

PLANNING COMMITTEE – 4 DECEMBER 2018

Application No:	18/01499/FULM
Proposal:	Proposed Extra-Care residential development for the elderly, consisting of 30 one bedroom flats, 10 two bedroom bungalows and associated shared facilities.
Location:	Land At Main Road, Boughton Nottinghamshire
Applicant:	Ms L Fitzpatrick
Registered:	08.08.2018 Target Date: 07.11.2018
	Agreed Extension of Time: 07.12.2018

This application is being referred to the Planning Committee for determination as the site is owned by the District Council.

The Site

The application site relates to a plot of land just over a hectare in extent with the urban boundary for Ollerton and Boughton. The site is positioned to the south east of Main Road albeit there are numerous accesses (currently solely pedestrian accesses) to the site owing to a network of informal public footpaths which cross the site. These include an access from the end of the cul-de-sac at Newlands Avenue.

Development surrounding the site is varied in nature. It includes residential bungalows (owned by NSDC) at Hollies Close fronting Main Street; assisted living bungalows at Cherry Tree Close to the north; two storey residential properties and a Care Home on Newlands Avenue to the north east; St Joseph's Primary School to the south; Bishops Court assisted living to the west; and other uses such as allotment gardens to the south east. This allotments and the play fields associated with the school are identified as public open space / school playing fields protected by the Proposals Map for Ollerton and Boughton.

There are significant variations in land levels across the site with an undulating topography across the paths. This is described by the submitted Design and Access Statement as a variation in level of approximately 2m across the site (albeit not in a consistent fall in one direction). The site is characterized by low level shrubbery and dispersed tree specimens with denser landscaping at parts of the site including adjacent to the northern boundary shared with Cherry Tree Close. There is an overhead power line which crosses the site at a diagonal transects from the northern corner to the south eastern boundary of the site.

Boundaries to the site include the aforementioned landscaping but also fenced boundary treatments of close boarded timber as well as security railings bounding the primary school to the south.

The site is within Flood Zone 1 according to the Environment Agency maps. The southern portion of the site is however at risk of surface water flooding. The site also falls within the SSSI Risk Zone for the Wellow Park SSSI.

Relevant Planning History

There is no formal planning history in relation to the site albeit the application has sought pre-application advice prior to the submission of the application.

The Proposal

The proposal seeks full planning permission for a comprehensive extra care development which would be delivered through a detached building with 30 one bedroom flats and four detached buildings which together would comprise 10 two bedroom bungalows. The following scales and sizes have been summarized from the submitted Design and Access Statement (it should be noted that the main building would have a greater maximum height of around 8.6m due to the lift shaft):

	<i>Height (m)</i>	<i>Length (m)</i>	<i>Depth (m)</i>	<i>Footprint (m²)</i>
<i>Main Building</i>	6.9	98	35	1,586
<i>Bungalow Block A</i>	5.2	33	9	226
<i>Bungalow Block B</i>	5.2	22	9	151
<i>Bungalow Block C</i>	5.2	19	12.5	157
<i>Bungalow Block D</i>	5.2	32.5	12.5	227
Total				2,347 m²

The development would be operated by Newark and Sherwood Homes on behalf of the District and County Councils. The majority of the tenants would live independently but some may require a greater degree of care and therefore the main building has been designed to cater for carer facilities. The facilities in the main building, including lounges and dining areas; a health and beauty room; hobbies room; and cinema room, will be shared by the residents of both the one bed flats within the main building as well as the occupiers of the two bed bungalows. There would also be associated outdoor space including a secured garden to the north of the main building against the northern boundary of the site. There would also be courtyard areas to the west of the principle elevation of the main building.

Parking provision would be delivered throughout the site with the largest area of parking in the north eastern area of the site access from Newland Avenue. The total number of spaces proposed would be 35 spaces calculated on the basis of 50% residents parking and 16 spaces for staff and visitors. There would be charging bays for mobility scooters (up to 20 scooters, 10 of which would be within the curtilage of the proposed bungalows).

The main building would be two storeys in height with the separate bungalows being single storey. The external finish of the buildings is proposed as predominantly brickwork but with feature panellings of timber. The main building has been designed with a flat roof and the bungalows with pitched roofs. Boundary treatments proposed include close boarded fencing and landscaping.

The appraisal below is based on assessment of the following plans:

- Site Location Plan and Topographical Survey – 443-A-S003 Rev. B (received 18th October 2018)

- Proposed Site Plan – 443-A-S001 Rev. F (received 18th October 2018)
- Site Sections – 443-A-S004 Rev. D
- Proposed Conceptual Views – 443-A-S002 Rev. C
- Bin Collection Point Details – 443-A-S005
- General Arrangement Plans as Proposed – 443-A-001 Rev. E
- Elevations as Proposed – Sheet 1 – 443-A-002
- Block (A) General Arrangement Plans and Elevations – 443-A-A001 Rev. A
- Block (B) General Arrangement Plans and Elevations – 443-A-B001 Rev. A
- Block (C) General Arrangement Plans and Elevations – 443-A-C001 Rev. A
- Block (D) General Arrangement Plans and Elevations – 443-A-D001 Rev. A
- Preliminary Drainage Strategy – C2858 SK01 (received 18th October 2018)
- Extract of Site Plan to Show Visibility Splay – 443-A-S007 (received 23rd October 2018)

The application submission has also been accompanied by the following documents:

- Design and Access Statement;
- Arboricultural Report and Impact Assessment;
- Preliminary Ecological Appraisal (revised version received and dated 6th November 2018);
- Flood Risk Assessment;
- Additional Supporting email received 18th October 2018;
- Statement reference Boughton Extra Care Village Elderly Users and Contributions Exception received 5th November 2018;
- Reptile Survey Report dated 17th October 2018 (received 6th November 2018).

Departure/Public Advertisement Procedure

Occupiers of 119 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press. A revised period of re-consultation has also been undertaken on the details and revised plans received during the life of the application.

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
 Spatial Policy 9: Selecting Appropriate Sites for Allocation
 Core Policy 1: Affordable Housing Provision
 Core Policy 3: Housing Mix, Type and Density
 Core Policy 6: Shaping our Employment Profile
 Core Policy 9: Sustainable Design
 Core Policy 10: Climate Change
 Core Policy 12: Biodiversity and Green Infrastructure
 Core Policy 13: Landscape Character

ShAP2: Role of Ollerton and Boughton

Allocations & Development Management DPD

Policy OB/Ho/2: Ollerton & Boughton – Housing Site 2

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

Policy DM2: Development on Allocated Sites

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
- Publication Amended Core Strategy
- Developer Contributions Supplementary Planning Guidance

Consultations

Ollerton and Boughton Town Council – *Comments received 31st October 2018:*

Support application subject to clarification that the development will not be sited on Town Council land as the site plan is inconclusive.

