

PLANNING COMMITTEE – 2 OCTOBER 2018

Application No:	17/02326/FULM
Proposal:	99 New Dwellings With Associated Access, Earthworks and Other Ancillary and Enabling Works.
Location:	Land At New Lane, Blidworth, NG21 0PH
Applicant:	New Lane Blidworth LLP
Registered:	04.01.2018 Target Date: 05.04.2018
	Extension of Time Agreed Until 07.09.2018

This application is being presented to the Planning Committee at the discretion of the Business Manager. Although the Officer recommendation conforms to the comments of the Parish Council, in this instance the specific factors of the application are considered worthy of consideration by Members of the Planning Committee.

The Site

The application site comprises approximately 3.13 hectares of grassland currently maintained as arable farmland within the settlement of Blidworth as defined by the Proposals Map of the Allocations and Development Management DPD. There is a public footpath which crosses the site towards the south eastern corner and the designated conservation area of Blidworth abuts the southern boundary of the site. The site as existing is predominantly open with hedged boundaries. Although there is no formal vehicular access to the site, it appears that the site has been previously accessed both to the north from New Lane and from the south from Marriott Lane.

There is a significant gradient change within the site whereby the site displays a central valley. The topography of the development site falls across the site from the north to south, approximately 9 metres from New Lane to the natural bowl in the centre, before rising again to the southern boundary, reaching a high point in the south eastern corner of approximately 11 metres above the natural bowl level.

The site is on the western edge of the settlement directly adjacent to the defined Nottingham Derby Green Belt. As such land to the west is predominantly open in character. The site is otherwise surrounded by residential curtilages of varying plot sizes. The eastern boundary of the site is shared with a number of bungalows occupied by elderly residents developed and managed by Nottinghamshire Community Housing Association with on-site warden and communal facilities (at Marklew Close). These bungalows are set at a lower level than the site itself. The site is bounded by trees and hedgerows.

Relevant Planning History

There is planning history relating to the north eastern corner of the site:

14/00791/OUT - Proposed Erection of 4 Detached Dwellings (Outline Application - renewal of extant permission ref: 11/00162/OUT). *Application Permitted July 2014 but no longer extant on the basis that no reserved matters applications have been received within three years as required by condition.*

Prior to the above application this portion of the site was also subject to refusals for similar development including one refusal (on the basis of the means of access and setting a precedent for piecemeal development) which was subsequently allowed on appeal (**11/00162/OUT**).

The Proposal

The original proposal related to an application for 100 dwellings however, as is discussed further below, the application has been amended during the lifetime of the development and now seeks full planning permission for the erection of 99 dwellings. For the avoidance of doubt, the development has been assessed below on the basis of the following plans (the majority of which were received 4th July 2018):

- Revised Site Masterplan – 6938(08) 100 Rev. F (received 8th August 2018)
- Amended Detailed Landscape Proposals (Sheet 1 of 2) – 1577-01D (received 8th August 2018)
- Amended Detailed Landscape Proposals (Sheet 2 of 2) – 1577-02B
- Amended Street Elevations 1 and 2 – 6938(08) 101 Rev. A
- Revised Street Elevations 3 to 5 – 6938(08) 102 Rev. D (received 8th August 2018)
- Amended Street Elevations 6 to 8 – 6938(08) 103 Rev. A
- Amended Street Elevations 9 to 12 – 6938(08) 104 Rev. A
- Amended Street Elevations 13 to 15 – 6938(08) 105 Rev. A
- Revised Boundary Treatment Plan – 6938(08) 106 Rev. C (received 8th August 2018)
- Amended House Type 202A – 6938(08) 10 Rev. B
- Amended House Type 202L – 6938(08) 11 Rev. B
- House Type 202L (Pitched Porch) – 6938(08) – 11-02
- Amended House Type 301 – 6938(08) 12 Rev. B
- Amended House Type 302CL – 6938(08) 15 Rev. B
- Amended House Type 304 – 6938(08) 16 Rev. B
- Amended House Type 304 – 6938(08) 16-02 Rev. B
- Amended House Type 306 – 6938(08) 17 Rev. B
- Amended House Type 402 – 6938(08) 18 Rev. C
- Amended House Type 404 – 6938(08) 19 Rev. B
- Amended House Type 412 – 6938(08) 20 Rev. B
- Amended Single Garage – 6938(08) 21 Rev. A
- Amended Twin Garage – 6938(08) 22 Rev. A
- Amended Garage Sales Centre – 6938(08) 23 Rev. A
- Semi Detached Bungalow – 6938(08) 24
- Terraced Bungalow – 6938(08) 25
- House Type 302CL Semi – 6938(08) 26
- House Type 302CL Semi – 6938(08) 27
- Amended Location Plan – 6938(08) 98 Rev. B
- Amended Existing Site Plan – 6938(08) 99 Rev. A
- New Lane Highway Works – C2627-SK006-2 Rev. B
- Amended New Lane Highway Works TRO – C2627-SK006-3 Rev. B

- Free Standing Brick Substation – UDN-460
- Utility Survey (demonstrating existing topographical levels) – 1293 Rev. 0 dated 27.02.15 (received 31st July 2018)

In addition to the above, the application has been accompanied by the following supporting documents:

- Design and Access Statement (Amended reference 6938 Rev. A);
- Transport Assessment;
- Residential Travel Plan (Amended dated 21st June 2018);
- Flood Risk Assessment;
- Environmental Enhancement Strategy;
- Code for Sustainable Home Ecology Assessment;
- Archaeological Desk Based Assessment;
- Phase 2 Geo-Environmental Assessment Report;
- Utility Survey;
- Viability Appraisal (Amended received 16th July 2018).

The housing schedule for the proposed development is included in detail on the submitted Masterplan but is summarized as follows:

House Type	No. of Units
2 bed two storey dwelling	29
3 bed two storey dwelling	48
2 bed dormer bungalow	8
4 bed two storey dwelling	14
Total	99

The proposed development would be accessed via a single point of access from New Lane to the northern boundary of the site. The internal road network measures 5.5m with 2m footways either side designed into three cul-de-sacs. As part of the revised submission, the application intends to undertake works to New Lane which are discussed in detail in the Highways section of the appraisal below but briefly comprise the widening of New Lane to a minimum of 5m (5.5m near the access point) between Hilton Park and the development site and the continuation of the footway along the south side of New Lane.

The proposals incorporate a balancing pond and water attenuation basin broadly centrally within the site but towards the eastern boundary. The proposal also includes the realignment of the existing public footpath which crosses the site with the amended route adjacent to a small area of green space in part. The majority of the existing boundary treatments would be retained albeit the boundary plan reference above demonstrates additional boundary treatment including fencing to parts of the eastern boundary.

The scheme is intended to be delivered through 10 different house types including (as per the revised application in contrast to the original) 8 dormer bungalows. The maximum eaves height of the two storey dwellings are 4.875m with the overall maximum pitch height of the development being approximately 8.5m. The proposed dormer bungalows would be approximately 2.2m to eaves and 6.1 to pitch. The schedule of accommodation included on the Revised Site Masterplan outlines the gross internal floor area of each of the house types ranging from 65.12m² (2 bed. 2

storey) to 128.46m² (4 bed. two storey). Materials proposed include a selection of red facing bricks with a feature brick proposed to accentuate window cills and heads. Proposed roof tiles are slate grey and red, concrete tiles.

Departure/Public Advertisement Procedure

Occupiers of 67 properties have been individually notified by letter. Three site notices have been placed at various locations surrounding the site (at the point of the proposed access; at the start of the public footpath to the east of the site; and at the south of site at the end of Marriott Lane). An advert has also been placed in the local press. An additional round of consultation was undertaken on receipt of the revised plans which included all parties who had provided comment on the original scheme. Further rounds of consultation have been undertaken to relevant parties along the eastern boundary in respect to the latest revised boundary plans.

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 6 – Infrastructure for Growth
Spatial Policy 7 – Sustainable Transport
Core Policy 1 – Affordable Housing Provision
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment
MFAP 1 – Mansfield Fringe Area

Allocations & Development Management DPD

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2 – Development on Allocated Sites
Policy DM3 – Development Contributions and Planning Obligations
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development
Policy Bl/Ho/3 – Blidworth – Housing Site 3

Other Material Planning Considerations

National Planning Policy Framework 2018
Planning Practice Guidance
Developer Contributions and Planning Obligations Supplementary Planning Document 2013
Publication Amendment Core Strategy July 2017
Rights of Way Circular (1/09) Version 2 October 2009

Consultations

Blidworth Parish Council – Additional comments received 17th August 2018:

Blidworth Parish Council strongly OBJECT to this application based on the grounds of:

Road safety

Over development of the site

Added infrastructure

Health and Safety to the area

Access issues

Additional comments received 20th July 2018:

In addition to our comments submitted previously Blidworth Parish Council would like to strongly OBJECT to this application based on the grounds of:

Road safety

Over development of the site

Added infrastructure

Health and Safety to the area

Original comments received:

Blidworth Parish Council wish to strongly OBJECT to this proposal based on the following:

Design and Visual Impact

The location of this development was once part of Greenbelt, and will have an impact on the landscape. The design and visual impact of this development will impact highly on the Village.

The Parish have reason to believe that due to Blidworth being a mining Village, subsidence is present and there is a potential fault running through the site.

The Water supply is already compromised as illustrated by residents. The water pressure is low enough to cause significant issues to some households and further demand will exacerbate this problem. Pipe width is already compromised.

The telephone network cannot support fast broadband as Blidworth is over 3K from the nearest telephone exchange and this will lead to slower broadband speeds which are not easily remedied.

Privacy, Daylight and sunlight

Consideration has not been taken into account of the residents in the area. Residents on Marklew Close will lose privacy, daylight and sunlight as the proposal sees the erection of a large fence to the rear of their gardens. With the difference in heights, the new residents will be able to potentially see directly into the properties of the residents on Marklew Close losing their privacy

and the fence will cause loss of both sunlight and daylight into their homes. (See photographs attached)

Noise, Smell and Pollution

Due to the proximity of the new development current residents would be subject to noise, smell and pollution. Furthermore the local area has been subject to contamination from the local tip (now fenced off due to it being a hazard) and no study or assessment has yet been carried out to identify the potential level of contamination. (Potential identified in The Strategic Housing Land Availability Assessment carried out in 2010). By the nature of this land, the building plot sits lower on the land than the tip and could allow contamination to occur.

Historic maps of the area show a quarry on New Lane which took in ash and Clinker from the surrounding pit villages. The Proposed development shows the creation of an Attenuation Basin for flood water. As such this basin will be contaminated if rainwater drains through the land to enter it. Again by the nature of this land, the building plot sits lower on the land than the tip and could allow contamination to occur.

Access and Traffic

Blidworth is currently under strain from excessive traffic passing through to other destinations. Building Development in Rainworth, Mansfield (Lindhurst Development) and Ravenshead all add to this problem. The potential of an additional 200 cars + (from 100 dwellings) will cause further delays, accidents and wear on the current road system (which needs attention). Our recent discussions with VIAEM regarding the junction with Blidworth Lane and Warsop Lane, Rainworth indicates an increase in the volume of traffic travelling in and out of the village and requires further investigation.

The Newark and Sherwood District-wide Transport study produced in 2010 by the WYG illustrates figures that are clearly out of touch. New developments in the surrounding areas (Mansfield District Council and Gedling Borough Council) have not been taken into account and a new up to date assessment needs to be carried out which will reflect the actual increase in the number of road users.

The Strategic Housing Land Availability Assessment carried out in 2010 states this proposed site is not suitable. The Highways Engineers comments state: *Visibility and on site highway layout to be provided to standard. Off site highway works required. Traffic Assessment required. Abuts that part of New Lane that is effectively a country Lane with a narrow carriageway and no footway. New Lane in this vicinity is not therefore of a standard that could support further development.* As far as the Parish are aware further works or assessment have not been carried out and since this time the road has deteriorated further.

Furthermore the same assessment provides a suitability conclusion of: *The site is not suitable. Possible highway constraints in this location make this site unsuitable for development*

New Lane itself is a two way single carriageway which is currently difficult for two cars to pass and will not be suitable for HGV's lorries and other traffic. It is extremely difficult to access at the present time due to parked cars (see photos attached) and will be far worse with an increase in vehicles, and most definitely not suitable for construction traffic.

The Parish are concerned that there is no proposal of how to control traffic entering and leaving New Lane. The Road is currently classed at single track as we are not aware of any white lines defining two way traffic. The Road is clearly substandard and has not been subject to the essential surveys/assessment that it requires.

Several pieces of grassed highway land on New Lane from the junction with Mansfield Road have been maintained by the Parish Council for over 20 years.

Health and Health and Safety

The current road structure into New Lane is problematic and causing many safety issues. It is not suitable for purpose. Car parking to use Blidworth's local shops and amenities means that the safety of pedestrians, disability scooter users and motorists are unable to use the pavements and cross the road safely. In making this a major road junction would ensure the Health and Safety of residents is compromised further.

The Parish also have concern for access when required by the Emergency Services. The Health and safety of the homeowners could be compromised if such services cannot access the site.

The Health and Safety of our residents at several of the 'Elderly Residents complex's' within the Village will be compromised as increased traffic will make crossing road junctions to access local amenities such as the Library and Doctors surgery extremely difficult. This will be increasingly difficult for our elderly and disabled residents.

The safety of horse riders which use New Lane as an important bridleway will also be compromised.

The steepness of the site makes icing a significant issue in winter.

The Parish are informed by residents that there are significant issues with flooding, especially sewage overflow, during times of heavy rain on Dale Lane, Blidworth. Severn Trent Water has attended site on many occasions to pump out sewage and make safe. The sewers on Warsop Lane regularly block and also require manual pumping.

The Planned Attenuation basin has potential Health and Safety issues as it could be hazardous for children who could play in the surrounding area. The Parish are unable to identify how this will be policed, when in place to avoid danger from drowning.

The health of local residents are also affected. At a recent Safety meeting the Manager of Marklew Court had received concern from their residents that not only will their light and privacy be compromised but the residents that have retired here would be unable to enjoy their homes.

The Parish also have concern for the children from the local school that walk regularly to the Library. The road at present continues to be not safe and increased traffic will only intensify this problem which may result in the children not being able to make this journey.

Ecology, Landscape

The study shows that potential residents will be encouraged to walk, and cycle within the Village. Firstly the roads are currently not safe or suitable. The original footpath that runs through the

land will be removed. The Parish are not aware of any 'Public Right of Way order' which has been submitted to allow this to happen. Potential walkers which will generally be children will mean crossing 2 roads and a minimum of 8 drop kerbs/drive accesses. The current footpath is used by children to avoid current roads and congestion.

The approach to a green infrastructure proposes that our children are encouraged to cycle to the neighbouring secondary school in Rainworth. The Parish for many years have had concern for our children walking to school due to the speed of motorists on Mansfield Road leading to Warsop Lane. The Parish have recently submitted a petition to Nottinghamshire County Council in an attempt to reduce the speed limit in an attempt to secure the safety of our children. If we cannot ensure that our children can be safe walking to school, how can we possibly entertain the idea of cycling? The pavement and tracks are not safe or fit for purpose.

New Lane is part of the Sustrans Cycle Track and no provision has been made for the safety of cyclists.

The Ecology statement states that 12500m² of the development will be lawn and 1000m² will be landscaped. Although the plans show the majority of dwellings to have 2 spaces for off street parking other cars and visitors will need to park on the road. In future years, how can the Parish be sure that this lawned area won't be turned into more parking for the vehicles?

There is a considerable amount of wildlife within this area including pipistrelle bats and common buzzards that roost and nest on or near the site.

Natural springs have also been identified on the site by consultees.

We cannot see any provision for open spaces for children to play.

Crime (and fear of)

With an increased population in the Village and a diminishing Police presence in the area, we feel the Village may see an increase in crime.

