

PLANNING COMMITTEE – 6 NOVEMBER 2018

Application No:	18/00629/OUT
Proposal:	Outline application for residential development for 09 dwellings including the re-building of Rose Cottage (Access for consideration at outline)
Location:	Rose Cottage, Farnsfield Road, Bilsthorpe, NG22 8SJ
Applicant:	Mr Darrell Hyde
Registered:	11.04.2018
Target Date: 11.07.2018 Extension of Time Agreed: In Principle	

This application is being referred to the Planning Committee in line with the adopted scheme of delegation as the officer recommendation differs from the views of Bilsthorpe Parish Council.

The Site

The site is an area of approximately 0.4 hectares containing an existing domestic dwelling with associated garden land and some outbuildings located within the defined built up area of Bilsthorpe as defined within the Allocations and Development Management DPD.

The site is undulating with land rising from Farnsfield Road and contains Rose cottage, a two storey detached dwelling within the centre of the site, adjacent to Moor Cottage to the east. There are outbuildings comprising of a brick dilapidated former cottage to the south (abandoned), former greenhouses and a Nissan hut also to the south of the site.

To the west of the site, fronting Farnsfield Road is Windy Willows, a single storey dwelling with no accommodation in the roof and a 1.8m high timber fence to its eastern boundary. The surrounding application site is largely defined by a substantial hedgerow.

There is an existing vehicular access to the north of the site (in between Windy Willows and Holly Cottage) which serves Windy Willows, Rose Cottage and Moor Cottage.

The site is designated as being within Flood Zone 1 in accordance with Environment Agency mapping and is detailed as being prone to surface water flooding. There is a public Right of Way located to the south of the site.

Relevant Planning History

911051 - Residential development – Refused 10.06.1994

Relevant application on neighbouring site (within Applicant's ownership):

18/01707/FUL - Erection of two-storey rear extension and detached garage to front of property, Change of use by extending rear boundary line of property. *Pending Consideration.*

The Proposal

The proposal seeks planning permission for the demolition of Rose Cottage and associated outbuildings and the construction of 8 new properties and the rebuilding of Rose Cottage.

The application is in outline form with only access for consideration and all other matters are reserved however an indicative layout has been submitted with a Design and Access statement showing the proposed mix of dwellings to be:

- 3no. 3 bedroomed detached dwellings (No.3, 4 and 9);
- 2no. 3 bedroomed single storey dwellings (no.1 and 2);
- 4no. 3 bedroomed semi-detached dwellings (no. 5, 6, 7, 8).

The proposal will also include/retain the access which serves Moor Cottage and Windy Willows and access to the Paddock to the south of the site.

The application has been amended to reduce the number of dwellings from the original submission of 13 dwellings (12 new plus Rose Cottage), to 11 dwellings (10 plus Rose Cottage), to now 8 (9 including Rose Cottage) dwellings as outlined above. Amendments have been sought to the access of the site which is now an outline matter and not a reserved matter. The appearance, layout, landscaping and scale of the dwellings are not the subject of this application and are all Reserved Matters.

Documents/plans considered as part of the application

- DRWG no. SK(08)01 Rev B Existing site plan and location plan;
- DRWG no. SK(08)03 Rev H Proposed site plan;
- Design and Access Statement Rev D;
- Ecology survey (BJ Collins July 2018);

Departure/Public Advertisement Procedure

Occupiers of 28 properties have been individually notified by letter, a notice has been displayed at the site and in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

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

Allocations & Development Management DPD

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

Policy DM3 – Developer Contributions and Planning Obligations

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014
- Developer Contributions and Planning Obligations SPD 2013

Consultations

Bilthorpe Parish Council – *Additional comments 11 July 2018:*

They voted to still object and the comments below to still stand, they would also like to raise concerns over privacy. Residents have highlighted to the council that they are concerned about privacy and would like to support this. Window to window and also into neighbours gardens, what will the distance be if the application I approved please?

