

PLANNING COMMITTEE - 2 JULY 2019

Application No:	19/00242/OUTM
Proposal:	Demolition of existing buildings and subsequent erection of up to 16 dwellings with associated highway access off Woodhill Road
Location:	Tector Ltd, 27 Woodhill Road, Collingham, Newark, NG23 7NR
Applicant:	Mrs A Lodder & Ms J Tushingham
Registered:	07 February 2019 Target Date: 09 May 2019
	Extension of time agreed in principle.

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the Parish Council has objected to the application which differs to the officer recommendation of approval.

The Site

The site is approximately 0.66hectares in area of previously developed land to the north of Woodhill Road.

The site is located within the Collingham village envelope and residential area as defined within the Council's Allocation and Development Management DPD. The site is located just beyond the Collingham Conservation Area boundary. The southern half of the site is located within Flood Zone 1 (low risk of fluvial flooding) and the northern half is located within Flood Zone 2 (medium risk of fluvial flooding) as defined by the Environment Agency Data maps. The site is also at risk from surface water flooding as defined by the Environment Agency data.

The application site comprises existing single storey brick buildings with areas of hardstanding. There are two vehicular accesses to the site off Woodhill Road which are gated with a 1m high gate. The southern boundary of the site features a boundary hedge and a mixture of mature trees. Of these mature trees is a Copper Beech which is protected by a recent Tree Preservation Order (N368).

Beyond the northern boundary of the site the land is undeveloped and undulating with a row of poplar trees to the extreme northern boundary.

To the west and east of the application site are existing residential developments at Rio Drive, Rue De Lyonne and Shaftesbury Way to the west and Nixon Way and no. 47 and 49 Woodhill Road to the east. Beyond the northern boundary of the site are open fields which are beyond the defined village boundary within the DPD.

Relevant Planning History

18/01066/OUTM - Outline application for proposed demolition of existing buildings and subsequent erection of 26 dwellings with associated highway access off Woodhill Road (all matters

reserved except for access) – Refused under delegated authority on 23.08.2018 for the following reasons.

01

The application site contains land which is located within Flood Zone 2 as defined by the Environment Agency data maps. Chapter 14 of the National Planning Policy Framework (NPPF 2018) sets out the due process for assessing new residential development within areas at risk from flooding. The Local Planning Authority must first apply the Sequential Test and then only upon satisfaction of this should the Exceptions Test be applied. In the opinion of the Local Planning Authority the proposal would fail to accord with the Sequential Test as the Council considers there are other more preferable sites at lower risk from flooding within the District to permit housing, and indeed the Council considers it also has a proven 5 year housing land supply so is not reliant on approving such windfall sites which are at risk from flooding. As such the proposal is contrary to Chapter 14 of the NPPF (2018), PPG (2014), Core Policy 10 of the Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013).

02

The application site contains a Copper Beech tree which is subject to a Tree Preservation Order (N364 2018) and has been assessed as providing a high degree of public amenity value. The tree is located within the application site boundary and it would be at risk from the development proceeding. The scheme put forward, due to the proposed loss of the tree, would fail to accord with Core Policy 12 of the Core Strategy and policy DM7 of the ADMDPD which state development should maximise the opportunities to conserve, enhance and restore biodiversity.

03

Paragraph 189 of the NPPF (2018) states “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.” The applicant although they have undertaken limited work with regard to archaeological impact, due to the settlement of Collingham being a medieval settlement, there is potential for archaeological significance which has not been fully explored to the satisfaction of the County Archaeologist. As such the proposal could result in irreplaceable harm to the unseen archaeology which is contrary to the NPPF and PPG, Core Policy 14 and Policy DM9 of the Development Plan.

04

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides that proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. The proposal is in outline with access for consideration. It is

considered that the overly wide access point would result in an unnecessary wide highway for pedestrians to cross which could lead to pedestrian – vehicle conflict which is not appropriate and conflicts with Spatial Policy 7 and policy DM5. In addition, the proposal includes the removal of the existing bus stop and no details have been submitted on the relocation of this stop. Spatial Policy 7 of the Core Strategy and policy DM5 of the ADMDPD state that proposals should minimise the need for travel and emphasise non-car modes of transport as a means of access to services. Policy DM5 gives consideration to the creation of links to the public transport network. As the proposal includes the loss of such a facility it is also considered to fail to accord with Spatial Policy 7 of the Core Strategy and policy DM5 of the ADMDPD.

PREAPP/00141/17 - Re-development of site for residential purposes – Negative advice given due to the proposal failing to address the sequential test for the housing located within Flood Zone 2 - 14.07.2017

771055 - Change of use from educational to light industrial of existing buildings (playing field not included) – Approved 07.02.1978

The Proposal

The revised proposal relates to developing the southern half of the site around the existing buildings with the demolition of the existing buildings and the erection of up to 16 dwellings with access for consideration and matters of scale, layout, landscaping and appearance reserved matters.

The northern part of the site (which is located within Flood Zone 2) remains in the ownership of the applicant (within the land edged blue) but is outside of the red outlined application site. The planning case officer has asked about the future use/maintenance of this land, potentially as open space but the applicant has stated that it will be for any future owner of the site to decide what to do with this land. As it is not required in order to make the housing development on the southern part of the site acceptable in planning terms, the application is brought to Members for determination with the future use/maintenance of the northern part of the site currently unknown, although it would be in the interest of the developer of the southern part of the site to carry out appropriate future maintenance.