Original comments received 30th August 2018:

Support the proposal subject to clarification of the attached reservations:

- What is the definition of ‘elderly’ within this application?
- If the proposed development is not classed as a care home, what medical support will be provided for the residents?
- What safeguards are in place to deal with the higher volume of traffic onto Main Road, Boughton?
- What are the safety regulations governing building in the close proximity to electrical pylons?
- Has provision of an additional bus service been considered for this area?
- Confirmation required that a tree assessment has been/will be undertaken.
- Adequate parking provision for visitors on site in addition to that proposed for residents.

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

NSDC Environmental Health (contaminated land) – No Observations.

NSDC Strategic Housing – The Council’s Strategic Housing Business Unit fully supports the proposal to develop an extra care affordable housing scheme for older people. The proposed scheme, to be owned by the District Council, will contribute to the wider strategic priorities of the Council and fully accords with the evidenced housing need for supported accommodation

identified in the DCA Housing Needs, Market and Affordability Assessment 2014 (DCA) and Strategic Housing Market Assessment (2015). Set against this evidence base the proposal will contribute significantly in addressing the current and future growth in older people and frail older households in the district.

Appendix A details the housing need for the Ollerton and Boughton local area.

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

NSDC Archeology – No archaeological input required.

NSDC Tree Officer – *Additional comments received 14th November 2018:*

As there appears to be full assessment of all vegetation some of which is preferable to retain as boundary screening I would suggest conditions as below:

1. No trees that are being shown as being retained on the approved plan shall be pruned, felled, uprooted, wilfully damaged, destroyed or removed without the prior written consent of the District Planning Authority.
2. If any retained tree is damaged mitigation/remedial works shall be carried out as may be specified in writing by the District Planning Authority.
3. If any retained tree dies within a period of 12 months of completion of works, another tree shall be planted in the same place. Replacement shall be of a size and species and be planted at such a time, as may be specified in writing by the District Planning Authority.
4. No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include (include pertinent sections)
 - a. A plan showing details and positions of the ground protection areas.
 - b. Details and position of protection barriers.
 - c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
 - d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
 - e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g. Details of any scaffolding erection and associated ground protection within the root protection areas

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

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

6. Prohibited activities

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

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

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

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

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

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

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

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

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

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

8. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reasons.

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

Additional comments received 23rd October 2018:

My previous request for a full survey/constraints plan on all trees on/adjacent to site in accordance with BS5837-2012 Recommendations has still not been fulfilled.

Without these details it is not possible to assess any impact of the layout and associated construction activities on retained trees which may become adversely affected resulting in tree decline or death or trees with compromised root structures that may be prone to failure.

Given the proposed end use of the site these issues should be a priority consideration for the long term retention of trees with a safe useful life expectancy.

It is not feasible to condition a tree survey post approval of a layout. A tree protection scheme could be a pre commencement condition but without the information that a full survey would provide neither the Local Authority or the Developer are in a position to evaluate the requirement for or the extent of any such scheme.

Original comments received 22nd August 2018:

Although a tree survey has been submitted to support this application it is unclear which specific trees are to be retained as the proposed layout indicating tree positions does not match trees positions on the survey.

However, the majority of trees on site are of low quality and unlikely to be suitable for retention so I would not object to this proposal.

Any permission should consider conditioning protection details for all retained green infrastructure.

A robust soft landscaping scheme that includes a diverse range of tree/shrubs etc with tolerance to predicted climate change and invasive pests and diseases should be a consideration of any approved soft landscaping scheme which can also be conditioned.

Recommended conditions.

1. No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:
 - a. A plan showing details and positions of the ground protection areas.
 - b. Details and position of protection barriers.
 - c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
 - d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
 - e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. Details of any scaffolding erection and associated ground protection within the root protection areas
 - g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

3. Prohibited activities

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

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

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

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

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

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

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

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

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

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

5. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reasons.

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

NCC Highways Authority – Revised comments received 2nd November 2018:

Further to comments dated 11 September 2018, drawing 443-A-S007 has been submitted showing the required visibility splays. Whilst these splays are acceptable to the Highway Authority, it should be pointed out that it will mean the heavy cutting back and removal of parts of the existing boundary hedge/tree line in order to achieve them.

No objections are raised subject to the following conditions:

The private accesses shall be laid out to a width of not less than 4.8 metres for at least 15 metres back from the nearside edge of carriageway, and shall provide for vehicle parking and turning areas in accordance with the approved drawings. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and; to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

No part of the development hereby permitted shall be brought into use until the accesses to the site have been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary.

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

No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 443-A-S007 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason: In the interests of highway safety.

Note to Applicant:

The development makes it necessary to construct vehicular accesses over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at :<http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

Original comments dated 11th September 2018:

To be acceptable in detail, the access off Main Road will have to show and provide a visibility splay of 2.4m x 43m in both directions. The carriageway will need to be a minimum of 4.8m wide. It is assumed that the access road itself would remain privately maintained. It would be helpful if a plan could be produced confirming that these visibility splays can be achieved within land under the control of the applicant or part of the public highway. This is critical to whether or not the Highway Authority would object or not to the application. If safe splays can be achieved then no objections will be raised subject to conditions regarding the access construction and delivery.

The level of car parking for the scheme has been presented as 50% for residents i.e. 1 space per 2 units of accommodation, plus 16 spaces for staff and visitors (staff numbers = 8). This is commensurate with standards applied to sheltered housing and is therefore considered acceptable.

NCC Strategic Policy – I have consulted with my colleagues across relevant divisions of the County Council in respect of this application and have the following comments to make.

National Planning Context

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

Waste

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

Paragraph 8 of the NPPW states that:

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

- the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.'*

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

Minerals

Section 17 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 203 points out that *'It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.'*

Paragraph 204 states that planning policies should:

- 'safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);*

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

In Nottinghamshire, minerals safeguarding and consultation areas are defined in the emerging Nottinghamshire Minerals Local Plan (Draft Plan Consultation 2018) and supported by Policy SP8, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 206 of the NPPF states that: *‘Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas where if it might constrain potential future use for mineral working’.*

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

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

- in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and

- when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.’

Transport

Section 9 of the NPPF addresses the issue of sustainable transport. The NPPF, in paragraph 111, requires all developments which will generate significant amounts of movement to provide a travel plan and the application for such a development to be *‘supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed’.* It also states, in paragraph 108, that it should be ensured that *‘appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of location and its location’* and *‘any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree’.*

Education provision

Paragraph 94 of the NPPF states that:

‘It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and

b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.'

Healthy communities

Paragraph 91 of the NPPF points out that *'Planning policies and decisions should aim to achieve healthy, inclusive and safe places whichenable and support healthy lifestyles, especially where this would address identified local health and well-being needs...'*

With regard to public rights of way, paragraph 98 states that they should be protected and enhanced, *'including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks...'*

County Planning Context

Transport and Flood Risk Management

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

Strategic Highways

The County Council does not have any strategic highways comments to make in respect of this application.