Original Comments 25 May 2018:

The parish council discussed the above application on Monday, 21 May at their council meeting and they voted to object to the application.

The reasons for the objection are:

- The access is too narrow and a lot of the dwellings will have 2 cars, there is no visitor parking on the plan and they will likely have to park on the road.
- The water drainage is already an issue and with the proposed dwellings this is only going to make the problem worse not rectify.
- The road (Farnsfield) has already had accidents and is dangerous, this is again only going to increase the vehicles and additional to this there are no public footpaths on Farnsfield road.

There were some questions raised as well:

- How will the one way system be managed and ensured it is kept to a one way when the road is not adopted?
- Will there be a conservation report?

Via East Midlands Rights of Way Officer - No public rights of way are recorded over the proposed development site. This does not preclude unrecorded public rights being proven to exist at a later date.

Bilthorpe Public Footpath No. 4 abuts the Southern boundary of the proposed development site. If planning permission is granted then the applicants should ensure that the Footpath remains unobstructed and fully available for use throughout the construction phase and that the development does not impact upon the Footpath at any time.

The hedgerow that forms the Southern boundary to the site is the responsibility of the current landowner. If the application is successful then the future maintenance responsibility of the hedgerow should be clarified in the sale of any plots to ensure that the Footpath does not become obstructed by overhanging vegetation.

NSDC Access and Equality Officer – Observations relating to inclusive access provision and the requirements under Part M of Building Regulations.

NSDC Contaminated Land - Photographs of the application site show a large greenhouse, barn, former Nissen type hut and an area where it would appear that there have been fires. There is clearly the potential for contamination to be present from this former use. I would therefore recommend the use of our full phased contamination condition.

LCC Archaeology/Historic Environment Officer - No archaeological input is required into this application.

Severn Trent Water – The Company's observations regarding sewerage are as follows:

Condition

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Nottinghamshire County Council Highways –*Additional comments 5 October 2018:*

The amended layout now shows the access at the north of the application site as reduced in width to 4.7m. Taking into account that only vehicles from Windy Willows, adjacent the access, are to exit from this point the layout is acceptable to the Highway Authority. Details of improvements at the access and egress points have not yet been submitted.

Therefore, there are no highway objections to this proposal subject to the following:

1. No development shall be occupied on any part of the application site unless or until the new access into the site, egress point, and new footway to the north of the site, on Farnsfield Road, have been provided, as shown for indicative purposes only on dwg. SK(08)03 Rev. G to the satisfaction of the Local Planning Authority. **Reason:** In the interests of highway safety.

Additional Comments 29 August 2018:

The proposed layout is generally acceptable. The access at the north of the application site is to be one way only from a point approximately 10m rear of the highway boundary, which will enable suitable access and egress for the residents of Windy Willows. The access road is to remain private.

A footway is to be provided to link up with the existing footway at the bus stop on Farnsfield Road, a distance of approx. 25m. Details of improvements at the access and egress points have not been submitted.

Therefore, there are no highway objections to this proposal subject to the following:

1. No development shall be occupied on any part of the application site unless or until the new access into the site and new footway to the north of the site have been provided, as shown for indicative purposes only on dwg. SK(08)03 Rev. E to the satisfaction of the Local Planning Authority. **Reason:** In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of obstruction, structures or erections exceeding 0.6m in height. **Reason:** To maintain the visibility splays throughout the life of the development and in the interests of highway safety.
3. The formal written approval of the Local Planning Authority is required prior to commencement of any development with regard to parking and turning facilities, gradients, access surfacing/improvements, lighting and drainage. All details submitted to the Local Planning Authority for approval shall be implemented as approved. **Reason:** In the interests of highway safety.

Note to Applicant

In order to carry out the offsite 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 (0115) 804 0015 for details.

