

PLANNING COMMITTEE – 4 DECEMBER 2018

Application No:	18/00509/FULM (MAJOR)	
Proposal:	Erection of 71 dwellings, structural landscaping, open space provision and access roads.	
Location:	Land West Of Waterfield Way, Clipstone	
Applicant:	Avant Homes - Mrs Lorna Rider	
Registered:	13 March 2018	Target Date: 12 June 2018
		Extension of time: 05 December 2018

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation due to a call in request from Cllr Peacock on the grounds that the community infrastructure and other services are not in place to support an increased number of homes on Cavendish Park.

The Site

The 2.9ha application site forms an area allocated as a ‘Housing Site with Planning Permission (Ho PP)’ in the Allocations and Development Plan Document (DPD). It comprises a rectangular shaped field to the south east of dwellings along both Waterfield Way and Portland Way and north-west of dwellings along Primrose Way. The application site also includes linkages through a housing site currently under construction (100 dwellings approved by 17/02051/RMAM) to the roundabout that currently forms the western termination to Cavendish Way.

Existing houses are located adjacent the south and east boundaries of the main part of the application site with the existing estate roads of Waterfield Way also terminating at the edge of the application site.

The site slopes upwards in a south to north direction with a notable difference in height between the dwellings to the south of the site which have retaining walls forming their rear garden boundaries. Close boarded fences form the majority of the boundaries to the adjacent dwellings with the exception of two garage walls which run along the boundary. Mature trees and hedges bound the western boundary of the site.

The surrounding area is predominantly residential, comprising a mix of two and 2.5 storey semi-detached, detached and terraced properties of fairly generic style, representative of the age of dwellings which are all relatively recently been constructed. Grade II Listed Clipstone Headstocks is visible above.

A public right of way (Clipstone FP16) runs close to the west boundary of the site.

In accordance with Environment Agency flood zone mapping the entire site and surrounding land is designated as being within Flood Zone 1.

Relevant Planning History

17/02051/RMAM Submission of Reserved Matters pursuant to Conditions 1 and 2 of outline planning permission 13/00458/OUTM for the erection of 100 dwellings (Renewal of extant planning permission 09/01136/OUTM - for the erection of up to 100 Residential Units, Structural Landscaping, Open Space Provision and Access Roads) – permission 06.06.2018.

13/00458/OUTM Renewal of extant planning permission 09/01136/OUTM - for the erection of up to 100 Residential Units, Structural Landscaping, Open Space Provision and Access Roads (Extant Permission) Please see Documents saved under 09/01136/OUTM (replacement planning permission) – permission 11.12.2014.

09/01136/OUTM Erection of up to 100 residential units, structural landscaping, open space provision and access roads – permission 09.08.2010.

04/00733/OUTM Housing development together with associated infrastructure – refused 11.06.2004.

02/02292/OUTM Variation of condition 1 from permission OUT/980066 relating to the time limit for submission of reserved matters application – permission 07.03.2003.

98/50350/OUT Residential development (340 dwellings) industrial development and access – permission 29.12.1999.

93/50350/OUT Residential development (340 dwellings), industrial development and access – permission 19.01.1995.

The Proposal

The application seeks full planning permission for the erection of 71 dwellings, structural landscaping, open space provision and access roads.

The application has been amended during the lifetime of the application. The first amendment was made in May 2018 when the red line boundary of the application site was amended to include access to the adopted public highway linking the site to the roundabout that currently forms the western termination to Cavendish Way. Further amended plans were received in September 2018 which included the deletion of a plot to enable the reconfiguration of the layout to address residential amenity concerns, amendments to the layout to address highways issues and the creation of an informal footpath link to an existing footpath which runs to the west of the site to improve overall site permeability. On-going negotiations regarding the viability of the scheme and the overall contributions to be secured have also been ongoing during the lifetime of the application with a final offer being made in November 2018.

Proposed house types include a mix of styles and design including detached, semi-detached and terraced. A mix of 3-bed and 4-bed dwellings are proposed. All of the proposed dwellings would be 2-storey apart from two 3-bed units which would be 3-storey.

The application is accompanied with the following:

- Application Form
- Preliminary Ecology Appraisal December 2017

- Letter regarding impact on potential Special Protection Area (pSPA) 19.07.2018
- Planning Statement
- Arboricultural Survey Report
- Geotechnical and Geo-Environmental Site Investigation
- Amended Travel Plan 19.06.2018
- Transport Assessment
- Flood Risk Assessment
- Design and Access Statement
- Topographical Survey
- Sustainable Drainage Strategy
- Viability Appraisal (including updates)
- Cross Sections

Departure/Public Advertisement Procedure

Occupiers of 36 properties have been individually notified by letter. A site notice was displayed near to the site and an advert was been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting & Promoting Leisure & Community Facilities
- Core Policy 1 - Affordable Housing Provision
- Core Policy 3 - Housing Mix, Type and Density
- Core Policy 9 - Sustainable Design
- Core Policy 10 - Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure

Allocations & Development Management DPD

- Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 – Development on Allocated Sites
- Policy DM3 - Developer Contributions
- Policy DM5 – Design
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM10 - Pollution and Hazardous Materials
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- Newark and Sherwood Publication Amended Core Strategy DPD 2017

Consultations

Clipstone Parish Council:

Comments received 29.09.2018:

No comment.

The Officer sent a reply to Clipstone Parish Council's comments received on 26.06.2018 stating the following:

Thank you for the extra information which I have forwarded to the developer. They have produced a plan which overlays the title plan for the allotments to show that they would not encroach into this area with the proposed gardens of properties 47, 48, 49, 50 and 51. They have also stated that they understand the definitive route for the path to run to the west of the landscape strip on the edge of the field which is outside of the application site and therefore unaffected by the proposed development. As such, no diversion of the footpath is proposed.

Comments received 26.06.2018:

Please see the attached in an attempt to clarify matters:

- The proposed diversion of the footpath takes the path onto land owned by a third party. As far as the council is aware this third party has not been asked for permission to use their land for a public footpath so the applicant can use the existing footpath for their development. That land belongs to the Clipstone Allotments Association. NT516690. No permission has been sought by the existing landholder to re-route the footpath.

- The boundary of several gardens as drawn on the plan surpasses land owned by the developer. It appears the developer is planning gardens on land owned by a third party. To the Council's knowledge this third party has not been approached about this use of their land. Again the land in question belongs to the Allotments Association.

- Planning permission should not be granted until the developer can prove that they own all land they will be using for their development and the redirected footpaths.

- Properties 147, 148 and 149 exceed the boundaries of the planning consent application. Apologies, this should have read properties 47, 48, 49 but also 50 and 51. Please see the attached plans for details.

He also tells me that when the original outline Planning consent was given, a 3m wildlife corridor was shown on the plans. The developers have been ignoring this and been building up to the boundary of the area marked on the plans and beyond. Clipstone Allotments Association is already in expensive boundary disputes with property owners who have encroached onto its land believing it was theirs.

The Footpath is on land owned by the Association and no permission has been given to the developers to utilise the land leading up to it.

Comments received 10.04.2018:

Clipstone Parish Council Has resolved to object to the proposed planning application.

- The roads in the new development appear to be too narrow and of unsuitable layout (90° bends) to allow for safe access of emergency services and utilities

- Not bus stops are planned. The nearest bus stop on First Avenue is a ten minute walk away and requires crossing the busy Cavendish Road.

- The whole of Cavendish Estate still only has one access route. Emergency services may not be able to reach the estate.
- Still no amenities such as shops, schools etc. have been added to the plans
- Properties 169, 170, 171 and 172 would be overshadowing properties in the existing neighbouring development. Turning the layout by 90° so that the green space would be between the new and the old development would solve this problem.
- More public green space away from roads required
- The proposed diversion of the footpath takes the path onto land owned by a third party. As far as the council is aware this third party has not been asked for permission to use their land for a public footpath so the applicant can use the existing footpath for their development.
- The boundary of several gardens as drawn on the plan surpasses land owned by the developer. It appears the developer is planning gardens on land owned by a third party. To the Council's knowledge this third party has not been approached about this use of their land.
- Planning permission should not be granted until the developer can prove that they own all land they will be using for their development and the redirected footpaths.
- Properties 146, 147, 148 will interfere with 3 B2 rated oak trees.
- Properties 147, 148 and 149 exceed the boundaries of the planning consent application.
- The plans show several properties with only one car parking space. Without suitable connection to public transport residents are likely to be relying on more than one car per household. Any surplus vehicles would be parked on the road adding to car parking and emergency access problems.