Economic Impact

Local schools and Doctors surgeries both in the Village of Blidworth and its neighbouring villages of Rainworth and Ravenshead are at full capacity putting a strain on resources and causing problems to long standing residents in the village who are having to travel out of the village for these services. As no provision for CIL or section 106 monies has been made, this development is unviable without provision for the services the village already needs.

The Parish Council also feel that there is not enough provision for 'Affordable Housing' within the development.

Planning history/related decisions

It can be seen from the comments by the Flood Risk Management Team (NCC) that a number of potential plots are at the risk of flooding. Both the County and District Councils and Severn Trent Water are aware of flooding issues in the vicinity of the area.

In addition, the Parish Council would like to add:

The Allocations and Development Management Options report states that Southwell is considered to be a town requiring respect for its historic nature and that Southwell underwent a “conservation area character appraisal”. Blidworth is a village with an equally important history and whilst smaller but not insignificant, requires similar protections. The church dates back to 1066. Blidworth has notable history stretching back to the Domesday book and is building its local profile with features such as the Rockings ceremony and sculpture, Will Scarlet’s grave, the Druid stone, Memorial to Matthew Clay and Mill refurbishment.

The Village of Blidworth, on the edge of the Newark and Sherwood District does not receive the due care and respect that it deserves. There appears to be no ‘joined up thinking’ in terms of adjacent/area developments. This has an enormous impact on our Parish boundary in terms of traffic, schools and public services.

Blidworth is an area of outstanding rural character and natural beauty, with significant equine leisure activity which is a major source of employment in the area. Blidworth has been labelled a “regeneration area”. Given the very small amount of land designated for employment use within our village envelope, it would be better to class Blidworth as a “sustainable community”. An increase in road traffic, building on important bridleway routes, and loss of green belt land all contribute to a loss of our ability to sustain an important aspect of our village character and employment.

Blidworth Parish Council expects that the promise made by the National Government to listen to local communities under the Localism Bill to be supported and upheld by Newark and Sherwood District Council.

NSDC Conservation – Additional comments received 2nd August 2018:

We have reviewed the amended plans received on the 4th July. These plans attempt to address concerns raised in my original comments (sent 12/2/18). The proposed dwellings in the southwest corner adjacent to the CA are now orientated towards Marriott Lane and a commitment is made to add chimneys to some house types. The layout is also improved with regards to the footpath running through the site.

Whilst it is felt that the scheme could be further improved in terms of layout and design, we feel that the revisions sufficiently address concerns raised in our previous comments, and overall, we continue to consider that the development will not fundamentally harm any designated heritage assets in this case.

Original comments received 12th February 2018:

We have previously considered historic environment issues with regards to strategic housing on this site during pre-application discussions in 2015 (ref PREAPP/00042/15). In essence, the proposal site is not situated within the Blidworth Conservation Area (CA) although it is situated directly adjacent. Impact on the setting of the CA is therefore a material consideration.

Legal & 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 the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. 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 (paragraph 41).

Observations

Development on the site is acceptable in principle in accordance with the Council's LDF Allocations DPD (site BI/Ho/3).

The proposal will result in the construction of 100 dwellings laid out along a spine road from New Lane with a central attenuation basin and several secondary cul-de-sacs. The housing stock is typically 2 storey brick and tile with detached garages.

The footpath running from Meadow Road down to the southwest corner of the site is an historic track (see map extracts attached), and offers important first glimpses of the CA. Indeed, the rising land towards the former windmill (Grade II listed) is an important characteristic of the CA, noting that the CA boundary encompasses a significant area of countryside setting around the historic core of the village. The submitted masterplan truncates the footpath. We consider that the scheme would be improved if this route was preserved and incorporated into the scheme. This might be achieved by flipping the proposed layout on a vertical line so that the attenuation basin was on the western side and the spine road closer to the eastern edge of the site (therefore potentially enabling the existing footpath to be incorporated in full or part). Alternatively, could the basin be moved further southwards to allow incorporation of the footpath?

In addition, the scheme would be improved if the layout of properties in the southwest corner could be realigned to take into account the setting of the CA (notably units 31-38), presenting a more attractive entrance to old Blidworth. The current layout will result in the back gardens of units 31-33 and 34-36 being prominent when viewed from Marriott Lane, for example. Units 31-33 would benefit from being turned 90 degrees (to face southwards), and the arrangement formed by 34-36 should be reviewed.

However, in general terms, we do not find the development to be fundamentally harmful to the setting of any heritage assets. Any opportunities to enhance landscaping around the site, as well as maximising connectivity to and from the CA would be welcomed. The design scheme could be improved by using natural roofing materials as far as practicable, and consideration of features such as chimneys.

The desk-based archaeological report is comprehensive. It presents evidence that there is low to moderate interest within the site for a range of archaeological potential strata. In this context, it will be appropriate to condition a written scheme of investigation (to be agreed).

NSDC Planning Policy - The principle of residential development on this site is established through the provisions of Policy BL/Ho/3 as part of the Adopted Allocations and Development Management DPD. The Publication Amended Core Strategy has recently been through an Independent examination and the Inspectors report is awaited. Whilst this proposed an amendment to the percentage of development allocated to Blidworth from 25% of principal village growth down to 20%, this was based on the detailed work undertaken for the Preferred Approach to sites and settlements which was undertaken as part of the Plan Review process. Only those sites which are no longer deliverable are proposed for deallocation and in Blidworth this is site Bl/Ho/4 Dale Lane. The remaining allocations, of which this is one continue to be identified and in combination are sufficient to meet the residual housing needs of Blidworth as expressed through the Publication Amended Core Strategy. Although full weight cannot be attached to these documents at this stage, it shows that the principle of development for this site remains unchanged from the current Adopted Development Plan Documents. The principle of 100 dwellings on this site is therefore acceptable.

The policy allocating the site included an number of additional criteria to be addressed as part of any development proposals for this site, including the provision of a Transport Assessment; Masterplan; surface water management; archaeological investigation and impact from coal mining activities. I note the provision of documentation to address these matters. Officers will need to be satisfied that the details within these documents are acceptable to the relevant consultees.

With regard to the provision of affordable housing, the applicant has put forward that meeting the affordable housing contributions required by Core Policy 1 in full is not viable, so we will need to be content that this has been robustly demonstrated. The provision of 2 bed social housing is in line with findings of the Housing Market and Needs Assessment (HMNA) 2014. Greater emphasis is placed on smaller 1 and 2 bed dwellings is identified though the HMNA but the current mix proposed would accord with the provisions of CP3.

In conclusion, there are no in principle policy reasons to suggest this application is unacceptable.

NSDC Access and Equalities Officer – Observations in relation to Building Regulations.

NSDC Parks and Amenities Officer – No comments received.

NSDC Community Sports and Arts – The Parish Council is keen to secure an improved community asset which would serve its purposes and the local community, the preferred scheme is undecided as at but discussions are ongoing and there are potentially three option under consideration, an extension to the existing Blidworth Leisure Centre to provide additional community space, the acquisition from NCC of the library building which could be developed into a community hub resource or the development of a new community hub.

Therefore any community facility contribution that could be secured could support the progression of the preferred scheme.

NSDC Strategic Housing –The Council's Affordable Housing Supplementary Planning Document (July 2014) seeks 30% affordable housing provision on all qualifying sites on proposals of 5 units and above (Planning Guidance recommends 10 in rural areas). (CP1 refers). In line with

Council policy therefore, 30 of the proposed 100 units are required for the purposes of affordable housing.

I note that the applicant has submitted viability and the Council has accepted 19 affordable dwellings on site. The proposal from the site plan appears to provide 19 x 2 bed houses (tenure not provided). This is unacceptable in terms of addressing housing need in the area. The Council will require the following (type and tenure):-

	Rent	Intermediate (S/O)	Total
2 Bed House	6	4	10
2 Bed Bungalow	4	2	6
3 Bed	2	1	3
	12	7	19

Housing Need Summary

The District Council recently commissioned David Couttie Associates (DCA) to undertake a housing market and needs assessment (2014). As part of the study a sub area report was provided that looked at need at a localised level. Blidworth is part of the Mansfield Fringe Sub area and provides evidence of housing need for:-

- Property type: The survey states that there is demand for 83 flats/maisonettes, the highest level of need and for 44 semi-detached houses, the second highest demand for any type of property. Bungalows form a significant requirement and accords with the Council's own research into meeting the needs of older people.
- Property size: 1 and 2 bedrooms account for total need for affordable housing, totally 333 homes. 83 households require 1 bedroom and 250 households require 2 bedrooms. These numbers account for both existing and concealed households.
- Preference for Blidworth: 280 households currently living in the Mansfield Fringe area preferred Blidworth for their future location preference. This is highest level of demand in the sub area.
- The Council's housing register records high levels of demand for smaller and family property in this area and receives high levels of bids for all property types including 3 bedroom family homes and I have included a small element of this property type in the provision.
- The adopted Local Development Framework (LDF) Core Strategy identified that there is a clear strategic need for affordable housing and the Council therefore considers that developing new affordable housing will deliver council priorities in terms of housing need. There is a breadth of evidence to support need for smaller affordable homes in this location.

NSDC Environmental Health (contaminated land) - I have now had the opportunity to review the Geo-environmental Preliminary Risk Assessment undertaken by RSK, March 2015 and the Geo-environmental Ground Investigation Report undertaken by HSP Consulting Engineers Ltd, December 2017 in support of the above planning application.

This includes an environmental screening report, an assessment of potential contaminant sources and a description of the site walkover.

Following intrusive sampling the Geo-environmental Ground Investigation Report concludes that

no samples taken have exceeded their respective screening criteria for the use proposed. The report then states that this is representative of minimal risk and that no remedial works are required.

I generally concur with this assessment and therefore a land contamination condition is not deemed necessary in this instance.

NCC Highways Authority – Additional comments received 9th August 2018:

Further to comments dated 24 April 2018, revised submissions have been made to address previous matters of concern.

Drawing SK006_2B shows a proposal to widen New Lane to a general width of 5.5m.

Where this is not possible two suggestions are made:

- The introduction of traffic calming build outs to offer priority movement.
- The introduction of 'no waiting at any time' waiting restrictions.

In both cases the design and implementation of the features will be subject to additional Highway Authority checking/safety auditing and, most importantly, approval of a Traffic Regulation Order. This involves a legal and democratic process and therefore cannot be fully guaranteed to occur.

Notwithstanding the above it is considered that the proposal can be approved subject to the following conditions:

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway and any parking or turning areas is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced driveway and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

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

Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

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

The shared private driveway adjacent to plot 6 shall be laid out to a width of not less than 4.25 metres for at least 5 metres back from the back edge of the footway.

Reason: To ensure that vehicles entering and leaving the driveway may pass each other clear of the highway.

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway / parking / turning area is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area to the public

highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

No development hereby permitted shall commence until a scheme has been submitted and approved in writing by the LPA for the surfacing of public footpath FP1 between the development and Marklew Close. Such a scheme shall then be implemented in full prior to occupation of the 20th dwelling.

Reason: To promote sustainable travel

Prior to the commencement of development, the Highway works as shown for indicative purposes only on drawing SK006-2B shall be completed. For the avoidance of doubt, these works require a Traffic Regulation Order to enable the priority workings, which will need to be agreed and fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority.

Reason: To provide adequate & safe access to the site.

Prior to commencement of the development, an application shall be made to provide the Traffic Regulation Order (double yellow lines) shown for indicative purposes only on drawing SK006-2B on New Lane in the vicinity of Mansfield Road. Any subsequently approved works shall be fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority.

Reason: To provide adequate & safe access to the site.

Notes to Applicant:

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

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottsc.gov.uk for details.

The proposed development requires the stopping up or diversion of a public right of way. The grant of planning permission for this development does not authorise the obstruction or the stopping up or diversion of this public right of way and an unlawful obstruction to the right of way is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order stopping up or diverting the public right of way will be required. This is a separate legal process and the applicant is advised to contact the Countryside Access team at Nottinghamshire County Council for further information.

The proposed waiting restrictions and priority traffic referred to in the conditions require a Traffic Regulation Order. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk. Please note that the Order process may take 9-12 months

Original comments received 27th April 2018:

This proposal is for the construction of up to 100 new dwellings which will be served by a new access off New Lane.

The development traffic impact for the forecasted years of 2020 and 2025 has been assessed on the New Lane and Dale Lane junctions with Mansfield Road. It has been established that the New Lane junction would continue to operate well. The Dale Lane junction is predicted to be at or over its capacity without the development traffic so there is no headroom to accommodate additional vehicles. However, the predicted impact due to development traffic is small.

The Transport Assessment submitted as part of this application states that New Lane is proposed to be widened. A plan (drawing no. SK003 Rev. A) has been provided showing details as to how this will be achieved. As this plan is not to scale it is difficult to fully assess whether the works proposed can be provided satisfactorily on site. There is a section of approx. 50m of New Lane from Hilton Park in a westerly direction shown with a proposed carriageway width of 5m, instead of the 5.5m width required.

To provide a widened carriageway the existing verge on New Lane to the west of Hilton Park is to be reduced in width. This affects the visibility for emerging vehicles from adjacent dwellings, shown on the plan as 'existing driveways', and from Hilton Park. For example, the proposed kerb line adjacent the driveway to the west, for 'Mizpah' would result in a vehicle having to emerge into the live carriageway of New Lane with no visibility to the west. Whilst this existing driveway already has restricted visibility, this proposal would result in an increase in the likelihood of vehicular/pedestrian conflict. Reduced/restricted visibility is also a concern for the adjacent driveway shown and for vehicles exiting Hilton Park.

Concerns have been raised by the Rights of Way section (VIA East Midlands), for which comments have been submitted separately.

In view of the above, it is recommended that this application be refused for the following reason:

New Lane is substandard in width to cater for the additional traffic generated by the proposal and the proposed widening of it (as indicated on drawing SK003 Rev. A) would remain inadequate and, more importantly, result in an increased danger to users of the highway owing to the detrimental impact on visibility for drivers emerging from adjacent access drives and the Hilton Park access.

NCC Rights of Way – *Additional comments received 20th July 2017:*

Apologies for the delay in responding to this consultation. I have requested a contribution to improve the affected footpath, from where it leaves the development site to Marklew Close, in lieu of the direct link that it will provide to local services and facilities. The applicants acknowledge the importance of the route in linking to bus stops and local facilities. The surface is currently natural and so is muddy in winter. It really needs upgrading to tarmac to provide the

quality of link that the developer is suggesting it will provide. Dave Albans in Highways Development Control has also referred to this in his response.

Public Rights of Way comments are as follows:

Thank you for your consultation for the above planning application. I have attached a copy of the working copy of the Definitive Map, indicating the recorded public rights of way in the vicinity of the proposed development site, for your reference.

The applicant has acknowledged that the footpath that crosses the site, Blidworth Public Footpath No. 1, is a well-used route that provides a good link through the site to the centre of the village.

Following direct consultation with this department the applicants have adequately accommodated the route, on a diverted alignment, within their development proposal. It is clear that some of the new route will be on roadside footways that will, in all likelihood, become adopted as part of the highway network under the terms of the Section 38 agreement for the development. It may be practical for the full length of the footpath through the site to be constructed to adoptable standard and for the footpath within the site to be extinguished under the provisions of Section 257 of the Town and Country Planning Act 1990. Alternatively, the footpath will need to be diverted under Section 257, with the sections on proposed adopted highway extinguished in the same Order. An application under this act should be made to the Planning authority and is a separate application to the planning permission. The Highway Authority will be happy to supply the text and accompanying plan for the necessary Legal Order, at cost. For further information the applicants should contact the Countryside Access team on countryside.access@nottscc.gov.uk or 0300 500 80 80 to discuss in the first instance.

The current route of the Public Footpath should remain open for use and free from obstruction for as long as is possible. During construction, if it is necessary for the footpath to be closed to ensure public safety, then the applicants should contact the Countryside Access Team, on the contact details above, to arrange a Temporary Traffic Regulation Order. A minimum notice period of 6 weeks is required and the applicants will be responsible for covering all costs associated with the closure and for ensuring that the closure is physically implemented on the ground.