Additional Comments 11 July 2018:

I remain uncertain about the safety of the access particularly with regard to access to/from Windy Willows. There is insufficient width here to let two cars pass one another prior to the one-way system starting.

In addition the fire engine swept path drawing does not appear to use a full sized vehicle and I am still concerned that the narrow access through the site might inhibit cars being able to turn in/out of their driveways. I realise that this is an outline application, so wonder if I should be so concerned? The question though is: can the amount of development proposed be accommodated on the site available?

Additional Comments 1 June 2018:

Further to comments dated 29 May 2018, it is noted from the Design and Access statement that the access will be 3.7m wide (minimum). Can this be confirmed and can swept path drawings be presented to demonstrate that a fire engine could negotiate this length of the access successfully given its alignment. Vehicle swept path drawings would also help in being able to assess the issues raised in previous comments.

Consideration needs to be given to the provision and safety of pedestrians using the access, which may include children and wheelchair users. Not only is sufficient access width required but also appropriate surface treatment. For an access of this nature, further consideration should also be given to lighting and drainage issues.

Further details should also be submitted about the boundary treatment of each plot and access arrangement since individual drives will need sufficient visibility splays to enter the one-way access road.

If the one way is to operate successfully, suitable signage will be required and it may be possible/desirable to introduce a Traffic Regulation Order so that it is enforceable by the Police. Costs of this would have to be met by the developer.

A view on whether this authority will object or not to this proposal will depend on if, and how, the issues raised here and earlier can be addressed. At the moment insufficient information is available. It is noted that this is an outline application with all matters reserved but it remains unclear if the number of dwellings proposed can be safely and adequately accessed

Additional Comments 29 May 2018:

Revised Site Plan

This proposal is for the construction of a total of 10 dwellings following demolition of Rose Cottage. The layout as shown on drawing SK(08)04 Rev. C provides a one way access driveway at the north west of the site, with the exit at the south west corner.

The driveway will also serve the existing dwellings Moor Cottage and Windy Willows. From the site layout plan submitted, the driveway width narrows significantly to approx. 3m adjacent Moor Cottage which may result in a vehicle having difficulty emerging/turning into the one way driveway from this point in one manoeuvre. It is also not demonstrated how a vehicle would satisfactorily exit from Windy Willows at the north west of the site along the proposed one way route. It is noted that 'access to paddocks' is included to the south east of the site and as such, the plan should demonstrate that a vehicle and horse box are able to easily and safely turn from the access onto the one way driveway.

Could the applicant take these points into consideration and submit an amended plan, including vehicle swept path to demonstrate how they are to be addressed.

Environment Agency - The site falls in Flood Zone 1 and the LLFA should be consulted regarding surface water disposal.

Nottinghamshire Ramblers - We note the proposed application that a Right of Way, namely Bilsthorpe FP No.4. We have no objection to the application providing the integrity of FP No.4 is maintained both during and after completion of the development.

Cadent Gas – No comments received

NSDC Community Sports Development – No comments received

10 letters of representation have been received on the scheme from the initial submission and these can be summarised below:

- The proposal would substantially increase the risk of accidents on this road due to the egress from the unofficial gateway at field access;
- We have two way access written in to our deeds and we would find it difficult to exit our property by turning right;
- The proposed exit to the south is a dangerous bend;
- No way the one way system can be enforced;
- Once occupied the residents will use whichever exit/entrance is convenient;
- The site of the bin store causes concern as the bin lorry is already outside for a few minutes holding up the traffic. A collection point at the south of the site would be better as there is a lay-by;
- From the proposed plan all the buildings are angled to be looking directly at Windy Willows, which would cause serious overlooking;
- No need to demolish Rose Cottage, it is not derelict and could be modernized. We should preserve Bilsthorpe village's old buildings;
- There is a colony of bats living in the old stable;
- Who will be responsible for the maintenance of the drive;
- The rebuilt Rose Cottage looks like they will be looking down on to our kitchen and also in to the annexe. What will the boundary treatment be?;
- There are no pavements available for access to a bus stop for travelling to Newark;
- No consideration for the increased road usage on Farnsfield Road;
- The rear garden depths are substandard with some properties only sited 7-8 metres away from neighbouring boundaries, and the design will undoubtedly result in privacy issues;
- Rose cottage should be orientated 90 degrees to minimize overlooking and overshadowing and have a hipped roof;
- Plots 10 and 11 should be single storey;
- Asbestos is on the site and historically a business was run from the site which may have involved the use of vehicles potentially causing contamination from fuel/oil;
- No objection in principle but feel it is overdeveloped;
- The area is generally cottages, bungalows and detached houses where 80% of residents are retired or semi-retired, semi-detached properties would change that;
- Increase in noise;
- A short footpath is now shown on the northern access;

