



Report to Planning Committee 9 May 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Laura Gardner, Senior Planner, x5907

Report Summary			
<b>Application Number</b>	23/01857/OUTM		
<b>Proposal</b>	Outline Application for proposed Care Home Development for up to 105 En-Suite Resident Accommodations (Use Class C2) all matters reserved except access.		
<b>Location</b>	E-Centre, Darwin Drive, Sherwood Energy Village, Ollerton, NG22 9GW		
<b>Applicant</b>	Millhouse - Mr Douglas White	<b>Agent</b>	Mr Graham Bradford - The Planning & Environment Studio
<b>Web Link</b>	<u><a href="#">23/01857/OUTM   Outline Application for proposed Care Home Development for up to 105 En-Suite Resident Accommodations (Use Class C2) all matters reserved except access.   E-Centre Darwin Drive Sherwood Energy Village Ollerton NG22 9GW (newark-sherwooddc.gov.uk)</a></u>		
<b>Registered</b>	17.11.2023	<b>Target Date / Extension of Time</b>	16.02.2024 / 16.05.2024
<b>Recommendation</b>	Approve, subject to the conditions in Section 10.0 and the completion of a Section 106 agreement		

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

**1.0 The Site**

1.1 The application site relates to a broadly square plot of land approximately 0.48 hectares in extent to the west of Darwin Drive and north of Burbank Avenue. The site is within Sherwood Energy Village in the urban boundary of Ollerton.

- 1.2 The site as existing forms an areas of car parking and rudimentary landscaping which formed part of the original site remediation and subdivision of the former colliery into developable parcels. The boundary with Darwin Drive is formed of a low knee rail fence. There are some dispersed trees across the site as well as street light infrastructure to serve the informal car parking use.
- 1.3 There are a number of commercial buildings surrounding the site including an office building immediately to the north (which as per the planning history below has prior approval for a change of use to residential). Wider uses in the area include warehousing and light industrial as well as some residential. The parcels of land are designed around a distinctive concentric circle street pattern.
- 1.4 The site is within Flood Zone 1 and at very low risk of surface water flooding according to the Environment Agency maps. The site is within the boundary of the ecological designation Sherwood Forest Special Protection Area (ppSPA).

## **2.0 Relevant Planning History**

*Applications affecting the site and the land to the north (where the existing building is):*

- 2.1 **12/00441/FUL** - Change of use the existing building to include a health club (Use Class D2) and Beauty Salon (Sui Generis) in addition to the existing office (Use Class B1) and Restaurant (Use Class A3) (Part Retrospective). *Application approved.*
- 2.2 **04/01109/FULM** - Proposed office development. *Application approved.*

*Applications just affecting the land to the north (i.e. where the existing building is):*

- 2.3 **23/01749/CPRIOR** - Application to determine if prior approval is required as to impacts of the development 'Conversion of ground floor of empty building previously used as office space to 8no. apartments' risks in relation to the building, and/or impacts on intended occupiers of the development (Schedule 2, Part 3 Class MA). *Prior approval required and granted.*
- 2.4 **23/01977/CPRIOR** - Application to determine if prior approval is required for the Conversion of empty building previously used as office space to 7no. apartments under Schedule 2, Part 3 Class MA. *Prior approval required and granted.*

## **3.0 The Proposal**

- 3.1 The application seeks outline consent for the development of a care home (Use Class C2) with capacity of up to 105 resident en-suite bedroom units of varying sizes. All matters except access are reserved which is proposed from Burbank Avenue to the southern boundary.
- 3.2 The application has been revised to remove proposed assisted living units. The indicative layout received through the application submission is therefore no longer

relevant as all units will be delivered in one care home building (which has been increased from 75 to 105 beds following removal of the extra care units).