I am a little concerned that the applicants felt the need to stipulate in their Design and Access Statement that the footpath will be retained. This is a legal requirement and not a gesture of goodwill by the developers. It is important to acknowledge that the footpath will provide a direct link between the new development and the amenities and facilities in the centre of the village and the public open space and play area to the South West of the site. This will place increased user pressure on the route, in particular the section in between the development site and Mansfield Road, which is the link to local shops and public transport. In keeping with the applicants statement in the Design and Access Statement that key routes will be 'maintained and enhanced', a commitment is sought from the developer to fund the upgrading of the surface of Blidworth Public Footpath No. 1 to tarmac, between the development and Marklew Close.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council, in its capacity as Highway Authority, through Via's continuing role of providing operational services on behalf of the County Council

Original Comments received 19th January 2018:

Thank you for your consultation for the above planning application. I have attached a copy of the working copy of the Definitive Map, indicating the recorded public rights of way in the vicinity of the proposed development site, for your reference.

Blidworth Public Footpath No. 1 is recorded as running directly across the proposed development site. Where Public Rights of Way are affected by development, current good practice guidance recommends that:

- Paths should be routed through public open space and segregated from estate roads and footways wherever possible so that they are well overlooked and pleasant to use, and
- Developers should endeavour to provide a route for the path on its existing line. Only if this is not practicable should a diversion or extinguishment be considered.

Whilst the Site Masterplan acknowledges the existence of the Public Footpath the proposed realignment is unacceptable. The applicant has made no attempt to accommodate the legally recorded line of the route or to offer footpath users segregation from the highway network. The proposal will, in effect, extinguish the section of Blidworth Public Footpath No. 1 that runs through the proposed development site. In addition, the link that the applicant has proposed to provide from the Southern end of the development to Marriott Lane, via Blidworth Public Footpath No. 1, does not meet the point where the footpath accesses the development site. I have attached a plan clearly detailing the legally recorded route of the footpath across the site, for your reference.

The proposal as drafted would require the diversion of part of the Public Footpath that is external to the development site and would therefore require the permission of any other landowner that would be affected. This would require a diversion under Section 119 of the Highways Act 1980, rather than the more appropriate provision of Section 257 of the Town and Country Planning Act 1990, which is the appropriate provision for diverting public rights of way affected by development.

For the reasons outlined above this department has no option but to object to this application.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council through Via's continuing role of providing operational services on behalf of the County Council.

NCC Archeology – No comments received.

NCC Developer Contributions – In terms of education; a proposed development of 100 dwellings would yield an additional 21 primary and 16 secondary places. Nottinghamshire County Council would therefore wish to seek an education contribution of £240,555 (21 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In terms of secondary education contributions; this will be covered under the CIL regulations. Further information about the contribution sought and the justification for it can be found in the attached document.

It should be noted that the County Council are currently reviewing its Planning Obligations Strategy and therefore the above may be subject to change.

NCC Flood – Additional comments received 6th August 2018:

Should the applicant ensure the rear gardens along the eastern boundary of the site are graded such that the overland flow of water from the gardens does not run towards the existing properties then that removes our concern about increasing the risk of flooding to the adjacent properties.

Additional comments received 20th July 2018:

The documents submitted do not mitigate the concerns raised in my email dated 10 April 2018 regarding surface water run-off from plots 86-100 towards existing properties. The proposed boundary treatment is insufficient to prevent concerns. It is recommended this issue should be dealt with prior to any approval being given.

Additional comments received 5th March 2018:

Current preliminary comments: No Objections

1. Revised information submitted addresses the concerns previously raised.
2. It is strongly recommended that all areas of the development used for surface water flow paths or attenuation are legally protected to ensure they remain as designed for the lifetime of the development.
3. It is also recommended that all prospective owners are made aware of the surface water design for the development.

Original Comments received 18th January 2018:

Current preliminary comments: Object

1. Whilst the principles of the surface water proposals are robust the layout puts a number of properties at risk of flooding. Plots 22, 23, 24, 62, 73, 74, 85, 86, 87 and 88 are all a concern.
2. The layout also fails to adequately address the existing flow path across the site, particularly at the boundaries.
3. There FRA does not consider exceedance flow paths across the rest of the site. Due to the steeply sloping nature of the site it is critical that this is considered to ensure there are no properties on flow paths.
4. Consideration should be given to localised SUDS features that may reduce the reliance on and operational risk of a single infiltration basin

Nottinghamshire Wildlife Trust – Additional comments received 14th February 2018:

Thank you for re-consulting Nottinghamshire Wildlife Trust on the above application. We note that the applicant has submitted revised landscaping plans and we have the following comments on these plans.

We welcome that the plans have been revised to address some of our previous concerns regarding use of native species. We note that species rich grassland is now proposed around the balancing pond and to the northern boundary, rather than an amenity mix as previously specified. Also, the

ornamental hedgerow to the north of the balancing pond has been replaced with a species rich native mix hedgerow.

Whilst the above amendments would improve the biodiversity value of the balancing pond and northern boundary areas, we remain of the opinion that *green infrastructure on site is limited and lacking in connectivity* and that this should be addressed before the application is determined.

The revised landscaping plans also now show the proposed type and location of nest boxes and bat boxes. We welcome that 30 bat boxes and 15 bird boxes have been added to the landscaping plans, however have some concerns over the proposed types and locations.

Bird boxes are currently proposed to be located largely on the western aspect (11 out of 15) of the new dwellings. To protect bird boxes from prevailing winds and extreme temperatures, it is generally recommended that bird boxes face north and east. We would also wish to see a range of boxes proposed to benefit different species of bird. We would expect that some of the boxes would be integrated into new dwellings, rather than retrofitted where there is no guarantee of their long term survival.

Bat boxes are currently proposed on both westerly (21) and easterly aspects (7) with 2 tree mounted boxes. Best practice guidance suggests that south and west are the most appropriate locations, with a range of different aspects encouraged to ensure that they are unshaded for most of the day. As for bird boxes, we would expect a range of types of bat boxes to be provided, with the majority of these integrated in new dwellings for longevity.

In summary, whilst the revised plans have addressed some of our concerns, further revisions are still required. There are also still a number of other outstanding issues with this application as detailed in our previous responses.

Original comments dated 23rd January 2018:

Thank you for consulting Nottinghamshire Wildlife Trust on the above application.

We have reviewed the New Lane, Blidworth, Code for Sustainable Homes Ecology Assessment (Dr Stefan Bodnar, March 2015) and the New Lane, Blidworth Environmental Enhancement Strategy (Dr Stefan Bodnar, November 2017) and have the following comments.

New Lane, Blidworth, Code for Sustainable Homes Ecology Assessment (Dr Stefan Bodnar, March 2015)

Whilst we are generally satisfied with the methodology employed, there are a few points which require further clarification:

- The survey was undertaken in March 2015 which is almost three years ago. The NPPF states that planning decisions should be based on up to date information. We therefore recommend that *the LPA seeks confirmation of the date of the most recent Preliminary Ecological Appraisal*. The Environmental Enhancement Strategy seems to suggest a survey was undertaken in 2017, but we have not seen a full report to confirm this.
- Section 2.1 makes reference to a desk study including consultation with Shropshire Ecological Data Network – we assume that this is an error and the Nottinghamshire Biological and Geological Records Centre were contacted, however you may wish to confirm this with the applicant. The desk study has made no mention of Local Wildlife Sites – this information would have been supplied by the NBGRC.

- The report makes no mention of the fact that the site lies **within the 5km buffer zone** identified in Natural England's Indicative core area & RSPB's IBA boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total. Notwithstanding the issue of whether Newark and Sherwood District Council considers that the area qualifies as an SPA or not, it is essential that the Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014. In this case, we are of the opinion that indirect impacts could include noise disturbance and pollution, caused by development and operations in conjunction with an increase in traffic and recreation, to potential breeding and feeding habitat in the nearby area.
- Unless the site has changed significantly (this would be clarified through more up to date survey), we are satisfied with the reports' conclusions regarding great crested newt and reptiles – habitats on site are considered largely unsuitable for these species.
- Badgers are highly mobile species and could have moved into the site/surroundings since 2015. We would recommend, as a precaution, **conditioning a pre-commencement walkover survey to check for evidence of badgers**, with implementation of any necessary avoidance and/or mitigation measures.
- Hedgerows on site are considered to be of value to breeding and foraging birds – we are therefore supportive of recommendations for **retention and enhancement of hedgerows across the site**. Any vegetation clearance should be undertaken **outside of the bird breeding season** and equivalent or greater **replacement planting** with native species should be incorporated into the landscape plan.
- Hedgerows may also be used by foraging and commuting bats. **Hedgerow retention and a carefully designed lighting strategy** should help to minimise potential impact on bat foraging.

New Lane, Blidworth Environmental Enhancement Strategy (Dr Stefan Bodnar, November 2017)

This document is more recent than the above report and appears to make reference to a survey undertaken in 2017. If this is the case, we are satisfied that survey work is sufficiently up to date. The site description remains largely unchanged and therefore potential impacts on protected and priority species and habitats are expected to remain as previously detailed.

We are generally supportive of the recommendations for **retaining features of conservation value, managing the SuDS for wildlife and making ecological enhancements** on site. Should the application be approved, we would expect a **condition** to be used to ensure that these measures are fully implemented and managed over the lifetime of the development.

We have some concerns over the current landscaping and layout plans for the site. Our comments are as follows:

- The overall layout of the site shows very **limited green infrastructure**. We would like to see greater consideration given to providing joined up habitat across the site, for example hedgerows and swales.
- There is only a single area of open space currently proposed which is taken up with the attenuation 'pond'. This SuDS area has included some design features which would be beneficial for biodiversity (i.e. wet grassland mix and native scrub), however **improvements** could be made such as replacing the proposed ornamental hedge along the northern edge with a native, mixed species hedge and using a species rich grassland mix rather than amenity grass. This could go some way to compensating for the loss of the hedgerow at the site access point – currently only ornamental replacement planting is proposed at the site entrance. Given that the boundary plan

shows this attenuation area enclosed with knee rail fencing, we assume that this is not proposed to be a publicly accessible space. Therefore, **the shape and profile of the balancing pond could also be improved to provide more varied edge habitat, with areas created to permanently hold water.** The SuDS area should be **managed** as proposed in the 'Managing SuDS for wildlife' section of the report. A separate public open space with amenity features should be provided to ensure provision for both new residents and biodiversity.

Additional enhancement recommendations are given in 2.2.1 and we would expect to see a **condition** used to secure implementation.

- Point 1 recommends **supplementary planting** with native species to increase the area of woodland and hedgerows. We note that N&SDC's policy Bl/Ho/3 requires retention and enhancement of boundary treatments, particularly along the southern boundary. Addition of a buffer strip of native woodland planting along the southern boundary could fulfil this requirement.
- Details of **exact type and location** of at least 30 bat boxes and 15 bird boxes should be provided to demonstrate how they could be incorporated into the proposed development.

Whilst not referred to in the report, we would expect **hedgehogs** to be present in the local area. Hedgehogs are recognised as being of 'principle importance' for conservation of biodiversity under Section 41 of the NERC Act 2006. Therefore, planning authorities need to ensure that these species are protected from any adverse effects of development. We recommend a **condition** to ensure **connectivity** across the site is created by providing access under garden fences (see www.hedgehogstreet.org for more information).

In summary, we recommend that the LPA:

- Seeks further clarification on a few points regarding age of survey information.
- Ensures that landscaping and other site plans provide a layout and planting scheme which enhances biodiversity through addition of green infrastructure and design and management of wildlife-friendly SuDS.
- Secures all ecological recommendations through use of planning conditions, should the application be approved.

Ramblers Association – wish to lodge an OBJECTION to this proposal on behalf of Ramblers. The Design and Access document acknowledges that this site is crossed by a well-used right of way (Blidworth Footpath 1) and even includes a photo. Unfortunately there is no subsequent mention of how this footpath is to be dealt with. The drawings in fact indicate that it is to be built over. Until this problem is dealt with we have no alternative other than to object.

NHS England – No comments received.

Newark CCG – No comments received.

Severn Trent Water – No comments received.

Anglian Water - No comments received.

In respect to the original round of consultation, representations were received from 105 individual local residents/interested parties which can be summarised below. Copies of petitions against the development with a total of 208 signatures have also been received.

Principle of Development

- There is no demand or need for homes in Blidworth
- There are properties that have been for sale for a while and social housing providers are selling off their properties as the demand is so low
- There are other sites that would be far more suitable on the outskirts of the village
- An application for four houses was rejected a few years ago so why would a much larger development be acceptable
- The field should be removed from consideration altogether and re-designated for some nature / community purpose
- Mansfield and Gedlings Councils are developing planning for new houses on either side of the village plus recent and future building in Rainworth
- Who are going to buy these houses
- The 19 affordable homes will still be too expensive for local young families
- Understand that new homes are needed for young people
- There is a need for homes for the elderly as the elderly population is growing
- 19 affordable homes is not good enough – 81 homes that do not meet affordable criteria is not in keeping with the rest of the village
- The land in front of the library should be in the ownership of the Parish Council not the developers
- There are surely sufficient brownfield sites within the District to accommodate housing needs
- The Green Belt status of the site which existed in 2012 is not being honored
- The Meadows is used for growing food – is housing more important?
- There are already new houses on Belle Vue Lane, bungalows at the end of Belle Vue Lane, houses at the site of the Jolly Friar and new houses at the site of the Lion pub on Main Street – none of which have been sold
- Many of the houses at Warsop Lane development remain unsold
- The limited number of affordable units suggests the majority of residents would travel further afield increasing the traffic flow and not adding to the village economy
- Affordable housing should be 30%
- Blidworth needs 2 and 3 bed properties not 4 beds
- If the development cannot support a policy compliant level of affordable housing and infrastructure then it is not sustainable development
- Developer contributions are necessary to mitigate the impact of the development
- The site should not have been allocated if it was going to be unviable
- NSDC should go for a complete new town option
- 100 new dwellings is far too many for the site
- The term affordable can only be described as loosely defined
- Bungalows are required
- The population of Blidworth is skewed by elderly residents as evidenced by the 5 residential / care homes and 3 sheltered / retirement complexes
- The reasons for resisting application 16/01478/OUTM should be continued to decline these proposals
- The pit houses in the village are available around the £100k mark but still take time to sell yet the affordable units are estimated to cost £130k+

Impact on Highway Network including Public Footpath

- The junction of New Lane and Mansfield Road is already extremely dangerous
- There are always parked cars at the junction visiting the shops on Mansfield Road
- Widening the junctions would not help
- The Transport Assessment makes no mention of the fact that many more cars will start to use the Meadow Road junction causing more hold ups
- Visibility is very poor at the Mansfield Road junction particularly when turning right
- The surveys don't seem to have taken account that there is not enough room for 2 way traffic due to parked cars
- Pedestrians crossing also cause traffic to wait
- The Travel Plan aims to reduce use of cars but this will mean an increase in pedestrians will in turn will disrupt traffic flow
- The automatic traffic counter was placed at a very strange point which blurs the data in favour of the developers and gives misleading results
- No account seems to have been taken of all the new developments which will be undertaken over the next 10 years (Lindhurst Village, Warsop Lane development, Three Thorn Hollow development)
- The 2011 Census data cannot be trusted – it refers to 7 residents using the 'Underground, Metro, light rail and train'
- The access to the field on New Lane is very narrow and an existing cycle and bridle path meets Mansfield Road at a potentially difficult and dangerous junction
- Village residents know that at key times in the day the roads very busy and a further 100 plus vehicles is not sustainable
- An increase in vehicles will cause further accidents and make cycling, horse riding and walking extremely dangerous
- Traffic exiting Meadow Road onto the corner of Main Street / Mansfield Road (opposite the Dale Lane junction) are faced with a busy, blind corner
- Use of the byway which extends up New Lane will cause significant erosion of the road / track and place walkers and cyclists at risk
- Existing residents will be faced with significant queues at peak times
- There is an existing dropped curb near the shops which is frequently used by disabled people and push chairs
- New Lane has not been built to handle this volume of traffic and widening is not available to the shops
- New Lane is part of the national cycling network (route 6) so increasing traffic will increase hazards
- Children regularly ride their bikes up New Lane to access Marriott Lane Park
- The village has already become very busy with traffic in recent years
- There are dangerous near misses at the New Lane / Mansfield Road junction – additional vehicles would be totally unmanageable, unreasonable and extremely dangerous
- Members had to mount the pavement when they visited recently on the committee bus
- There are concerns for the safety of road users even if the road is widened
- Increased traffic will endanger the horse riding community and jeopardize equestrian businesses
- No road improvements have been carried out to keep pace with the volume of traffic in the village
- Emergency vehicles would have difficulty passing due to parked cars

