion of Policy DM5.

Impact on Landscape Character and Ecology

Paragraph 127 of the NPPF states that decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development and includes that new development should reflect the local distinctiveness of the District's landscape and character of built form. In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment SPD.

Paragraph 175 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused. This paragraph also states opportunities to incorporate biodiversity improvements in and around developments should be encouraged. Core Policy 12 states that there is an expectation for proposals to take into account the need for the continued protection of the District's ecological, biological and geological assets. Policy DM7 states that new development should protect, promote and enhance green infrastructure. Policy DM5 states that where it is apparent a site may provide a habitat for protected species, development proposals should be supported by an up-to-date ecological assessment.

The Tree Report dated August 2016 has been submitted. The report acknowledges that the north eastern tip of the site is laid mainly to grass whereas the bulk of the site is hard surfaced and contains existing buildings. The report notes that there is a row of trees of 'variable quality' along the Old Main Road frontage. All trees survey were considered as falling within Categories B (trees of moderate quality) or C (trees of low quality). The landscape plan submitted as part of the application indicates the existing vegetation to be retained and protected including the row of trees along Old Main Road and Trees to the boundary with properties on Shaftesbury Avenue. Numerous new trees are indicated to be planted to supplement the existing trees as well as the provision of landscaped gardens to serve the proposed development. The additional soft landscaping at the site is considered to be beneficial both in terms of reflecting the positive characteristics of the surrounding area including the Bulcote plantation as well as creating an attractive communal amenity area for future residents of the development. I note the comments from the tree officer in relation to pressure on trees along the northern boundary of the site from the revised layout and the conditions in relation to protective measures are considered appropriate.

A preliminary ecological appraisal and bat building assessment dated 2016 accompanies the application. The report acknowledges that the existing site is made up of the former Burton Joyce Car Centre building, associated hard standing, metal canopy structure, scattered broad leaf trees and amenity grassland and concludes that overall the habitats on site were assessed as being of

low ecological value. The closest designated site is located 750m south of the site – River Trent Burton Joyce to Lowdham LWS and is separated by areas of residential housing and roads. The report concludes that due to the low ecological value of the site and distance to the nearest designated wildlife site, the proposal is not anticipated to result any significant impact on local wildlife. Having taken into account the overall development proposal for the site including the introduction of formal and informal gardens to serve the residents of the proposed building with new tree planting and native shrub mixes, I am of the view that the proposal would biodiversity improvements to the site in accordance with the NPPF and at the site which would also benefit the wider area in accordance with the aims of Core Policy 12 and Policy DM7.

Flood Risk

Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD state that the Council will aim to steer new development away from areas at highest risk of flooding and that development proposals will only be considered in Flood Zone 2 where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available site in lower risk Flood Zones. Where development is necessary within areas at risk of flooding, it will also need to satisfy the Exception Test by demonstrating it would be safe for the intended users without increasing flood risk elsewhere.

The vast majority of the application site is classified as siting within Flood Zone 2 (at medium risk of flooding). The Flood Zone 2 designation is a result of the site lying within the extremities of the ultimate catchment area of the River Trent.

Planning Practice Guidance states “the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.

When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere. For nationally or regionally important infrastructure the area of search to which the Sequential Test could be applied will be wider than the local planning authority boundary.”

In terms of applying the Sequential Test, consideration must be given to whether there are other reasonably available sites within the district that are at lower risk flooding, where the proposed new retirement living apartments should be located. The application site is a windfall site and it is

clear from the Allocations and Development Management DPD adopted in 2013 that there are several sites allocated for new housing development for the plan period located within Flood Zone 1, and as such these sites represent preferable sites in flood risk terms. All these sites were sequentially tested under the Strategic Flood Risk Assessment as part of the Allocation adoption procedure and found to be acceptable. The applicant has undertaken a sequential test and considered allocated sites across the district concluding that these are not suitable for the proposed development on grounds including that sites are unavailable, limited nearby facilities / too far from local centres, are either too small or too large, or that the site characteristics not appropriate for this type of development.

I am mindful of the comments from the Policy department which have critiqued the supporting documents and questioned the sequential test approach put forward by the applicant. The applicant has submitted a Needs report which is based on a that it is a District-wide assessment, and whilst a generalized need for age specific accommodation is acknowledged, I concur with Policy colleagues that the 'need' identified doesn't necessarily translate into reasons why provision ought to specifically occur on a site in Flood Zone 2 in Bulcote.