3.3 The application has been considered based on the following:

- Planning Statement dated October 2023;
- Habitats and Protected Species Report – 2354-PHA dated September 2023;
- HRA Shadow Screening Assessment – 2354-PHA dated September 2023;
- Tree Survey - 2354-PHA dated November 2023;
- Strategic Drainage Statement dated November 2023;
- Site Plan / Location Plan (unreferenced received 18<sup>th</sup> October 2023);
- Location Plan dated 18<sup>th</sup> October 2023;
- Highway Technical Note dated February 2024 – RHC-23-339-TN;
- Site Access & Visibility Extents – RHC-23-339-02 dated 01/03/2024.

#### **4.0 Departure/Public Advertisement Procedure**

4.1 Occupiers of 47 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.

4.2 Site visit undertaken on 1<sup>st</sup> December 2023.

#### **5.0 Planning Policy Framework**

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

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 6 – Infrastructure for Growth  
Spatial Policy 7 - Sustainable Transport  
Core Policy 9 -Sustainable Design  
Core Policy 10 – Climate Change  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character  
ShAP1 - Sherwood Area and Sherwood Forest Regional Park  
ShAP2 – Role of Ollerton & Boughton

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

DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
DM3 – Developer Contributions and Planning Obligations  
DM5 – Design  
DM7 – Biodiversity and Green Infrastructure  
DM12 – Presumption in Favour of Sustainable Development

5.3 The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections

to amended versions of the above policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

#### 5.4 **Other Material Planning Considerations**

National Planning Policy Framework 2023

Planning Practice Guidance (online resource)

National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

District Wide Housing Needs Survey 2020, ARC4

Developer Contributions SPD

#### 6.0 **Consultations**

6.1 *NB: Comments below are provided in summary - for comments in full please see the online planning file.*

##### **Statutory Consultations**

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

6.3 **NCC Highways** – No objections subject to conditions.

##### **Town Council**

6.4 **Ollerton Town Council** – Object due to insufficient and inappropriate parking provision on site.

##### **Representations/Non-Statutory Consultation**

6.5 **NCC Developer Contributions** – Request a contribution of £45,000 towards improvements to the local public transport network to serve the site and a contribution of £16,200 towards bus stop improvements and a condition for a new bus stop near the site.

6.6 **NSDC Environmental Health (contaminated land)** – Request phased contaminated land condition.

6.7 **NSDC Environmental Health (noise)** – No comments to make.

6.8 **NSDC Community and Arts Manager** – No comments received.

6.9 **NSDC Strategic Housing** – Affordable housing contribution originally requested for assisted living units but the scheme has been revised to a solely Care Home scheme.

6.10 **NSDC Ecology** – No comments received.

6.11 **NHS** – Request financial contribution of £44,625.

6.12 **No letters of representation have been received.**

## **7.0 Comments of the Business Manager – Planning Development**

7.1 The key issues are:

1. Principle of Development
2. Impact upon Visual Amenity
3. Impact upon Highway Safety
4. Impact upon Residential Amenity
5. Impact on Trees and Ecology
6. Flood Risk and Drainage
7. Developer Contributions

7.2 The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development 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.

### Principle of Development

7.3 The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

7.4 The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy set out in Spatial Policy 1 are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 (Spatial Distribution of Growth) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District.

7.5 The site is within the urban boundary of Ollerton and Boughton which is identified in the Settlement Hierarchy as a Service Centre. It therefore has a function of acting as a focus for service provision for a large local population and a rural hinterland. ShAP 2 (Role of Ollerton & Boughton) seeks to promote and strengthen the role of Ollerton & Boughton including through the promotion of new housing. This is further supported through Policy DM1 (Development within Settlements Central to Delivering the Spatial Strategy).

- 7.6 The proposal is presented as a C2 (Residential Institutions) use for a care home. The most recent Housing Needs Survey (HNS) (2020) by Arc4 indicates that such housing for older people is needed within the District. Particular needs which have been identified in the HNS include the following;
- an additional supply of 1,344 units specialist older person accommodation needed by required by 2033;
  - a minimum of 1% of new dwellings should be built to M4(3) wheelchair accessible standard; and a minimum of 23% all new dwellings should be built to M4(2) accessible and adaptable standard;
  - over the period 2019 to 2035, there are expected to be an additional 2,418 people aged 65 and over with a mobility problem.
- 7.7 Paragraph 63 of the NPPF (2023) specifically references the needs of older people (including housing with care and care homes) as requiring to be assessed and reflecting in planning policies.
- 7.8 The proposed development would assist in contributing towards the above needs in a sustainable settlement and therefore would be supported in principle subject to an assessment against the remainder of the Development Plan.