Public Transport

The proposed access point appears to be from a new entrance onto Main Road. The nearest current bus stops are approximately 160 metres from the centre of the site on Main Road.

Bus Service Support

NCC has conducted an initial assessment of this site in the context of the local public transport network. Stagecoach service 15 operates hourly to Mansfield. In addition the 'Sherwood Arrow' operates 2 hourly to Tuxford, Retford and Nottingham. The County Council operates a funded service 334. This operates during the day between peak periods to Tuxford, where connections can be made with other services to Newark.

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

Community Transport

The local Community Transport provider, Door2Door social car scheme, operated by Newark & Sherwood CVS has 36 volunteer drivers using their own vehicles to provide nearly over 250 trips per month covering nearly 30,000 miles per year for 350 registered users. The scheme provides safe, affordable transport to meet the needs of people who experience difficulty in using /accessing transport due to age, disability, ill health, poor mobility or lack of suitable transport services. It enables people to live independently, participate in their community and access education, employment, health, shopping and other services. It also addresses isolation and loneliness, therefore improving quality of life by allowing people to remain independent and active.

Boughton is situated near to Ollerton, but residents of the proposed new extra care facility would require transport to access essential services and to help people integrate into the community and have an equitable access to an independent life. There are a variety of different groups and services on offer in the Ollerton area which potentially would be attractive to new residents, and which are not accessible on existing public transport services.

Newark & Sherwood CVS is operated on a non-profit making basis. A proposed mitigation to support sustainable access to the site is to provide a funding contribution towards the costs of managing, operating and promoting the scheme, recruitment and training of new volunteer drivers and extra back office staff hours to support journeys to and from the development.

The County Council requests a funding contribution of £5,000 to support the work of the Newark & Sherwood CVS Door2Door Scheme.

Infrastructure

Current Infrastructure

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

NS0014 Holles Close - Bus Stop Pole, Raised Boarding Kerbs and Bus Stop Clearway Markings.

NS0628 Holles Close - Bus Stop Pole, Raised Boarding Kerbs and Bus Stop Clearway Markings.

NCC would request a contribution via a Section 106 agreement for Bus Stop Improvements to the value of £20,000. This will be used towards improvements to the above bus stops to promote sustainable travel.

Justification

The current level of facilities at the specified bus stops are not at the standard set out in the Council's Transport Statement for Funding. Improvements are necessary to achieve an acceptable standard to promote sustainable travel, and make the development acceptable in planning terms. The above contribution would improve the standard of bus stop infrastructure in the vicinity of the development and could be used for, but not limited to; Real Time Bus Stop Poles & Displays

including Associated Electrical Connections, Extended Hardstands/Footways, Polycarbonate or Wooden Bus Shelters, Solar Lighting, Raised Boarding Kerbs, Lowered Access Kerbs and Enforceable Bus Stop Clearways.

The improvements would be at the nearest bus stops which are situated close to the site, so are directly related to the development, and are fairly and reasonably related in scale and kind to the development (40 dwellings).

The provision of a community transport contribution will be used to provide access to the site for older people and people with a disability who are unable to use conventional public transport services. The contribution would be used towards the following:

- General running and management costs of the scheme,
- Marketing and promotion: publicity materials targeted towards new passengers and potential volunteers,
- Recruitment and training of volunteer drivers.

The specified funding contribution of £25,000 is necessary to achieve an acceptable standard to promote sustainable travel, and make the development acceptable in planning terms. It is directly related to the development and fairly and reasonably related in scale and kind to the development.

Further information can be supplied through developer contact with Nottinghamshire County Council Transport & Travel Services.

Transport & Travel Services
Nottinghamshire County Council
County Hall
West Bridgford
Nottingham
NG2 7QP
ptdc@nottscc.gov.uk
0115 977 4520

Minerals and Waste

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the saved policies of the Nottinghamshire Minerals Local Plan (adopted 2005), form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas have been identified in Nottinghamshire and in accordance with Policy SP8 of the emerging draft Minerals Local Plan (July 2018) these should be taken into account where proposals for non-minerals development fall within them.

Minerals

In relation to the Minerals Local Plan, there are no Minerals Safeguarding and Consultation Areas covering or in close proximity to the site. There are no current or permitted minerals sites close to

the application site. Therefore, the County Council does not wish to raise any objections to the proposal from a minerals perspective.

Waste

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

Ecology

Whilst the site is within a built-up area, aerial imagery indicate that it supports rough grassland and scrub, and as such may have the potential to support protected species. It is there therefore consider it advisable that the LPA require a Preliminary Ecological Appraisal (PEA) be carried out, prior to the determination of the application, to allow a proper assessment of potential impacts, and to identify any mitigation that may be required.

Notwithstanding the results of the PEA, the submission of a detailed landscaping scheme should be conditioned; this should seek to mitigate the loss of habitat by replacement planting using native species of tree and shrub, and areas of wildflower grassland and/or flowering lawn.

Adult Social Care

Nottinghamshire County Council has recently published a housing with care strategy which identifies the need for this type of development within the Ollerton area. NCC is already in discussions regarding nomination rights and the provision of a care service should the property be developed.

The strategy would support the development of this facility for people with social care needs to prevent the need for residential care in the future.

Youth Service

The local NCC Dukeries Youth Centre is located on main road Boughton at the bottom of the school site facing the St Joseph's school.

The County Council is concerned that with more bungalows developments for the elderly it will mean that there will be a need to be clear and fair to people moving into the new developments to understand the Youth Centre operating pattern and service users. There will be a minimum of 30 young people on average accessing each session which takes place on week day evenings and a weekend therefore residents will see young people hanging around the area during certain times and walking to and from the centre, the field is also used for sports.

We run yearly events from the centre for the local community and on these days there will be a great number of young people, low level noise from activities and agencies who support young people being present.

The County Council has been made aware of the possible housing development between the two housing sites on Hallam Road Estate and the Retford Road Estate. If this develop goes ahead the extra families moving into the area the volume of young people accessing our provision will increase. This maybe a worry for some venerable elderly as young people congregating around in large groups can seem intimidating. The age group using these facilities is aged 10 to 19 years.

Developer Contributions

Public Transport

The County Council requests a funding contribution of £5,000 to support the work of the Newark & Sherwood CVS Door2Door Scheme and contribution via a Section 106 agreement for Bus Stop Improvements to the value of £20,000. Further information regarding this request can be found in the public transport section of this response above.

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

Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottsc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

Conclusion

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

NCC Ecology – No comments received.

Nottinghamshire Wildlife Trust - No comments received.