The proposal relates to the following plans:

DRWG no. 100_C Site location plan;
DRWG no. 17-0237/003 Rev E Access arrangements & visibility splays;
DRWG no. 110_H Proposed site layout;
DRWG no. 0001 Sheet 1 of 1 Topographical survey;
DRWG no. 17-0237/004 Rev B Refuse vehicle tracking 11.85m long;
DRWG no. 17-0237/006 Rev A Turning head tracking 11.85m refuse vehicle;
DRWG no. WRC01 Rev A Tree constraints plan;
DRWG no. WRC01 Rev A Tree survey;
Archaeological report;
Geophysical Survey Report December 2018;
Design and Access Statement Rev B (29.01.19);
Flood Risk Assessment (11.05.2018);
Phase 1 Desk Top Study Report ref: 17-0237-Rev B 01 June 2018;

Ecological Appraisal March 2018;
Landscape & Visual Assessment EK/MJ – Issue 2 Jan 2019;
Planning Statement February 2019;
Draft Heads of Terms for S106.

Departure/Public Advertisement Procedure

Occupiers of 22 properties have been individually notified by letter, a notice has been displayed at the site and in the local press.

Planning Policy Framework

Development Plan

Newark and Sherwood Amended Core Strategy DPD (March 2019) (ACS)

Spatial Policy 1 – Settlement Hierarchy;
Spatial Policy 2 – Spatial Distribution of Growth;
Spatial Policy 6 – Infrastructure for Growth;
Spatial Policy 7 – Sustainable Transport;
Core Policy 1 – Affordable Housing Provision;
Core Policy 3 – Housing Mix, Type and Density;
Core Policy 9 - Sustainable Design;
Core Policy 10 – Climate Change;
Core Policy 12 – Biodiversity and Green Infrastructure;
Core Policy 13 – Landscape Character;
Core Policy 14 – Historic Environment;

NSDC Allocations and Development Management DPD (July 2013) (ADMDDP)

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy;
Policy DM3 – Developer Contributions and Planning Obligations;
Policy DM5 – Design;
Policy DM7 – Biodiversity and Green Infrastructure;
Policy DM9 – Protecting and Enhancing the Historic Environment;
Policy DM10 – Pollution and Hazardous Materials;
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2019
Planning Practice Guidance 2014
Affordable Housing SPD 2014
Developer Contributions and Planning Obligations SPD 2013

Consultations

Collingham Parish Council –

The Parish Council considered the application 19/00242/OUTM for outline permission for 16 dwellings with associated highway access off Woodhill Road at the meeting of 28 February 2019

The Parish Council resolved unanimously to Object to this Proposal on the following grounds:

- **NSDC Plan Review Preferred Approach – Sites and Settlements** currently published clearly identifies that Collingham has more than the required amount of housing for the plan period of 2006 to 2026 of 142 dwellings. This is taking into account all houses built since 2006 and sites which have planning permission which results in an additional 158 dwellings. The figures quoted do not include the 60 C2 units identified on the Breamar Farm Development where additional land has also been identified alongside Co/MU/1 for future development
- Collingham is the only principal village in the district which has an A class road (High Street) through the middle. Each and every junction off High Street is substandard and any additional traffic is a highway safety concern for all users
- No mention is made as to how the existing infrastructure e.g. doctors, school etc. will cope with these additional properties
- The Parish Council has received many representations from residents from all parts of the village, expressing their concerns about this development and the impact this would have on the environment. All of the comments received are supported as they are relevant material planning considerations
- This proposed development is adjacent to that of the Millennium Green, which is an award winning site. It is felt that the proposals are likely to lead to contamination of the underground water systems installed on each of those properties. Should NSDC be minded to permit this application a condition should be imposed that similar rainwater harvesting solutions should be used on the site. This would be in line with much of Core Policy 9; Sustainable Development.
- There is evidence of regular flooding of this site (annually), the removal of the mature trees on the site to facilitate the density housing proposed, will remove some of the ability of the land to drain as effectively as it currently does and therefore this development is going to be subject to regular flooding of properties. This appears to be in contravention of Core Policy 9: Sustainable Development and Core Policy 10: Climate Change
- Material Planning Consideration: The cumulative impact on the village in terms of both traffic and flooding are not acceptable and don't appear to have been considered sufficiently.
- Material Planning Consideration: recent planning history of the village with other large development applications being withdrawn (Oaklands)
- Material Planning Consideration: Design – The design appears to be overly intensive use of the land available. Spatial Policy 9: Selecting Appropriate Sites for Allocation, this site is not currently included within the areas of allocation for the Parish and the proposed density is not appropriate to the surrounding properties.
- Material Planning Consideration: Privacy - It is not clear if the proposal meets with Core Policy 3: Housing Mix, type and density.
- Material Planning Consideration: Access – with the provision of an additional access point onto Woodhill Road at the location indicated, would result in too many junctions too close together. Spatial Policy 6: Infrastructure for growth, refers to local infrastructure that is essential for development to take place, but there has been no mention of any additional infrastructure for the village due to the development.
- Material Planning Consideration: Ecology – The site is currently wild in nature and supports a wide variety of creatures. The existing hedge at the South Eastern edge of the site provides a good source of food and cover for animals to move along. The varied species of trees on the site also provide a wide variety of habitats, although sadly a number of these have already been felled.