#### Impact upon Visual Amenity

- 7.9 Good design is a key aspect of sustainable development and the NPPF sets out that the Government places great importance to the design of the built environment. This expectation is reflected through policies CP9 (Sustainable Design) and DM5 (Design) of the Development Plan and Core Policy 13 (Landscape Character) in terms of the wider landscape implications.
- 7.10 The proposal is for outline permission and therefore the exact visual impacts of the development cannot be known at this stage. However, the proposal relates to a significant amount of proposed floor space and there is a suggestion that the building would have a scale of up to three stories. Clearly, a development of this scale would alter the character of the current site from predominantly open land used informally for parking to a more consolidated development site.
- 7.11 Nevertheless, the site is situated within Sherwood Energy Village which already accommodates a variety of uses including buildings of a considerable scale. The building immediately to the north of the site is 3 stories in height and therefore there is precedent for this scale and form of development in the area. There is nothing to suggest that the built form associated with the proposal would be harmful in character and design terms if the application were to proceed to reserved matters stage.

#### Impact upon Highway Safety

- 7.12 Spatial Policy 7 (Sustainable Transport) seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety,

convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems.

- 7.13 The only matter sought for consideration at this stage is the proposed vehicular access. It is intended that the site would be accessed from Burbank Avenue to the south of the site. Although not a matter for consideration at this stage, it is further suggested that there would be staff and visitor spaces for 15 vehicles.
- 7.14 The application has been reviewed by Nottinghamshire County Council as the Highways Authority. Their initial comments raised several concerns namely in relation to a lack of detail for the proposed highways arrangements (including for example visibility splays). The comments also outlined the need for a Transport Statement and indicated that the actual parking requirement for the proposed development would be much greater based on the highways design guide and therefore it should be demonstrated that the site could accommodate such provisions. It is noted that parking provision is the principle concern from the Town Council in their objection to the scheme.
- 7.15 Based on an additional Highway Technical Note provided by the applicant, NCC Highways are now satisfied that the proposed development will not give rise to a severe impact on highway capability or, subject to the access design, an unacceptable impact on highway safety. It is also accepted that the site should have adequate capacity to accommodate the proposed development (a matter which would be subject to a detailed assessment at reserved matters stage should outline permission be forthcoming).
- 7.16 The access arrangements are considered acceptable subject to conditions that the improvement works are carried out prior to the occupation of any development. Details are also required at reserved matters stage in terms of on-site parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage but these could be appropriately shown through the reserved matters submission.

#### Impact upon Residential Amenity

- 7.17 Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.
- 7.18 As existing the area surrounding the site is predominantly commercial in nature. However, as per the site history section above, the building to the north has recently been granted prior approval to change its use to residential apartments. This building is around 40m away from the site boundary which would be a sufficient distance to ensure that the occupiers of the building (if the scheme for residential conversion is implemented) would unlikely be subjected to overbearing or overlooking impacts from the proposed development. Impacts on neighbouring amenity would still require careful consideration at the detailed design stage. It would also be necessary to ensure

that the occupiers of the proposed development had sufficient standards of amenity, namely in terms of habitable rooms being served by adequate daylight and creating an otherwise attractive living environment.