NCC Flood – *Revised comments received 20th November 2018:*

No Objections subject to the following:

1. It is acknowledged that the detailed topographical information provided by the applicant shows the site to be outside of any area at risk of surface water flooding and as such mitigation to protect the development from existing surface water risk is not required. Points a-e inclusive must be adhered to and can form part of a pre-commencement condition.
 - a. Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The

hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.

b. For greenfield areas, the maximum discharge should be the greenfield runoff rate (Q_{bar}) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.

c. The site drainage system should cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.

d. Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.

e. Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

Original comments received 29th August 2018:

Object

2. The application acknowledges the risk of surface water flooding to part of the site yet does not provide sufficient information as to how this risk will be dealt with to ensure neither the new development nor surrounding areas will be put at risk of or at increased risk of flooding.
3. Any future submissions should provide evidence to show compliance with the following:
 - a. Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
 - b. For greenfield areas, the maximum discharge should be the greenfield runoff rate (Q_{bar}) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without

flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.

c. The site drainage system should cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.

d. Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.

e. Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

NCC Rights of Way – Original comments received 30th August 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.

No public rights of way are recorded adjacent to or over the proposed development site. The absence of recorded public rights of way across the development site does not preclude unrecorded rights being proven to exist at a later date. In the Design Plan and the Design and Access Statement the applicants have acknowledged a number of well used unrecorded routes that cross the parcel of land and they have accommodated for them accordingly. However, whilst the route that accesses/exits the North West corner of the site from Main Road has been accommodated as a private pedestrian access to the proposed development, no provision has been made for public access.

The evidence of use on site suggests that the route in question is very well used. In not accommodating public access on this particular route the applicants face the potential risk of a claim for public rights to be acquired through usage. A claim could be triggered if public use is obstructed and it can be subsequently demonstrated by user evidence that the route has been used by members of the public for a minimum uninterrupted period of 20 years, in the belief that the use is public (without force, secrecy or the landowners permission). This could result in the route being legally recorded on the Definitive Map subsequent to development work commencing or being completed, which would require the claimed route, or a reasonable alternative (subject to an appropriate diversion order), to be made publicly available.

In order to mitigate this risk, the applicants are advised to seek to formally divert or extinguish all routes across the proposed development site, under the provisions of Section 257 of the Town and Country Planning Act 1990. This would enable the applicants to formally dedicate the routes that they wish to accommodate on the site for public access and to formally extinguish any routes that they wish to retain as private accesses.

If the applicants require any further information regarding the above then they should contact the Rights of Way Service, on either countryside.access@nottscc.gov.uk or 0300 500 80 80, in the first instance.

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.

Ramblers Association – We have a neutral stance on this proposal.

Although there are no rights of way currently recorded within this site it is possible that "lost" rights of way may be claimed and I echo the comments made by Matt Duckworth from the NCC ROW team.

NHS England - No comments received.

Newark CCG – No comments received.

National Grid – No comments received.

Severn Trent Water - No comments received.

Representations have been received from 6 local residents/interested parties which can be summarised as follows:

Impact on Character

- There is little green land left around this area

Impact on Trees and Ecology

- The development will destroy the wildlife, birds and small animals
- The development will adversely affect the Orchard trees
- The trees and wildlife will all disappear
- There is a large variety of wildlife in the area
- The existing trees ensure privacy – to remove them would create overlooking

Impact on Amenity

- The proposal will lead to unwanted attention from vandals to neighbouring properties
- The tree removal will affect neighbouring privacy
- The intrusion of the lives for neighbouring assisted living schemes would be upsetting
- The scheme will cause disruption to the lives of neighbouring residents
- There are a number of flats and accommodation for vulnerable people nearby
- The neighbouring allotments cause a continuous nuisance to local residents when they are burning waste – this would affect elderly residents

Impact on Infrastructure

- Ollertons infrastructure is already struggling – it takes 3 weeks to get a Doctors appointment

Impact on Rights of Way

- The land has always been a public right of way and the disruption caused by the development would not be justified

Impact on Highways

- The traffic and coming and goings at all hours due to care staff will cause problems

Other Matters

- The application does not define elderly in respect of the occupiers
- The construction process would lead to disruption

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).

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 what it and the other authorities in Nottinghamshire to be an appropriate OAN figure of 454 dwellings per annum.

The Allocations and Development Management document was adopted in July 2013. The application site has been allocated within this document by Policy OB/Ho/2 for residential development of around 25 dwellings.

The development is not proposed for C3 dwelling houses as envisaged by the policy allocation and instead relates to an Extra Care Facility. Whilst the allocation does not specifically refer to a C2 use the similarities of the scheme and C3 dwellings are noted. For clarity, C2 uses are generally defined as residential institutions used for the provision of residential accommodation and care to people in need of care. The Design and Access Statement describes the rationale behind the application submission confirming that the design of the development is intended to be dementia friendly, catering for residents in the early stages of dementia and as the condition progresses but is not a specialist dementia facility. The majority of tenants would live independently but some may be

expected to need a greater degree of care and thus there will be provision for carer facilities within the development. It is confirmed that the scheme is 100% affordable and will have grant input and support from Homes England.

It is acknowledged that over the coming years the District will see a significant rise in its ageing population, therefore forward thinking strategies are required across both affordable and market housing to ensure existing and new housing is fit for purpose to meet the needs of our ageing population, which includes their support needs.

The Council has a wide range of evidence to support demand for older people's accommodation, these include the DCA Housing Needs, Market and Affordability Study (2014) and the District Council study into older persons housing needs (2012). The local Housing Strategy (2009 – 2016) also identifies the challenge in addressing the current and future growth in older people and frail older households across all tenures.

Ollerton falls within the Sherwood Sub-Area as defined by the Sub-Area Report 2014. Newark and Sherwood Homes rented was the most sought after tenure for existing households moving with the main type of property required being bungalows. Further to this the Council's study into the housing needs of people over the age of 50 (2012) identified that 42% of respondents were interested in renting Council owned property, 51% of respondents would consider renting housing with support and 35% of respondents would be interested in living in a community exclusively for the over 50s.

Thus whilst the proposal does not strictly conform with the intentions of the policy allocation, the alternative delivery of a C2 scheme is not considered fatal in principle given the similarities that can be drawn to C3 residential dwellings and indeed in acknowledgement that the nature of the development would meet an identified housing need.

It is notable that the Secretary of State upheld the Inspectors decision (dated April 2018) for a site in Farnsfield where the Public Inquiry debated the matter as to whether C2 residential institutions should be counted against the LPA's housing requirement. The Inspector concluded the following on the matter:

"All in all, it seems to me that the C2 accommodation in each scheme accords generally with the definition of extra care in the SHMA to the extent that they can be regarded as meeting part of the identified OAN".

[15.50 APP/B3030/W/17/3169436 and APP/B3030/W/17/3179732]

In the context of the current proposal therefore, positive weight can be attached to the development in respect of a contribution towards the Districts housing delivery. The principle of development is therefore accepted subject to assessment against the remainder of the Development Plan.