Environment Agency – This application is situated in flood zone 1 and as such the EA has no comments to make. The LLFA should be consulted for their comments on surface water.

Severn Trent Water – With reference to the above planning application the Company's observations regarding sewerage are as follows.

Condition

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

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

Suggested Informative

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

Additional Drainage Requirements

- The developer must produce a comprehensive drainage strategy for the site.
- This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means.

- Surface water should be drained using sustainable techniques.
- Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) Include a timetable for its implementation; and
 - iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The strategy will also demonstrate how any land drainage issues will be resolved.
- The developer may have to commission a hydraulic modelling study to determine if the proposed flows can be accommodated within the existing system. And if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.
- Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.
- If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Ramblers Association - This development is bounded to the west by Clipstone FP16 and we would like to see the boundary hedge remain undisturbed. It might be a good idea if the developers' Welcome Pack which names Pocklington Ramblers as the nearest walking group was changed to give a mention of Mansfield and Sherwood Ramblers!

Natural England – No objection subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would:

- Damage or destroy the interest features for which Sherwood Forest golf course and Clipstone Heath Sites of Special Scientific Interest (SSSI's) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- The authority should ensure that the proposal conforms with the policies in your authority's GI strategy and consideration should be given to using developer contribution or planning obligations where necessary to assist with implementation of the aims and objectives of the GI Strategy.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

The proposal for 72 new homes on the edge of Clipstone is within approximately 1.2 km of Sherwood Forest golf course and Clipstone Heath SSSIs. Both SSSIs are notified for their lowland heathland habitat; Clipstone Heath is an important dry acid lowland heath site in Nottinghamshire, a habitat that is nationally in decline and therefore a priority habitat.

Both SSSIs are identified as sensitive to the impacts of increased residential development (as identified by Natural England's SSSI Impact Risk Zones (IRZs). Increases in residential development close to the SSSIs means there is potential for increased recreational pressure which could result

in adverse effects on the SSSIs notified features as a result of; increased footfall and erosion of habitat, eutrophication from dog litter and increased risk of fire etc.

It is important that housing growth is supported by an investment in the green infrastructure network in order that there is sufficient provision of areas of green space, which residents can access for recreation purposes, in order to alleviate pressure on the surrounding sensitive ecological habitats, such as the SSSIs.

Whilst we recognise that elements of Green Infrastructure (GI) have been provided within this proposal and on the adjacent site (17/02051/RMAM) including a pocket park, play area and landscaped bund, these areas do not appear to be ecologically connected. We would wish to ensure that this proposal will contribute to your authority's Green Infrastructure strategy (referenced in the Allocations and Development Management DPD paragraph 6.18) which is a material consideration when determining this planning application. The GI issues particularly identified for Clipstone focus on:

- the protection and enhancement of existing networks
- the creation of new strategic access routes to link the settlement to nearby employment and tourism centres and into the wider Green Infrastructure Network.

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Birklands & Bilhaugh Special Area of Conservation (SAC) and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

Natural England do not consider there is a measurable impact from this proposed development on the SAC, however new residential developments can put increased recreational pressure on sensitive sites. Therefore it is important that new housing development is supported by adequate investment in the Green Infrastructure (GI) network in order to increase its accessibility and quality, helping to protect the more ecological sensitive sites, including Birklands & Bilhaugh SAC, from potential detrimental impacts.

Consideration of the likely impacts from this development on breeding nightjar and woodlark within the Sherwood Forest area

We note the proposed development is located in the Sherwood Forest area, in proximity to habitats identified as important for breeding nightjar and woodlark and therefore we refer you to Natural England's Advice Note (March 2014) on this matter which provides more information and outlines Natural England's recommended 'risk based approach'.

In view of the current situation we would encourage the Authority to ensure the information provided in support of the application is sufficient for you to assess the likelihood of potential impacts arising from the development on the breeding nightjar and woodlark population and has addressed the potential direct, indirect and cumulative impacts which may include, but may not be limited to, the following;

- disturbance to breeding birds from people, their pets and traffic
- loss, fragmentation and/or damage to breeding and/or feeding habitat

- bird mortality arising from domestic pets and/or predatory mammals and birds
- bird mortality arising from road traffic and/or wind turbines
- pollution and/or nutrient enrichment of breeding habitats

As part of a risk-based approach, we would also suggest your Authority consider the use of appropriate mitigation and/or avoidance measures to reduce the likelihood of significant impacts which might adversely affect breeding nightjar and woodlark populations occurring.

Nottinghamshire Wildlife Trust – We are no longer able to provide the level of free ecological planning advice as we have previously.

NCC Highways Authority – *Comments received 02.07.2018:*

Further to comments made on 17 April 2018, additional information has been submitted including a revised drawing 1768.PH2.01K. This now shows a new road link to Cavendish Way within the red edge application boundary.

Minor modification to the layout is required to meet NCC Highways guidance. The private access serving plots 66-74 should be made 4.8m wide; not 4.25m as shown.

Additionally it should be noted that where bends are shown with forward visibility chords, the land within the chorded areas should be offered for adoption as public highway for highway safety reasons. Consequently, the treatment of this land will need to be subject to Highway Authority approval under a Section 38 Road Adoption Agreement. Nothing in these areas higher than 0.6m should be permitted to obstruct visibility.

For the type and scale of development proposed and its juxtaposition with surrounding development, it is imperative that a new road link is made to the Cavendish Way/Ward Road roundabout. In line with this Authority's Planning Obligations Strategy a developer contribution of £32,000 is sought towards sustainable transport improvements. It is assumed this would be achieved via a Section 106 Agreement.

It is now considered that this application may be approved subject to the following conditions:

No part of the development hereby permitted shall commence until the new access road link to the Cavendish Way/Ward Road roundabout, shown within the application site boundary, has been completed and made available for construction traffic, and; no part of the development hereby permitted shall be occupied until this link is made available for public use also.

Reason: In the interests of highway safety and capacity.

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

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

Any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller shutter doors, or 6.1 metres for up and over doors. Details of the garage doors shall be first submitted to and agreed in writing with the LPA.

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

No part of the development hereby permitted shall be occupied until the access roads have been designed and thereafter completed to a standard that provides a minimum carriageway width of 5.5m

Reason: In the interests of highway safety and capacity.

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

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

The shared private driveway serving plots 66-74 shall be laid out to a width of not less than 4.8 metres.

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

Comments received 17.04.2018:

Further to comments made on 3 April 2018 additional information has come forward that clarifies the position regarding access arrangements and, consequently, the number of dwellings able to be served.

Outline permission 13/00458/OUTM which includes the land subject to this application approved development of up to 100 dwellings. Application 17/02051/RMAM is currently being considered for these 100 homes (albeit a layout with 113 plots has been submitted).

According to the 6C's Highway Design Guide, no more than 400 dwellings should be served from the existing road system with 5.5m carriageways. Currently there are about 320 dwellings served, so the extra already-approved 100 would take this figure to about 420 which, under the current circumstances, would be compromisingly accepted.

However, this means that the additional 72 dwellings being sought in this application would result in about 492 homes being served from a road system designed to cater for a maximum of 400. It is therefore unacceptable.

In addition, the access road system is inadequate to cater for bus service provision and cycleways. For a development of over 400 dwellings one should be designing and implementing a road

system that would allow sustainable transport provision. This would require a wider carriageway (6m) on key routes through the estate to cater for bus services plus further widening on bends and/or junctions where necessary to deal with vehicle swept paths. Cycleway provision would require wider shared use footway/cycleway.

It is recommended that the application be refused on the grounds that

- the access road arrangement leading to the site is inadequate to accommodate the additional traffic which the proposed development would generate, and; the increased use of such roads would result in an increase in the likelihood of unacceptable danger to users of the highway.

If access were to be made available via the existing yet-to be-adopted road that leads to the roundabout at Cavendish Way/Ward Road, then this objection could be reviewed.

Comments received 03.04.2018:

The application site boundary is such that the only connection with an adopted public highway is via Waterfield Way. This road already serves about 100 dwellings as a cul-de-sac. Therefore, as an extension of that, only about 50 more dwellings should be added if it is to comply with the 6C's Highway Design Guidance (72 dwellings are proposed). Either the amount of development should be restricted to 50 dwellings, or only 50 allowed to be occupied until a second highway connection is made (presumably to the Cavendish Way/Ward Road roundabout).