The Parish Council feel that as the currently published LDF does not include this area of land for development, this is in line with that policy and therefore planning should not be granted for that reason.

The Parish Council continues to be pleased to see that the developer has marked the ancient Pinfold as "Existing area and memorial bench position fully retained" as the Parish Council owns and maintains this land for the benefit of all parishioners. This land was seeded to provide a wildflower meadow and this links with the existing wildlife corridor through the development site to the Fleet.

Nottinghamshire County Council Highways – 11.03.2019 'This is an outline application with access to be determined. As such the internal road layout and other matters have not been considered in depth.

The dimensions of the access road, visibility splays, radii and footway widths are acceptable as shown on drawing no. 17-0237-003C.

The proposed access point is sufficiently remote from Nixon Way so that visibility splays do not cross. The access also removes the existing partial layby and necessitates the re-siting of the existing bus stop. The resiting of the bus stop by about 8 metres has been agreed with this Authority.

The principle of the development is acceptable and there are no objections raised subject to the following condition:

No other part of the development hereby permitted shall be commenced until the mouth of the access on to Woodhill Road has been provided and works to remove a layby and resite a bus stop have been completed in accordance with drawing 17-0237/003/C to the satisfaction of the LPA and Highway Authority.

Reason: In the interests of highway safety.

However, when it comes to submission of reserved matters the applicant should be made aware of the following:

1. It is expected that 2 & 3 bedroom dwellings should have at least 2 car spaces, and 4 and 5 bedroom dwellings should have at least 3 car spaces.
2. Generally, it is expected that a full width footway will surround all of the adoptable carriageway.
3. Careful attention will be required to ensure that visibility splays from car spaces are adequately provided and kept clear of any obstruction over 0.6m.. This may affect the road alignment and/or housing layout.
4. Road layout details should comply with the Highway Authority's design guidance

Notes to Applicant:

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

Nottinghamshire County Council Transport & Travel Services – 01.03.2019:

We have looked into the recent changes to the local bus services operating along Woodhill Road in Collingham.

I can confirm that the bus operator does now use the layby at the bus stop for layover purposes following recent changes to the operating timetable. Due to a lack of alternative provision for such layovers to be carried out elsewhere locally, Transport & Travel Services would prefer that the layby remains in situ and ask that this be taken into consideration when the planning application is assessed.

04.06.2019 As discussed in the recent meeting with the site owner, it was thought that the large amount of off street parking in that area meant that parking in the layby was minimal and therefore we decided against requesting a clearway.

However, with the safety concern in mind, could we request a planning condition that states that the parking situation would be monitored for 12 months after the bus stop amendments

are made, and should a safety issue become apparent then the developer would be required to fund an enforceable clearway?

If this is not possible I think it would be suitable to request one is installed based on highways safety concerns. This would then mean that the Council is not liable for the cost of providing a clearway should it be necessary in the future.

NSDC Environmental Health (Contaminated Land) - With reference to the above development, I have received a Phase I Desktop Study report submitted by BSP Consulting acting on behalf of the developer.

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

The report identifies potential contaminants from the sites previous uses and concludes with a series of recommendations including a scope of targeted soil sampling to be carried out. This investigation is necessary in order to fully characterise any contamination at the site and then determine the level of remediation (if any) required.

As such I would recommend the use of our full phased contamination condition.

NSDC Tree Consultant – ‘The proposal and indicative layout is achievable with minimal adverse tree impact. Any tree loss can be mitigated by the provision of a robust soft landscaping scheme within the site. I would recommend any approval has attached conditions pertaining to tree protection and soft landscaping.’

Conditions are recommended requiring an Arboricultural Method Statement (see Condition 5 of the recommendation where repeated verbatim). Conditions are also recommended requiring details of all trees to be planted along with their maintenance. These are more appropriate for reserved matters stage so have not been included in the officer recommendation.

Environment Agency – 27.03.2019 Following further information from the applicant and the Environment Agency, the EA confirmed that due to the accuracy of the topographical data by the applicant and the way the EA achieves their data by LIDAR the applicants data would mean that part of the site within the red line in FZ2 would mean it is technically within FZ1.

(21.02.2019) The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed...

(They then go on to require set out conditions they wish to be included in the permission which are set out verbatim as conditions 11, 15 and 16 of the recommendation below).

Note for Local Planning Authority

Land within the red-outline boundary lies within Flood Zone 2, according to Environment Agency maps.

NSDC Archaeology Consultant - This site does have some archaeological potential, for prehistoric, medieval and some World War archaeology, which has been identified within the archaeological not submitted with the application.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing

by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.' Policy 199 National Planning Policy Framework (2018)'.

A brief will be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details.

NSDC Community, Sports & Arts Development - This proposal if approved would require a community facilities contribution in accordance with the Developer Contributions SPD. The contribution would be used to improve community facilities in Collingham in consultation with Collingham Parish Council.