Policy Requirements / Contributions

The aforementioned policy allocation OB/Ho/2 is clear that the assessment of development within the site will be subject to a number of specific points namely:

- Contributions will be required towards the provision of strategic sports infrastructure within Ollerton & Boughton;
- Contributions will be required towards the maintenance of the adjacent open space;
- Design should take account of overhead power lines which run across the site and not infringe the statutory safety clearances between overhead lines, the ground and built structures;
- The positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime;
- Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development; and
- The investigation of potential archeology on the site and any necessary post-determination mitigation measure secured by condition on any planning consent.

A number of the points above will be discussed in further detail in the relevant sections of the appraisal below (such as site drainage and design). However, it is relevant to raise at this stage that the original application submission did not address the requirements towards off-site contributions referred to by either the policy allocation or the associated Supplementary Planning Document for Developer Contributions. This matter has been raised with the agent during the life of the application with a response received 5th November 2018. The Statement essentially outlines that the scheme is being delivered in order to address a need for residential care development in the area owing to a high elderly population in the area. It is stated that the comprehensive nature of the development (i.e. with its own care facilities and recreational space) will mean that the proposal would be less likely to add a burden to the existing community facilities.

It is fully appreciated that at the time of the policy allocation it would have been envisaged that a development of 25 dwellings would put additional pressure on existing areas of open space and sports provision in the area. Moreover, the associated SPD for Developer Contributions confirms that a proposal for 40 units would also need to make contributions towards education and libraries. In reality however, it is fully appreciated that the development now proposed would be materially different in terms of its impacts on local infrastructure. The nature of the development, as an extra care facility for the elderly population significantly reduces (albeit does not fully diminish) the potential for increased pressure on existing areas of open space. There is a stronger argument to say that the proposal would have a very limited impact on strategic sports infrastructure in the area and it can be categorically concluded that it would not be reasonable to insist on contributions towards education provision. To the contrary however, the nature of the scheme lends itself to implications in terms of the impact on the health provision in the area. With this in mind consultation has been sought from both NHS England and the Clinical Commissioning Group (CCG) acknowledging their role in the delivery of health provision.

Whilst formal comments are yet to be received which outline the need for any contribution, I am mindful that the proposal needs to be considered in the context of the health provision provided as outlined by the D&AS in terms of how the scheme will operate. On this basis, I consider it would be unreasonable to expect additional monetary contributions to be made as these may have implications to the operation of the scheme in the manner proposed. Positive weight must be attached to the nature of the proposed use in terms of extra-care provision on this basis Officers are satisfied that this would outweigh the lack of other off-site contributions despite the original intentions of the site allocation and associated SPD.

Impact on Character and Design

Policy DM5 refers to the rich local distinctiveness of the District's character of built form requiring new development proposals to reflect their local surroundings. Chapter 12 of the NPPF 2018 provides guidance in respect of achieving well-designed places confirming at paragraph 124 that, *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

The form of the development has largely been dictated by the constraints of the site in terms of the overhead power lines which bisect broadly centrally within the site. Given that the proposed designs of the development either side of the power lines are notably different, it is considered appropriate to divide assessment into the two distinct areas of the site. Dealing firstly with the main building, this is intended to deliver the bulk of the development both in respect to number of units (30 one bed apartments) and also footprint (1,586m²). The development of the main building has been arranged across two floors with 15 residential units on each floor (the plan appears to annotate two of the units as no. 30 but omits a unit no. 13). Each floor also has ancillary circulation space and associated facilities such as staff rooms and cafes etc.

The main building design is formed of a number of blocks which overall occupies a sprawling footprint spanning the majority of the eastern portion of site bringing built form close to the northern; north eastern; and south eastern boundaries. The design of the main building is very much contemporary employing a variety of materials and large expanses of glazing in the central core which is intended to serve the café / lounge activity areas with an external balcony on the principle elevation at first floor. Nevertheless the fenestration details serving the majority of the building are less clinical in nature noting their intention to serve the individual residential units of the scheme. In this regard the principal embodiment of the design is residential in nature. The application has been accompanied by 3D visuals of the numerous vantage points of the scheme which aides in its visual interpretation.

It is fully appreciated that the sprawling foot print of the building occupies a significant land take which is likely to impose a visual impact on a variety of neighbouring developments. However, the actual impact on any street scene would be limited owing to the flat roof design of the building (with a maximum pitch height approximately 8.6m for the lift shaft and 6.9m for the units and circulation space). Moreover, the variety of materials and variation of materials between each of the blocks of accommodation aides in breaking up the built form within the site. The use of brick is considered to assimilate well with the materials on surrounding development but the departure from the sole use of brick is not considered fatal in principle given that varying materials have already been established for example those used at the Primary school immediately to the south of the site.

Moving then to assess the remainder of proposed built form; it is proposed that 10 no. 2 bed units would be delivered through four separate single storey buildings towards the south west of the site. The design of these bungalows is relatively simplistic being of a predominant brick construction (with small areas of timber cladding to the entrance reveals) with concrete roof tiles. These would blend well with the design of existing built form within the immediate site surrounding including the bungalows on Hollies Close and Cherry Tree Close which both border the site.

Overall I consider that the proposal represents a good quality design and which will have a neutral impact on its surrounding area in compliance with policies CP9 and DM5. The indicative materials palette is also acceptable, although would be firmed up by condition.

Impact on Amenity

Policy DM5 is clear that 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. Paragraph 127 of the NPPF confirms that decisions should ensure that developments create places with a high standard of amenity for existing and future uses.

Matters of amenity were the predominant cause of concern during the pre-application discussions. The proposal as presented has attempted to address these concerns including through the submission of site sections which assists in appraising the scheme noting the significant land level changes which existing both within the site and on neighbouring land uses.

The footprint of the built form occupies a large majority of the site which would require careful consideration in terms of separation distances even if the site were to be entirely flat. The fact that there are topographical variations only serves to compound the issue. Whilst there are a number of existing neighbouring land uses potentially affected by the development, it is fully appreciated that there is a greater likelihood of detrimental amenity impacts upon the neighbouring properties which share immediate boundaries with the site.

Firstly, Officers have carefully assessed the potential resultant relationship with the existing bungalows on Hollies Close. Bungalow Block D would be in some areas less than 10m away from the rear elevations of the neighbouring developments. The principle elevation of the main two storey building would be approximately 14.9m away from the corner of no. 16 Hollies Close and approximately 18.4m away from the corner of no. 7 Hollies Close. The proposed vehicular access would be positioned in the intervening space. This relationship has been demonstrated by the site sections submitted to accompany the application which evidence that the proposal would require a partial increase in land levels within the site from the boundary in order to allow for the entrance drive to be flat.