Some of the houses do not have highway frontage allied to the same planning application i.e. Plots 79-80, 90 & 114-118. This should be addressed.

Traffic calming features have been shown and it is considered that these may not be necessary and may be deleted or amended when it comes to the Section 38 Highway Adoption Agreement.

Clarification is sought of the adoption/maintenance intentions of the accesses to plots 140-161 & 163-172. These are not appropriate for adoption as public highway as they are shown on drawing 1768.PH2.01A, but may still require amendment as private shared accesses. Lighting and drainage will need further consideration.

It is requested that these comments are treated as a holding response because not only are the above matters in need of resolution, but also further time to assess the Travel Plan and Transport Assessment is required.

Comments received 09.07.2018 in relation to Travel Plan:

All previous comments have been addressed and, as such, this travel plan is approved.

Comments received 15.06.2018 in relation to Travel Plan:

The updated Travel Plan has been reviewed against previous comments, and this Travel Plan is almost ready for approval. Those comments not addressed satisfactorily are below:

- As per the NCC TP Travel Plan Guidance, the primary target should be based around the trip generation values set out in the development's TA (which were used to demonstrate the acceptability of the proposal on the highway network), reduced to take account of travel plan initiatives. Modal splits can be used as a secondary target. This should be a relatively easy change

to implement as all the information should already be available – To avoid confusion and misinterpretation later, a further table should be added showing the trip generation with the travel plan in place (i.e. a repeat of Table 2, but with a reduction as per the proposed mode shift).

- As the primary target should be based around trip generation totals, monitoring should be in the form of both traffic counts and travel surveys. Traffic counts should be undertaken within the monitoring period, not just in the case where a statistically significant sample is not achieved, as stated in para 6.6.

Comments received 24.05.2018 in relation to Travel Plan:

Full contact details for an interim TPC should be provided now (which could be a representative of the developer or their agent). These details should then be updated and provided to NCC once appointed – and updated if the TPC changes (for whatever reason). The TP has been adjusted to show a client organisation only – we could do with some actual contact details included given the historic problems of maintaining liaison following TP approval.

- The adjacent development had within its Travel Plan the provision for a bus taster ticket, or voucher for cycling equipment. At present the TP says that vouchers would be investigated – it would be better if the offer was consistent.
- As per the NCC TP Travel Plan Guidance, the primary target should be based around the trip generation values set out in the development's TA (which were used to demonstrate the acceptability of the proposal on the highway network), reduced to take account of travel plan initiatives. Modal splits can be used as a secondary target. This should be a relatively easy change to implement as all the information should already be available.
- As the primary target should be based around trip generation totals, monitoring should be in the form of both traffic counts and travel surveys.

Comments received 18.04.2018 in relation to Travel Plan:

As a general comment, the TP suffers from a lot of statements which say that things 'could' happen rather than they 'will' happen which doesn't give NCC certainty that much of the TP would be enacted as documented. This is particularly important for statements within the measures, monitoring and remedial measures sections. These sections should be reviewed and re-worded in the next iteration.

- We reviewed a travel plan for an adjacent site in 2014. It is not clear if these are two separate sites, or if a Travel Plan was approved for the initial 100 units. Either way, this TP appears to have been developed in isolation and it would benefit from being part of the wider planning context.
- The footpath link between Portland Way and Highfield Road should be considered in the isochrones map which would extend the isochrones to the south east of the site.
- The primary target should be based around the trip generation values set out in the Development's TA (which were used to demonstrate the acceptability of the proposal on the highway network), reduced to take account of travel plan initiatives. Modal splits can be used as a secondary target.
- Para 6.4: the targets should not be amended without the approval of NCC.
- Full contact details for an interim TPC should be provided now (which could be a representative of the developer or their agent). These details should then be updated and provided to NCC once appointed and updated if the TPC changes (for whatever reason).
- The TPC should be in post to cover the entire monitoring period. At present there appears to be a 'gap' between the proposed monitoring period and the appointment period of the TPC.

- Need to make clear the travel welcome packs will be disseminated to all residents on first occupation.
- Additional walking and cycling measure would be to cooperate in national promotional events
- The adjacent development had within its Travel Plan the provision for a bus taster ticket, or voucher for cycling equipment.
- The TP should refer specifically to the Notts lift share website:
<https://liftshare.com/uk/community/nottinghamshare>
- As the primary target should be based around trip generation totals, monitoring should be in the form of both traffic counts and travel surveys.

NCC Policy –

Education provision

Paragraph 72 states that:

'The Government attaches great importance to ensuring 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:

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.'*

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.

Public Health

Appendix 1 sets out the local health report for the site and identifies that many of the health indicators are: *similar to and not better than the England average* with Healthy Life and Disability Free expectancy statistically worse than the England average for this area or remove if not appropriate).

The National Planning Policy Framework (NPPF) seeks to promote healthy communities. Paragraphs 69-78 of the NPPF sets out ways in which the planning system can play an important

role in facilitating social interaction and create healthy inclusive environments. Planning policies should in turn aim to achieve places which promote:

- Safe and accessible environments
- High quality public spaces
- Recreational space/sports facilities
- Community facilities
- Public rights of way

The Nottinghamshire Joint Strategic Needs Assessment (JSNA) provides a picture of the current and future health needs of the local population:

<http://jsna.nottinghamcity.gov.uk/insight/Strategic-Framework/Nottinghamshire-JSNA.aspx>.

This states the importance that the natural and build environment has on health.

The Nottinghamshire Health and Wellbeing Strategy sets out the ambitions and priorities for the Health and Wellbeing Board with the overall vision to improve the health and wellbeing of people in Nottinghamshire:

<http://www.nottinghamshire.gov.uk/caring/yourhealth/developing-health-services/health-and-wellbeing-board/strategy/>

The 'Spatial Planning for Health and Wellbeing of Nottinghamshire' document approved by the Nottinghamshire Health and Wellbeing Board in May 2016 identifies that local planning policies play a vital role in ensuring the health and wellbeing of the population and how planning matters impact on health and wellbeing locally. In addition a health checklist is included to be used when developing local plans and assessing planning applications:

<http://www.nottinghamshireinsight.org.uk/insight/news/item.aspx?itemId=44>

It is recommended that this checklist is completed to enable the potential positive and negative impacts of the pre application on health and wellbeing to be considered in a consistent, systematic and objective way, identifying opportunities for maximising potential health gains and minimizing harm and addressing inequalities taking account of the wider determinants of health.

Obesity is a major public health challenge for Nottinghamshire. Obesity in 10-11 year olds in this area is similar but not better than the England average. It is recommended that the six themes recommended by the TCPA document 'Planning Health Weight Environments' –

http://www.tcpa.org.uk/data/files/Health_and_planning/Health_2014/PHWE_Report_Final.pdf are considered to promote a healthy lifestyle as part of this application. The six themes are:

- Movement and access: Walking environment; cycling environment; local transport services.
- Open spaces, recreation and play: Open spaces; natural environment; leisure and recreational spaces; play spaces.
- Food: Food retail (including production, supply and diversity); food growing; access.
- Neighbourhood spaces: Community and social infrastructure; public spaces.
- Building design: Homes; other buildings.
- Local economy: Town centres and high streets; job opportunities and access.

Due to the size of the development it is recommended that planners discuss this development as part of the Mid Nottinghamshire Local Estates Forum and also consult with Newark and Sherwood Clinical Commissioning Group to consider any additional healthcare requirements e.g. S106 / CIL. Given that limiting long term illness or disability is significantly worse than the England average,

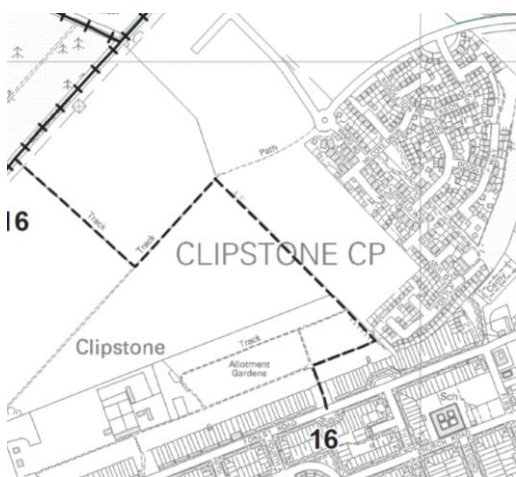
the development needs to ensure that it is age friendly providing good access to health and social care facilities.