NSDC Parks and Open Spaces - As a development of more than 10 properties this scheme will need to make provision for public open space in the form of provision for children and young people. The site layout does not appear to show any designated children's playing space and this should thus either be included or an appropriate contribution towards the provision/improvement and maintenance of children's playing space in Collingham should be provided.

I note that the site contains wildlife habitats in the form of meadow, trees and hedges and that the Design & Access Statement refers to a Phase 1 Ecological Survey – however I cannot see that this is listed in the documents. Any recommendations from the survey should be conditioned as part of any consent given.

Nottinghamshire County Council Lead Local Flood Authority - No objections subject to the following:

- 1.1 Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests (compliant with BRE365).
- 1.2 For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
- 1.3 The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to

remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.

- 1.4 Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
- 1.5 Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

Nottinghamshire County Council Policy – Make a number of observations in relation to waste Waste and Minerals which are considered irrelevant. They make the following comments also:

Transport

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

Education provision

Paragraph 94 of the NPPF states that:

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

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.’

Healthy communities

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

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

County Planning Context

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to

incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Strategic Transport

The County Council does not have any strategic transport planning observations to make.
Developer Contributions

The County Council would be seeking contributions to mitigate the impact from the proposed development. These are detailed in appendix one. In summary, the contributions being sought are:

Transport and Travel Services:

Bus Stop Improvements: Request for Planning condition to be added

Education:

Primary: £40,968

As developer contributions are being sought in relation to the County Council's responsibilities it is considered essential that the County Council be a signatory to any legal agreement arising as a result of the determination of this outline application. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottsc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

Conclusion

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

Transport and Travel Services

Bus Service Support

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

Bus Stop Improvements and Installations

The proposed access point appears to be from a new entrance onto Woodhill Road, the nearest current bus stops are approximately 50 metres from the centre of the site on Woodhill Road. The developer has been in contact with the County Councils Highway Development Control and Transport & Travel Services teams regarding the position of the bus stop fronting the site and have agreed a minor relocation.

It is agreed that the developer will carry out the works themselves. Therefore, the County Council request that a Planning Condition be added to state the below:

No part of the development hereby permitted shall be brought into use unless or until the relocation and enhancements to the bus stop on Woodhill Road (NS0882) have been made to the satisfaction of the Local Planning Authority and shall include raised boarding kerbs.

Reason: To promote sustainable travel.

Justification

The current bus stops are located close to the proposed site access and require a minor relocation. Bus stop NS0492 also currently sits in a small layby which will require filling as part of the site access works. The introduction of raised boarding kerbs will provide improvement to bus accessibility for new and existing residents.

The improvements are at the nearest bus stops which are situated adjacent to the site, so are relevant to the development and enforceable, precisely specified, and fairly and reasonably related in scale and kind to the development (16 dwellings).

Education

Primary

The development is located within the catchment of John Blow Primary School and would generate 3 additional places. As can be seen in the table below; based on the 2018 projections the catchment school has no capacity to accommodate the additional places. As a result, the County Council would seek a primary school contribution of £40,968.00 (3 places x £13,656 per place)

School	Planning Area	Net Capacity	Average 5 Year Projection	Housing	Local Plan Housing 5 yrs	Local Plan Housing 6-10 years	Local Plan Housing 10+ years	Surplus or Insufficient Places
John Blow Primary School, Collingham	Rural	210	208	32	0	0	0	-30
	Total:	210	208	32	0	0	0	-30

Secondary

The delivery of secondary school places is via the District Councils Community Infrastructure Levy (CIL)

NSDC Strategic Housing –

Summary

- The affordable housing requirement on this site is 4 affordable units (out of a total of 16 units) based on the District Council's Core Policy
- Housing need in the Collingham area indicates demand for smaller units i.e. 1 - 2 bedrooms as evidenced in the Council's Housing Market and Affordability Study (2014). Therefore the Council will seek housing of this type as part of the proposal.
- The applicant is providing 30% on site affordable housing. The Council will seek a tenure breakdown of 60% social/Affordable rented housing and 40% intermediate housing (usually shared ownership).
- A proposed type and tenure is offered for discussion:-

Type	Aff Rent	S/O
2 Bed House/Bungalow	1	1
3 Bed House	1	1
	2	2

NB: Collingham is a designated protected area (by map) and the proposed affordable rental units will be exempt from the Right to Acquire and the shared ownership/intermediate rent units will

be subject to a staircasing restriction of 80% or buyback by the Registered provider. The District Council's Legal Department will provide further details in the Section 106 Agreement.

Main housing policy considerations

16 Dwellings (2, 3 and 4 beds) at Woodhill Road, Collingham

Housing Need

The application site is located within the village of Collingham which is defined as a principal village in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy (March 2019).

The DCA Housing Needs Study (Sub Area Report 2014) provides evidence of market demand for housing in the Collingham Area for 194 dwellings. The Development Plan demonstrates that for the village of Collingham, and the wider Newark Area in which it lies, sites already allocated for housing together with those that have planning permission combine to provide a 5 year supply and, beyond this, sufficient supply for the remainder of the plan period. Consequently, the plan proposes no new housing allocations in Collingham. It therefore follows that there is currently no need for the proposed development in terms of delivering housing supply. The last local housing needs survey was commissioned in 2006 and carries minimal weight in the planning process.