### Impact on Trees and Ecology

- 7.19 Core Policy 12 (Biodiversity and Green Infrastructure) of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. ShAP 1 (Sherwood Area and Sherwood Forest Regional Park) seeks to maintain and enhance the ecological value of the Sherwood Area.
- 7.20 The application has been accompanied by a Tree Survey and ecological assessments including in relation to the sites position within the buffer zone for the Sherwood Forest proposed potential Special Protection Area (ppSPA).
- 7.21 The site comprises part of a former hardstanding used for car parking and contains habitats comprising of modified and neutral grassland, dry ditch and scattered trees. The trees were planted as part of a formal landscaping for the car park during the construction of the energy village. There are currently 16 individual trees within or within close proximity to the development site including 3 of Category B quality (T1; T4; and T14). There were no trees classified as Category A and other than one Category U tree the rest were considered Category C.
- 7.22 The highest quality specimens are along the southern and western boundaries of the site and therefore could be retained without detriment through the development. There would need to be some tree removal to facilitate the development in the centre of the site, but this would largely relate to willow scrub. Provided the presence and protection of existing trees are taken into account through a detailed scheme, the presence of the existing trees is not considered to be a barrier to development.
- 7.23 In terms of the ecological value of the site, the submitted preliminary ecological appraisal acknowledges that the features of the site have the potential to support breeding birds along with the potential presence for amphibians and reptiles. A series of recommendations and precautionary measures are suggested which could be conditioned were permission to be granted.
- 7.24 The site is located within the 5km buffer zone identified in Natural England's Indicative Core Area (ICA) and proposed Important Bird Area (IBA) boundary for those parts of Sherwood Forest which meet the primary criterion for designation as a SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total. The Council must pay due attention to potential adverse effects on birds protected under Annexe 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by Natural England in their guidance note dated March 2014.
- 7.25 It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all



potential impacts on the breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards. The first stage of any Habitat Regulation Assessment (HRA) is to identify the likely significant effects or the screening process. This is essentially a high-level assessment enabling the assessor to decide whether the next stage of the HRA, known as the appropriate assessment, is required.

- 7.26 Potential risks associated with the proposal include disturbance to breeding birds from people and traffic. The application has been accompanied by a shadow screening assessment which essentially considers that the site does not contain habitats associated with breeding populations of nightjar and woodlark and that the site is detached from the designated sites by urban and commercial development and a major road network.
- 7.27 On this basis Officers consider that the impact on the population of breeding nightjar and woodlark within the ppSPA is likely to be negligible. In the absence of likely significant effects arising from the development it is not necessary to proceed to an appropriate assessment stage.
- 7.28 Subject to conditions relating to the protection of existing trees and precautionary ecological measures, no specific harm has been identified which would conflict with Core Policy 12 or Policy DM7 (Biodiversity and Green Infrastructure).

#### Flood Risk and Drainage

- 7.29 Core Policy 9 (Sustainable Design) provides that development should 'through its design, pro-actively manage surface water, where feasible, the use of Sustainable Drainage Systems.' CP10 (Climate Change) seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.
- 7.30 The application has been accompanied by a drainage statement to address at a high level the flood risk and surface water drainage implications of the proposals. Given the outline nature of the proposals the exact drainage details are not yet known but there will be an opportunity to incorporate soakaway drainage and a degree of sustainable urban drainage systems to the site. It is also acknowledged that in the redevelopment of the energy village, there is already a recently laid out drainage infrastructure embedded. Further detail would be required at reserved matters stage but there are no drainage or flood issues which warrant concern at this stage.

#### Developer Contributions

- 7.31 Spatial Policy 6 and Policy DM3 (Developer Contributions and Planning Obligations) set out the approach for delivering the infrastructure necessary to support growth. They state that infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the

detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

### *Affordable Housing*

- 7.32 Core Policy 1 (Affordable Housing Provision) provides that for schemes of 11 or more dwellings, 30% on-site affordable housing should be provided with a tenure mix of 60% social rented and 40% intermediate housing. This is reaffirmed within the Council's SPD on Developer Contributions. The NPPF, at paragraph 66, states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. It does specify, however, that exemptions should be made where the development provides specialist accommodation for a group of people with specific needs (such as purpose built accommodation for the elderly).
- 7.33 Whilst a C2 use would not ordinarily attract an affordable housing contribution a recent High Court Judgement (Rectory Homes Ltd v SSHCLG (2020) EWHC 2098 (Admin)) found that a development for 'housing with care' would fall within C2 use and an affordable housing contribution was nonetheless required. Within the judgement the Judge concluded that although the development would be in C2 Use, the units of accommodation within the development would nonetheless be 'dwellings' for the purposes of the policy. If the units can be used as independent dwellings, (in this case they each had their own front door and private facilities) then they can be considered as "dwellings", irrespective of whether an element of care is provided. Having established that the units were dwellings, the Site was subject to the Policy requirement of affordable housing provision.
- 7.34 The difference between that judgement and the development now proposed is that the care home units would not operate as independent separate dwellings and would instead be individual en-suite bedrooms within a single building. The original application did include 30 supported living units, but these have since been removed from the proposals and would instead be incorporated into the main building as 30 larger units (to allow space for a separated sleeping area to private living area). Full care services would be provided in the same way that the smaller rooms would operate.
- 7.35 On the basis of the revised proposed, it is no longer considered justified to seek an affordable housing contribution for the proposed development.

### *Open Space*

- 7.36 With regard to the children's open space and outdoor sports facilities, considering the proposed occupation of the dwellings, it would not be justified to provide a contribution towards such facilities on this occasion.

- 7.37 In terms of on- site open space, this would be expected to be provided on site with the detailed design of the scheme.

#### *Education*

- 7.38 Again, given the proposed occupation, a contribution towards education would not be reasonable. It would however be necessary to restrict the occupation to the elderly population through condition.

#### *Community Facilities*

- 7.39 The Council's Supplementary Planning Document (SPD) provides where existing infrastructure exists or where small-scale developments do not warrant new infrastructure, a contribution may be appropriate to support the existing infrastructure such as a village or community hall or other community asset. It goes on to say that *'it is further recognised that some community facilities are not fulfilling their potential to meet the needs of residents and thus may appear to be underused. In such circumstances qualitative improvements to such facilities would increase their ability to make a positive contribution to meeting the needs of the community.'*
- 7.40 The site itself is too small to provide community facilities on it and therefore any additional pressure upon community facilities that this scheme would place upon the community should be met off-site by way of a financial contribution.
- 7.41 Discussions have been ongoing with the Town Council in respect to an identified need for increased cemetery provision. The Town Council have already commenced investigations into the costs associated with acquiring additional land and how many plots this could accommodate.
- 7.42 It is noted that a care home facility is likely to have an impact on mortality rates locally. The applicant (through their agent) has confirmed that typically life expectancy within care homes in England is between 2.2 to 7 years (albeit with many variables). Taking best guess estimates based on the size of the proposed facility, and these averages, as well as taking account of the figures provided by the Town Council in terms of the costs associated with a cemetery extension, it is deemed reasonable for the development to make a contribution of £6,000 towards improved cemetery provision in Ollerton. This has been calculated on the basis that it would take around 10 years for the cemetery extension to become full and therefore the developer should make a contribution attributable to the same timeframe.

#### *Health*

- 7.43 The SPD is clear that applications for the development of concentrated housing such as residential care homes will need to be assessed for their impact on the local healthcare functions on a case-by-case basis.
- 7.44 The application submission presents that no such contributions should be made because, *"By the nature of care home resident profiles, these are occupied by people*

*from the local community, allowing family and friends access and local familiarity to residents. It stands therefore that there would be no material increase in the demands placed on health services".* It is further suggested that overall wellbeing is provided to residents on site.

- 7.45 However, the Estates team at the NHS have responded to a consultation request for the application and requested a financial contribution of £44,625 (based on a specific cost for health care projects) towards healthcare provision in the area. The basis for this is that all practices in the area are working at capacity and therefore infrastructure will need to be developed to accommodate the increased population. Three specific practises are identified with the contribution either being towards re-configuration or extension of the existing premises.
- 7.46 The exact figure sought would need to be subject to the number of bedrooms which comes forwards at reserved matters stage but this could be worded into the Section 106.