- Widening would be needed to allow two cars to pass outside the library but this would mean restricting parking furthermore
- Increased congestion would affect local businesses
- The development would lead to increased traffic through the village in general
- Meadow Road / New Road would be used as a rat run making the dangerous junction of Meadow Road, Dale lane and Main Street even more dangerous
- The footpath diversion does not meet the requirements set out by the Rights of Way Officer
 - The footpath should be in a green corridor of 2m between boundaries
 - The pavements and roads around the area are already busy and can in no way support the extra traffic
- The school use the library on a Wednesday afternoon and at times traffic in the area make this a difficult venture
- The paths aren't wide enough for elderly residents to use
- It takes at least 7 minutes to exit New Lane onto Mansfield Road in the morning but you add the additional cars of the development
- The traffic survey should be done on the main roads as well – a survey was done a few years ago so it would be possible to monitor the actual increase of traffic flow between both times
 - At the time of the public consultation for land allocation another exit was ruled out
 - The proposed footpath diversion would take the route across two roads and by a large pond which will create significant dangers for users
- Most people in the village work outside of the village and have more than one car since public transport is very poor
- Many plots only seem to have one parking space which will lead to on street parking
- Parking for the shops is already tight and hazardous
- The character of the footpath will be totally changed
- Parked cars will cause an obstruction to the re-diverted footpath
- Yellow lines from Hilton Park to Mansfield Road would reduce congestion but would also upset the locals with reduced parking
- The Transport Assessment is incorrect in referring to Mansfield Road as a T-junction – it is a crossroads
- There are accesses from Mount Pleasant directly opposite the junction of New Lane and Mansfield Road and this road is used on a daily basis
- Blidworth has seen a significant increase in the volume of traffic since the introduction of traffic calming measures in Rainworth – vehicles approaching Rainworth from the West now use Blidworth as a shorter option
 - The Council should carry out a new traffic survey
 - The pavements are very restricted and cannot be used by two people walking side by side so they have to use the road
- Photographs submitted on traffic on New Lane
- Public Rights of Way are routes over which the public have a legal right to pass and re-pass at any time and are protected by highway law
- The rerouting of the public footpath would cause a great concern to many residents
- Other ways of exiting the development would need to be looked at in the future which could alter the character of the village
- The Meadows is a quiet road that has never been adopted
- There is no provision to prevent traffic exiting the site via Meadow Road onto Mansfield Road

- Road widening should take place on the New Lane side of the development as neighbouring boundaries are liable to subsidence
 - Increased traffic will pose a risk to children
 - It is an appalling and illogical idea to bring the volume of traffic expected to an already dangerous junction
 - There should be one parking space per bedroom – parking is horrendous on the Warsop Lane scheme
 - New Lane should be a 5.5m carriageway with 2m footways either side to accommodate the development
 - The traffic will create sound and air pollution
 - The Ramblers and NCC Right of Way object to the development
 - The footpath is widely used
 - The traffic survey was undertaken in July in the school holidays
 - The data is skewed
 - The rural nature of New Lane is not mentioned in the assessment
 - Drivers will choose to use the unadopted road / bridleway which joins Cross Lane and Rickett Lane to the A60
 - The decision should take account of local knowledge of the existing traffic situation
 - Roundabouts with crossing points would be essential
 - Shopper parking at the back of the shops and library would also help
 - The consultation event on the 22nd February 2017 said there would be a relief road between the New Lane site and Mansfield road which has not been included with the proposal
 - A cyclist was recently seriously injured at the junction of Meadow Road
 - Pedestrians cross for community meetings at Sherwood Forest church next to the garage
 - Good practice recommends a green space corridor for the public footpath rather than joining a road network
 - The site allocation requires assessment of the impact on New Lane and the junction – this is not adequately addressed
 - The car parking is in no way limiting car use in line with the Travel Plan
 - The public transport is limited to one direct bus to Nottingham which is an hourly service which stops early evening and does not operate on Sundays
 - The Travel Plan makes reference to Oxfordshire bus services
 - The available space for road widening is minimal
 - A small grass area adjacent to no.1 The Meadows is very important as a turning circle
 - The anticipated increase in the use of the path generated by the development would create conflict between motor vehicles and pedestrians
 - There was a head on crash at the junction of Mansfield Road on 30th January 2018 - 100 houses will make the traffic situation worse
 - There is no apparent evidence that the highway issue has been resolved

Impact on Amenity

- The development would cause a loss of privacy, overshadowing and overbearing impacts due to its size, depth, width, height and massing
 - To build right behind a sheltered housing scheme for the elderly is at the least disrespectful
 - The sheltered housing adjacent house the most vulnerable in our society – to cause disruption in the last years of their lives is unacceptable
 - There is a lack of design for privacy and protection for the sheltered housing scheme with a fence built right up to the boundary

- There will be a four bedroom house looking directly into neighbouring gardens totally removing privacy
- The access to the development is very close to existing properties which will cause noise and disruption and car light glare
 - If street lights are needed for road safety they would light up gardens and houses nearby
 - The council has a duty to care to the neighbouring residents who pay their council tax
 - The properties that back onto The Meadows will have gardens adjoining their existing fencing which will make residents feel less secure
 - The bungalows all have bedrooms backing onto the development
 - The properties backing onto Marklew Close should be bungalows
 - The distance of 20-22m shown on the plans between the existing bungalows and the new homes is the minimum requirement under planning laws – the distance should be increased due to land levels
 - The proposed pond will be a danger to children
 - The proposed fence would severely limit the light and destroy any view for the elderly people who live in the sheltered housing
 - Overbearing will create a loss of natural daylight which is vital for health and wellbeing
 - There is likely to be significant noise pollution from 100 new properties in a valley setting
 - The buildings will run along neighbouring boundary fences 14ft away from bungalows – the fence would be 4ft higher than the eaves of the bungalow restricting light
 - Fences could cause storm damage during high winds
 - Some residents on Marklew Close are house bound and therefore the adjacent countryside is even more valuable
 - Social housing has been allocated to the properties that back onto the bungalows which will create issues
 - The area is well used by dog walkers, cyclists and horse riders and families going to the playground on The Meadows
 - There will be an overbearing impact on numbers 1-9 Marklew Close – numbers 8 and 9 have stepped gardens due to the field rising along the boundary
 - The back door, lounge and bedroom windows of neighbouring bungalows are below the level of the field
 - There is a right to light easement (Prescription Act 1832) and these properties have enjoyed uninterrupted light from across the field for more than 20 years – this would be infringed if development goes ahead
 - The proposed properties are two stories high and the ground floor will be some 6ft higher than the bungalows
 - No permission has been sought from neighbouring residents to remove the hedge
 - There would be security issues to the sheltered housing scheme
 - Occupiers of Plot 100 will look directly into properties on Hilton Park at a distance of 15m (indicative sketch submitted)
 - Photographs of relationship with Marklew Close bungalows
 - The development will overshadow the community center and communal lawns
 - The Council should consider their responsibilities under the Human Rights Act in particular Protocol 1, Article 1 in relation to a peaceful enjoyment of all possessions including home and land and Article 8 in respect for private and family life
 - The 1.8m boundary fence would result in severe overshadowing and loss of light
 - Neighbouring residents stand to lose a small area of land at the front of the property which would deny access into the back garden with a trailer and mowing machine – the land is also used for parking so as not to block the lane

- There is a concentration of low cost housing seemingly out of sight at the back of the estate
 - The footpath would be moved bringing people onto neighbouring front gardens which is open plan and not fenced
 - The fence will be at waist height from the new dwellings allowing residents to see straight into the dwellings on Markhew Close – trellis should be added on top
 - There would be a no mans land between the boundaries
 - The bank is effectively 10ft higher than neighbouring doorsteps so a 6ft fence would be 16ft high just 20ft from the lounge window – anything less would lose right to privacy

Impact on Character

- Blidworth is a village which still hangs on to a community spirit despite the closure of three pubs in recent years – this proposal will severely degrade the village character
 - Blidworth benefits from a rural location which would be lost through the development
 - The Meadows is used routinely by local people allowing them to benefit from this part of rural surroundings
 - The countryside character was specifically chosen as a reason to live adjacent to the site
 - Building on green land is simply unnecessary
 - The development would affect the village historic value
 - It is called The Meadows for a reason
 - This is part of the ancient strip field farming method and has only ever been agricultural land
 - The development will have an impact on the villages identity
 - The view from other parts of Blidworth will be totally transformed from overlooking a country meadow to an intense housing estate
 - The proposed development is located well to the north of the historic core of the medieval settlement
 - Considering the proposed destruction of green space it would be useful to bear in mind HM Government's recently published 25-year Environment Plan, the published Public Health Report on Health Equity: Improving Access to Green Space, NSDC's policy on development in the buffer zone of an SPA and Nottinghamshire County Council's Local Transport Plan 2011-2026 (particularly chapter 7)
 - The wellbeing of citizens is becoming a serious concern for all public bodies and the protection and creation of green space is seen as crucial
 - Plot 100 does not follow the building line of houses 1-6
 - This is an area of historical importance and a new development will have an overbearing impact on the character of the area and the landscape

Impact on Trees and Wildlife

- Existing hedgerows should be retained
- Regular dog walkers see wildlife in the field and the surrounding hedgerows which would clearly be affected
 - Where the houses are planned there are very well established hedges, oak trees, wild flowers etc. which would be lost even if there was an attempt to preserve them
 - Traffic pollution would disrupt natural ecology flora and fauna
 - Wildlife and rural areas need protection
 - Bats and Slow Worms have been seen at the site but no provision has been made for these

- The % of people rating their health as very bad in Blidworth in the 2011 Census is higher than national average
- Who would police the quality of the drainage pond
- Neighbouring gardens already suffer from excess surface water running from the fields with the gradient of the land

Other Matters

- There is a subsidence risk in the area
- Working from the former colliery run under the site and in the past a sinkhole formed there
 - There is no point in stating the development is suitable for disabled or buggies being step free when the properties are two stories
 - There was asbestos work in 2017 in close proximity
 - Residents on The Meadows did not receive notification of the public event held by the developers – leaflets were not distributed with due care and attention
 - The plan includes no proposals to consider the storage and collection of waste for the new properties
 - There is potential for encountering evidence of archaeological remains of medieval date within the site which has been assessed as Low to Moderate
 - The officer should visit the site and speak to those in the sheltered accommodation
 - A site visit should be carried out by Members
 - All the documents on the website aren't available to view
 - Digging foundations would make the area more prone to the collapse of surrounding land
 - Any financial losses to the businesses due to increased traffic issues should be mitigated
 - Should the application be approved construction should be in controlled hours
 - The affordable housing should not be segregated within the site
 - The land was removed from the Green Belt at a time of corruption in the Authority (the Red House scandal) – it should therefore be investigated whether bad decision making alone was the only reason the site was allocated for housing
 - The Planning Inspector for the previous application on the site for four dwellings questioned the viability and likelihood of the site ever being delivered for major development

An additional 45 comments have been received on the basis of the revised consultation periods, details of which can be summarized as follows:

Principle of Development

- No objection to more houses in principle but the location is inappropriate
- The proposals attempt an inadequate compromise which is an unsustainable build in the wrong place at the wrong time
- Views of residents and the Parish should be listened to as they know best what is good and sustainable for their own village
- The site should not have been allocated without complete certainty that it was suitable for development particularly with respect to issues of highways access
- There is already threat of house developments to either side of borders
- The revised proposals are still simply too large
- The sheer number and type of houses being proposed is ludicrous for Blidworth

- Development should be considered on Dale Lane instead where there is already a bus route
- The proposal raises a number of concerns against Spatial Policy 3
- The lack of contributions means the site is not sustainable

Impact on Highway Network including Public Footpath

- New Lane and surrounding roads would be unable to cope with the additional traffic
- There are blind spots for traffic trying to join New Lane
- This is already a busy and congested area
- This development could cause in the region of 200 additional cars
- There have been near miss accidents on a daily basis
- The proposed changes to include 'one way' type areas would cause more danger and congestion
- New Lane is a narrow bridlepath that is not wide enough for the development even with the plans for widening
- The Transport Assessment does not address the policy requirements of BI/Ho/3
- There is too much car parking on site
- Local bus services are sparse and the timetable in the Transport Assessment is inaccurate
- Visibility at the New Lane junction is difficult
- Many elderly residents use scooters in this area with Blidworth having an older population
- Available space for road widening is minimal
- No provision is made to prevent traffic exiting the site via Meadow Road onto Mansfield Road which is a substandard junction
- Relying on using the existing footpath is not feasible as children accessing the school would have to cross at a busy junction
- The amended plan does not alter Dale Lane junction being considerably heavier which would contravene the traffic report concluding the junction is at capacity
- The footpath as revised still meanders around and does not keep to the original path
- The road should be wide enough for two cars to pass and for footpaths either side
- There is already a problem with parents dropping children off at the local school
- The Highways report of 10th January 2018 states that the access is unsuitable – this has been expressed by the Highways Authority and two independent planning inspectors and the SHLAA
- The changes to New Lane in terms of priority to vehicles is likely to build up traffic in peak times and cause traffic to try and take short cuts
- Blidworth village has limited parking and the sections shown as No Waiting on the TRO are in regular daily use by people visiting the shops etc.
- There have been additional accidents since the application came in
- The Transport survey needs to be done in term time
- Transport Surveys should be done on Mansfield Road and Main Street too (previous surveys were done a few years ago so difference could be compared)
- Another exit is briefly being discussed but this was ruled out at public consultation
- There will be at least 127 cars associated with the proposal which is in excess of 100 journeys at peak times
- A no parking zone will severely hamper local independent businesses that rely on the limited parking on offer
- The widened road will reduce pedestrian safety
- Accidents have increased among all types of road users

- If the access becomes congested people will start using green lands up on to Marriott Lane and Rickett Lane causing more accidents
- The Sustrans route is an excellent feature of the village and will be spoiled for all
- The proposed carriageways do not conform to Fire Safety standards risking residents safety
- The village is already used as a rat run
- Blidworth is only on 3 bus routes and there are infrequent
- The footpath crossing the site will be dangerous for pedestrians
- New Lane is a popular access point for local walks and cycling
- The footpath would go past more intensely positioned housing
- There is already problems for parking for the businesses at the New Lane junction – this development may lead to the closure of the Post Office – Tesco has already had an impact on sales
- Traffic is gridlocked when the schools finish
- If the development requires traffic calming then it must be proposed in the wrong location
- New Lane is incapable of accommodating improvements to the highway and provision of a footway to meet the 6Cs standards
- New Lane does not have street lights
- The build outs on New Lane would make journeys with horse boxes difficult
- Residents are frequently scared when trying to negotiate this lane by scooter
- Ambulances are frequently required to Marklew Close
- There will be insufficient parking for all the houses leading to congestion elsewhere
- Sustrans 6 is a popular cycle route to Sherwood Pines and beyond
- The footpath does not at any point join up with Marklew Close and therefore the request by NCC for contribution is incorrect
- There is not adequate space for the restrictions proposed given that it is already a congested road