Ecology

The site is predominantly an arable field in nature, and a Preliminary Ecological Appraisal has been carried out to support the application. NCC have not looked at this in detail, but this indicates that the site is of low ecological value.

Nevertheless, the recommendations contained therein (see Section 6) should be conditioned. In addition, NCC would request that in order to deliver ecological enhancements, the following should also be conditioned:

- The installation of bat and bird boxes (the latter targeting house sparrow, starling and swift) into a proportion (c.20%) of the new dwellings/their garages.
- The submission of a detailed landscaping scheme, via a condition, using native species of tree and shrub in the open space/site boundary areas, and ideally the use of a flowering lawn mix.



Rights of Way

The Definitive Map, indicating the recorded public rights of way in the vicinity of the proposed development site.

Clipstone Public Footpath No. 16 abuts the South Western boundary of the proposed development site and provides a link from North Western corner of the site to an extensive network of Public Footpaths, Bridleways and cycle routes. Access to the footpath should be provided from the North West corner of the development.

The footpath is external to the development site and so should not be impacted upon during construction. The route should remain open for use and free from obstruction at all times. According to the Land Registry, the land subject to the application is in the same ownership of the section of Clipstone FP16 between the North West corner of the development site and Clipstone BW6 (known as Clipstone Drive). In lieu of the anticipated additional usage of the footpath that the completed development will bring, and in order to assist the developer in meeting objectives regarding sustainable transport options and promoting healthy lifestyles, an obligation is sought to upgrade the footpath to either Public Bridleway or Cycle Track status on the section indicated blue on the larger scale plan (20180320_ClipstoneFP16Proposal) provided. This would provide a link from the development site, and the rest of the recent adjacent developments off Cavendish Way, to new cycle routes connecting to the centre of Mansfield. It would also provide a cycle link to National Cycle Route 6, serving Vicar Water Country Park, Sherwood Pines, Sherwood Forest and Clumber Park. This proposal would also satisfy Highway Authority Local Transport Plan aims and objectives. Without such an agreement being made the footpath would be susceptible to unlawful use and trespass against the landowner by any person who uses it on a bicycle.

Developer contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottscc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

It is anticipated that details of any developer contributions sought by the County Council will be provided as soon as possible. Any developer contributions sought will be necessary in order for the proposed development to be considered acceptable and as such the County Council will wish to raise objections to this application unless these contributions will be secured.

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

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 Education – Nottinghamshire County Council therefore have no alternative but to request primary education contributions from any proposed housing development west of Waterfield Way Clipstone. A proposed development of 72 dwellings would yield an additional 15 primary and 12 secondary places. We would therefore wish to seek an education contribution of £171,825 (15 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

NCC Lead Local Flood Risk Authority – *Comments received 10.05.2018:*

No objections to the proposals following submission of the Sustainable Drainage Statement ref. CPC-BWB-HDG-XX-RP-CD-0001-S2-P1_SDS. The proposals for the adoption of the various surface water assets should be checked with the relevant authorities to ensure their validity.

Comments received 23.03.2018:

The application and Flood Risk Assessment make reference to a Sustainable Drainage Statement, reference CPC-BWB-EWE-XX-RP-CD-0001 which has not been included with the application. Without this document we cannot support the proposals as have no evidence of the suitability of the proposed surface water drainage.

NSDC Strategic Housing Officer - I think it unlikely for NCHA to be interested in the site as the type/layout and size of property at the time was not acceptable as it would cause significant management issues. This was raised at the time of the application. If it is a no then I would be happy to secure £32k per unit.

NSDC Tree Officer – Comments received 15 November 2018:

The amended plan is acceptable and reduces concern in relation to the proximity of proposed dwellings to proposed trees subject to the conditions previously listed.

Comments received 15 June 2018:

I have some concerns over the close proximity of proposed dwellings to retained trees on the south west boundary.

Plots 49 and 50 are located so far to the rear that T2 RPA is likely to be adversely affected by construction activities and both properties are likely to experience overshadowing and seasonal nuisance.

I would recommend that an adjusted layout pulling these 2 dwellings in line with others on the adjacent plots could minimise these issues.

Any full approval should fully condition tree/hedge protection and soft landscaping.

Recommended conditions:

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

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.

NSDC Environmental Health (Contaminated Land) – With reference to the above development, I have received a Phase 1 and Phase 2 Geotechnical and Geo-Environmental Site Investigation report submitted by Eastwood and Partners Consulting Engineers acting on behalf of the developer. This includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the sites previous uses and a description of the site walkover. Following intrusive sampling the report concludes that there are no exceedances of the relevant screening criteria for the proposed use. In addition no asbestos or pesticides were identified from the sampling carried out. Given this evidence, I am in agreement that the on-site soils do not present a potential risk to human health for the proposed residential use.

NSDC Environmental Health (Reactive) – No comments.

NSDC Access Officer – As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating 'accessible and adaptable dwellings' within the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both

temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around dwellings be carefully examined together with reference to the topography of the site with accessible facilities and features. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable access around the development. Any danger to pedestrians, particularly children, elderly or visual impaired people, being required to walk along vehicular access routes should be avoided by providing a traffic free network of separated pavements and footpaths throughout together with tactile warnings and dropped kerbs at road crossing points as appropriate. It is recommended that inclusive access be considered to any open spaces and external features.

It is recommended that the developer make separate enquiry regarding Building Regulations approval requirements

6 households have submitted representations (albeit multiple letters/emails have been received from the same households as a result of reconsultation) which can be summarised as follows:

Principle of Development:

- No need for housing on an already over-developed site that has no amenities e.g. a shop in place

Highways:

- No bus routes into the development
- Traffic should not be routed through an already busy estate
- There remains only 1 way in and out of the estate, via Cavendish Way with a huge no. of homes serving this route;
- roads are narrow with 90 degree bends which are already difficult to navigate in the existing surround estates, especially should emergency services (fire in particular) need access.

Residential amenity:

- Overlooking
- Loss of light
- Significant difference in levels which exacerbates impacts as existing houses sit at a lower level which will make houses appear higher than 2 storey
- Overshadowing
- Inadequate separation distances
- No daylight and sunlight assessment has been undertaken
- Can overlooking windows be obscured?

Visual Amenity:

- There should be a green buffer zone between us and the new estate

Other

- Surface water run-off into adjacent properties due to sloping land
- Pressure upon existing retaining wall and fencing
- New boundary treatments required
- Impact on local services such as schools

- Can area of open space be moved immediately behind existing dwellings?
- Has any thought been given to the additional pressure/water-pressure/ground disturbance that significant groundworks will cause?
- It seems apparent, from an engineering perspective, that additional supporting concrete footed structure would be required
- I believe there should be a new boundary fence at the rear of the property, as the existing fence is my obligation I have certainly not given permission for the developer to use my fence as their boundary.

None material planning issues raised:

- Devalue homes
- Access is required on this land for maintenance reasons

Comments of the Business Manager

The Principle of Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan.

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD forms the Local Plan for Newark & Sherwood. The site is located within the urban boundary of Clipstone and forms part of a wider site identified on the Proposals Map as a 'Housing Site with Planning Permission (Ho PP)' in the Allocations and Development Plan Document (DPD). Spatial Policy 1 of the Core Strategy identifies Clipstone as one of two Service Centres for the Mansfield Fringe Area (the other being Rainworth) with an intended function of acting as a focus for service provision for a large local population and rural hinterland.

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

The application site forms part of the land previously granted outline planning consent for up to 100 dwellings, approved in August 2010 (09/01136/OUTM) with a subsequent extension of time limit for implementing the permission approved by Planning Committee in December 2014 (13/00458/OUTM). A reserved matters application to provide the 100 dwellings previously consented on the northern part of the site was approved by Planning Committee in June 2018 (Phase 1). The current application represents the remaining part of the original outline area on which 71 further dwellings are proposed (Phase 2).

As such, the principle of development is considered acceptable in principle subject to an assessment of all relevant site specific considerations.

Housing Numbers, Density and Mix

This application represents the Phase 2 provision of 71 dwelling over and above the 100 dwellings now under construction on the Phase 1 site. Core Policy 3 provides that development densities

should normally be no lower than 30 dwellings per hectare net. It goes on to say that development densities below this will need to be justified, taking into account individual site circumstances.