The self-contained units proposed would contribute to addressing the council's objectively assessed housing needs and could be provided on one of the district's allocated sites at lesser flood risk than the application site. Policy colleagues have questioned the scheme criteria applied in assessing the allocated sites including the prescriptive approach to assessing access to shopping facilities, question why the possibility of securing a 0.4– 0.6ha parcel from a larger allocated site shouldn't be considered with no evidence of any approach having been made to landowners having been provided, and disagreement with the discounting of Newark Urban Area on the basis that there is already an extant consent for a McCarthy and Stone facility (Ref. 16/00124/FULM), given knowledge of other examples where two McCarthy and Stone homes operate in close proximity to one another. I note the overall conclusion in that colleagues in the policy department remain unconvinced that the proposal has passed the sequential (and exemption test) and I would concur with their remaining queries.

It therefore remains the case that there are unresolved queries over the application of the sequential test and on that basis it must be concluded that the application fails the Sequential Test at this time and this fact weighs heavily against the proposal.

Under the Flood Risk and Coastal Change section of the PPG Paragraph 067, Table 3, the proposed development is classified as "more vulnerable" within Flood Zone 2 and this is considered as development that is appropriate and there is no requirement to apply the exception test.

However, I am aware of the material considerations discussed above that weigh heavily in favour of the scheme and as such consider that it is worth rehearsing acceptability of the scheme against the Exception Test to help in assessing whether the development can be made resilient in terms of flood risk. Paragraph 34 of the PPG states that '*ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere*'.

Paragraph 160 of the NPPF states that for the Exception Test to be passed, the development must provide wider sustainability benefits to the community that outweigh flood risk and demonstrate that the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere and where possible, reduce flood risk overall. In addition paragraph 163 of the NPPF states that it must be demonstrated that within the site the most vulnerable development is located in areas of lowest flood risk and development is appropriately flood resilient and resistant, incorporates sustainable drainage systems, includes safe access and escape routes where required and any residual risk can be safely managed.

Core Policy 9 requires new development proposals to pro-actively manage surface water. In terms of surface water drainage, it is noted from the submitted FRA and the EA map that the site predominately falls within a zone which is at very low and low risk of surface water flooding with the exception of a small area in the south west corner. The Environment Agency's comments relate to dealing with any potential contamination on the site and do not make any recommendations in terms of measures to ensure the development is flood resilient without increasing flood risk elsewhere. The Environment Agency have been contacted to confirm their position in respect of flood risk and an update will be provided to Members as a Late Item to the Planning Committee. I also note that there is no objection raised by Trent Valley Internal Drainage Board. However, the recommended condition in relation to the details for the provision to prevent excess surface water runoff is considered appropriate to be attached to any grant of planning permission in order to prevent any increase flood risk to neighbouring sites.

It is noted from the submitted FRA that the vehicular and pedestrian access into the site is located outside of flood zone 2 and as such in the event of a flood, dry access/egress can be achieved. I am also mindful of the recommended mitigation measures which include the finish floor levels being set at a minimum 600mm above the level in a 1:1000 year event. I also note the advice of the Emergency Planner and concur that it would be prudent for the developer to have a flood emergency plans in place to ensure that evacuation and flood response procedures for the development are documented and agreed in advance and a suitable condition could be attached to any permission. In light of the above, I am satisfied that with a condition to secure the recommended mitigation measures, damage to buildings at the site and any increased flood risk at the site and neighbouring sites could be kept to a minimum and would perform favourably against the Exception Test.

To conclude, the scheme fails the Sequential Test as there are other sites within the district reasonably capable of accommodating the new residential development proposed that are within Flood Zone 1. However, consideration of the submitted site specific Flood Risk Assessment demonstrates that if other material planning considerations outweigh the sequential approach in this case that the scheme could be acceptable with regards to the Exception Test (which whilst not applicable in this instance, acts as a guide to ensuring the development can be made acceptable in flood risk terms).

Contamination

Paragraph 178 of the NPPF indicates that planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Development Management Policy DM10, sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include *'necessary mitigation as part of the development or through off site measures where necessary.'*

The former use of the site as a petrol filling station poses a risk for potential contamination to be present at the site. I note the comments from both the Environment Agency and the Environmental Health department in relation to this issue having had regard to the submitted site investigation reports and I am mindful that while no objection has been raised, recommended conditions are put forward in order to prevent risk to human health of future residents.