The sections show that in respect to the bungalow – bungalow relationship the boundary treatment would be formed by a close boarded fence with trellis at the top on a retaining wall. Block D would be partially built into the land at this point of the site such that the finished floor levels of the bungalow would be slightly lower than the existing site in some places. The difference in levels is therefore less pronounced. However, there is no doubt that owing to the limited distances referred to above, it would still be a tight relationship. The benefit of including single storey accommodation along at this part of the site is that the proposed boundary treatment would significantly reduce the opportunity for loss of privacy through direct overlooking. Whilst the occupiers of the bungalows along Hollies Close would likely have a vantage of the roofs of Block D and the end gable of Block B, given the single storey nature of the development, and the proposed boundary treatment, Officers do not consider that this would amount to an overbearing impact which would warrant a refusal of the application alone.

The plans demonstrate that the applicant has acknowledged the constraints of the site which in respect to the relationship between the main building and the bungalows on Hollies Close has included the proposed provision of a bunded roof to the proposed mobility charging points.

Existing trees are also intended to be retained along the south western boundary of the site towards Main Road such that overall, Officers are satisfied that neither the vehicular use of the access road, nor the occupation of the first floor units of the main building, would impose overlooking impacts which would lead to a loss of privacy.

As well as the bungalows on Hollies Close, there are also existing neighbouring bungalows to the north of the site at Cherry Tree Close. In some respects the likely amenity relationship to these properties is greater on the basis that they would be adjacent to the two storey height of the main building. Again, the application submission has attempted to address this relationship through the omission of windows on parts of the northern elevation facing the properties on Cherry Tree Close and the indicative inclusion of mature shrub and tree planting as well as the retention of existing trees where possible.

Having visited the site, Officers are mindful that the proposed development would create a fundamental change to the outlook of the bungalows at Cherry Tree Close. However, whether this amounts to amenity harm which would be worthy of refusing the application requires careful assessment including considering the existing site circumstances. The bungalows on Cherry Tree Close are part of an assisted living development. The bungalows are already close to the southern boundary of the site but are also already hemmed in to some extent by the presence of a close boarded fence within the site which is close to the principle elevations. It is a somewhat unusual arrangement that a fence would be positioned so close to the principle elevations (potentially thereby already creating an overbearing impact) although presumably this is on the basis of the nature of the development which requires increased security. Whilst the development would lead to a significant loss of tree screening within the site, the proposed site layout does confirm an intention to retain existing trees along the northern boundary which are significant in their scale (annotated on the site sections as being approximately 12.5m in height) and should aid in screening the development to a degree which would prevent an increase in overbearing which would amount to amenity harm.

It is however necessary at this point to reference the consultee comments of the Tree Officer listed in full above, but specifically the comment that: *'Although a tree survey has been submitted to support this application it is unclear which specific trees are to be retained as the proposed layout indicating tree positions does not match trees positions on the survey'*. Clearly in order to allow the determination to attach any weight to the retention of the trees in terms of preserving amenity, this matter required clarification which has been sought during the life of the application. The agent has confirmed that the intention remains to retain as many of the existing trees and shrubs on site as possible (albeit acknowledging that the majority of the cover in the centre of the site will be lost). It is stated that the exact level of perimeter planting to be retained is currently unclear as the project would be produced on a design and built basis and thus the successful contractor would need to input into the process and practicalities of any tree retention. It is therefore confirmed that the preferred approach would be for any forthcoming approval to be conditioned seeking additional landscaping details. Clearly if this were to be the case, then Officers would need to be mindful in discharging any such condition that the intentions of retained planting are secured.

The development would also share a boundary with the properties on Newlands Avenue, specifically numbers 10 to 16. Notwithstanding the annotation of 17m on the site section plan, the closest distance to the rear elevation of the neighbouring properties and the main two storey built form would be approximately 15m. The rear gardens of the neighbouring properties are enclosed by timber fencing with some vegetation at the rear of the plots. The site section implies that there

are existing trees within the neighbouring boundaries which would screen the development although in reality these specimens are by no means a consistent screen which would wholly mitigate the built form of the development.

The elevation of the building orientated towards the rear of no. 10 to 16 Newlands Avenue would feature a mix of three residential units and office accommodation. There is therefore a very real possibility of direct overlooking from window to window at the aforementioned modest distances of around 15m. Moreover, the first floor windows serving Units 26 and 27 would be afforded a line of site into the neighbouring rear gardens. These distances fall well short of those that the LPA would ordinarily seek. It should be stated that there is a slight advantage that the main building would be cut into the land slightly such that the aforementioned topographical distances would not add a further complication to assessment. Nevertheless this was raised as a significant concern by Officers during the life of the application and further consideration of this relationship (potentially through additional landscaping) was requested. The revised site location plan received during the life of the application shows the slight re-positioning of the footpath at this part of the development site which, as confirmed through the covering email to the plan, is an intention to allow extra space for additional screening through planting. This is nevertheless still a constrained area and it is unlikely that the proposed planting (which would have to be subjected to further agreement through condition) would be substantial in nature to alleviate the amenity concerns identified completely.

It is noted that the County Council comments make reference to other existing surrounding land uses including the Youth Centre which is in use on evenings and weekends and includes outdoor sports usage. The revised NPPF 2018 deals with this matter at paragraph 182:

Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

In this case I do not consider that specific mitigation measures would be necessary given that even where the proposed units (notably Block A and B) would be shared with this neighbouring land use, its use would not be constant and equally the overall development includes internal areas of sociable space which would provide a respite from sole occupation within the individual dwellings if indeed deemed necessary.

In the context of the above discussion, there are undoubtedly a number of potentially constrained amenity relationships with in overall terms create comprises to a number of existing residents. Despite the mitigation measures designed into the development it remains the view of Officers that the development does not strictly conform with Policy DM5 and the implications of this must accordingly weigh negatively in the overall planning balance undertaken below.

Impact on Highways including Footpaths

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 proposed development would be served by two vehicular access points; one from Newlands Avenue on the eastern boundary of the site; and the other from Main Road at the north western corner of the site. The submitted Design and Access Statement confirms that the intention is for the main access for residents to be the access from Main Road with the Newlands Avenue access serving as a staff and visitor entrance. A total of 35 car parking spaces would be provided dispersed throughout the site. Three of these would be allocated as disabled parking. There is also provision for the parking and charging for up to 20 mobility scooters (some delivered in plot for the bungalows).

The application has been assessed by NCC as the Highways Authority with their comments included in full above. Their original comments sought clarification as to whether appropriate visibility splays could be achieved within land within the applicants ownership / the public highway. The applicant has duly provided a plan to demonstrate appropriate visibility splays and revised comments have been received from the highways authority. The comments do not raise an objection to the development as proposed subject to the imposition of conditions which Officers consider to be reasonable should permission be forthcoming. It is noted that the comments refer to the need for the removal of hedgerow and trees within the visibility splay however, having assessed the roadside verges which exist, Officers do not consider that this would have a significant detrimental impact in respect of character and as such would be commensurate to the provision of a safe access.