### *Transport*

- 7.47 Nottinghamshire County Council have provided detail on bus stop infrastructure in the area confirming that the closest existing bus stops are located on Forest Road approximately 500 - 600 metres from the centre of the site.
- 7.48 The development site is served by the government funded 'Nottsbus On Demand' flexible pilot Demand Responsive Transport (DRT) service. The service commenced in 2022 and is funded for up to 3 years to provide wheelchair accessible vehicles offering access to key services including health, shopping, education and leisure within the defined area. Staff, visitors and residents of the development would potentially be able to access the pre-bookable DRT service that will potentially provide access when conventional bus services are not available, such as on Sundays or in the evenings, as well as more direct access to the site than the bus services which operate along Forest Road.
- 7.49 A bus service contribution of £45,000 is requested to be paid which would be used towards covering the operating costs of the DRT service beyond the pilot funding period, indicatively for up to 3 years.
- 7.50 Whilst the request is noted, the original response was lacking in evidencing how this contribution would be attributable solely to this development. Further information has therefore been provided by NCC to confirm that the request is based on a projection of trips to/from the development, with a declining average trip subsidy cost. Calculations have been provided based on a modal share split between the bus and the DRT service. The requested funding is directly related to the subsidy cost projected for the number of trips arising from the development (rather than the whole cost of providing a vehicle) and is therefore considered to be reasonably related to the development.
- 7.51 The comments go on to request £16,200 to be paid to the bus stops on Forest Road

denoted NS0258 and NS0259 The Markhams. This would be to provide real time bus stop pole and display including electrical connections, polycarbonate bus shelter or other enhancements as required. It is stated that real time information is an important factor for non-bus users and is therefore a major driver in encouraging modal shift to public transport and promoting increased confidence.

- 7.52 There is then a further request for a condition for a bus stop adjacent to the site to be provided. This cannot be imposed as a planning condition because it is outside of the red line site location plan. It is estimated that the costs associated with providing a new bus stop would be £4,200. Officers initially queried with NCC whether both the new bus stop and the upgrade to the existing bus stop are necessary, but it has been confirmed that they would serve slightly separate purposes. The new bus stop would operate on the DRT service whereas the improvements to the Forest Road bus stop would encourage modal share for those that are able to access the conventional bus at this stop.
- 7.53 Based on the additional evidence provided, it is considered that the requests by NCC are reasonable and directly attributable to the development. They should therefore be secured through the associated Section 106 agreement.

#### *Developer Contributions Conclusion*

- 7.54 The following contributions are deemed reasonable and necessary to make the development acceptable from a planning perspective and will need to be secured by an associated legal agreement:

<b>Contribution Type</b>	<b>Contribution Amount (£)</b>	<b>Associated Trigger</b>
Community Facilities (cemetery provision)	6,000 • £390 Monitoring Fee	80% Occupation
Health	44,625 • £390 Monitoring Fee	60% Occupation
Transport	45,000 (towards on demand bus service) • £390 Monitoring Fee 16,200 (towards upgrading existing bus stops) • £575 Monitoring Fee 4,200 (towards a new bus stop) • £575 Monitoring Fee	80% Occupation

#### Other Matters

- 7.55 The Planning Statement submitted with the application contends that contaminated land matters have been mitigated in advance. However, Environmental Health Officers have requested the standard phased contaminated land condition given that the previous works were carried out many years ago and to an unconfirmed standard.

Noting that the end use would be residential and therefore sensitive to any contamination issues, this is considered a reasonable condition to impose.

## **8.0 Implications**

8.1 In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

## **9.0 Conclusion**

9.1 The site is within a sustainable settlement where new development is supported in principle noting the role of Service Centres in providing service provision for a large local population and a rural hinterland. The development offers the opportunity to provide much needed accommodation for the elderly population which weighs positively in the overall planning balance.