- Object to the rebuilding of Rose Cottage as it appears to double the size of the existing property;
- Recent works have raised the ground levels and building a dwelling on this would impose on Meadow Grove properties;
- No consideration has been given as to how a fire appliance would access the rear of properties on Meadow Grove as there is no access from the front;
- The access at 4.7m is still 1m more than he possesses. Without a strip of land from Windy Willows he cannot achieve the width he desires;
- The siting of Rose Cottage has been amended slightly but there is still room to manoeuvre regarding its position and size. It could be moved further forward away from properties on Meadow Grove and relocation of the garage to the other side;
- Plot 9 does not look like a 3 bedroomed dwelling and has the footprint of a 4/5 bedroomed property;
- It should be single storey only with no alterations allowed to the roof.

Comments of the Business Manager

Principle of Development

Spatial Policy 1 (Settlement Hierarchy) and 2 (Spatial Distribution of Growth) of the Council's Core Strategy, set out the settlements where the Council will focus growth throughout the District. Bilsthorpe is identified as a Principal Village where new development is considered appropriate due to the level of existing facilities within the settlement and the servicing of public transport provision. As the site is located within the main built up area I consider the proposal for new residential development to be acceptable in principle. Nonetheless the proposal should take in to consideration other material planning considerations which are outlined in the report below.

Demolition of Rose Cottage

Rose cottage is an unlisted rendered dwelling, not located within a conservation area. It was typically constructed in the C20 with later flat roof and 'conservatory' style additions. The building has no architectural or historical merit and I consider its demolition would be acceptable. I note the concerns received over its loss and the suggestion to it being renovated, however the loss of the building would not amount to harm. The benefits of the demolition to enable the site to be more developable outweigh, in my opinion, the retention of the building. The other outbuildings on the site are also not considered to be of any historical or architectural merit and I consider their demolition to be acceptable.

Land Ownership

A number of comments have been received with regards to issues of land ownership at the access point, namely in response to the access width adjacent to Windy Willows. This has resulted in several amended plans being submitted to try to rectify the situation. The applicant is now of the firm opinion that the latest submission (Rev H) is correct and the land he has applied for is within his legal ownership. The agent and Highways officers have met on site, along with the local resident, to discuss the details of the access width and no details are before the Council to dispute the latest plan. The agent has however, served a 'without prejudice' notice on the local resident concerning the land and I believe this is satisfactory.

I am satisfied that due process and consideration has been undertaken with regards to this matter and should it come to light following the determination of this application that ownership is outside of the applicant, it would fall outside of the remit of the planning process. I consider that the applicant has done what they can to ensure the application submission is correct with the information available. As such I am satisfied that determination of the application can be made.

Impact upon highway safety

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 and seeks to ensure no detrimental impact upon highway safety.