Reference has already been made to the existing informal footpath network which runs through the site connecting various entry points on Main Road; Newlands Avenue; and the open space to the south east of the site. Whilst these are not designated as public rights of way, their existence has clearly been established for some time such that they would potentially become a deemed right of way. The County Council Rights of Way Officer and the Ramblers Association have been consulted on the application with the former making the following comments:

“Whilst the route that accesses/exits the North West corner of the site from Main Road has been accommodated as a private pedestrian access to the proposed development, no provision has been made for public access.

The evidence of use on site suggests that the route in question is very well used. In not accommodating public access on this particular route the applicants face the potential risk of a claim for public rights to be acquired through usage.”

Matters of footpath diversion were discussed at pre-application stages and equally Officers appreciate the attempts that have been made through the original application submission to continue legibility through the site. However, NCC Rights of Way remain of the view that there is a risk to the development through the potential of a claimed route. The agent has responded to the concerns raised during the life of the application through an annotated pedestrian route plan and covering email (received 6th November 2018). It is suggested that the key start and end points to the existing routes within the site have been maintained, albeit acknowledging that there are some slight deviations to the routes. It is also confirmed that some routes will remain available during construction works.

The proposal demonstrates that a linked footpath network would be delivered as part of the development albeit it would by no means allow for the level of free movement which currently exists. Clearly there has to be a balance between the legibility and movement within the site and the security of the proposed residents. There is one specific instance where public users would have to walk in front of the mobility scooter store on the highway before reaching the shared surface which then goes on to join the path network. On balance, accepting that these are not formal rights of way which require legal diversion, Officers consider the solution presented is acceptable.

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 existing site features a number of tree specimens and dispersed shrub cover in some cases built up in mounds. The application has been accompanied by an Arboricultural Report and Impact Assessment undertaken by EMEC Arboriculture dated February 2018. This report confirms that the site is dominated by hawthorn which is relatively dense around the perimeter of the site as well as being scattered centrally. The scrubland was considered to have little arboricultural value (albeit potentially greater ecological value which will be assessed in more detail below). The overall conclusion of the report is that no trees of any note were present within the survey area. The trees that were individually assessed were identified as being Category C. Noting however the intended retention of a number of specimens around the edge of the site, the report does suggest protection measures. Having visited the site, Officers would concur with this judgement. The tree protection measures outlined would be necessary in the context that the retained trees would aid visual and residential amenity and therefore the measures outlined would need to be secured by condition should the development be approved. In addition to this, details of further landscaping to mitigate against the loss of vegetation within the site would also be necessary.

The application has been assessed by the Council's Tree Officer with comments listed in full above. Members will note that the original comments of the Tree Officer implied that the original report did not allow a comprehensive assessment of how the building layout (and indeed associated construction activities) would affect the retained trees. Clearly, this is vital in the context of the current application where retained species have value in terms of screening purposes. The agent has worked with the Tree Officer during the life of the application to allow the Tree Officer to agree that the development would be acceptable subject to a suite of conditions (latest comments 14th November 2018). On the basis of these conditions, which would need to be strictly enforced and complied with, Officers do not consider it would be reasonable to resist the application on the basis of the impacts on trees.

The application submission has also been accompanied by a Preliminary Ecological Appraisal undertaken by Greenlight Environmental Consultancy. Whilst the document submitted with the

application was marked as 'draft' this has been rectified through the submission of a further version received during the life of the application. Overall the report identifies a lack of ecological potential within the site but does state that this is caveated on the need for additional surveys for reptiles. Again these have been requested during the life of the application by a Reptile Survey Report dated 17th October 2018. The surveys included seven visits between September and October 2018. During these visits a number of common frogs were identified as well as one species of reptile (slow worm) on the first visit in September. The report details that the core population of slow-worms is considered to be within the neighbouring allotments, adjacent the southeast corner of the site, with juvenile individuals colonising into nearby areas and using suitable habitat links. The presence of one species allows the report to conclude that the slow-worm population is low. However, the report does go on to detail a mitigation strategy to minimise the potential impacts on reptiles during the proposed works.

Subject to conditions in respect of ecological mitigation as suggested by the submitted report, Officers have identified no detrimental impact such that the proposal would align with Core Policy 12 and Policy DM7.

Impact on Flooding 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 has been submitted dated August 15th 2018 undertaken by CollinsHallGreen Ltd. The report considers that the development is appropriate in respect to the flood zone principles of the NPPF to which Officers do not disagree.

As is referenced above, the policy allocation for the site requires a need to consider the positive management of surface water. The report suggests that SUDs principles should be incorporated to attempt to include swales, green corridors and soak ways. It also states that the SW portion of the site, where the risk of surface water flooding is elevated, should incorporate slightly raised floor levels. The proposal has been assessed by NCC Flood Team as the Lead Local Flood Authority with an original objection received as listed in full in the consultee comments above. These comments have been passed to the acting agent during the life of the application and subsequent plans have been submitted for consideration by NCC Flood. As is listed in the consultation section above, the matter has been subject to significant debate in which the agent has provided further detail to demonstrate that the surface water flood risk maps are not necessarily an accurate representation of the site given the changes in land level. The agent has submitted to NCC Flood that the proposed development would be above the level at high risk of flooding. The latest comments of NCC Flood (received 20th November 2018) accept the latest position and suggest that mitigation could be secured by a pre-commencement condition which has been confirmed as an acceptable approach to the applicant. The proposal is therefore considered to have met the policy requirements in respect to the surface water flooding.

It is notable that the policy allocation also refers to developer funded improvements to ensure sufficient capacity within the public foul sewer system. Whilst the FRA submitted shows a plan of the Severn Trent Water sewer records to the south of the site, it is not clear whether these would have sufficient capacity for the development. This has been raised as a point for discussion during the life of the application with a response received 15th November 2018. A response from the applicant's Civil Engineer has been provided confirming that the foul flow generated by the site is not significant in terms of foul drainage system capacity locally and thus no issues are anticipated.

in seeking approval from Severn Trent. It of course remains the case that if there are issues with overall capacity, then it falls for Severn Trent as the service provider to resolve the situation.

On the basis of the additional information received, and the comments and recommendations of NCC Flood, Officers have identified no detrimental flood or surface water impacts arising from the development.

Other Matters

Whilst the application has not been accompanied by a pre-determination archaeological evaluation as per the policy allocation requirement, Officers have taken the opportunity to consult with the Archeological expertise available with comments listed in full above confirming that no archaeological input is required. On this basis it is not considered reasonable to resist or delay determination on the basis of a lack of pre-determination archeological data.