Impact on Amenity

- There would be an increase in vehicular noise and unwanted light from car headlights and street lights
- The plans are not clear in terms of the boundary treatment at Marklew Close
- The bank on the eastern boundary is a major issue and it sits at a height of 1.5m from neighbouring properties
- There is a gap between the bank and the boundary
- The loss fence of 1.2m would lead to overlooking of bedrooms and lounge windows resulting in loss of privacy
- However, a higher fence would be oppressive given the gradient changes
- The responsibilities of the Council in terms of the Human Rights Act should be considered – the application would have a dominating impact on the quiet enjoyment of neighbouring properties
- The build would be overbearing to the sheltered housing which will negatively effect the elderly and disabled people living there both in terms of the closeness of the fence and the increase in traffic
- There is likely to be significant noise pollution
- Revised plans better showing dormer bungalows
- The revised plans still mean that the quality of life for a number of my residents will be spoiled by over shadowing
- The field is 8ft higher than neighbouring properties

- The boundary is not on top of the bank as shown on the plans but directly behind neighbouring fences and 4ft lower than the proposed new boundary fence – the gap would be a dumping ground
- The windows of the new build would be 12ft higher than neighbouring bungalow windows
- Residents will be able to lean over the fence overlooking neighbouring residents
- People would be able to get access to neighbouring gardens if the hedge is retained
- Plot 96 is much closer to the boundary than the bungalows and completely unacceptable
- The plans do not reflect the true boundary of neighbouring properties – Plot 96 would be within metres of a lounge window to a neighbouring property – it should be a dormer bungalow
- House no. 99 will look directly into neighbouring bedrooms, conservatory and garden and a distance of 14 / 15m
- House no. 99 does not follow the building line of plots 1-6 – this is clearly a commercial decision as the additional landscaped area includes the show houses
- The revised boundary plan is better but the matter remains of who will maintain the wildlife areas
- Plot 96 is two storey and the garden will come directly to the boundary of a bungalow so it should be another dormer bungalow to avoid overbearing
- The revised boundary offers no security to the neighbouring development
- The council has responsibilities under the Human Rights Act Protocol 1, Article 1
- The proposal would represent an unneighbourly form of development

Impact on Character

- The nature of the rural charm would be lost
- Building houses so close to the Conservation Area would impact on the enjoyment of the CA
- The widening of New Lane will damage the environment – vehicles will overwhelm the narrow country road
- The proposal is located within the historic core of the medieval settlement
- The playground off Marriotts Lane is a pleasant semi-rural resource and a green space for the community
- The development would have a severe impact on access to the local countryside

Impact on Trees and Wildlife

- The site has well established hedges, oak and other trees
- The site is frequently used by ramblers and horse riders
- The proposal would negatively affect bird and wildlife habitats
- There is no indication of the mature hedgerow forming the rear boundary of Hilton Park properties
- Road widening will result in the wholesale damage to the tree at the rear of no.9 Hilton Park and the hedgerow rears of 11/15 Hilton Park
- There are birds nests in the hedgerows including house sparrows which are a species in decline

Impact on Infrastructure including Flooding

- The land has a problem with drainage with standing water when it rains

- The development would have an impact on local services including the local GP surgery which is already stretched
- Having stagnant water on the site is unfeasible and a health hazard
- The schools are oversubscribed
- It takes weeks to take an appointment at the nearest dentist in Rainworth
- The local primary school is full and there are waiting lists for classes – the houses are family houses so this would be a daily impact on traffic too
- Raw sewage is ejected in the lower areas of the main road and shops
- There is already a poor water pressure
- Internet facilities are already overwhelmed
- Surface water runs onto Marklew Close – a retaining wall should be placed on the boundary
- The existing plot area would be insufficient for the new houses

Other Matters

- If approved, the development should be conditioned to ensure appropriate hours of construction
- The open space is mostly made up of the attenuation basin which is necessary for the site to be development
- There are no provisions for play areas / public areas
- Affordable housing should be 30% minimum
- Blidworth requires 2 and 3 bed properties not 4 bed
- If the scheme cannot be policy compliant then it is not sustainable development
- The site should not have been allocated if it is not viable
- The builders involved with the site have a bad reputation elsewhere
- The intentions of the developers are to make the most profit
- The land was previously Green Belt during a period of corruption within the Council
- There is no mans land in front of the library which should be in the ownership of the Parish Council not the developers
- No notice was received of the original public consultation event
- There is no consideration of the storage and collection of waste
- Documents are unavailable to view online
- Health and safety concerns with the balancing pond
- Members should undertake a site visit
- Original objections still stand
- The play area has become prone to vandalism and drug use and this problem would worsen with an increased young population
- Road widening may cause subsistence to neighbouring properties

Comments of the Business Manager

Principle of Development

Members will be aware that 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* (emphasis added) material considerations indicate otherwise.

Notwithstanding the current process of Plan Review, at the current time the Adopted Development Plan for the District is the Core Strategy DPD (2011) and the Allocations and Development Management Policies DPD (2013).

The Allocations and Development Management document was adopted in July 2013. The application site has been allocated within this document by Policy BI/Ho/3 for residential development of a maximum of 100 dwellings. Reference has been made through the consultation process in terms of the sites previous inclusion within the Nottingham Derby Green Belt. However, for the avoidance of doubt, the village envelope inserts for the previous Local Plan confirm that the site was never incorporated within the Green Belt designation. Indeed it was a preference to avoid releasing Green Belt land which contributed to the sites allocation. It is noted that the Strategic Housing Land Availability Assessment (SHLAA) 2010 document concluded that the site was not suitable for development owing to highways safety concerns but these were subsequently resolved prior to the adoption of the Allocation and Development Management document. The principle of residential development on the site is therefore acceptable and numerically the proposal would be policy compliant subject to a consideration of other material planning considerations.

Members are aware of the current position in respect to the Council's ability to demonstrate a five year housing land supply. It is not considered necessary to rehearse the full position in the context of the current application save to say that the Authority is confident that it is able to demonstrate a five year housing supply against. Nevertheless, in line with the published Housing White Paper which promotes a requirement to boost housing supply, the positive determination of housing schemes on allocated sites remains fundamental to sustaining a healthy housing land supply position.

Remaining with the National policy position, the Ministry of Housing, Communities and Local Government issued an updated National Planning Policy Framework in July 2018. This document confirms at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to identify three overarching objectives to which this relates; an economic objective; a social objective; and an environmental objective. The document carries at its heart, a presumption of favour of sustainable development.

Housing Mix, Type and Density

Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery.

The District Council commissioned David Couttie Associates Ltd to undertake a district wide housing needs, market and affordability study in 2014. Blidworth is part of the Mansfield Fringe Sub area where the greatest demand of Property Type for existing households was for bungalows. In terms of property size the results of the assessment showed that in the market sector a third of existing households required two bedrooms (with three bedrooms being the second preference) and almost half of concealed households needed one bedroom. Blidworth is identified as being a popular location for occupation by concealed households.

The application site is 3.13 hectares in extent. The development for 99 dwellings would therefore deliver approximately 32 units per hectare which meets the expectations of Core Policy 3. The

revised scheme has been submitted on the basis that it would provide 37 no. two bed units; 48 no. three bed units; and 14 no. four bed units. It was originally presented that the entire scheme would comprise two storey accommodation delivered through 10 different house types. However, this has been revised following Officer negotiations such that the proposal would now include 8 dormer bungalows. The scale of the development is referred to by the submitted Design and Access Statement with the assertion that the two storey nature of the development would blend well with the existing site context.

In the absence of more detailed localised information presented by the application, Officers consider it a reasonable approach to rely on the outcomes of the 2014 Survey in terms of the housing mix and types which should be promoted. The bulk of the proposal is weighted towards two and three bed units which is considered broadly acceptable albeit it is notable that the scheme does not include any one bed units (identified as a preference for concealed households). However, Officers are mindful that even though there are no one bed units, the gross internal floor space for some of the two bed properties is modest (the lowest being 65.12m²) such that they may be suited to single occupiers in any case. Officers are also minded to attach positive weight to the inclusion of 8 dormer bungalows which has arisen through the revised plans owing to original concerns raised. On this basis, the proposal is considered to largely accord with Core Policy 3.

Impact on Highways

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

Paragraph 108 of the NPPF specifies that in assessing sites that may be allocated for development, it should be ensured that; appropriate opportunities to promote sustainable transport modes can be taken; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network can be mitigated to an acceptable degree.

The application submission has been accompanied by a Transport Assessment (TA) and a Framework Travel Plan (which has been revised during the life of the application). The TA confirms that the proposed vehicular access would be from New Lane which is a two-way single carriageway road that provides access to Mansfield Road to the east and access to farm properties and a handful of dwellings to the west. It is acknowledged that the characteristics of New Lane change in a westwards direction representing a track before eventually meeting Cross Lane. It is also acknowledged that New Lane is on the National Cycle Network Route 6. The nature of New Lane is that the width of the carriageway varies considerably along the road being approximately 4m adjacent to the site and widening to 7m at the approach on Mansfield Road. The footway along New Lane as existing is also not consistent.

The development proposals include works to the highways network outside of the red line for the application site (on land owned by the Highways Authority). These works have been amended throughout the life of the application but for the avoidance of doubt are included on the plan references *SK006_2 Rev. B* and *SK006_03 Rev. B* received 4th July 2018. The proposed works include the widening of New Lane; a proposed Traffic Regulation Order to ensure 'No Waiting at any time' close to the Mansfield Road junction (a matter still subject to ongoing debate with NCC in terms of whether this is necessary for this scheme); and areas of vehicular priority. It would

however remain the case that the width of the carriageway along New Lane and its associated footpaths are by no means consistent.

The submitted Transport Assessment details that additional development traffic is estimated as 67 two-way in the morning peak hour and 74 in the afternoon / evening peak hour. More specifically, the development traffic impact is stated as 2% on the Dale Lane junction in both peak hours and the impact at New Lane / Mansfield Road is 7% in the morning and 8% in the afternoon / evening peak hour.

It is notable that the vast majority of representations received during consultation have referred to the potential highway implications of the proposal referencing numerous concerns as summarised above. Indeed as is already referenced, the inference of the SHLAA assessment of the site back in 2010 was that development would not be appropriate based on unsuitable access arrangements. This has been subject to ongoing negotiations with NCC as the Highways Authority including meetings at the pre-application stages of the current submission.

The concerns raised in respect of highways safety are significant and require thorough consideration as a material consideration in determination. Given the technical nature of the matter, Officers have taken lead from the expertise of NCC as the Highways Authority. Their comments are listed in full in the above consultation section of the report which originally formed an objection to the development proposals. This objection was on the basis that New Lane is substandard in width to cater for the additional traffic of the development and the highways works for the original proposal would be inadequate and result in an increased danger to users of the highway owing to the detrimental impact on visibility for drivers emerging from adjacent access drives and the Hilton Park access.

The revised plans received during the life of the application were discussed with the relevant Officers at NCC prior to their submission. Formal revised comments were received from NCC Highways on 9th August 2018 and are listed in full above. Crucially the revised comments remove the original objection on the basis that, in NCC Highways view, the proposal could be approved subject to carefully worded conditions.

One of these conditions refers to the need for the New Lane improvement works (shown indicatively on the revised highway works plans) to be implemented prior to any development commencing on any part of the application site. It is acknowledged that the design and implementation of these features will need to be subject to additional Highway Authority checking and safety auditing and, most importantly, approval of Traffic Regulation Order prior to the commencement of development.

The comments received during consultation are not taken lightly and it is fully appreciated that there remains outstanding public concerns in respect to the revised highways plans and the associated New Lane works. Specifically, some of the comments have raised the issue of how the waiting restrictions and traffic priorities would negatively impact upon the existing businesses at the junction of Mansfield Road. It is suggested in some cases that the development would amount to the future closures of businesses on the basis that the works to New Lane prevent parking for potential customers. Clearly this would be an undesirable impact in the context of the NPPF's economic role and the associated local planning policies which demonstrate a support for employment uses. It is understood that available street parking for businesses is already limited and congested and thus Officers concur that the incorporation of 'No waiting at any time' areas on both the north and south of New Lane close to the junction could negatively effect on street

parking. The potential risk to the commercial operations existing on Mansfield Road and overall congestion on New Lane must however weigh negatively in the overall planning balance.

At the time of print NCC are yet to confirm that the TRO works and the consequential impacts which are of concern, are required pursuant to this permission. As Members will be aware if the TRO works are not necessary they should not be sought. If they are not sought the negative impacts on parking restrictions will not be realised to the same degree. An update on this matter will be provided at Committee.

It is noted that comments during the revised consultation period have also made reference to the road amendments on New Lane creating an issue in respect to the ability for emergency services to access the site and the surrounding dwellings. This is clearly a significant concern that warrants serious consideration. As such Officers have specifically raised this point with NCC as the Highways Authority and the following response has been received:

I have had a look at the plans and can see that the priority workings reduce the carriageway to single lanes of 3.5454 and 3.5165 metres. The minimum acceptable lane width is 3.2 metres (reference Table DG1 of the 6Cs Design Guide).

I suspect that the comments may be based on the minimum acceptable overall carriageway width of 3.7 metres (rather than lane width). It is the priority workings that are key here as the carriageway becomes a single lane at these points.

Officers are therefore satisfied that the proposed works would retain the ability for access by emergency vehicles should a need arise.

In terms of the internal road network, the carriageway width would be 5.5m wide with a footway of 2m either side. Parking would be provided through a mixture of off-road driveways, garages and parking courts with a minimum of one space per dwelling. The intention is for the internal roads to be adopted by the Highways Authority following completion of development. The Highways Authority have recommended conditions in respect to the internal road network and associated parking provisions for the development.

The implications of the development in terms of the highways safety of the wider road network have been carefully considered through negotiations with the Highways Authority such that the Highways Authority are now satisfied that the highways safety impacts can be mitigate. In planning terms there are likely negative consequences to weigh in a planning balance if the TRO works involving double yellow lining are required. That's said, in purely highway terms, there is no objection, in attaching weight to NCC comments, to granting planning permission.

Impact on Public Right of Way (PRoW)

Blidworth Public Footpath No. 1 is recorded as running directly across the application site from the eastern boundary to the southern corner of the site. Spatial Policy 7 requires development proposals to provide safe, convenient and attractive accesses for all and to provide links to the existing network of footways, bridleways and cycleways, so as to maximize opportunities for their use.

National advice for PRoW is contained within the Rights of Way Circular (1/09) Guidance for Local Authorities (2009). This confirms that the effect of development on a PRoW is a material consideration in the determination of applications for planning permission. Further advice is that

in considering potential revisions to an existing right of way, *'any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic.'*

The original submission acknowledged the existence of the PRow demonstrating realignment along the south of the attenuation basin before showing the need to cross the inner estate roads twice to meet the original alignment along the western boundary of the site. As is detailed by the comments listed above, this was met with objection both from consultees, including NCC Rights of Way Officer, and neighbouring interested parties. Officers have discussed this with the applicant during the life of the application and the alignment of the public footpath has been altered by the revised plans submitted. However, even the revised alignment requires users to cross one of the estate roads and walk between the public footpath and parking spaces at two points. Part of the proposed footpath (between Plots 57; 58; and 66) would be adjacent to a small area of open green space.

Revised comments have been received by NCC Rights of Way Officer on 20th July 2018 as outlined in full above. The route now shown appears to be broadly accepted albeit there is a request for a contribution to upgrade the footpath as it leaves the development site towards Marklew Close given the development would give a less direct routing of the path. Indeed the surfacing materials for this section of the footpath are required to be agreed and implemented by one of the suggested conditions of the Highways Authority. Concern has been raised by neighbouring parties that the footpath actually connects to Meadow Road rather than Marklew Close. These comments were directed towards NCC Rights of Way Officer and it has been confirmed that the correct route of the existing right of way does adjoin Marklew Close (albeit in the corner at the junction with Meadow Close). Officers are therefore satisfied that the wording of the suggested condition by NCC Highways is reasonable.