Affordable housing requirements

Should the Council recommend a consent for the proposal, there would be a requirement for 4 dwellings designated as affordable housing delivered as follows:-

Type	Affordable Rent	Intermediate (S/O)	Total
2 Bed	1	1	2
3 Bed	1	1	2
	2	2	4

Preferred Tenure

The overwhelming need in the district is for social/affordable rented accommodation, however, in the interests of meeting the needs of the residents and to promote a balanced housing market an element of intermediate housing will be considered. Further to analysing the housing need in the Collingham locality the proposed affordable tenure split for this site and each unit types should be 60% social rented and 40% intermediate housing. Given the low numbers required this has been equalled to 50% of each tenure.

Additional Information

In terms of occupancy, nominations etc, reference should be made to the Affordable Housing Supplementary Planning Document 2013 and an agreed eligibility criteria would have to be drawn up with the Council's input in terms of marketing the shared ownership units, and the allocation of the rented dwellings.

Ramblers Association - The topography here is such that the nearest public right of way (N Collingham FP16) will be separated from the development by a small stream. We have no objection.

Trent Valley Internal Drainage Board - The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment.

The Board maintained Scaffold Drain, an open watercourse, exists on the northern boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required). Any planting undertaken at the site must be carried out in such a way to ensure that the planting does not encroach within 9 metres of any Board maintained watercourse when fully matured. Under the Land Drainage Act the Board are permitted to deposit arisings from the watercourse on adjoining land. Any occupier of adjacent land wishing to remove the spoil should note that an exemption under the Waste Management Regulations may be required from the Environment Agency.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Boards District:

- Existing catchments and sub-catchments to be maintained.
- Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments.

Trent Valley Internal Drainage Board
Water Management Consortium

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

A permanent undeveloped strip of sufficient width should be made available adjacent to the bank top of all watercourses on site to allow future maintenance works to be undertaken. For access strips alongside Board maintained watercourses the access width must be at least 9 metres wide, unless otherwise agreed in writing by the Board. Where the watercourse is under riparian control suitable access arrangements to the access strip should also be agreed between the Local Planning Authority, Lead Local Flood Authority and the third party that will be responsible for the maintenance.

Natural England – No comments to make, standing advice applies.

NSDC Access & Equality Officer: Observations relating to inclusive access and facilities and ensure development in accordance with Approved Document M of Building Regulations.

NSDC Conservation – No comments received

NCC Rights of Way – No comments received

NCC Leisure Services – No comments received

Nottinghamshire Wildlife Trust – No comments received

NSDC Waste – No comments received

Fourteen letters of representation have been received which can be summarised as the following points:

- Trees T4 and T6 have been removed meaning the tree plan is out of date. T5 is still standing today but for how much longer? The proposed access will almost certainly damage the root system and there is a likely requirement for some limbs to be removed for access;
- Application has not altered objections raised on 18/01066/OUTM;
- Collingham has more than enough development ongoing for the future, close proximity of road junctions off Woodhill Road has not altered, the impact on local facilities like schools and doctors may be slightly less;
- Access should be from Shaftsbury Way;
- No objections to demolition of the existing buildings & erection of 16 dwellings;
- Concerns on the type & position of dwellings;
- Responsibility of the maintenance of the hedges is clearly defined in the conveyances and site plan;
- Impact on privacy and light from position of dwellings;
- One neighbour provided details of the history of the site;
- Flood risk concerns;
- Traffic safety with the junction off High Street is substandard;
- What will be done with the land to the north, could it be landscaped creating an amenity space which could be enjoyed by the community?;
- Not identified within DPD as land for residential development;
- Density doesn't reflect the area;
- More trees required;
- Proposed garages too close to Nixon way;
- On part of a greenfield site;
- Impact on the wildlife;
- Provisions put in to prevent on street parking;
- Increase in noise and pollution;
- How will the boundaries be treated?
- Impact on local facilities, GPs & School;
- Loss of flood plain.

Comments of the Business Manager

Principle of Development

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

The adopted Development Plan for the district is the Amended Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making. This has been confirmed by Inspectors through recent appeal decisions.

The NPPF states that the "purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future

generations to meet their own needs” (para 7). At the heart of the NPPF is a presumption in favour of sustainable development (para 10). Paragraph 11 goes on to state that this means for decision-taking, approving development that accords with the development plan without delay.

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services.

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing.

Spatial Policy 1 of the Council’s Amended Core Strategy (ACS) defines the settlement hierarchy for the district. Collingham is defined within the settlement hierarchy as a Principal Village where it has a good range of day to day facilities and its duty is to act as a secondary focus for service provision and to assist rural accessibility. Therefore as the site is located within the defined area of Collingham, I am satisfied that the location is sustainable and the range of service provision is capable of supporting further residential development.

Indeed, the principal villages are expected to accommodate 10% of the overall housing growth within the district and Collingham is expected to take 20% of this; an increase on 10% from the previous Core Strategy that only expected 10% of principal village growth to be delivered within Collingham.

It is noted that a number of concerned residents have raised the issue that Collingham has received a considerable number of dwellings already which indicates that Collingham has exceeded its allocation of housing numbers. However, housing requirements (whether at a District-wide or settlement level) within the Amended Core Strategy do not represent upper limits to development, and where proposals for additional growth are policy compliant, then they should be supported.