The comments of the Town Council are noted however for the avoidance of doubt the amended site plan has been altered to remove land within the Town Council ownership and the agent has confirmed that there is no intention to build on the Town Council land. #

Overall Balance and Conclusion

Despite not being the original intention of the policy allocation, the proposed use is deemed acceptable in principle on the basis of the shown need for such types of development. As is debated above, the size and scale of the building necessitates a significant land take to a degree that the development would result in a number of compromised amenity relationships which must serve to weigh negatively in the overall balance. However, it remains the case that the intentions are for significant areas of existing planting (and indeed additional areas of landscaping) to be retained which will go some way in mitigating the aforementioned amenity impacts. When attaching weight to this, and significant weight to the proposed end use which serves to meet an identified need in the area, overall, by a very fine balance, the proposal is deemed acceptable. No other material considerations which would prevent the granting of planning permission have been identified and therefore subject to the conditions as outlined below (some of which are pre-commencement which has been agreed through the agent) the recommendation is one of approval.

RECOMMENDATION

Approve, subject to the following conditions.

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:

- Site Location Plan and Topographical Survey – 443-A-S003 Rev. B (received 18th October 2018)
- Proposed Site Plan – 443-A-S001 Rev. F (received 18th October 2018)
- Bin Collection Point Details – 443-A-S005
- General Arrangement Plans as Proposed – 443-A-001 Rev. E
- Elevations as Proposed – Sheet 1 – 443-A-002
- Block (A) General Arrangement Plans and Elevations – 443-A-A001 Rev. A
- Block (B) General Arrangement Plans and Elevations – 443-A-B001 Rev. A
- Block (C) General Arrangement Plans and Elevations – 443-A-C001 Rev. A
- Block (D) General Arrangement Plans and Elevations – 443-A-D001 Rev. A
- Preliminary Drainage Strategy – C2858 SK01 (received 18th October 2018)
- Extract of Site Plan to Show Visibility Splay – 443-A-S007 (received 23rd October 2018)

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 details and samples of the materials identified below 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.

- Facing materials
- Bricks
- Roofing materials
- Cladding
- Render

Reason: In the interests of visual amenity.

04

No trees that are being shown as being retained on the approved plan shall be pruned, felled, uprooted, wilfully damaged, destroyed or removed without the prior written consent of the District Planning Authority. If any retained tree is damaged mitigation/remedial works shall be carried out as may be specified in writing by the District Planning Authority.

Reason: To preserve and protect existing trees which have amenity value.

05

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

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

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

All works shall therefore be carried out in full accordance with the approved scheme.

Reason: To preserve and protect existing trees which have amenity value.

06

If any retained tree dies within a period of 12 months of completion of works, another tree shall be planted in the same place. Replacement shall be of a size and species and be planted at such a time, as may be specified in writing by the District Planning Authority.

Reason: To preserve and protect existing trees which have amenity value.

07

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

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

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

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

Reason: To preserve and protect existing trees which have amenity value.

08

Prior to any development above slab level full details of both hard and soft landscape shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- Full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells.
- The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species. The landscaping scheme shall take account of the suggestive native species of Appendix G of the submitted Preliminary Ecological Appraisal dated 6th November 2018.
- Details of any lighting proposed.

Reason: In the interests of visual amenity and biodiversity and to enhance the landscaping to preserve neighbouring amenity.

09

The approved landscaping shall be completed within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. Any trees/shrubs which, within a period of seven 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 and neighbouring amenity and biodiversity.

10

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.

11

No development shall take place 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 incorporate that:

- a. Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage

options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.

- b. For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
- c. The site drainage system should cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- d. Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
- e. Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

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.

12

The private accesses shall be laid out to a width of not less than 4.8 metres for at least 15 metres back from the nearside edge of carriageway, and shall provide for vehicle parking and turning areas in accordance with the approved drawings. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and; to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

13

No part of the development hereby permitted shall be brought into use until the accesses to the site have been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary.

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

14

No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 443-A-S007 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason: In the interests of highway safety.

15

The premises shall be used for a 'Extra Care' Residential Development and for no other purpose, including any other use falling within class C2 of the Schedule to the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in a statutory instrument revoking and re-enacting that Order with or without modification). The units hereby approved shall be occupied by at least one person over 60 years of age or their widow, widower (or recognised co-habitee, main carer or dependant).

Reason: To define the planning permission and in line with the applicants submissions.

16

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. 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.

17

The development hereby approved shall be carried out in accordance with the ecological mitigation measures outlined by the mitigation measures outlined by Section 8. Discussions and Conclusions of the submitted Preliminary Ecological Survey dated 6th November 2018. For the avoidance of doubt this requires the following:

- Any proposed lighting shall follow guidance from the Bat Conservation Trust and CIE 150:2003. Warm-white (long wavelength) lights with UV filters should be fitted as close to the ground as possible. Lighting units should be angled below 70° and equipped with movement sensors, baffles, hoods, louvres and horizontal cut off units at 90°.
- Any excavations on the construction site should be covered during the night to prevent animals from falling in.
- Lighting of the construction site at night should be minimised as far as practicable, to reduce the risk of possible disruption to nocturnal animals such as bats and badgers.
- Construction materials should be stored off the ground on pallets, to prevent providing shelter for animals and subsequent harm when materials are moved.

Reason: In the interests of ecological mitigation.

18

Prior to any development above slab level, a 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.

19

The development hereby approved shall be carried out in accordance with the ecological mitigation measures outlined by the mitigation measures outlined by Section 7. Discussions and Conclusions of the submitted Reptile Survey Report dated 17th October 2018. For the avoidance of doubt this requires the following:

- i. A temporary reptile fence to be installed around the periphery of site to prevent reptiles moving into the areas of works.
- ii. The site will incorporate a reptile receptor area along the site periphery to maintain habitat links to the wider landscape, including the allotments in the southeast corner. The receptor site will be enhanced by the creation of reptile hibernacula (Appendix A of Reptile Survey Report dated 17th October 2018).
- iii. The trapping of reptiles from the proposed areas of works for a minimum of 60 days with suitable weather conditions (during March to October), using 50 artificial refugia per hectare. Any animals caught on site will be translocated to the receptor area. After 10 clear days of catching no animals, an assessment will be made whether trapping should continue, in consideration of the depletion rate achieved up to that point.
- iv. A hand destructive search of all suitable reptile habitat to take place at the end of the trapping period, and a destructive search using machinery if necessary. Any animals caught on site will be translocated to the receptor area.
- v. Soft landscaping of the site with native species (post-construction) to maintain habitat links across the site for reptiles (see Appendix B of Reptile Survey Report dated 17th October 2018). for native species).

Mitigation measures following the works will include the long-term management of the receptor area to maintain a varied vegetation structure and reduce scrub encroachment by:

- i. Annually strimming the receptor area to a minimum height of 15cm (6 inches) between October and December.
- ii. Clearing scrub and removing trees which may provide too much shade to the receptor area.
- iii. Preserving the suitability of the hibernacula created for reptiles.

Reason: In the interests of ecological mitigation.

Informative

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 development makes it necessary to construct vehicular accesses over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

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 - 18/01499/FULM