Therefore, subject to conditions securing the submission and approval of an intrusive site investigation report and risk assessment, verification report, and the approval and subsequent implementation of a scheme of remediation works if unsuspected contamination are found at the site, it is considered that the proposed site would be suitable for the proposed residential development and the guidance contained within the NPPF and Policy DM10 would be met.

Developer Contributions

Affordable Housing

The Councils SPD on Developer Contributions provides that, for a proposal of 43 residential units, the following contributions should be sought where there is appropriate justification;

The SPD and CP1 require that ordinarily 30% on-site affordable housing should be provided. However it is noted that the nature of the proposal as self-contained housing for older people is not best suited for on-site affordable provision owing to factors such as service charges, management arrangements and the age specific nature of the accommodation.

Based on the values provided by the applicant (200k per dwelling) the strategic housing officer has suggested that an appropriate off site contribution (in lieu of a requirement for 13 affordable on site units) of £1,520,000.00 (see 'Viability Discussion' section below which sets out the contribution proposed by this application).

Community Facilities

The SPD provides that where development makes additional demands on existing community facilities a contribution will be sought which is based on £1,384.07 per dwelling based at 2016 price plus indexation as appropriate. On the basis of the consultee comments listed above, a full SPD would amount to £59,515.01 which has been slightly amended from the consultee response figure to take account the loss of 1 unit from the scheme (see 'Viability Discussion' section below which sets out the contribution proposed by this application).

Education

Whilst education contributions are ordinarily sought for C3 dwellings, given that this scheme would serve only persons over 55 years of age, it is considered unreasonable to seek this. However in order to benefit from this 'exemption' it is recommended that the LPA control occupation to persons over 55 years of age by imposing an appropriate condition.

Public Open Space

The SPD provides that amenity open space is provided at a rate of 6m² per person (and assumes average occupation of 2.4 per dwelling to get to 14.4m² per dwelling). In line with the SPD an area of (14.4m² x 43) 619.2m² of public open space would be required. The proposed scheme includes of 990m² landscaped gardens on site and as such complies with the SPD in this respect. This aligns with the Council's Parks and Amenities Officer's comments which noted that as a retirement scheme children's play provision would not be sought and amenity open space and natural and semi-natural green space could be provided on site. Therefore no financial contributions would be required.

Viability Discussion

The application submission was accompanied by a viability appraisal dated September 2017. The appraisal identifies that the proposed development cannot provide a contribution towards affordable housing or other planning obligations as it renders the scheme unviable.

The Planning Practice Guidance (published July 2018) comments on viability and planning contributions, and states that 'where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage'. With this in mind, the applicant's Statement has been independently assessed on behalf of the Council.

Having received the independent assessment, Officers have been in detailed discussions with the applicant over the various inputs within the viability appraisal with common ground now struck on what are considered to be appropriate percentage figures. A 20% developer profit has now been agreed and a compromised percentage figure of 4% for marketing costs has been considered appropriate having had regard to the advice received from the independent viability expert.

With these input figures agreed, an off-site contribution for affordable housing of £139,958 has been arrived at and considered reasonable by both the Applicant and the independent viability

assessor. This represents an off-site contribution equivalent of approximately 4.4 dwellings (based on a cost of £32,000 per dwelling). This is clearly below the policy requirement and the minimum 10% requirement set out in the NPPF. However, the latest guidance within the NPPF at Paragraph 64 states:

‘Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

...(b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students)...’

The contribution figure calculated in relation to community facilities (£59,515.01) has also agreed by the applicant. Both the community facilities and the off-site contribution towards affordable housing would be secured by a S106 legal agreement should the grant of planning permission be forthcoming.

Conclusion and overall planning balance

The site is located within the part of Bulcote which is attached to Burton Joyce and is therefore considered to be a sustainable location for new housing development. Equally the delivery of housing is a significant material planning consideration and despite being a windfall site, would make a contribution towards the Council’s five year housing supply in accordance with the requirements of the NPPF and the PPG. The housing proposed would also address a specific house type need identified in relation to provision of retirement living and would make efficient use of brownfield land which is not currently considered to make a positive contribution to the character of the area. These factors should be given substantial weight in line with the NPPF and I also note that it provides an opportunity to remediate any contaminants from the site from former uses.

The application is not considered to result in any adverse impacts on highway safety, residential amenity, landscape character or ecology, subject to conditions.

Following the redesign of the scheme, whilst the design does have some positive merits, the scale of the proposal is still deemed to result in some harm to the character and appearance of the Conservation Area and nearby heritage assets. The level of harm is considered to be less than substantial. Whilst this harm is still given considerable importance the level of harm identified is considered to be outweighed by the public benefits of the scheme in this instance.