In this case, the site is within the settlement boundary, and so in line with Policy DM1 and as such the principle of housing development would be acceptable. However other material considerations should be accounted for and these are outlined in the ensuing report.

Flooding and Surface Water Impact

The National Policy Framework (the NPPF) provides guidance on dealing with development within Flood Zones 2 and 3. Chapter 10 of the NPPF outlines that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and

- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations (paragraph 100).

Paragraph 101 of the NPPF confirms that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

This is reflected in Core Policy 10 which states that when determining development proposals, the Council will apply a sequential approach to its location and will steer new development away from those areas at highest risk of flooding and will seek to secure strategic flood mitigation measures as part of new development.

Policy DM5 of the Allocations and Development Management DPD contains similar provisions, confirming that the Council will aim to steer new development away from areas at highest risk of flooding. Policy DM5 confirms that proposals within Flood Zones 2 and 3 will only be considered where they constitute appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones. Where development is necessary within areas at risk of flooding, proposals will also need to satisfy the Exception Test where applicable by demonstrating they would be safe for the intended users without increasing flood risk elsewhere. In accordance with the aims of Core Policy 9, proposals should wherever possible include measures to pro-actively manage surface water including the use of appropriate surface treatments in highway design and Sustainable Drainage Systems.

Both the Core Strategy and the Allocations and Development Management DPD have outlined the preferred settlements for further residential development within the district taking into account matters of flooding.

The application site falls within Flood Zones 1 and 2 according to the Environment Agency flood zone mapping (see plan below). Flood Zone 1 does cover the majority of the southern half of the application site with Flood Zone 2 covering the north. The proposed use of residential dwelling houses would be considered as 'more vulnerable' according to the Planning Practice Guidance of the NPPF.

Figure 1

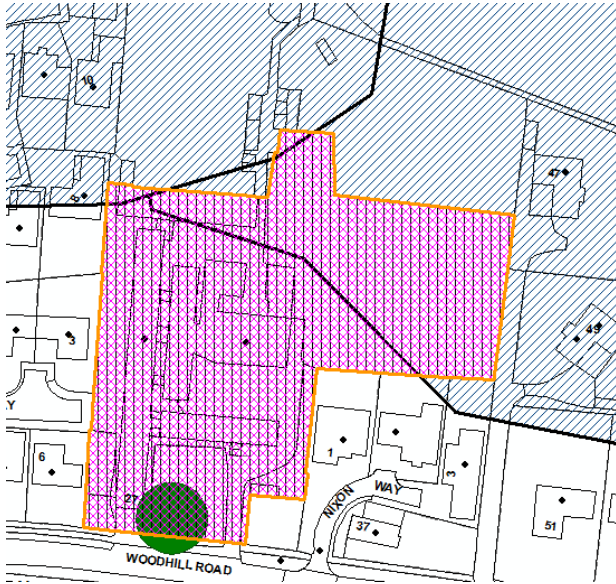


Figure 2

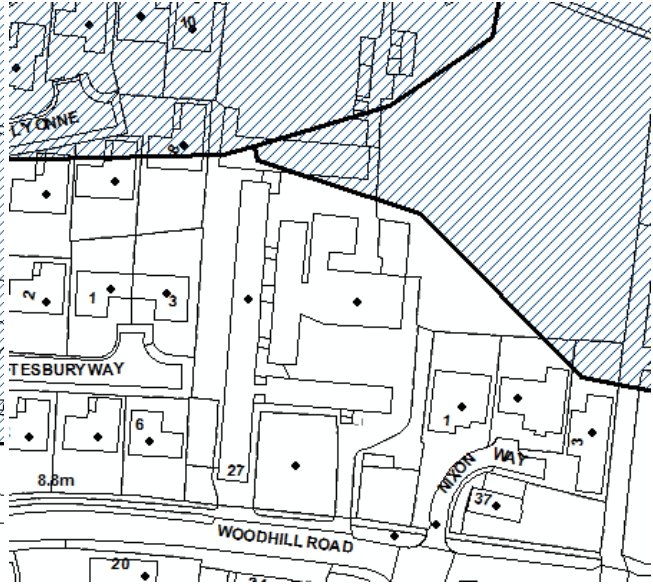


Figure 1 shows site outline whilst figure 2 shows just the extent of Flood Zone 2 by hatching, Source Uniform data mapping

The application is a resubmission of a previously refused application which included built development on the wider site, which all fell within Flood Zone 2 (according to the Environment Agency current data maps) and as such failed to pass the Sequential Test due to the availability of land within Flood Zone 1.

However within this re-submission, the agent has submitted details of topographical data collection whereby accurate land levels have been shown. The way in which the Environment Agency collect their data is by LIDAR which is a flown survey technique and therefore is not as accurate as an on-site survey. This survey has revealed more accurate land levels which have effectively demonstrated that the land at the southern part of the site is in fact not within Flood Zone 2 (at medium risk of flooding) but actually within Flood Zone 1 (at lowest risk of flooding). Whilst the EA's records remain as showing part of the site within Z2, they accept that the date effectively removes this part of the site from the flood zone to all intents and purposes. Therefore due to the accurate data gathered by the Applicant and its corroboration by the EA, I consider that the proposed development, located wholly within Flood Zone 1, would no longer be subject to the Sequential Test.