9.2 Although the exact impacts of the proposal are unknown at this stage, sufficient detail has been provided to demonstrate that the access arrangements would be appropriate. There is nothing to suggest that the detail provided at reserved matters stage would not demonstrate appropriate character; amenity; ecological and drainage impacts.

9.3 The applicant has entered into discussions with the local planning authority to the drafting of an associated legal agreement to ensure that the wider impacts of the development would be appropriately compensated for in relation to community facilities; health and transport (and associated monitoring fees set out in paragraph 7.54). Subject to this agreement, and the conditions outlined below, the recommendation is one of approval.

## **10.0 Conditions**

01

Applications for approval of reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

Any subsequent reserved matters application for the development hereby permitted shall include detailed plans and particulars relating to the following items:

- i) A detailed layout plan based on the details on plan reference Site Access & Visibility Extents – RHC-23-339-02 dated 01/03/2024 with the associated access, to include all key dimensions including gradients, junction and forward visibility splays and shall be accompanied by the appropriate swept path analysis;
- ii) The layout and marking of car parking, servicing and manoeuvring areas;
- iii) Cycle parking and bin storage facilities;

Reason: To ensure the development is designed to suitable standards.

04

Any subsequent reserved matters application for the development hereby permitted shall include a detailed surface water drainage scheme based on the principles set forward by the Strategic Drainage Statement dated November 2023. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use Sustainable Drainage System throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
  - No surcharge shown in a 1 in 1 year.
  - No flooding shown in a 1 in 30 year.
  - For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of Severn Trent Water approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

Reason: To ensure that the development satisfactorily deals with drainage.

05

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. This must be conducted in accordance with DEFRA and the Environment Agency's '*Land contamination risk management (LCRM)*'

#### **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,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

#### **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 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.

06

No site clearance works including shrubbery removal shall take place and no tree shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to September inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

07

No development shall be commenced until a Construction Environmental Management Plan (CEMP) incorporating a Reasonable Avoidance Measures Statement (RAMS) and timetable has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify appropriate measures for the safeguarding of protected and locally important species and their habitats and shall include:

- a) an appropriate scale plan showing details of any required protection zones where construction activities are restricted and where protective measures will be installed or implemented;
- b) details of protective measures (both physical measures and sensitive working practices) to avoid impact during construction. This shall include the precautionary measures set out within the Habitats and Protected Species Report – 2354-PHA dated September 2023;
- c) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
- d) details of a person responsible for the management of the protection zones.

Development shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of maintain and enhancing biodiversity.

08

No works or development shall take place until an Arboricultural method statement and scheme for protection of the retained trees/hedgerows has been approved in writing by the Local Planning Authority. This scheme shall include:

- 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/drainage runs/soakaways 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, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on the application site.
- f. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved arboricultural method statement and tree/hedgerow protection scheme.

Reason: To preserve and protect existing trees which have and may have amenity value that contribute to the character and appearance of the 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 the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the Local Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on 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 the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on 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 which have and may have amenity value that contribute to the character and appearance of the area.

10

Any subsequent reserved matters application for the development hereby permitted shall include 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.

Reason: In the interests of visual amenity and biodiversity.

11

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. If within a period of 7 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 permission of the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity.

12

Each of the units/bedrooms hereby approved shall be occupied by at least one person of 55 years of age or older, or their widow, widower (or recognised co-habitee, main carer or dependant).

Reason: In line with the intentions of the application and to justify a lack of financial contributions towards education of open space for children and young people.

13

The development hereby permitted relates to the site shown on plan reference Location Plan dated 18<sup>th</sup> October 2023.

Reason: To define the development.

### Informatives

01

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

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

02

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

03

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

04

The development makes it necessary to improve an existing access on Burbank Avenue, including widening of an existing dropped kerb footway crossing. These works shall be constructed to the satisfaction of the Highway Authority. The developer is required to contact the Highway Authority's agent, VIA East Midlands (Tel. 0300 500 8080), to arrange for these works to be designed and implemented.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 23/01857/OUTM