It is notable that the site is allocated under the Development Plan and was done so on the knowledge of the existence of the public footpath through the site. It is highly likely that (in the context of a proposal with only one vehicular access) the public footpath would need to be realigned. There is also a strong likelihood that such realignment would at some point necessitate crossing the internal highways network. As is confirmed by the aforementioned Circular, this need not be fatal in principle as there may be instances where avoiding estate roads are not possible. The revised scheme does at least now incorporate that sections of the public footpath would be immediately adjacent to areas of public open space. The submitted landscaping plans demonstrate that this area would predominantly feature grassland bordered by hedgerows and include three Hornbeam tree specimens. This would at least retain a degree of openness for the users of the public footpath and allow for the enjoyment of the limited areas of open space which are proposed for the site.

Impact on Land Use and Landscape Character

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

Paragraph 117 of the NPPF states that: *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the*

environment and ensuring safe and healthy living conditions'. The paragraph then goes on to encourage the use of brownfield previously developed land. Whilst the NPPF states that the effective use of land should be encouraged by re-using land that has been previously developed; the NPPF does not promote a sequential approach to land use and there is no presumption that Greenfield sites are unsuitable for development per se. The presumption in favour of sustainable development is an important part of the NPPF and it is noted that delivery of sustainable development is not restricted to the use of previously developed land and can include the development of greenfield land.

Paragraph 170 of the NPPF indicates that local planning authorities should take into account economic and other benefits of the best and most versatile agricultural land. Whilst the concerns referred to during consultation in terms of loss of agricultural land for food production are noted, the loss of the land from agricultural land has already been accepted in principle through the site allocation process. It would therefore be inappropriate to resist the current application solely on this basis.

The District Council has undertaken a Landscape Character Assessment (LCA) to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The application site is within the Blidworth Wooded Estate lands Policy Zone 46 where the landscape condition is defined as very good. In terms of built features, the landscape actions are to conserve the sparsely settled character of the area by concentrating any new development within the core of Blidworth village. The application site is within the village envelope for Blidworth as defined through the Allocations Map and thus the proposal would meet the aspirations of the LCA.

There is no doubt that a scheme for residential development as proposed would alter the existing character of the site, a matter which was indisputable in its allocation for residential development. The development would necessitate not only the built form of the dwellings, but also internal infrastructure such as the road network and boundary treatments between the dwellings and on the boundaries of the site itself. In this respect it is notable that, as existing, the western boundary of the settlement at this point is relatively sparse and dominated by single storey developments which owing to the topographical landscape form are relatively discrete features of the landscape. The development proposed on the other hand would introduce the rear elevations of two storey dwellings and their associated garages to the settlement edge. However, having considered the specifics of the site surroundings I do not consider that this change would be necessarily fatal in landscape character terms. Specifically, the site is immediately adjacent to residential curtilages to the north and south which offer similar relationships with the boundary of the Green Belt. In addition to this, the boundary treatment plan submitted with the application confirms that the existing hedge on the western boundary of the site would be retained. This is considered beneficial in terms of ensuring that the existing field pattern is not lost.

Overall, and indeed in line with the site allocation, Officers have not identified the proposal to be detrimental to landscape character in itself. The proposal is therefore compliant with Core Policy 13. The impacts of the design and layout of the proposal in terms of the more internal intricate arrangements are discussed in further detail below.

Impact of Design and Layout

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

It is noted that the site itself is outside of the designated Conservation Area (CA) however the southern boundary of the site is shared with the CA. 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. Policy DM9 reminds us that proposals should be compatible with the fabric of historic buildings. Notwithstanding that the proposed dwellings would be outside of the designated CA, in being directly adjacent to it, the development could still have an impact on the character and appearance of the CA, and so the decision maker should still be mindful of Section 72 (1) which states that '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*'.

The original proposal related to the construction of 100 dwellings laid out along a spine road from New Lane with a central attenuation basin and several secondary cul-de-sacs. The housing stock was typically 2 storey brick and tile with detached garages. Overall the scheme promoted 10 different house types delivered through detached, semi-detached and terrace development. Although the revised proposal has dropped a unit and introduced 8 no. dormer bungalows, the overall layout presented remains relatively similar with the incorporation of the central balancing pond.

Parking is proposed to be provided for all units with some fronting the street and others delivered alongside the gable end of dwellings. Whilst the latter approach is undoubtedly preferable in design terms it is fully appreciated that this has subsequent implications in terms of land take. Even with the revised scheme, there are still elements of the site (notably towards the south of the site through the delivery of the two bed units) where the street frontage would be characterised by car parking, noting attempts to utilize tree and landscape planting and a willingness from the applicant to condition hard landscape surface treatment. The relationship of this area of the proposal with the adjacent CA was raised as a concern by the Conservation Officer in assessing the original scheme more specifically through the uninviting nature of the rear elevation of plots when interpreted from Marriott Lane. The revised plans have attempted to address these concerns by the re-configuration of this corner of the site. Plots 31 to 34 are now proposed to be orientated southwards and plots 35 to 38 orientated westwards. The plan annotation confirms that the roofs of these plots would include a brick finish chimney. Although this has not been demonstrated on the plans submitted, if otherwise approved, further details of these chimneys could be conditioned.

Whilst the re-orientation of the plots at this point of the site is considered beneficial in terms of now addressing the Conservation Area (rather than the original scheme which somewhat turned its back on the CA); the benefits have in some respect been negated by the parking requirements which amount to a row of 9 parking spaces in front of Plots 35 to 38 with no landscaping between to soften the impact of the hardstanding. There would be a small area of open space adjacent to the hardstanding but the landscaping proposals includes no further landscaping for these areas. This has been subject to discussions with internal conservation colleagues to ascertain a view as to whether this amounts to a level of heritage harm. The latest comments received 2nd August 2018 confirm that the development would not fundamentally harm any designated heritage asset. Officers agree with this stance particularly noting that the allocation of the site has accepted that

the land will be developed for housing (which would inevitably bring a degree of associated built form) and as such no reason to resist the application purely on heritage grounds has been identified.

Another area of notable hard standing for parking would be in the south eastern corner of the site. Officers are conscious that in a development of this size, there is a balance to be struck in land take terms. The benefit of it being within this area of the site is that it would be at the end of the final cul-de-sac of the development and therefore largely only perceptible to the occupiers of the plots to which it would affect, who would be aware of the environment they are buying in to. However, it remains Officers view that the delivery of parking in such a manner at any point in the site should weigh negatively in the overall design and layout balance.

The application has been presented on the basis that the attenuation basin proposed to be delivered broadly centrally within the site would provide the amenity green space necessitated by a housing development of this nature. Notwithstanding the viability case presented (discussed in further detail below), Officers have raised concerns during the life of the application in terms of this approach but moreover the overall lack of green infrastructure within the site. Indeed this has also been referenced by the comments of Nottinghamshire Wildlife Trust. The efforts of the revised scheme to address this are considered by Officers to be poor. The only additional open space which has been included on the revised submission is that already referred to adjacent to the realigned public footpath between Plots 57; 58 and 66. Whilst there will be an element of buyers beware to occupiers in terms of the open space within the overall site, to be clear Officers consider that this approach represents poor design in the context of the Development Plan and the associated advice of the NPPF.

It is unpalatable to Officers that the proposed scheme falls short of the usual design aspirations that the LPA would strive towards; however as will be discussed in the overall balancing act below, in this case, it is not considered that the implications of the design approach are so significantly harmful to warrant a refusal in their own right. This stance is taken partly on the basis of the positioning of the site at the edge of the settlement directly adjacent to the designated Green Belt. As Members are aware, the purpose of the Green Belt is to protect urban sprawl and retain openness and therefore there is some comfort that the land to the west of the site boundary is highly unlikely to be developed upon in the future (especially given the new NPPF). Moreover, whilst Officers continue to disagree with the applicants view that the balancing pond within the centre of the site should be accounted as public open space (given that it is necessary for surface water mitigation and therefore could at times be filled with water), the presence of the pond does provide a break to built form which would assist in the visual softening of the proposal from within the site.

It is not the intention of the LPA to be prescriptive in terms of the specific design of dwellings to be delivered within allocated sites. The use of different house types within the site is a benefit of the scheme insofar as it will assist in adding visual interest internally within the site. The design of the properties are not considered particularly innovative but would nonetheless be appropriate to the site surroundings noting the presence of other nearby modern development such as Hilton Park on the opposite side of New Lane to the north of the site. The relationship with the CA has already been referenced but the control of materials through condition if the scheme were to be approved would further ensure that the heritage value of the site surroundings are protected.

Impact on Amenity

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. The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

To deal firstly with the amenity provision for the prospective occupiers, the provision of rear amenity space for each individual dwelling is welcomed albeit expected for a major residential scheme of this nature. The size of individual garden plots differs throughout the site albeit this too is expected to cater for the differing bed sizes (i.e. a narrow linear garden to a two bed dwelling would be considered commensurate whereas the four bed dwellings would warrant a larger garden). In terms of amenity relationships through built form within the site, officers did identify a number of relatively tight relationships on the original scheme (such as a distance of approximately 11m between the rear elevation of a 4 bed unit and the side gable of a neighbouring plot). This has been addressed through the revised scheme such that officers are now confident that the amenity relationships are acceptable to secure an adequate level of amenity for proposed occupiers noting again that there will always be an element of 'buyers beware' for this type of development.

The level of neighbouring objection received to the scheme from the local community is significant. Officers have taken the opportunity to visit the site from numerous vantage points to understand fully the impacts of the scheme.

In terms of the original scheme a number of the letters of representation made reference to the amenity relationship for the bungalows along Marklew Close. It is understood that this development is an assisted living scheme operated by Nottingham Community Housing Association and therefore a number of the residents are elderly. The suggestion is that these residents should be afforded the right to enjoy the later years of their life without the disruption and imposition that this development would bring. Whilst I sympathize with this stance, the position of the LPA is that the site is allocated for residential development and accordingly one needs to expect a reasonable residential to residential relationship being provided. Officers do concur that every opportunity should be taken to ensure that the residential form that does come forward on site preserves neighbouring amenity as far as is reasonable in planning terms.

Officers raised concerns with the applicant in relation to the original proposal and the relationship of two storey plots against the eastern boundary of the development where it is shared with the Marklew Close bungalows. This was discussed at length with the applicants and a number of suggestions were presented by the applicants to overcome this concern. Primarily, it is notable that Plots 88 to 95 are now proposed to be dormer bungalows (with their dormer windows on the principle elevation orientated away from the shared boundary). The latest round of consultation comments include concern that Plot 96 should also be amended to a bungalow but given that this plot would not be immediately adjacent to the neighbouring bungalows, Officers do not consider this to be necessary noting that any outlook towards this two storey property from the bungalows would be at an oblique line of site.

The proposed boundary treatment has been subject to lengthy negotiations and indeed more than one set of revised plans (which for the avoidance of doubt have been subject of further rounds of re-consultation with the affected properties bordering the site at Marklew Close and the Parish Council). The latest boundary plan submitted was received on 8th August 2018 reference 6938 (08)

016 Rev. C. This plan shows that the boundary treatment to the rear gardens of Plots 88-89 and 96-97 would retain an existing hedge. For Plots 90-95 however, there would be an alternative boundary treatment and one which on the face of it would be somewhat unusual but has nevertheless arisen as an attempted compromised solution.

The boundary treatment for Plots 90-95 proposes a 1.2m timber post and rail fence to the boundary. Behind this, there would be a small area annotated (and indeed annotated on a revised landscaping plan) as a wildlife landscaped margin. Further behind this, between around 1.4m and 3.2m from the eastern site boundary, there would be the erection of a 1.8m close boarded timber fence. Whilst Officers originally suggested that the wildlife corridor between the fences be part of the open space maintained by a management company, this was resisted by the applicant. As an alternative Officers recommend that plots 90-95 be provided as affordable housing, such that the common boundary and wildlife corridor will remain in a single maintenance ownership. In reality, this space will not require any maintenance and will simply be left to thrive as an area of wild landscaping, being cut back only as required. In this context the revised landscaping plan confirms that the species planted would be nectar-bearing shrubs and herbaceous plants that would not require any maintenance.

The need for an engineered solution to the boundary of the east of the site arises from a significant change in land levels with the neighboring development. The land level difference between Marklew Close and the application site is shown to be approximately 1.3m from the section plan. A boundary treatment of 1.2m would therefore broadly align with the eaves height of the existing bungalows. The matter is compounded by the extremely modest length of the rear gardens at Marklew Close at around 5m. On this basis, the outlook of the rear of the bungalows would feature a fence at a perceived height of around 2.5m just 5m from rear windows. This relationship has been demonstrated by cross sections which have been updated in line with the updated boundary treatment plans.

It is not lost on Officers that this element of the site demonstrates a contrived and complicated arrangement. Officers have carefully considered whether or not this is an acceptable amenity relationship. Clearly, incorporating bungalow accommodation at this point of the site is beneficial in respect to the opportunity for overlooking and loss of privacy between the proposed and existing occupiers. So too is the insistence on a wildlife corridor. The distances between the rear elevations ranges from around 18.7m for Plots 94 and 95 and between 20 and 21 for the remaining bungalow plots which border Marklew Close. Given the nature of the land levels it is appropriate that the distances be assessed as if it were a two storey dwelling against a bungalow on a flat site. If this were the case then the separation distances mentioned would be at around an acceptable level albeit 18.7m would be bordering on unacceptable. However, in this case the sections submitted have demonstrated that the rear windows of the proposed development would not be afforded a view to the garden or the windows of the properties on Marklew Close given the proposed boundary treatment.

There are however other implications in terms of keeping the boundary height low. A 1.2m fence along the boundary would not afford appropriate privacy if occupiers of the proposed bungalows were to come to the end of their gardens (notwithstanding the safety issues that could arise noting the change in topography) but on the contrary, anything above 1.2m (or harsher than a post and rail fence) could create the potential for an overbearing impact to the occupiers of Marklew Close. In this context, there remains a current fallback position whereby the land owner could erect a 2m fence along the eastern boundary without planning permission at present. If the proposed development were to be approved it would at least have associated conditions to

remove permitted development rights and ensure the retention of the landscaping against the boundary which would aid in preserving neighbouring amenity and discouraging any use of the rear extremes of the gardens (which would still be afforded a generous amount of 'useable' garden space).

The site is bounded on three of the four boundaries by neighbouring residential curtilages. To the north of the site, notwithstanding the presence of New Lane, the proposal has the potential to impact upon the neighbouring properties at Hilton Park. At present the rear elevations of these properties look towards the existing open site which is notably more prominent due to the topographical changes across the site. However, these topographical changes mean that the site is set at a lower level than the dwellings on Hilton Park and therefore the opportunity for impacts of overbearing and overlooking would be significantly reduced. The plot most likely to affect amenity (as identified through the concerns raised through consultation) is Plot 99 in the NE corner of the site. The site masterplan demonstrates that existing tree cover would be removed at this point of the site and the principle elevation of Plot 99 would be set back approximately 4.7m into the site boundary. The comments received during consultation make reference to a distance of approximately 15m (in reference to the original plans) between this plot and neighbouring dwellings. However, Officers consider this to be the distance between the principle elevation of Plot 99 and the rear boundary of the garden to Hilton Park properties noting that the closest built form distance to the two storey rear elevation (the closest property also has a single storey conservatory which would reduce the distance slightly) is approximately 26m. Given the site circumstances and the intervention of New Lane (as shown by street scene elevation 2) Officers do not consider this to be an unusual amenity relationship which would amount to detrimental impacts through overlooking and loss of privacy. It is appreciated that the outlook of the site will fundamentally change for the occupiers of the Hilton Park properties but the amenity relationships at this point of the site are not considered to warrant a resistance of the proposal.