Access is now a matter which is to be considered as part of this application and not at reserved matters stage. The access has been the subject of many revisions to the scheme and now Nottinghamshire County Council Highways are satisfied that the access and egress at the site is acceptable and would not cause harm to highway safety. A number of residents have raised comments/concern over the one way system and how this would be managed. The Highway Authority have previously stated that appropriate signage would be required to alert other users of the system and a Traffic Regulation Order could be imposed at a cost to the Developer however it is now understood that this is only on land which is to an adoptable standard, which is not the case here. It would therefore be the responsibility of the developer to impose appropriate signage, under condition of any approval, to ensure the vehicles enter and exit the site in the correct way. Concern has also been expressed at the short two-way section to the north of the site for use by Windy Willows, however the Highway Authority, the Developer and the affected resident have met and the revised scheme incorporating improved visibility and access width, is now considered appropriate at this junction.

Access around the site has also been a discussion throughout the application with insufficient details having been provided from the outset on how a fire appliance could manoeuvre around the site in the event of an emergency at one of the properties. The agent has now submitted accurate tracking details and altered the width of the access road around the site to accommodate this. In addition some of the driveways have been widened to enable more maneuverability within the plots and not to have to rely on the access road to turn. I appreciate this application is only in outline form with details of layout a Reserved Matter, nonetheless it is necessary to consider how the site would work safely throughout its length and it is these measures which will be brought forward at the Reserved Matters stage. I am satisfied that the layout of the site could be designed so as it would not cause any harm upon safety within the site from vehicles.

A revision to the scheme, following a number of concerns from residents, is the relocation of the bin store collection point to the southern access point for plots 3-9. It was a concern that the bin lorry and the number of bins at the northern point would hinder access and traffic congestion on Farnsfield Road. This revision is considered acceptable and would enable more space for the bin lorry and it would also mean plots 3-9 have a collection point closer to their properties. Details of the collection points should be conditioned to ensure these are easily identified and does not result in a hindrance to the access points.

The proposed development is therefore considered acceptable and would accord with the requirements of Spatial Policy 7 and DM5 of the Core Strategy and DPD respectively.

Impact on Character of the Area

Policy DM5 states proposals should reflect local distinctiveness and character of built form and reflect this in the scale, form, mass, layout, design, materials and detailing for new development. The NPPF (2018) states *'the purpose of the planning system is to contribute to the achievement of sustainable development (para 7). 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area' (para 9).*

The character in the area is mainly detached dwellings or bungalows set in large plots. This application is sought for a mixture of detached bungalows, semi-detached and detached two storey properties. Whilst the proposal does not wholly accord with the general character I consider that it adds to an acceptable variety to the existing character. Details of the design of the dwellings will come forward at the Reserved Matters stage whereby I would expect the design of the dwellings to take on local character in terms of their materials and detailing.

As such I consider that the proposal would accord with local character in that it would not harm the distinctiveness of the area and I would expect the detailed design of the dwellings to respond to local distinctiveness in line with policy DM5 of the ADMDPD.

Impact on Neighbouring Amenity

Policy DM5 of the ADMDPD states the *"layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy."* The application is only in outline form with layout a Reserved Matter, however an indicative layout has been submitted (SK(08)03 Rev H) which is helpful in the consideration process to determine how the 9 properties could be laid out on the site.

The proposed layout has been the subject of amendments which has sought to alter two storey dwellings to single storey where it is close to Windy Willows and improve separation distances where relevant. I appreciate the concerns of residents with regard to the proximity of new development however I am satisfied that a scheme could be produced where the layout is appropriate and would not cause unacceptable harm to the amenities of neighbouring occupiers. It was noted that the rebuilt Rose Cottage which is indicated as a two storey 3 bedroomed dwelling, was sited approximately 7.5m from the eastern boundary and 18m from the rear elevation of the closest property on Meadow Close. Even without elevational details this proximity was considered inappropriate and I have negotiated with the agent to amend the orientation of this dwelling and thus improve the relationship. A revised layout has been received which alters the orientation of Rose Cottage. The distance from the proposed Rose Cottage and the eastern boundary is now approximately 9.5m and approximately 12m from the rear elevations of the properties on Meadow Grove, and due to the oblique angle and the distance, I consider the overbearing impact has been alleviated. I now consider that the proposed layout is more acceptable and although this is only indicative, it results in a positive layout arrangement moving forward. I do however consider that there is some more work to be carried out on the relationship between Rose Cottage and the properties on Meadow Grove and this should be explored in the Reserved Matters application, but I am confident that a solution is achievable within the site parameters.