In addition there is the issue of the failure of the Sequential Test in relation to flood risk. An assessment of the more detailed Exception Test (whilst not essential in this instance) demonstrates the development could be made safe for both proposed occupiers of the site and existing occupiers in the surrounding area.

Careful consideration has also had to be given to the viability of the scheme and an acceptable level of contributions towards community facilities and off-site contribution towards affordable

housing has been proposed (albeit this equates to an affordable housing contribution which is less than the policy requirement).

Full and proper consideration has been given to all material planning considerations and the appropriate weight afforded to each matter. There are a number of both positive and negative impacts identified which does render the proposal very finely balanced. However, in my opinion I consider that the applicant has done enough in each area to persuade me this balance tips towards the cusp of acceptability and that the recommendation should be an approval. Subject to the controls mentioned within the body of this report, the requested conditions from consultees and a S106 Agreement being executed to secure the two items listed below, I consider that the scheme is acceptable in accordance with the Development Plan and all other material considerations.

RECOMMENDATION

That full planning permission is approved subject to the applicant entering in to a S106 Agreement to secure contributions towards affordable housing and community facilities and subject to the following conditions:

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

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

EM_2388_03_01_AC_001-A REVISED LOCATION PLAN AND CONTEXT PLAN

EM-2388-03-01-AC-002 REVISED PERSPECTIVE VIEW AND STREET SCENE

EM-2388-03-01-AC-003 REV A REVISED SITE LAYOUT PLAN

EM-2388-03-01-AC-004-A REVISED PROPOSED ELEVATIONS SHEET 1

EM-2388-03-01-AC-004.1 REVISED ELEVATIONS SHEET 2

EM-2388-03-01-AC-005-A REVISED GROUND FLOOR PLAN

EM-2388-03-01-AC-006-A REVISED FIRST FLOOR PLAN

EM-2388-03-01-AC-007-A REVISED SECOND FLOOR PLAN

EM-2388-03-01-AC-008-A REVISED ROOF PLAN

NPA 10984 115 MCS 3D Visual plans

EM-2388-03-01-LA-001REVISED LANDSCAPE PLANNING LAYOUT

Revised Flood Risk Assessment 16486/FRA Rev B from BSP Consulting

Revised Drainage Strategy 16486/DS Rev B (March 2018) from BSP Consulting (NB. SUBJECT TO CONFIRMATION FROM THE ENVIRONMENT AGENCY THAT THE STRATEGY IS APPROPRIATE AND COMPLIES WITH CONDITION 10)

NOISE IMPACT ASSESSMENT REF. R7037-1 Rev 1 by 24 Acoustics

TRANSPORT STATEMENT by Paul Basham dated September 2017

TREE SURVEY by Ian Keen Ref JTK/9264/WDC

Unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development shall be commenced until details and samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- All facing materials including cladding and render
- Roofing tiles

Reason: In order to preserve or enhance the character and appearance of the setting of the conservation area.

04

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 for that phase has been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

Treatment of window and door heads and cills

Verges and eaves

Reason: In order to preserve or enhance the character and appearance of the setting of the conservation area.

05

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

06

The approved landscaping scheme as shown on plan reference revised landscaping layout plan EM-2388-03-01-LA-001 shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 5 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

07

No works or development shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include (include pertinent sections)

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).
- e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection within the root protection areas
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the site and wider area.

08

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme approved under Condition 7 of this permission.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the site and wider area.

09

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the site and wider area.

10

(CONSULTATION UNDERTAKEN WITH THE ENVIRONMENT AGENCY TO CONFIRM WHETHER THE DRAINAGE STRATEGY SUBMITTED IS APPROPRIATE)

No development shall take place until such time as a scheme for surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority.

The surface water drainage scheme must include:

- Existing catchments and sub-catchments to be maintained.
- Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments.
- Surface water run-off rates to receiving watercourses must not be increased as a result of the development.
- The design, operation and future maintenance of site drainage systems

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from

the site.