A density of 38 dwellings per hectare is proposed on the Phase 1 site. A density of 30 dwellings per hectare is proposed on the current Phase 2 site. The overall density of development is considered to be similar to the density of surrounding housing development.

Paragraph 50 of the NPPF states that “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand...”

The Development Plan reflects this and is compliant with the NPPF. The Council has sought to plan for a mix for communities and has identified the size, type and range of housing that is required taking into account local demand as is reflected in the following policies.

CP3 also states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need. Such a mix will be dependent on the local circumstances of the site, the viability of the development and any local housing need information.

The detailed layout proposes the following housing mix:

	Phase 1 Dwellings	Phase 2 Dwellings	Phase 1 and 2 Blended Mix
2 Bed	17	0	10%
3 Bed	58	36	56%
4 Bed	25	35	35%
Total	100	71	100%

In terms of what the local demand is, evidence of this is contained within the Newark and Sherwood Housing Needs Survey Sub Area Report 2014 by DCA. Clipstone falls within the Mansfield Fringe Sub-Area from the perspective of our Housing Market & Needs Assessment (2014), with the Sub-Area Report showing demand within the market sector to be predominantly focussed on 32% 2-bed, 25% 3-bed and 14% 4-bed unit types, with lesser demand shown for 1 bed (17.0%) and 5-bed (12%).

As such, I do not consider the Phase 2 mix to fully reflect the needs of the Mansfield Sub Area given the lack of 2-bed units proposed within the Phase 2 development.

The Applicant has responded to my concerns with regards to the proposed housing mix as follows:

'This site has been subject to extensive viability negotiations based upon the current layout and mix. Were we to substitute larger units for smaller two beds, then this would have a negative knock-on effect on the viability that would reduce the affordable housing sum further. Whilst not explicit in the revised NPPF, the previous iteration was clear that local housing provision should aim to meet both need & demand. Avant's initial sales on Phase 1 have seen the majority of interest in larger family units, with little take up to date on the smaller 2 bed units. Whilst a concern for us on Phase 1, we clearly wouldn't wish to sub out units on the second phase were the market signals to be telling us that the demand is not there'.

I note these comments and also note that there is 2-bed provision on the Phase 1 development representing 10% of the overall provision across both phases. The floorspace of the proposed units on the Phase 2 development is not excessive (presenting smaller 3 bedroom dwellings) and predominantly provides for 3-bed units which represent the 2nd greatest need within the Sub Area. In addition, the proposal would contribute to the family size market housing that is required in this district as acknowledged by CP3. The proposed housing mix and density also reflects the character of the adjacent residential development. Even so, I have to conclude that the mix of housing units proposed does not fully comply with the aims of the NPPF and Core Policy 3 and this is an issue which will need to be weighed in the overall planning balance.

Impact on Visual Amenity including the Character of the Area

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

Core Policy 13 in the NSDC LDF states that 'The District Council will expect development proposals to positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting Landscape Conservation and Enhancement Aims for the area'. The site lies within the Sherwood Landscape Character Area, in landscape Policy Zone S PZ 12 Cavendish Wooded Estatelands and Wooded Farmlands. The landscape policy for this policy zone is to restore and create because of the poor landscape condition and moderate sensitivity. Suggested policy actions of relevance to this application include restoring historic field patterns including hedgerows and creating woodland.

There would be a mix of style, design and size of dwellings with a mixture of render and brick dwellings proposed. All dwellings would be 2 or 3 storey in appearance with a mix of detached, semi-detached and terraced dwellings proposed. Details of materials have not yet been submitted and it is recommended that a condition be imposed requiring the submission and approval of these details. As stated in relation to the housing mix section above, the proposed layout is considered to be in keeping with and similar to the existing residential dwelling to the east and south of the site. Notwithstanding this, the application site is located at a higher land level than the surrounding houses as existing and the development would inevitably have an impact on the landscape and the character of the surrounding area by virtue of the fact that a greenfield site would become a housing site.

The site benefits from a good deal of concealment offered by existing dwellings on three sides (when also taking into account the housing development currently under construction) and existing landscaping. A landscape strip provides a buffer between the application site and the open countryside to the west and contains a number of trees, shrubs and hedgerow (the north

section of this strip is within the blue line boundary of the application site albeit the southern section is in the ownership of Clipstone Allotments Association Ltd and contains Footpath 16). The Parish Council concerns in relation landownership have been resolved and the proposed site layout does not encroach onto 3rd party land according to the evidence before me. This buffer provides an appropriate soft edge to the development and assists in assimilating the development into the surrounding countryside and it is recommended that its retention is secured in the S106 agreement.

There are existing oak trees within this landscape strip identified as Category B (moderate quality) within the submitted Arboricultural Survey. All other trees and hedgerow within or immediately adjacent to the application site are identified as Category C (low quality) within the submitted Arboricultural Survey.

Concern has been expressed during the lifetime of the application in relation to the number of car dominated frontages proposed within the development. The submission of amended plans has reduced the number/occurrences of these hard surfaced frontages albeit some do remain and the Applicant has declined to reduce these any further as they are necessary to meet a highways requirement. The majority of these occurrences are not located along prominent entrances into the site. As such, it is considered that a reason for refusal on these grounds would be difficult to sustain.

There is no doubt in my mind that a scheme for residential development as proposed would alter the existing character of the site but this has already been accepted through historical permissions on this site. As such, it would be difficult to conclude that the character impacts of residential built form in itself would be so harmful as to warrant a resistance of the application in their own right. I am mindful of the character of the surrounding area which has been established through a number of housing developments over recent years. It is my view that the current proposal including the house types proposed, would be in keeping with the scale, character and appearance of this area. I am satisfied that the design has been properly considered and meets an acceptable standard of design. Subject to conditions relating to external materials, finished floor levels, landscaping, tree/hedgerow protection and perimeter boundary treatments the overall design of the proposed development is considered acceptable and in compliance with Core Policies 9 and 13 of the Core Strategy and Policy DM5 of the DPD.

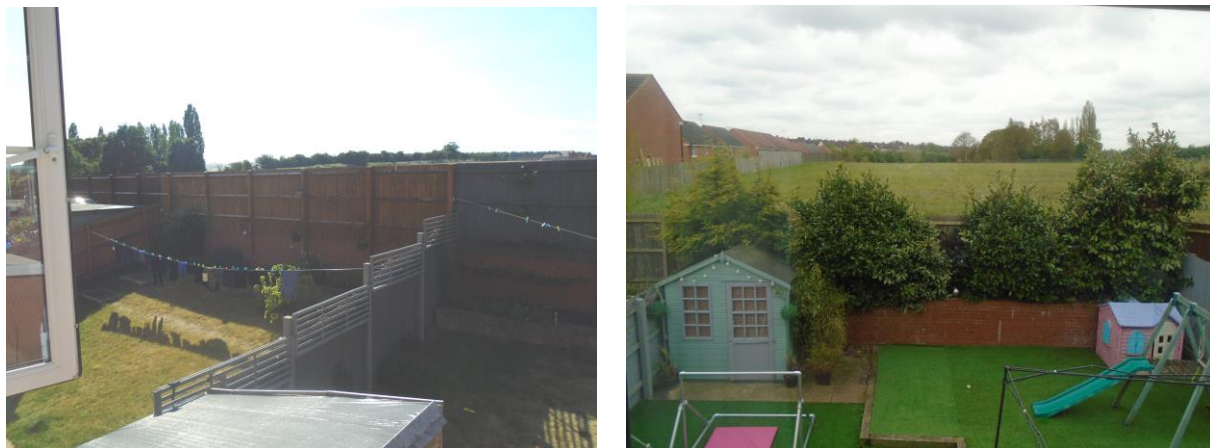
Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The dwellings located adjacent to the east and south boundary of the site would be most affected by the proposed development due to the positioning of proposed dwellings adjacent to the boundary. There are no specific separation distances set out in the Development Plan albeit the supporting text to Policy DM5 says that where proposals involve multiple residential units they should be designed so as to avoid direct overlooking and overbearing impacts on each other. It goes on to say that where new residential development is proposed adjacent to existing dwellings, it should be designed so as to avoid either the existing or proposed development being subjected to the same impacts. In both these instances, the separation distances required to achieve an

adequate standard of amenity will be determined by the individual site characteristics including levels and intervening boundary treatments.