Moving to the southern boundary of the site, the amenity relationship with the properties at Marriott Lane has been significantly altered throughout the life of the development owing to original concerns raised as to how the plots in this element of the site addressed the adjacent Conservation Area. The properties in this corner of the site now have their principle elevations orientated towards the existing dwellings on Marriott Lane. The closest relationship would be for Plot 34 where the gable end would be approximately 10.2m away from the principle elevation of no. 4 Marriott Lane. However, this would be at a point of a single storey garage on the neighbouring property and therefore would not in Officers view amount to an overbearing impact. The distance afforded by both the proposed and existing road network but in other respects safeguard neighbouring amenity at the point of the site.

Despite significant negotiations throughout the life of the application, the matter remains that there are elements of the scheme in respect to amenity which are compromised. The implications of this are considered in the overall balancing act undertaken below.

Impact on Flood Risk and Drainage

Core Policy 9 requires new development proposals to pro-actively manage surface water. The land is classified as being within Flood Zone 1. As such it is not at risk from flooding from any main watercourses. The size and nature of the development nevertheless warrants the submission of a Flood Risk Assessment (FRA) which was submitted with the original application undertaken by HSP Consulting Engineers Ltd. dated December 2017.

The submitted FRA covered matters of drainage noting that the development proposal would equate to approximately 15,710m² of impermeable area (based on the original submission so likely to have reduced marginally owing to the loss of one unit). Due to the topography of the site, the use of permeable paving is not considered feasible on this development. It is acknowledged that the development site is located within an area that is subject to a high risk of surface water flooding noting a historic flooding incident on Meadow Road adjacent to the site in 2007. Nevertheless, it is presented that the proposed development will provide betterment of the existing surface water regime. The submitted FRA confirms that the approximate volume of the proposed drainage basin is 2299m³ and that the required volume of storage for the development's impermeable area is 1025m³.

Members will note the original comments of NCC as the Lead Local Flood Authority which objected to the scheme in terms of the layout of the development potentially putting a number of properties at risk from surface water flooding. Comments also referenced the need for a greater consideration of the use of sustainable urban drainage features rather than reliance on and associated operational risk of a single infiltration basin. The applicant has worked with NCC Flood Team during the life of the application in an attempt to resolve these concerns through the submission of an amended drainage plan. The applicant maintains that the use of localized soakaways is not plausible due to the site topography and may in fact result in an increased flood risk. The revised details were then accepted by NCC Flood Team and their original objection removed. However, since that time, further concerns were raised by neighbouring parties in respect to the surface water run off consequences along the eastern boundary. This led to further discussions in the context of the overall boundary treatment negotiations which at one point led to the request for the applicant to incorporate a dwarf brick wall and land profiling as a direct attempt to ensure that surface water does not burden the properties on Marklew Close owing to the land level changes. These changes were disputed as being required by the applicant evidenced through a topographical survey of the existing site which demonstrates that the land level falls towards the centre of the site (where the proposed drainage basin would be). Furthermore assurances have been provided to state that proposed levels will maintain existing as much as possible to ensure gradients north to south. Exact levels of the proposed development, including levels of the rear extremities of gardens along the eastern boundary can be secured by condition prior to the commencement of these plots. Noting that the latest comments of the Lead Local Flood Authority have removed their concerns in acknowledgement of the additional details provided, Officers do not consider that it would be reasonable to insist on the inclusion of an engineered boundary wall.

It is notable that original FRA shows that results of modelling exercises confirm that the proposed development cannot be accommodated in the existing sewerage network without capacity improvements. However, the Sewer Capacity Assessment included at Appendix 10 of the FRA appears to contradict this view in one respect stating that capacity improvements are likely to be required (specifically at the connection point between New Lane and The Meadows) and on the other seemingly confirming that Rainworth Sewerage Treatment Works has sufficient capacity to accommodate the flows from the development. Consultation has been taken with Severn Trent Water in an attempt to clarify the position. Unfortunately no comments have been received to date despite numerous requests.

In the absence of comments from Severn Trent Water, Officers have requested clarification from the applicant and the following response has been provided (which has been corroborated by their drainage engineers):

The capacity report states that exiting sewer is a combined foul and storm. Section 1.3 states the development is ONLY providing a foul connection as ALL storm water is being dealt with on site. This is dealt within the FRA. Therefore the capacity report is only considered for foul sewerage in the rest of the report. S2.4 states Capacity improvements are likely to be required to accommodate [Foul] flows from the entire development. S3.3 states Under the Water Industry Act (1991), developers have a right to connect foul and surface water flows from new developments to public sewers. The Act places a general duty on sewerage undertakers, including Severn Trent Water, to provide the additional capacity that may be required to accommodate additional flows and loads arising from new domestic development.

Therefore Severn Trent will upgrade the sewer to accommodate the additional foul demand on the sewerage system. A timetable will be agreed for these works on a phased release of completed properties.

Taking account of the above response Officers are satisfied that, subject to the improvements which as correctly stated would be a requirement for the sewerage undertaker; and appropriate conditions in respect to site drainage; it is not considered that the proposed development would result in any increased flood risk and would ultimately pro-actively manage surface water in accordance with the requirements of Core Policy 9.

Impact on Trees and Ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

The NPPF incorporates measures to conserve and enhance the natural and local environment, including through Chapter 15. Paragraph 175 of the NPPF requires that in determining planning applications LPA's should apply principles relating to, amongst other matters, appropriate mitigation and opportunities to conserve or enhance biodiversity.

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 an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total and that the Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014.

There is a 5km buffer zone around the combined ICA and proposed IBA, as agreed by Natural England, within which possible adverse effects of any development should be properly considered.

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 original application was accompanied by an Environmental Enhancement Strategy which incorporates a Phase 1 Habitat Survey dated November 2017. A Preliminary Ecological Assessment revised through the life of the application (dated January 2018) has also been received. The survey identifies that there are native hedges along most of the site boundaries but that the hedgerows are of low species diversity and relatively recent origin. However, it is equally acknowledged that the trees and hedges on site are suitable for breeding birds and that the trees could contribute to commuter routes and foraging areas for local bat populations.

Reference is made to a nearby Oak Tree protected by a Tree Preservation Order (TPO). Officers have noted that the mapping system available to the LPA appears to plot this tree along the eastern boundary of the site. However, having visited the site there is no evidence of this tree at that point in situ and thus it is assumed that this is an error to the mapping system. Officers are therefore satisfied with the conclusions of the survey that there are no TPO trees which would be affected by the proposed development.

The development would require the removal of three tree specimens along New Lane all of which being Category C. There would also be the removal of a short section of the predominant hawthorn hedge along the northern boundary to create the site access. In addition, there are three instances where the development would impose on the Root Protection Zones (RPA's) of trees to be retained (two being Category B, the other Category C).

The survey makes references to a SUDs scheme as included within an FRA dated August 2017. Clearly, as identified above, the scheme has been presented on the basis of the FRA dated December 2017 and thus it appears that the Ecology work is based on an earlier iteration of the development. This is not necessarily fatal to assessment in principle, however, it does mean that Officers have been mindful of the benefit of any mitigation attributed to this approach.

The proposal has been assessed in detail by Nottinghamshire Wildlife Trust (NWT) as detailed in full in the consultee section above. Whilst the recommendations in relation to bat boxes, hedgehog accessibility and works outside of bird breeding condition could be secured by condition if permission were otherwise forthcoming, what is more fundamental and notable from the comments is the overall lack of connectivity which the site provides. This has already been identified in the context of good design but also has implications in terms of the site being within the proposed SPA as identified above. The revised site masterplan has attempted to address this matter but as discussed above in Officers submission has had limited success in terms of overall connectivity. In terms of the proposed SPA, the development could indeed increase pressure through increased walking etc. from the occupiers of the site. Without appropriate mitigation through open space either within the site or contributions to existing spaces off site, this must fall to weigh negatively in the overall planning balance undertaken below.

Land Contamination

NPPF paragraph 178 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. This has been addressed through a Phase II Geo-Environmental Assessment Report and a Preliminary Risk Assessment with the application which has been assessed by colleagues in Environmental Health. It is confirmed that the sampling in the report concludes that no samples taken have exceeded their respective screening criteria for the

use proposed. The development is therefore considered appropriate without the need for further works through condition.

It is noted that issues of subsidence and land contamination have been received through the consultation process. The site allocation references the legacy of former coal mining activities and the need for their consideration. It is confirmed that the site is located in a Coal Mining Development Referral Area due to the mining activities previously undertaken at depth at the site (ceased in 1981). The Preliminary Risk Assessment Report submitted includes a discussion of mining and incorporates a colliery report in one of the appendices. On the basis of these details the report recommends appropriate foundation types for the proposed dwellings. Officers are satisfied that the previous land uses of the site have been appropriately considered and have identified no evidence to dispute that the development type would be appropriate on this basis.

Impact on Archaeology

Core Policy 14 relates to the historic environment and states that the District has a rich and distinctive historic environment and that the Council seeks, *'the continued preservation and enhancement of the character, appearance and setting of the Districts heritage assets and historic environment....including archaeological sites...(and) Conservation Areas...'* Paragraph 5.71 states that the Council will ensure that any proposals concerning these heritage assets will secure their continued protection and enhancement, contributing to the wider vitality, viability, regeneration of an area, reinforcing a strong sense of place.

Policy BI/Ho/3 requires the investigation of potential archaeology on the site and any necessary post determination mitigation measures. On this basis the application submission has been accompanied by an Archaeological Desk Based Assessment dated December 2017. The report concludes that the overall archaeological potential of the site has been assessed as being low and that an archaeological watching brief would be the most appropriate mitigation.

NCC Archaeology has been consulted on the application but unfortunately no response has been forthcoming. The report has been fully considered by officers including conservation expertise and there is no dispute to the conclusions reached. On the basis of the submitted desk based assessment, I am satisfied that the applicant has met the requirements of the allocation policy and subject to the condition of a watching brief as suggested, any potential archaeological value of the site would be preserved,

Developer Contributions and Viability Position

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' set out the approach for delivering the infrastructure necessary to support growth. The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

The NPPG makes clear that where the viability of a development is in question, the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.

As is referenced already, the applicant has engaged in pre-application discussions on the development proposals prior to the submission of the application. Matters of viability were brought up at pre-application stage with a case presented that the scheme could not afford to deliver a policy compliant scheme. This was subject to discussions with an Independent Viability Consultant at pre-application stage who calculated that the development would generate a negative viability of -£335,000 taking account of policy contributions except affordable housing. It is notable that this assessment was undertaken in October 2016. Discussions then advanced with Officers and the Independent Consultant to ascertain what level of affordable housing could be delivered on site if other contributions were sacrificed (notably at the time of the pre-application NCC Education stated that the existing schools could accommodate the development). The Independent Consultant confirmed that with no other contributions, the development could provide 16% affordable housing on site (response dated 31st October 2016). In May 2017, the applicant presented that they were struggling to gain interest from registered providers to take on the affordable units and thus suggested alternative means of securing affordable provision such as changing the rented units to discounted market sale and provide shared ownership.

All of the above discussions led to the offer as presented by the letter dated 3rd January 2018 to support the original application. The offer presented was that the development would deliver 19 affordable units on site (10 social rent and 9 shared ownership) with no other off site contributions. Officers are mindful that the pre-application discussions go back some time and thus the position has changed since this time. In the context of the consultation responses, including a request for education provision, and a lack of open space provision within the site, Officers raised significant concerns during the life of the application that the proposal needed re-consideration from a viability perspective.

The revised plan submissions have been accompanied by a revised viability position dated July 2018 (received 16th July 2018). The position of this document is that the proposed offer is for the developer to deliver £200,000 of an overall Section 106 package with no on site affordable housing. It is stated that this would give a residualised profit of 12.22%. Clearly this is a lesser offer than that previously presented and thus Officers have requested an Independent Review as to whether this is appropriate for this site.

The Consultant has provided the following assessment:

“

| GENERAL | | |
|---|------------|------------|
| Net Developable Site Area | | 2.78Ha |
| Development Scenario | | Greenfield |
| Total Unit Numbers | | 99 |
| | | |
| AREAS | | |
| Net Residential Sales Area | Houses | 8611sqm |
| | Apartments | 0sqm |
| Gross Construction Area | Houses | 8611sqm |
| | Apartments | 0sqm |
| | | |
| AFFORDABLE HOUSING | | |
| Affordable Housing Delivery Test Parameters | | 0-30% |

| | | |
|---|---------------------------|------------------|
| Affordable Housing Tenure Mix | | 60% Social Rent |
| | | 40% Intermediate |
| SALES VALUES | | |
| | Houses | £1980qm |
| | Apartments | NA |
| CONSTRUCTION COSTS | | |
| | Houses | £1263sqm |
| | Apartments | NA |
| ABNORMAL DEVELOPMENT COSTS | | |
| Abnormal Construction Costs | | £653,114 |
| LAND VALUE ALLOWANCE | | |
| Residual Land Value with Planning Permission | | -£480,000 |
| Existing Land Use Value | Based on EUV
£20,000Ha | £55,600 |
| Share of Uplift in Land Value to Landowner | | NA |
| Land Value Allowance in Viability Appraisal | | £250,000 |
| | | |
| OTHER FEES & COSTS | | |
| Professional Fees | | 8.0% |
| Legal Fees | | 0.5% |
| Statutory Fees (Planning, Build Regs, Warranties) | | 1.1% |
| Sales/Marketing Costs | | 3.0% |
| Contingencies | | 3.0% |
| Finance | | 5.0% |
| FIXED DEVELOPER CONTRIBUTIONS | | |
| CIL | | £0 |
| Planning Obligations | | £0 |
| FINANCE COSTS | | |
| Interest | | 6% |
| Arrangement Fee | | 0% |
| DEVELOPMENT PROFIT | | |
| Development Profit Return on GDV | Market Housing | 20% |
| | Affordable Housing | 6% |

Assumptions Comments

The standard fee and cost assumptions adopted by NSDC have been used in the appraisal. The applicant's Contingency allowance of 3% and finance costs based on 6% interest including arrangement fees have been agreed. 3% is accepted for sales and marketing costs on a site of this scale.

For the purpose of the initial appraisal, no Sec106 Contributions or Affordable Housing obligations were included. CIL charges do not apply in this location.

The applicant proposes a sales rate of £1980 sqm which represents a 4% increase since the scheme was last appraised in 2016. HEB Surveyors have been consulted and advise that sale prices have stagnated in this area over the last two years and that the proposed sale value is reasonable. This is comparable to recent evidence prepared in connection with the Council's CIL review and has

been agreed. The total sale value applied to the development floorspace equates to a total development value of £17,049,000.

The applicant proposes a base build cost rate of £1263/sqm which is consistent with current BCIS rates benchmarked to the Mansfield area and has been agreed. This represents a 21% increase in build costs since the last appraisal in October 2016.

The applicant also lists a number of construction costs as 'abnormal costs' beyond the base rate including :-

| | |
|-----------------------------------|----------|
| 1, Earthworks and Retaining Walls | £229,848 |
| 2, Abnormal Foundations | £102,018 |
| 3, Off Site Highway Works | £155,285 |
| 4, Right of Way Diversion | £32,175 |
| 5, Flood Mitigation | £79,420 |
| 6, Externals | £54,368 |

The applicant has proposed a benchmark land value of £1Million. The initial residual land value appraisal indicated a negative figure of -£480,000. It is acknowledged that some value must be placed on the land in this type of appraisal so a nominal figure of £250,000 has been adopted.

Viability Results & Conclusions

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

The appraisal indicates negative viability of -£762,000 with no infrastructure or affordable housing contributions.

The principal issue is the unprecedented increase in Post-Brexit construction costs which have increased by 21% since the last appraisal whilst sale values have only increased by 4%. The abnormal costs at £653,000 have not been independently assessed but since the scheme would still demonstrate negative viability if these were removed, it is not deemed necessary.

The applicant accepts that some infrastructure contribution is necessary to make the development sustainable and has offered £200,000. This is considered reasonable in context with the viability assessment."