Despite the alterations still needed to Rose Cottage, I am confident that a scheme could be produced which ensures that the future occupiers of the dwellings and existing occupiers of the surrounding sites would not have their amenity detrimentally impacted upon. On this basis the proposal is considered compliant with the relevant elements of Policy DM5.

Flooding/Drainage

Policy DM5 and Core Policy 9 require that proposals pro-actively manage surface water and Core Policy 10 seeks to mitigate the impacts of climate change through ensuring that new development proposals taking into account the need to reduce the causes and impacts of climate change and flood risk.

The site is located with Flood Zone 1 on the Environment Agency's mapping relating to flooding from rivers and sea and therefore under the definitions within the NPPF in an area of low probability for flood risk. Given the site is less than 1Ha no flood risk assessment has been submitted in support of the application. However, the site is shown as being within an area prone to surface water flooding. Drainage details have not been provided as part of the application documentation and it is necessary to consider these at Reserved Matters stage. I therefore consider it necessary to impose a condition requiring these details to be submitted with any subsequent application upfront. At this stage I do not consider it necessary to have these details at the Outline stage as the drainage is subject to the layout being agreed. Therefore as the layout is a reserved matter it is not possible to consult effectively on this matter.

The site, whilst it is currently a greenfield site and has a high degree of permeability I consider that a scheme could be achieved whereby it would not result in any surface water management concerns.

Impact on Ecology

Paragraph 175 of the NPPF (2018) states that when determining planning applications, local planning authorities should, amongst other things, conserve or enhance biodiversity; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. Core Policy 12 of the Core strategy and policy DM7 of the ADMDPD states that new proposal should protect, promote and enhance green infrastructure. Proposals should seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.

Bats

An ecology survey has been submitted due to the presence of the existing farm/commercial buildings on the site which could give rise to ecological use. The surveyor carried out a full assessment of the site and found that there were loose tiles on the existing dwelling which could give rise to bat access, however no evidence of such use was evidenced within the roofspace. There was however evidence of a roost found in one of the barns which has been used for a limited period. There was no other evidence of bats usage within the other buildings and indeed they are of simple construction which lack cavities and crevices to support bats. The barn was therefore deemed to provide a low bat roost potential. In light of the roost that was found in one of the barns a bat emergence survey was conducted which revealed that the site does contain bat activity across the site but mainly from foraging and feeding within the site. No bats were observed emerging from out of the barn. The survey concluded that the barn has been used by a bat on a single occasion and that no bats were found to be roosting on the site on the 12th July 2018 which is in the peak of the

bat season. Mitigation measures have been proposed which are outlined in paragraph 4.3 of the report and these relate to the demolition method of the cottage and the barn, the ridge tiles and bitumen felt lining, which should be carried out by hand and with care of the apex of the barn. The roof tiles from off the north side of the cottage should also be removed by hand and with care.

Mitigation measures are proposed within the construction of the buildings which are outlined in paragraph 6.3 of the Ecology survey. These include purpose built wildlife mitigation, nest boxes on buildings for Swift, House Martin, Starling and House Sparrow.