The Environment Agency have requested the imposition of conditions relating to water contamination. Having considered these against those conditions requested by the Council's Environmental Health for land contamination I still consider these necessary to be imposed as they deal with two separate elements and require different remediation measures.

It is considered that on the basis of the evidence presented within the on-site survey, the application is no longer subject to the Sequential Test as set out in para 157 of the NPPF. The development is also considered to be in accordance with Core Policy 10, Policy DM5, Chapter 14 of the NPPF, and Planning Practice Guidance: Flood Risk and Coastal Change.

Impact on the Character of the Area

Policy DM5 of the ADMDPD states that the character of the area and the District's local distinctiveness should be reflected in the built form through scale, form, mass, layout, design,

materials and detailing of proposals.

Paragraph 124 of the NPPF (2019) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 goes on to state that the LPA should ensure developments create places that are safe, inclusive and accessible.....with a high standard of amenity for existing and future users....optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks.

The application is only in outline form and thus the detailing of the layout of plots and house types have not been submitted for consideration. An indicative layout has been submitted which although provides details of the number of bedrooms each dwelling has and its position, no indicative elevation or material treatments are included as appearance and scale are also reserved for future consideration. Thus at this stage I am confident that a scheme of up to a maximum of 16 dwellings could be developed which responds to the local character which in itself in this area of Collingham is varied in the scale and design of dwellings.

Heritage and Archaeological Impact

Archaeology

Paragraph 184 of the NPPF (2018) states *“Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”* Paragraph 189 of the same document states *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

Paragraph 189 of the NPPF advises a proportionate level of detail to inform determination of applications. The application has been accompanied by an archaeological statement carried out by Cotswold Archaeology to appraise and articulate the likely impact of the development upon the known and potential buried archaeological resource within the site, and to identify an appropriate archaeological mitigation strategy if required. A desk based review of information has been considered, including consulting the Nottinghamshire Historic Environment Record. These desk based records identify potential for buried archaeological remains of pre-historic and historic land use within the site however, a further on-site geophysical survey has revealed a high degree of modern structures/services but no anomalies to indicate any potential for archaeology remains within the site.

Nonetheless the advice given to this authority by our consultant is that based on the desk top data evidence there is potential for prehistoric, medieval and some World War archaeology. Therefore

they suggest a condition to be attached to any approval requiring the developer to submit a scheme of archaeological works in accordance with a written scheme of investigation. This would involve monitoring of all groundworks with the ability to stop and fully record archaeological features as and when required.

Therefore subject to the imposition of a suitably worded condition, the proposal is considered to adhere with the NPPF and PPG, Core policy 14 and DM9 of the Development Plan.

Conservation

The application site is not located within a Conservation Area and does not contain any listed buildings or buildings of local interest. 24 Woodhill Road opposite the site is however recognised as a Local Interest Building (MNT22208).

As already stated, limited information has been submitted as the application is in outline form only with access being the matter to be approved. Given that the proposed access allows for the retention and appropriate setting of the TPO tree at the entrance to the site, I do not consider that the proposal would have any harm upon the character or appearance of the setting of the Conservation Area or indeed the Local Interest Building opposite.

Housing Density/Mix/Affordable

Core Policy 3 of the Amended Core Strategy states the Council will expect good quality housing design in line with the provisions of Core Policy 9 (Sustainable Design). The LPA would normally expect developments to achieve a density of no lower than 30 dwellings per hectare net. However specific site circumstances can introduce some flexibility in this. This site introduces a density of 24 dwellings per hectare which although lower than the policy requirement of 30 dwellings, I consider is appropriate given its edge of settlement location, adjacent to open countryside.

The proposal includes a varied mix in the scale of properties ranging from 2 beds to 4 beds spread across the site which I consider to be acceptable, although any reserved matter application should reflect the needs set out within Core Policy 3 of the Core Strategy and the district wide 2014 Housing Needs, Market and Affordability Study.

Core Policy 1 of the Amended Core Strategy states for new housing development proposals the LPA would seek to ensure a 30% Affordable Housing provision within the development. On a site of this scale this would equate to 4 units. Within the Draft Heads of Terms submitted at the time of validation, it is stated that this will be provided on site and this is accepted by the LPA. No details of viability have been brought in to question throughout the application processing and it is therefore, in this respect, policy compliant.

Impact on Highway Safety

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides that proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The application is in outline form with access the only consideration, meaning that the access to and from the site proposed would, if acceptable, be fixed moving forward to Reserved Matters stage. The access must be considered for its safety and suitability given the maximum number of dwellings it would serve and in conjunction with other accesses nearby.

The application has been carefully assessed by the Highway Authority and the siting of the junction initially was acceptable subject to the relocation of the bus layby. However it came to light during the processing of the application that the bus timetable/servicing has subsequently changed meaning the layby in the existing position was required to remain as is.

Therefore following direct discussions between all parties on how to move forward it was agreed that the layby would remain however with adjustments to it to allow the proposed new access to be inserted. However it is pertinent for Members to note that the existing site has two vehicular accesses which could be opened up tomorrow and the site could operate as a commercial use, despite the siting of the bus layby which crosses both accesses.