The land levels of the application site are up to 3 metres higher than the existing dwellings along Primrose Way and Portland Way as illustrated on the photographs below.



Rear gardens of dwellings on Primrose Way and Portland Way taken from upper floor windows

In light of concerns raised by my officer and residents, amendments have occurred during the lifetime of the application in order to address overbearing and loss of privacy concerns raised. Sections have also been submitted to illustrate the relationship between existing and proposed dwellings. It was advised that an additional 1 metre be added to each separation gap (beyond best practice distances) for every 1 metres difference in gradient and the Applicant has followed this advice.

In relation to the dwellings located to the south of the site, the side elevation of no. 10 Primrose Way is blank and the rear elevation of the nearest proposed dwelling is 16.5 metres away. Whilst the upper floor windows of the proposed dwelling along this boundary would overlook the private rear garden areas of No. 10 and other dwellings, the resultant level of overlooking is not considered to be materially worse than existing levels of overlooking between properties and this separation gap is therefore considered adequate.

No.s 5, 7, 9 and 11 Primrose Way all have high retaining walls/boundary fences along their rear garden boundaries. These dwellings experience the greatest drop in gradient between the application site and their garden areas, however a 25m separation gap between main habitable room windows is proposed with the gardens of the proposed dwellings visibly deeper than the gardens of the existing dwellings. Likewise, a similar separation gap is proposed between the rear elevations of No.s 61, 63, 65, 67, 69, 71, 73 and 73 Portland Way. Proposed Plot 56 would be positioned side on to these dwellings at a distance of 14.8 metres away. Two first floor windows are proposed within the side elevation of this dwelling serving a bathroom and ensuite. This distance is considered acceptable provided that a condition requiring these windows be obscure glazed and non-opening above 1.7 metres in height above floor level be imposed. Separation gaps of between 23.8 metres and 26.8 metres (depending on land levels) are proposed between main habitable room windows and the remainder of the dwelling along Portland Way which again is considered acceptable.

In relation to the dwellings located to the east of the site on Portland Way (No.s 2, 4, 5 and 8), a 15 metre separation gap between the rear elevation of these dwellings and the side elevation of the nearest proposed dwelling (Plot 74) is now proposed which is considered acceptable give the

approximate 2 metre difference in the gradient of the land provided that a condition requiring the proposed landing window within the side elevation be obscure glazed and non-opening except above 1.7 metres in height above floor level. This dwelling would also be hipped which also reduces the bulk of the built form along this part of the boundary.

No.s 38 and 40 Waterfield Way are positioned side on to the application site. The side elevation of No. 40 is blank whereas the side elevation of No. 38 contains a small none habitable room window. Proposed Plots 75-79 (and Plots 76-77 in particular) would overlook the side elevation and private rear garden area of No. 40 at a distance of just over 10 metres away. Both of the existing dwellings contain a detached garage within their rear garden areas which form the boundary to the application site. The frontage of proposed Plot 91 has the potential to overlook the rear of No. 12 Waterfield Way at a distance just less than 20 metres between the elevations. I still consider there are elements of the proposal which demonstrate amenity relationships are on the cusp of acceptability. Due to the number of dwellings proposed that would back onto the existing dwellings, there are a significant number of windows within their rear elevations that would result in a perception of being overlooked by the future occupiers of the dwellings on both their dwelling and private amenity space. Albeit, I consider the degree of overlooking to be slight due to the separation distances proposed/angles and existing levels of overlooking experienced by these properties.

Having carefully assessed the scheme I am satisfied that the proposal would have no unacceptable detrimental impacts upon the amenity of future occupiers of the proposed dwelling or committed dwellings adjacent to the application site in accordance with Policy DM5 of the DPD albeit the cusp of acceptability concerns I have identified will need to be weighed in the overall planning balance.

Impact on Flood Risk and Drainage

Core Policy 9 requires new development proposals to pro-actively manage surface water. The land is classified as being within Flood Zone 1. As such it is not at risk from flooding from any main watercourses.

The application is accompanied by a Sustainable Drainage Statement (SDS). This states that residential drainage utilises, as far as possible, individual soakaways per dwelling along with porous block paving to shared driveways. The highway drainage is directed to the Public Open Space areas so that Traditional Manhole soakaways can be utilised. Foul water sewage from the residential dwelling plots connect to two existing foul water stub connections along the eastern border of the site. The Lead Local Flood Authority raise no objection to the methods proposed in the SDS.

Subject to a condition requiring implementation in accordance with the SDS, I am satisfied that the proposed development would not result in any increased flood risk and would pro-actively manage surface water in accordance with the requirements of Core Policy 9.

Highways Impacts

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.

The Highways Officer raises no objection as a result of amendments to the proposed red line

boundary of the application site which now shows a new road link to Cavendish Way subject to conditions relating to detailed highways layout and design. An adequate amount of parking has been provided for each dwelling to the side or front of properties, in garages or within parking courtyards.

It is not therefore considered that the proposed development would result in any parking or traffic problems subject to the planning conditions in accordance with the requirements of Spatial Policy 7.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

Previous historical applications considered impacts on ecology and concluded that the existing site is unlikely to be used by protected species and the proposal would not have an adverse impact upon ecology. An updated ecology survey has also been undertaken and this also concludes that no adverse impact on protected species would result although recommendations are made which includes the provision of bird/bat boxes and ensuring that any lighting proposed does not illuminate adjacent habitat. It is recommended that a condition be imposed to ensure a mitigation scheme for implementing these measures is secured.

Potential Special Protection Area (pSPA)

An additional assessment regarding the impact on potential Special Protection Area (pSPA) was also submitted by the Applicant in a letter dated 19.07.2018.

The site is within the 5km buffer zone of the Potential Special Protection Area (pSPA) relating specifically to the presence of woodlark and nightjar. Within this area, a precautionary approach should be adopted by LPAs to ensure that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse impacts upon these birds within the Sherwood Forest Area. Advice received previously from Nottinghamshire Wildlife Trust in relation to adjacent sites is that housing development is unlikely to have a direct impact on breeding nightjar and woodlark given the lack of breeding habitat on the application site. I consider the same advice likely to apply to the current site.

There is the possibility of increased recreational usage of nearby woodland which support these birds as a result of the development. There is no such direct access to such woodland from the application site itself and it is not considered reasonable to block any such footpaths as a direct result of this development particularly in light of comments from Natural England in relation to the Green Infrastructure Strategy for Newark and Sherwood 2010 (GI Strategy) explained in more detail in relation to Designated Sites below. The site layout plan includes a small amount of open space and an informal footpath link would connect to the wider existing public footpath network. It is recommended that the provision of this link be secured through a S106 Agreement. Along with the full provision of open space on the Phase 1, it is hoped that this would encourage residents to stay on site rather than use the nearby woodland for recreation and any increased.

In my opinion the proposals will not result in a direct impact on the pSPA and any impact from recreational pressure would be negligible. I consider that on balance the mitigation measures set out above will mean that any potential indirect impact on the Sherwood pSPA is likely to be minimal.

Designated Sites

The site is located in close proximity to the Birklands & Bilhaugh SAC and Birklands West & Ollerton Corner SSSIs which are Internationally Designated Sites. Increased visitor pressure on the Birklands and Bilhaugh SAC means the LPA should seek contributions toward the areas Green Infrastructure network as set out in the Green Infrastructure Strategy for Newark and Sherwood 2010 (GI Strategy). This type of mitigation is not specifically codified in the Developer Contributions & Planning Obligations SPD and is difficult to conceive how this could be delivered in the context of Cavendish Park given the fact that a wide variety of planning applications exist on the site. One of the original requirements of the wider site was that a landscaping buffer and circular walk be provided and this has been secured through other consents and would connect to Clipstone FP16 which runs to the west of the site.

The GI Strategy states that “Clipstone also has a substantial amount of green infrastructure surrounding the village. It is located in between the Maun Valley and the Sherwood Pines Forest Park. Key to improving the health and wellbeing of the community is ensuring other policies and programmes recognise and promote the many benefits associated with green infrastructure and promote its use. Actual provision in the village should focus on connecting communities to those resources and the restoration of the extraction site on the eastern edge of Clipstone and to the Vicars Water Country Park LNR. New development in Clipstone should contribute to the access to the surrounding countryside by ensuring clear access routes exist.”