Vegetation

The survey also conducted a Phase 1 habitat survey which recorded areas of the site which are 'target' areas for ecology. These included the grasslands, hedging areas and trees. The grasslands provided opportunities for cover for small mammals such as hedgehogs and value for nesting birds. The hedgerow on the western boundary provides the highest ecological value. Although it appears to be of no significant age, it provides a food and/or nectar source for invertebrates, as well as nesting habitats for birds, and foraging and commuting route for bats, as well as shelter and overwintering habitat for hedgehogs, common amphibians and other small mammals. Hedgerows are identified as a low priority habitat within Nottinghamshire and therefore should be retained and enhanced wherever possible. This is reflected in Core Policy 12 and policy DM7 where it states developments should maximise the opportunities to conserve, **enhance** and restore biodiversity. The ecologist suggests retaining and enhancing the hedgerows which are located within the red line and plant up with native species.

Badger/Hedgehog

A survey of badger and hedgehog usage within the site resulted in no evidence of them found on the site but the site is capable of supporting them due to the foraging potential. Caution is expressed during clearance of the site.

Nesting Birds

All wild birds are protected under the Wildlife and Countryside Act (1981) (as amended) whilst breeding. Therefore any vegetation removal must be undertaken outside of bird breeding season (March – September inclusive).

Reptiles

The site provides limited potential habitat for reptiles and as such there are no specific mitigation or further surveys deemed to be required.

Further mitigation measures are outlined in Section 6 of the submitted Ecology Survey which, if Members resolve to approve the application, I would recommend a condition to ensure such measures are implemented. Therefore in conclusion, I consider that the presence of bats on the site can be adequately mitigated for and the site does include features which are of high ecological value, namely the western hedgerow, which should be retained for its value.

Subject to appropriate conditions it is not considered that the development of the site would not result in harm to the ecological interest that cannot be mitigated against and the proposal would accord with the requirements of policy DM7 of the DPD.

Housing Mix

Whilst housing type, design and layout are not for consideration at this stage, the applicant had implied that the general mix would comprise of 3no. 3 bedroomed detached dwellings (No.3, 4 and 9), 2no. 3 bedroomed single storey dwellings (no.1 and 2) and 4no. 3 bedroomed semi-detached dwellings (no. 5,6,7,8). The Newark and Sherwood Housing Need Survey (2014) in which Bilsthorpe is incorporated in to the Sherwood Sub Area, states that there is a high demand for bungalows, followed by detached and then semi-detached properties ranging from 2 – 4 bedrooms. Given that all 9 no. properties are currently demonstrated as being 3 bedrooms, it may be more appropriate at reserved matters stage for a more varied mix of number of bedrooms to be presented (albeit retain the mix in terms of bungalows, semi-detached and detached). I therefore consider this does generally accords with Core Policy 3 of the Core Strategy and there remains the potential to secure an appropriate overall mix at reserved matters stage.

Contaminated Land

Colleagues from Environmental Health have stated that due to the former use there is potential for contamination issues with the land. Therefore they have requested that the phased contamination condition is imposed on any decision made of the Authority to ensure appropriate measures are taken to clear the land. Comments have also been received that the site contains asbestos which is also a concern and one which should be dealt with appropriately. However this is regulated outside of the Planning Legislation and a condition would not be appropriate. I therefore consider the land contamination condition is only appropriate in this instance, however an informative could be imposed to advise on the asbestos.

Affordable Housing

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) will seek to secure the provision of 30% on site affordable housing where the thresholds are met. In this instance given that the proposal is for a net increase of 9 dwellings with a combined floor space of less than 1000m² the threshold has not been met and no affordable housing contributions are being sought.

CIL

The application site falls within a zeroing charging area for CIL and as such the development is exempt from any contributions in this respect.

Overall Balance and Conclusions

The proposal relates to the opportunity to deliver 9 properties within an area shown as part of the sub regional housing report to be in need of such properties within an identified sustainable location. Subject to appropriate conditions the proposed development is not considered to result in harm to the character of the area, residential amenity, highway safety, flood risk or ecological interest which cannot be mitigated against. It is not considered that there are any further material considerations that would warrant refusal of the application.

RECOMMENDATION

That outline planning permission is approved subject to the conditions and reasons shown below.