Given the above the position of the applicant presented a case most recently that they could provide £200,000 of S106 contributions (to be split however the LPA considered it appropriate to do so) with no affordable housing units. However, following negotiation and clarification of funding, particularly with respect to affordable housing, that position has now changed. I explore this further below.

Affordable Housing

The policy stance of Core Policy 1 is that 30% on-site affordable housing should be provided which should reflect local housing need and viability on individual sites, overall reflecting a mix of 60% social rent and 40% intermediate. For 99 dwellings 30% equates to 30 dwellings.

Throughout the life of the viability discussions, the applicant has suggested that they would wish to provide affordable housing which is secured via planning condition. A condition allows greater funding opportunities and support from Homes England as an investment provider, a route not available if secured by S106. Following discussions with strategic housing colleagues it is clear that funding is restricted if affordable provision is required via a S106 route. In very simple terms we are in a position where the applicant will accept 30% affordable provision if secured by condition as additional funding can be secured. They are stating they cannot provide affordable provision if a S106 is required.

The obvious question in this regard is to explore the circumstances in which a condition as opposed to a S106 can and should be used. This Authority has had conditions imposed upon it via appeal which secured S106 agreements via condition. Both the Inspector Training Manual (dated 15 February 2016) and Circular 11/95: Use of conditions in planning permission do not preclude conditions albeit they should be utilized in exceptional circumstances. Legal advice has confirmed that if we conclude there is such circumstances in this instance the LPA can impose a planning condition. In this case it has been agreed by colleagues that the issue of funding is a live one within the industry if a S106 is required. Importantly this proposal involves development on an allocated site and would release other developer contribution monies to further mitigate the impacts of the development elsewhere. On this basis, I consider a planning condition to secure affordable housing is appropriate in this instance. Recommended condition 25 sets this out, including explicit reference to **achieving 30% affordable housing** on a split and tenure type which is policy compliant basis.

Community Facilities

For developments of 10 or more dwellings a contribution towards community facilities can be sought which is based upon £1,384.07 per dwelling (indexed as of 2016), equating to **£137,022.93** for the entire 99 units. The development **does not seek to provide this on viability grounds.**

Education

The Council's SPD on 'Developer Contributions and Planning Obligations' provides that contributions towards primary school education can be sought from planning applications for 10 or more dwellings.

The comments of Local Education Authority suggest that the development would yield an additional 21 primary and 16 seconding places. A contribution of **£240,555** (21 x £11,455) has therefore been sought. Aside from issues of viability, the education contribution has been subject to discussions during the life of the application on the basis that the pre-application response indicated that the existing schools within the development could accommodate the additional pupils. It has been confirmed that since the time of pre-application advice (March 2015) the situation has changed such that the existing school can no longer accommodate the development without a contribution. Following negotiation and despite the scheme being able in viability terms of afford £200,000 the **applicant has agreed to provide the full contribution of £240,555.**

Health

For developments over 65 dwellings (or where a development places an extra demand upon local health care) a contribution of £982.62 per dwelling (figure includes indexation to 2016) towards health can also be sought through the planning application as set out in our SPD. This amounts to

£97,675.38. No comments have been received in respect to how these monies would be spent by the relevant health authorities. In any event the applicant **does not seek to provide this on viability grounds.**

Libraries

The Council's SPD allows for contributions towards library stock at a cost of £47.54 (based on 2016 indexation) per dwelling. The maximum contribution based on 99 dwellings would be **£4,706.46.** However, Nottinghamshire County Council who manage the public libraries have made no specific request towards library provision and is therefore assumed that existing stock can accommodate the potential extra demand. The applicant **does not seek to provide this on viability grounds.**

Open Space

A development of up to 99 dwellings is required to make a contribution towards open space in the form of provision for Children and Young People; Amenity Green Space and Natural and Semi-Natural Green Space. As is already debated above, the level of on-site amenity provision is extremely limited. Officers dispute that the proposed attenuation drainage basin should be included within any open space provision given that this is necessary in order to adequately drain the development and may at times feature water. As such it would need to be appropriately fenced off for security reasons and thus cannot be used as amenity open space for the proposed residents. Overall the level of open space within the site is approximately 167m² (an area of land adjacent to the proposed re-aligned public footpath), which falls short of the requisite on site provision. **No off site contribution is proposed on viability grounds.**

Public Footpath

Although not a policy requirement as such, the comments of NCC Rights of Way have advised that they would seek a contribution towards the upgrade of the existing public footpath as it leaves the development site and meets Marklew Close. This is a site specific request but in any case has been recommended as a condition by the Highways Authority comments and therefore it is not considered necessary to include an off-site contribution separately.

Whilst there remains a shortfall with respect to community facilities, libraries, health and children's play space it has been known for some considerable time that the development of this allocated site would be unviable without significantly reduced contributions. That said, there must be a balance whereby at some point the lack of ability to provide contributions makes a development site unviable. Balanced against this is that the applicant is now offering full on-site affordable housing and education provision (a S106 requirement not identified by NCC at pre-application stage). On this basis, in an overall planning balance (and this application is indeed balanced) I consider the range of contributions offered is acceptable.

Other Matters

Comments made during consultation have referenced other schemes in the village which have been refused (notably an application on Main Street reference 16/01478/OUTM). Having reviewed the application file for this development which was for 30 dwellings, I do not consider that its assessment can be comparable to current scheme which is materially different. Notably the scheme at Main Street was within the Green Belt.

Overall Balance and Conclusions

The proposal relates to an allocated site in the settlement of Blidworth which is considered sustainable in principle. The proposal meets the aspirations of the allocation in terms of delivering 99 dwellings (the allocation seeking a maximum of 100). It will not be lost on Members in the context of the above discussion that the final iterations of the proposal which seek determination by no means represent a fully policy compliant scheme.

The length of time taken to bring the application for consideration by Members (noting that the original 13 week target date was in April this year but moreover that pre-application discussions have been ongoing since February 2015) is an indication of the complexities that have arisen since submission.

The above report has identified a number of instances where the proposal represents challenges in terms of areas of hardstanding and parking (which are mitigated only to a degree by hard and soft landscaping solutions) and an unusual boundary treatment along the eastern boundary which has been engineered in an attempt to overcome adverse amenity impacts to neighbouring properties set at a significantly lower level topographically.

The above issues must however be weighed in the round taking account of all material planning considerations. The scheme now provides for full policy compliant affordable housing on-site and a full education contribution, which is more than the Council's viability advisor states can be reasonably secured in an appeal scenario.

The proposal would contribute to the Districts allocated housing delivery through the development of 99 dwellings in a sustainable settlement as allocated by the Allocations and Development Management DPD. This includes through the incorporation of bungalow accommodation which meets an identified local need.

In an overall balance, none of the design challenges detailed above (subject to confirmation of the TRO issue) are considered, in themselves to be fatal to the acceptability of the scheme in overall sustainability terms. On this basis, approval is recommended.

RECOMMENDATION

- (1). Approve full planning permission subject to the conditions outlined below;**
- (2). Approval of the application subject to a signed Section 106 agreement.**

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:

- Revised Site Masterplan – 6938(08) 100 Rev. F (received 8th August 2018)
- Amended Detailed Landscape Proposals (Sheet 1 of 2) – 1577-01D (received 8th August 2018)
- Amended Detailed Landscape Proposals (Sheet 2 of 2) – 1577-02B
- Revised Boundary Treatment Plan – 6938(08) 106 Rev. C (received 8th August 2018)
- Amended House Type 202A – 6938(08) 10 Rev. B
- Amended House Type 202L – 6938(08) 11 Rev. B
- House Type 202L (Pitched Porch) – 6938(08) – 11-02
- Amended House Type 301 – 6938(08) 12 Rev. B
- Amended House Type 302CL – 6938(08) 15 Rev. B
- Amended House Type 304 – 6938(08) 16 Rev. B
- Amended House Type 304 – 6938(08) 16-02 Rev. B
- Amended House Type 306 – 6938(08) 17 Rev. B
- Amended House Type 402 – 6938(08) 18 Rev. C
- Amended House Type 404 – 6938(08) 19 Rev. B
- Amended House Type 412 – 6938(08) 20 Rev. B
- Amended Single Garage – 6938(08) 21 Rev. A
- Amended Twin Garage – 6938(08) 22 Rev. A
- Amended Garage Sales Centre – 6938(08) 23 Rev. A
- Semi Detached Bungalow – 6938(08) 24
- Terraced Bungalow – 6938(08) 25
- House Type 302CL Semi – 6938(08) 26
- House Type 302CL Semi – 6938(08) 27
- Amended Location Plan – 6938(08) 98 Rev. B
- Free Standing Brick Substation – UDN-460

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

Prior to any development above slab level in respect to Plots 31 to 38 inclusive, details of chimneys in respect to these plots shall be submitted to an approved in writing by the local planning authority. For the avoidance of doubt, the details shall include height and material finish. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve the setting of the adjacent Conservation Area.

04

Prior to any development above slab level a schedule of materials for all plots detailing all facing materials including bricks and roofing tiles (to be natural roofing materials in respect to Plots 31 to 38 inclusive) shall be 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.

Reason: In the interests of visual amenity

05

No groundworks within the site shall commence until a written scheme of Archaeological investigation (WSI) has been submitted to and approved by the LPA in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- o The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

- o The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

06

Notwithstanding the details shown on the Landscape Proposals hereby approved (shown on plan reference Amended Detailed Landscape Proposals (Sheet 1 of 2) – 1577-01D and Amended Detailed Landscape Proposals (Sheet 2 of 2), prior to any development above slab level, a revised scheme of the proposed type and location of nest boxes and bat boxes shall be submitted to and approved in writing by the local planning authority. The nest boxes should be positioned to face north and east and demonstrate a range of boxes including integration into the dwellings hereby approved. Bat boxes should be on the southern and westerly aspects and demonstrate a range of boxes including integration into the dwellings hereby approved. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To increase the ecological connectivity and potential within the site.

07

Prior to the commencement of any development above slab level, a detailed Management Plan for the Sustainable Urban Drainage Scheme shall be submitted to and approved in writing by the local planning authority. The Management Plan shall follow the advice outlined by 2.1.3 Sustainable Urban drainage Scheme within 'New Lane, Blidworth Environmental Enhancement Strategy document Prepared November 2017' by Dr. Stefan Bodnar. The Management Plan should ensure general management recommendations outlined by this document are followed as far as reasonably practicable. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To increase the ecological connectivity and potential within the site.

08

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

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

09

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

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

10

Prior to the commencement of any development above slab level, an ecological walkover survey shall be undertaken by a qualified ecologist and an updated report outlining species present with mitigation measures where necessary shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To protect any ecological potential within the site.

11

The approved Landscape Proposals hereby approved (shown on plan reference Amended Detailed Landscape Proposals (Sheet 1 of 2) – 1577-01D and Amended Detailed Landscape Proposals (Sheet 2 of 2), (notwithstanding the requirements of condition 6) shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local 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.

12

No dwelling hereby approved shall be occupied until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the local planning authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the development does not increase the risk of flooding.

13

Prior to any occupation of the dwellings hereby approved, the boundary treatments shown on the approved plan 'Revised Boundary Treatment Plan – 6938(08) 106 Rev. C (received 8th August 2018)' shall be implemented on site and shall then be retained in full for a minimum period of five years from the date of the decision with the exception of the boundary treatments for Plots 88-99 inclusive which shall be retained for the lifetime of the development in accordance with a management and maintenance scheme that shall firstly be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the lifetime retention referred to includes the setback fences and wildlife corridors (as detailed on plan reference Amended Detailed Landscape Proposals (Sheet 1 of 2) – 1577-01D) hereby approved in respect to Plots 90-95 inclusive, which includes the affordable provision detailed in condition 25 below.

Reason: In the interests of residential and visual amenity.

14

Prior to the commencement of any development above slab level, details of the existing and proposed ground and finished floor levels of the site and approved buildings shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt, in respect to Plots 88-99 inclusive, this shall include ground levels within rear gardens at the eastern boundary of the site. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity and ensuring that there is no additional surface water run-off to existing properties.

15

Construction works shall not take place outside the following hours:

8am to 6pm Monday to Saturday

9am to 1pm Sunday

And not at all on bank or public holidays

Unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

16

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway and any parking or turning areas is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced driveway and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

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

17

Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

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

18

The shared private driveway adjacent to plot 6 shall be laid out to a width of not less than 4.25 metres for at least 5 metres back from the back edge of the footway.

Reason: To ensure that vehicles entering and leaving the driveway may pass each other clear of the highway.

19

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

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

20

Prior to the commencement of any development above slab level, a scheme shall be submitted and approved in writing by the LPA for the surfacing of public footpath FP1 between the development and Marklew Close. Such a scheme shall then be implemented in full prior to occupation of the 20th dwelling.

Reason: To promote sustainable travel

21

DRAFT SUBJECT TO REQUIREMENT FOR TRO BEING CONFIRMED

Prior to the commencement of development, the Highway works as shown for indicative purposes only on drawing SK006-2B shall be completed. For the avoidance of doubt, these works require a Traffic Regulation Order to enable the priority workings, which will need to be agreed and fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority.

Reason: To provide adequate & safe access to the site.

22

DRAFT SUBJECT TO REQUIREMENT FOR TRO BEING CONFIRMED

Prior to commencement of the development, an application shall be made to provide the Traffic Regulation Order (double yellow lines) shown for indicative purposes only on drawing SK006-2B on New Lane in the vicinity of Mansfield Road. Any subsequently approved works shall be fully implemented to the satisfaction of the Local Planning Authority in discussion with the Highways Authority.

Reason: To provide adequate & safe access to the site.

23

In respect solely to the following Plot numbers: 1, 14-24 inclusive; 86-99 inclusive, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (and any order revoking, re-enacting or modifying that Order), other than development expressly authorized by this permission, there shall be no development under Schedule 2, Part 2, 'Minor Operations' Class A 'gates, fences, walls etc. unless consent has firstly been granted in the form of a separate planning permission.

Reason: In the interests of visual and residential amenity.

24

In respect solely to the following Plot numbers: 88-96 inclusive, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (and any order revoking, re-enacting or modifying that Order), other than development expressly authorized by this permission, there shall be no development under Schedule 2, Part 1, 'Development within the Curtilage of a Dwellinghouse' of the Order in respect of:

Class A - enlargement, improvement or other alteration of a dwellinghouse

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

unless consent has firstly been granted in the form of a separate planning permission.

Reason: In the interests of visual and residential amenity.

25

No development shall take place until a scheme for the provision of affordable housing as part of the development shall have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- I. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces comprising the following split, unless otherwise agreed in discharging this condition:

| | Rent | Intermediate (S/O) | Total |
|----------------|------|--------------------|-------|
| 2 Bed House | 5 | 3 | 8 |
| 2 Bed Bungalow | 5 | 3 | 8 |
| 3 Bed | 2 | 1 | 3 |
| | 12 | 7 | 19 |

- II. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- III. the arrangements for the transfer of the affordable housing to an affordable housing provider;
- IV. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- V. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall not be occupied otherwise than in accordance with the approved scheme and be retained for the lifetime of the development.

Reason: To provide for a clearly identified affordable housing need in accordance with Policy CP3 of the Core Strategy and Policy DM3 of the Allocations and Development Management DPD.

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 proposed is zero rated in this location.

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

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

04

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottsc.gov.uk for details.

05

The proposed development requires the stopping up or diversion of a public right of way. The grant of planning permission for this development does not authorise the obstruction or the stopping up or diversion of this public right of way and an unlawful obstruction to the right of way is a criminal offence and may result in the obstructing development being required to be removed. A separate application for an Order stopping up or diverting the public right of way will be required. This is a separate legal process and the applicant is advised to contact the Countryside Access team at Nottinghamshire County Council for further information.

06

The proposed waiting restrictions and priority traffic referred to in the conditions require a Traffic Regulation Order. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk. Please note that the Order process may take 9-12 months

Background Papers

Application case file.

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

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

Matt Lamb
Business Manager – Growth and Regeneration

Committee Plan - 17/02326/FULM