11

(CONSULTATION UNDERTAKEN WITH THE ENVIRONMENT AGENCY TO CONFIRM WHETHER THE DRAINAGE STRATEGY SUBMITTED IS APPROPRIATE)

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed under '3.5 Flood Risk Management Measures' and '4.0 Recommendations' including:

1. Finished floor levels are set no lower than 20.40 m above Ordnance Datum (AOD).
2. Levels at the site access are 720mm above from the 1:1000 fluvial flooding levels established in section 3.2.11.
3. In order to prevent risk of flooding to property FFL will need to be a minimum of 660mm above the level in a 1:1000 year event
4. Finished site levels should give regard to overland flows.
5. Drainage should outfall to the southern boundary watercourse via an attenuated system at 5l/s.
6. The proposed foul sewer will discharge to the public sewer.
7. Calculations should be prepared at detailed design stage to confirm that the drainage systems are designed can accommodate that additional 30% for fluvial inflow and 40% for pluvial inflow as a result of the anticipated effects of climate change.

The mitigation measures shall be fully implemented prior to occupation.

Reason: Reduce the risk of flooding to the proposed development and any future occupants.

12

Before the development is first occupied a flood emergency plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include:

- Aims and objectives of the plan
- Maps showing development and flood risk areas, including depth and velocity of flooding
- Evacuation or containment procedures, including evacuation routes
- Flood warnings (EA Flood Warning Service) and identification of local flood warden.
- Safe refuge information
- Identification of vulnerable residents
- Utility services
- Procedures (including details of any stores containing flood defences e.g. sandbags)
- Emergency contact information

Once approved, a copy shall be provided to all residents on first occupation of the properties.

Reason: To ensure that evacuation and flood response procedures for the development are documented and agreed in the interests of reducing flood risk on the site.

13

One or more of the occupants of each of the hereby approved residential units shall be aged 55 years or over and none of the residential units shall be occupied by any person under the age of 16 years.

Reason: In line with the applicant's intentions and in acknowledgement of the contributions sought on this basis.

14

No dwelling shall be occupied until bin storage facilities have been provided in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the local planning authority. The bin storage facilities shall be provided prior to occupation in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of residential and visual amenity.

15

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16

Prior to commencement of the development a piling risk assessment will be required to be submitted in relation to the proposed development. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. Once approved, the development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

17

No development approved by this planning permission, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation scheme, based on the information submitted in the 'Site Investigation Report No. CCL02871.CB73-R1 Dated September 2016' to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the protection of controlled waters.

18

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure the protection of controlled waters.

19

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure protection of controlled waters.

20

No part of the development hereby permitted shall be brought into use until the access to the site has been designed to have a minimum width of 5.5m for the first 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.

Reason: In the interests of highway safety.

21

No part of the development hereby permitted shall be brought into use until the existing 3 accesses that have been made redundant as a consequence of this consent are permanently closed and the accesses reinstated as verge/footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety

22

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than parking of vehicles.

Reason: In the interests of highway safety

23

The development shall be constructed in accordance with the recommendations set out at Paragraph 6.3 of the Noise Impact Assessment dated 31st August 2017 submitted in support of this planning application.

Reason: In order to ensure a suitable level of amenity for future occupiers.

Notes to Applicant

01

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

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

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

An advisory booklet is available – “A guide to Developing Land in Nottinghamshire”. This is available from NSDC website using the following link:

<http://www.newark-sherwooddc.gov.uk/landpollution/>

Prior to undertaking an intrusive site investigation the applicant is advised to consult with:

Natural England

Block 6 & 7 Government Buildings
Chalfont Drive
Nottingham
NG8 3SN
Tel: 0115 929 1191
Fax: 0115 929 4886
Email: eastmidlands@naturalengland.org.uk

English Heritage

Ancient Monuments Inspector
44 Derngate
Northampton,
NN1 1UH
Tel: 01604 735400
Fax 01604 735401
E-mail: eastmidlands@english-heritage.org.uk

Heritage Planning Specialists

Nottinghamshire County Council
Trent Bridge House
Fox Road
West Bridgford
Nottingham
NG2 6BJ
Tel: +44 (0)115 977 2162
Fax: +44 (0)115 977 2418
E-mail: heritage@nottscc.gov.uk

04

Advice to the Applicant – Pilling

Where deep foundations are proposed we recommend the developer follows the guidance set out within our document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' which is available on our website at the following address:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

Informative

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at www.environment-agency.gov.uk for further guidance.
- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.environment-agency.gov.uk for more information

05

In order to carry out the off-site works required (reinstatement of 3 access points, footway provision and construction of new access) 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 (0115) 804 0015 for details.

BACKGROUND PAPERS

Application case file.

For further information, please contact Gareth Elliott on ext 5836.

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 & Regeneration

Committee Plan - 17/01729/FULM