In relation to comments from Nottinghamshire County Council, they have suggested that an obligation is sought to upgrade the footpath to either Public Bridleway or Cycle Track status be provided. I have asked the County Council to explain this further as it is not clear from the information submitted which section of footpath they are referring to in order to help qualify whether or not such a request is reasonable particularly given number of housing developments which have already occurred in the vicinity (a response has not been received at the time of writing this report). In addition, this type of contribution is not specifically codified in the Developer Contributions & Planning Obligations SPD. The site layout has been amended during the lifetime of the application to include footpath access to an informal link (between Plots 32 and 33) which is considered a reasonable compromise as it relates directly to this proposal. It is recommended that further precise information on how this link would connect to the footpath though the S106 requirements, noting the fact that this land and the landscape strip to the west of the Phase 2 development is in the control of the Applicant. Taking into account the overall viability of the scheme it is not therefore considered appropriate to request any additional contributions in this instance.

Habitat Regulations Assessment

Natural England have reminded the Authority of its duty to carry out a Habitat Regulations Assessment (HRA) under Regulation 61 & 62 of the Conservation of Habitats and Species Regulations 2010 (Regulations) and that they believe that the likely conclusion would be that it would be “unlikely to have a significant effect” and should be screened out from further assessment.

The Regulations require “a competent authority, before deciding to undertake, or give consent, permission of other authorisation for, a plan or project which:

- a) *Is likely to have a significant effect in a European site or a European offshore marine site (either alone or in combination with other plans or projects), and*
- b) *Is not directly connected with or necessary to the management of that site*

Must make an appropriate assessment of the implications for that site in view of that’s site’s conservation objectives.”

An appropriate assessment requires the LPA to:

- Determine whether a plan or project may have a significant effect on a European site
- If required, undertake an appropriate assessment of the plan or project
- Decide whether there may be an adverse effect on the integrity of the European site in light of the appropriate assessment

Having considered the mitigation measures put forward, I am satisfied that taking into account the assessment requirements set out above, the mitigation measures to be secured by condition will help to rule out likelihood of significant effects on Birklands & Bilhaugh Special Area of Conservation (SAC) and Ollerton Corner SSSIs. As such, any impact from recreational pressure would be negligible. Given this conclusion, it is considered the requirement to complete an appropriate assessment has not been triggered and the development is in compliance with the provisions of the Regulations.

Summary

Overall I am satisfied that the proposals will not unduly impact on the biodiversity of the area and opportunities to conserve and enhance biodiversity have been/can be secured through conditions/S106 Agreement (landscape strip protection and landscape scheme). The proposals therefore comply with the aims of Core Policy 12, Policy DM5 and the guidance in the NPPF.

Contaminated Land

Policy DM10 of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development.

The previous outline consent on this site imposed a condition requiring the submission of a contaminated land survey. This was been submitted with the reserved matters application in relation to the Phase 1 development and the Environmental Health Officer is content with its findings and does not consider it necessary to impose a similar condition in relation to the Phase 2 development. As such, the site is considered suitable for its new use in accordance with the requirements of the NPPF and Policy DM10 of the DPD.

Developer Contributions

The viability of the development has been subject to careful consideration in the context of the current application. For the avoidance of doubt, the current proposal is not offering a policy compliant scheme in terms of the developer contributions which would ordinarily be sought for an

proposal of 71 residential units; a matter which must be weighed carefully in the overall balance.

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

Members will recall the reserved matters application for 100 dwellings on the Phase 1 land which was presented to Planning Committee in July 2018. The current application has been submitted by the same housebuilder - Avant Homes. Following the submission of a viability including independent review, the following contributions were secured at outline stage:

PHASE 1	CONTRIBUTIONS FOR 100 DWELLINGS (13/00458/OUTM and 17/02051/RMAM)
Affordable Housing	£133,218 off site contribution. This equates to a 4.2% off site provision at £32,000 / dwelling.
On Site Open Space (2250m ²) / Children's Play Area (LEAP)	Provision & maintenance of amenity green spaces and provision for children and young people: On site physical provision of amenity open space (2250m ²) + 20m ² x 100 (400m ² to be equipped) LEAP and overall maintenance company. Total area required= 4250m²
Highways/Integrated Transport	£86,400 + indexation for the provision of bus stop and shelter.
Education	£120,278 + indexation
Community Facilities	£120,275 + indexation
Total S.106 Contributions	£460,171 overall (for off-site affordable housing contribution and all other obligations)

As a standalone full planning application, a fresh viability appraisal for the addition 71 dwellings has been undertaken and the anticipated level of contributions that are required/proposed by the applicant are set out in the table below:

PHASE 2	Policy Requirement current application on south part of site 18/00509/FULM (71 dwellings). Based on 2016 indexation.	Proposed by current application 18/00509/FULM. Based on 2016 indexation.
S106 REQUIREMENTS		
Affordable Housing	30% on site provision (21 units) on an off-site contribution of £672,000 (£32,000 per unit)	Off-site equivalent contribution of 14% affordable housing provision (10 Units) of £319,630 (£32,000 per unit)

Open Space / Children's Play Area	Provision & maintenance of amenity green spaces and provision for children and young people: On site physical provision to include play equipment. Amenity Green Space requirement = 1037m ² Provision for children and young people = 1296m ² Total area required= 2333m ²	923m² on site children's play proposed with no amenity open space. This equates to an under provision of (1278-923 =) 355m ² of on-site children's play and 1022m ² of amenity space provision resulting in an off-site contribution of: Amenity Green Space = £39,128 Provision for children and young people = £38,154 Total contribution required = £77,282 + indexation (or £83,431 uplifted for indexation to August 2018)
Highways/ Integrated Transport	£32,000 + indexation	£32,000 + indexation (or £34,546 uplifted for indexation to August 2018)
Education	£160,370 to provide 14 additional primary places (at £11,455 per place) + indexation	£160,370 + indexation (or £183,867 uplifted for indexation to August 2018)
Community Facilities	£1384.07 per dwelling = £101,130 + indexation	£98,269 + indexation (or £105,216 uplifted for indexation to August 2018)
Retention of landscape strip	N/A	Retention of landscape strip to the west of Phase 2 and partly west of Phase 1 (within the blue line area) in accordance with a management scheme to be submitted to and approved by the LPA.
Provision of footpath link to Clipstone FP16	N/A	Provision and retention of an informal footpath link between Plots 32 and 33 to connect to FP16 in accordance with a scheme to be submitted to and approved by the LPA.
TOTAL	Off-site contribution of £672,000 (30% at £32,000 per unit) plus £407,060 towards all other required contributions (uplifted for indexation to August 2018).	Off-site contribution of £319,630 (14% at £32,000 per unit) plus £407,060 towards all other required contributions (uplifted for indexation to August 2018).

The viability position has evolved since the submission of the application through the revised NPPF document and the update of the NPPG online guidance in respect to matters of Viability. The processes for the consideration of viability have been rewritten in an effort to appear *'proportionate, simple, transparent and publically available'* (Paragraph: 010 Reference ID: 10-010-

20180724). This therefore aids in reinforcing paragraph 57 of the revised NPPF which explains that:

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

In line with the requirements of the Viability Guidance Note (Ref ID 10-007-20180724) and paragraph 57 of the revised NPPF the weight to be given to a viability assessment is a matter for the decision maker.

Whilst it is recognised that under paragraph 019 Reference ID: 10-019-20140306 of the replaced Viability Guidance Note (2014) that where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that planning obligations would cause development to be unviable, the Local Planning Authority should be flexible in speaking such obligations, in particular affordable housing, this is no longer the case.

Paragraph 64 of the revised NPPF now expects that for major development, planning decisions should expect at least 10% of homes to be available for affordable home ownership, unless *'this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.'* The paragraph goes on to list exemptions to this 10% requirement, which does not include discussions around viability. This is a new requirement which The Government had previously not placed substantial weight on.

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) seeks to secure the provision of 30% on site affordable housing where the thresholds are met. At 14% (off site equivalent contribution), the level of affordable housing proposed falls below the 30% sought through Core Policy 1 of the Core Strategy albeit above the 10% requirement set out in the NPPF. A viability statement has been submitted with the application (and updated throughout the lifetime of the application). I have sought advice from the Council's independent viability consultant who after extensive negotiations (given the initial starting point of 0% provision) is satisfied that the case now presented provides a fair assessment of the site and the market circumstances.

The application is fully compliant in relation to integrated transport, education and community facilities contributions. With regards to the provision of open space and children's play area, the Applicant proposes a children's play area albeit the area proposed is slightly less than that required by the SPD and no on site amenity space has been provided. A full off site equivalent contribution of £77,282 + indexation is therefore proposed to compensate for this shortfall.