Conditions

01

Application for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

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

02

Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

03

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

- DRWG no. SK(08)01 Rev B Existing site plan and location plan;

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.

04

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

Part A: Site Characterisation

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

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

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

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

05

The reserved matters application shall be accompanied by details of the means of foul drainage and surface water disposal unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

06

No development shall be occupied on any part of the application site unless or until the new access into the site, egress point, and new footway to the north of the site, on Farnsfield Road, have been provided, as shown for indicative purposes only on dwg. SK(08)03 Rev. H to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

07

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of obstruction, structures or erections exceeding 0.6m in height.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of highway safety.

08

The reserved matters application shall be accompanied by details of all parking and turning facilities, gradients, access surfacing/improvements, lighting and drainage within the site. All details submitted to the Local Planning Authority for approval shall be implemented as approved.

Reason: In the interests of highway safety.

09

The reserved matters application shall be accompanied by details (appearance etc.) of the wheelie bin collection point as detailed on site plan Dwg No. SK(08)03 Rev H. The bin storage facilities shall be provided prior to the first occupation of any dwelling and shall thereafter be retained for the life of the development.

Reason: In the interests of highway safety.

10

Development shall be carried out in full accordance with Section 6 and Appendix 1 and 3 of the Protected Species survey undertaken by BJ Collins dated May 2018 which sets out the mitigation measures, timing of demolition, timings for work affecting hedgehogs and the types of bird/bat boxes recommended, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of ecology and biodiversity.

11

Prior to the occupation of any dwelling, details of the locations of the bat and bird boxes to be installed on the buildings and any other ecological enhancement, shall be submitted to and approved in writing by the local planning authority. The boxes shall thereafter be installed prior to occupation of any dwelling and shall be retained for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of ecology and biodiversity.

12

The hedgerows to the east and west of the site shall be retained for the life of the development and shall not be willfully cut down or destroyed in any way without the prior written consent of the local planning authority. Should any part of the hedge require replacing then it should be done so by the next planting season with native species to match that of the existing hedgerow.

Reason: In the interests of ecology and biodiversity.

13

Plots 1 and 2 as shown on drawing no. SK(08)03 Rev H shall be single storey only with no accommodation within the roofspace.

Reason: In the interests of neighbour amenity.

14

No demolition of buildings or works to trees/hedgerows shall be carried out during the bird nesting period (beginning of March to end of August inclusive) unless the site has first been inspected by a suitably qualified ecologist in accordance with the submitted Protected Species Survey by BJ Collins (July 2018).

Reason: In the interests of ecology and biodiversity.

15

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 authorised by this permission, there shall be no development to Plots 1 and 2 illustrated on drawing no. SK(08)03 Rev H to the east of Windy Willows, under Schedule 2, Part 1 of the Order in respect of:

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation).

Notes to Applicant

01

Where the existing or previous land use(s) indicate that there is a potential for asbestos to be present at the site, the applicant/developer will need to have a contingency plan to effectively deal with these materials. Should the construction/conversion phase reveal the presence of asbestos, please notify the Health and Safety Executive (HSE) on 0845 3450055 and the Proactive Team in Environmental Health at Newark and Sherwood District Council on 01636 650000.

Under the Control of Asbestos Regulations 2012, in the majority of cases anyone working with asbestos will require a licence; it is an offence to work with asbestos without one and could result in prosecution. In addition, there have been some changes to what is required for non-licensed asbestos work. Details of the changes are available from the HSE website at: <http://www.hse.gov.uk/asbestos/regulations.htm>.

For further information on this subject please visit our website at: <http://www.newark-sherwooddc.gov.uk/asbestos>

02

In order to carry out the offsite 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 (0115) 804 0015 for details.

03

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.

04

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).

Background Papers

Application Case File

For further information, please contact Lynsey Tomlin on ext. 5329

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

Matt Lamb

Business Manager – Growth & Regeneration

Committee Plan - 18/00629/OUT