Overall, I consider it reasonable to accept reduced contributions towards affordable housing in light of the viability issues presented and the proposal is compliant with the requirements of the NPPF and NPPG as a consequence.

Other Matters

It is noted that some concerns have been raised regarding the impacts of construction traffic and noise and that concerns have been raised in relation to the construction of the Phase 1 development. It is therefore recommended that a condition be imposed to ensure the submission of a construction management plan which should include a no. of mitigation measure including no construction work, including site clearance and delivery of materials, to be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays.

Neighbours have also raised concern during the lifetime of the application in relation to the safety of existing boundary treatments given the land level differences. The Applicant has confirmed that 'retaining features will be utilised for some of this boundary, but the proposed gardens will be stepped to ensure level differences are sympathetic to the surrounding areas'. The existing fence along the perimeter of the site would be retained and an extra fence installed by the Applicant just in front of it. It is recommended that a condition requiring final perimeter boundary details be required by condition.

The Applicant has confirmed that they have no plans to construct external lighting other than highway street lighting under the S38 of the Highways Act.

Some of the issues are not considered material to the consideration of the planning application e.g. impact on property values.

Planning Balance and Conclusion

The principle of residential development on this site is established through historical permissions and its acknowledgement as a site with planning permission for housing within the ADMDPD. Whilst the application would result in 71 additional dwellings above and beyond the number of dwellings originally anticipated on this site, this number is considered an appropriate number for the site having regard to the character and layout of the surrounding area.

The design and layout of the scheme is satisfactory with regards to visual amenity and landscape impacts. The proposed mix of dwellings is not fully reflective of the Sub Area particularly when looking at the Phase 2 provision in isolation albeit it is acknowledged that there are a greater proportion of smaller units being provided in Phase 1. In addition, some of the residential amenity issues identified are considered to be at the cusp of acceptability. However, when weighed in the overall planning balance, it is considered that a refusal on these grounds alone would be difficult to sustain given that the level of harm identified in relation to the perceived overlooking impacts are considered slight. There would no unacceptable adverse impacts in respect of trees, ecology, contaminated land, flood risk or highway matters.

Having regard to the overall viability of the development (with the proposed contributions being considered acceptable by an independent viability consultant), I consider it reasonable to accept a shortfall in affordable housing provision to ensure the delivery of a sustainable housing development which would contribute to a need for family housing within the District on a site which has historically has been considered an acceptable site for housing development. I attach significant weight to in the overall planning balance.

Subject to the conditions below, the recommendation is for approval.

RECOMMENDATION

That full planning is approved subject to the following conditions and the completion and engrossment of a S106 Agreement to secure the required level of commuted sum payments and infrastructure provision on the wider site (as set out in the Phase 2 S106 requirements table above):

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, references:

8000-102 Rev D Site Location Plan
1768.PH2.01 Rev S Planning Layout Phase 2
1768.PAN.01 Rev A Paignton
1768.MTN.01 Rev A Melton
1768.LTN.03 Lorton Hipped
1768.LTN.01 Rev B Lorton
1768.LBY.01 Rev B Lathbury
1768.KBY.02 Rev A Kintbury Plot 75
1768.KBY Rev B Kinbury
1768.HBY.02 Rev B Holbury Plots 96-97
1768.HBY.01 Rev A Holbury
1768.FBY.02 Rev B Finsbury Plot 56
1768.HBY.01 Rev A Finsbury
1768.BBY.02 Rev B Bilbury Plot 64
1768.BBY.01 Rev A Bilbury
1768.ABY.01 Rev A Abbotsbury
1768.05.F Cross Sections
1767.BT.01 Screen Fence
1768.BT.02 Brick Pier and Timber Panel
1768.BT.03 0.6m Post and Rail Fence
1768.BT.04 0.45m knee rail
1768.G.01 Single Garage

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 approval.

03

No works or development shall take place until a scheme for the 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, surfacing).
- e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of any scaffolding erection 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.

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

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

04

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

- i. 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.
- j. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- k. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- l. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- m. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- n. 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.
- o. 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.
- p. 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.

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.

05

No development shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) have been 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 and visual amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

06

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

07

No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the local planning authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity.

08

Drainage of the development hereby permitted shall be undertaken in accordance with the methodology set out in accordance with the Sustainable Drainage Statement Feb 2018 (by AVIE Consulting Ltd.) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the requirements of Core Policy 9

09

No development above damp proof course shall be commenced until details of the materials for all aspects of the development identified below have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Facing materials
Bricks
Render
Roofing materials

Reason: In the interests of visual amenity in accordance with Core Policy 9 of the Core Strategy and Policy DM5 of the DPD.

010

Notwithstanding the submitted details, prior to first occupation details of both hard and soft landscape works 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:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, hedgerow, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. For the avoidance of doubt, new planting should consist of native species only and also include the provision of planting between car parking spaces along the front boundary of properties where possible;

car parking layout and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

Reason: In the interests of visual amenity in accordance with Core Policy 9 of the Core Strategy and Policy DM5 of the DPD.

011

Prior to the occupation of the first dwelling, a scheme for the phasing of the approved landscaping scheme as demonstrated on the plans (required by Condition 10) shall be submitted to and agreed

in writing by the local planning authority. Any trees/shrubs which within a period of seven years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the local planning authority. The approved phasing scheme shall thereafter be implemented as agreed.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

012

Notwithstanding the submitted plans, details of the boundary treatments around the perimeter of the site including types, height, design, materials and any retaining features must be submitted to and approved in writing by the local planning authority prior to the commencement of development. The approved boundary treatments shall be implemented in accordance with the approved details on a plot by plot basis unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity in accordance with Core Policy 9 of the Core Strategy and Policy DM5 of the DPD.

013

Notwithstanding the submitted details, no dwelling shall be occupied until bin storage facilities have been provided for that dwelling in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the local planning authority. The bin storage facilities shall be provided prior to occupation of that dwelling in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority. For the avoidance of doubt, the bin storage area indicated on the open space to the east of Plot 67 should be relocated.

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

014

No part of the development hereby permitted shall commence until the new access road link to the Cavendish Way/Ward Road roundabout, shown within the application site boundary, has been completed and made available for construction traffic, and; no part of the development hereby permitted shall be occupied until this link is made available for public use.

Reason: In the interests of highway safety and capacity.

015

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary. The surfaced driveways shall then be maintained in such hard bound material for the lifetime of the development.

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

016

Any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller shutter doors, or 6.1 metres for up and over doors. Details of the garage doors shall be first submitted to and agreed in writing with the LPA.

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

017

No part of the development hereby permitted shall be occupied until the access roads have been designed and thereafter completed to a standard that provides a minimum carriageway width of 5.5m.

Reason: In the interests of highway safety and capacity.

018

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

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

019

Notwithstanding the submitted plans, the shared private driveway serving plots 67-74 shall be laid out to a width of not less than 4.8 metres.

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

020

No site clearance, including the removal of any hedge or tree that is to be removed, lopped, topped, felled or otherwise as part of the development, shall be undertaken 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 in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

021

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development in relation to Plots 91, 51-56, 68-74 and 75-79 under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

Class B: Additions etc. to the roof of a dwellinghouse.

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

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

Reason: To protect neighbouring amenity in accordance with the aims of Policy DM5 of the Allocations and Development Plan Development Plan Document (DPD).

022

The window openings on the first floor side elevations of Plots 91 and 74 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties

023

No dwelling on site shall be occupied until details of bat and bird boxes and/or bricks have been submitted to and approved in writing by the local planning authority. The nest boxes/bricks shall then be installed, prior to first occupation of the dwellings hereby approved, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDPD.

024

The approved Travel Plan Revision P5 shall be implemented, monitored, reported upon and any necessary resulting actions taken in accordance with the timetable &/or triggers set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel in accordance with the aims of the NPPF and Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD.

Notes to Applicant

01

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

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

02

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

03

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority.

The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

It is strongly recommended that the developer contact the Highway Authority at an early stage and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.

Correspondence with the Highway Authority should be addressed to david.albans@nottscc.gov.uk

Background Papers

Application Case File

For further information, please contact Helen Marriott on ext 5793

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

Matt Lamb
Business Manager - Growth & Regeneration

Committee Plan - 18/00509/FULM