Nonetheless as part of the proposal, it has been agreed that one of the vehicular accesses would be blocked up and the kerb reinstated and the bus sign moved.

A stage 1 safety audit has been carried out on the new arrangement and whilst this has not raised an issue with the proposed arrangement for the layby and access point they have suggested introducing a bus stop clearway to prevent use by other vehicles. However there is no known issue to suggest that it is necessary and they suggest a monitoring condition for 12 months to check if this is required or not. However I do not consider this is necessarily related to planning nor passes the tests of planning conditions as set out in the NPPG. I understand the reasoning for the suggestion however I consider that the monitoring and the requirement for a clearway should be carried out under other obligations relating to the Highways Act. Highways have stated that the need for monitoring would be reviewed throughout the Road Safety Audit process as any recommendation from previous audits would be reviewed at subsequent stages. For reference the subsequent stages are 2: Detailed design, 3: construction prior to opening, 4: 12 months following completion of the highway works.

Therefore subject to the conditions suggested by the Highways on the construction of the access, I consider that the proposed access to the site is acceptable and accords with Spatial Policy 7 and DM5 of the Development Plan Documents and the NPPF and PPG.

Impact on Residential Amenity

Consideration of amenity impacts is required by virtue of Policy DM5 which states that development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. Given the outline nature of the proposal it is not possible to assess all amenity impacts in detail, however, issues of loss of privacy through overlooking have been raised by a number of residents adjacent to the site. From the indicative layout it appears that properties located to the east and west within the proposed site would offer a degree of separation of approximately 10-16m to the site boundary, which in some situations is considered to afford an acceptable degree of separation to avoid overlooking or overbearing impacts due to the orientation of the properties. However in some locations within the site, due to the layout, the relationship is tight at only 10m from the shared boundary and would result in a harmful impact due to the close proximity and direct overlooking opportunities which would be afforded upon private amenity spaces. As permission for

appearance, layout and scale have not been sought within this outline application, I am unable to consider this as a reason for refusal. However as this layout has not been applied for I have not sought to seek such amendments whereby it is the ideal layout moving forward, but I am confident due to the scale of the site and that the proposal is outline for up to 16 dwellings, that a scheme could be achieved which ensured an acceptable development that would not result in harm to neighbour amenity.

As such even though amenity is considered unacceptable and fails to accord with policy DM5 of the ADMDPD and appearance, scale and layout have not been applied for, I am confident that an acceptable layout could be achieved moving forward.

Ecology

Core Policy 12 of the Amended Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. The overgrown site can often provide a habitat for a variety of species, some of which may be protected by law and indeed concern has been expressed by residents that the site does contain such species. Therefore the applicant has sought to undertake an Ecology report to establish the impact of the development upon potential inhabitants of the site.

Paragraph 175 of the NPPF (2019) states that when determining application, authorities should apply the following principles;

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The NPPF (2019) states proposals should identify and pursue opportunities for securing measurable net gains for biodiversity (para 174).

An Ecological Appraisal has been submitted with the application which has been carried out by FPCR (March 2018). The report states the site has low ecological value and the redevelopment provides some opportunity to enhance its biodiversity (para 4.7). There is a ditch located to the north of the site which there is provision to include native planting to enhance the faunal movement.

Bats

The report states that no evidence of bats were observed during the external and internal surveys

although a brown long-eared bat feeding perch was recorded in one of the buildings. A number of bat access points and potential roosting sites were noted in association with some buildings and so a nocturnal survey was undertaken. No evidence of bats using the buildings for roosting were recorded during the dawn re-entry survey and combined with the low potential roosting habitat it was concluded that bats do not pose a statutory constraint.

Reptiles

Due to the site circumstances it was deemed unlikely that the site would be capable to support habitats which would be deemed acceptable to reptiles.

Breeding Birds

The report does not state any indication of breeding birds only that the site will be inspected by a suitably qualified ecologist prior to construction/clearance if undertaken during the bird breeding season (March to August).

Great Crested Newts

A survey has been completed of the pond located on the site and it confirmed the absence of great crested newts together with no suitable off-site waterbodies means that they are not a statutory constraint to the development.

Other Protected Species

No evidence of water vole or other species were observed on site during the survey. The ditch to the north of the site would be unsuitable as a water vole or otter habitat due to the limited water depth and therefore it is not to be an ecological constraint.

During the consultation process residents have stated that the Ecological Survey makes no reference to Kingfishers, Herons or Egrets which they have evidenced as using the site. Kingfishers are protected species so too are Purple Herons. Grey Herons are only protected species in Northern Ireland and Little Egrets are only protected on the Isle of Man. Nonetheless all birds are protected during the breeding season anywhere in Britain and Ireland. The Ecological Appraisal submitted is a snapshot in time and if the ecologist didn't see them using the site or see evidence of their habitat/nest then he would not be able to report them as using the site. I therefore do not discount their presence but without evidence of them being on site I cannot accept or contradict the information thus.

On the basis of the information submitted and the evidence before me from the Ecological Appraisal I am satisfied that the proposal would not cause harm to the habitats of local wildlife and that appropriate measures can be placed on the development to secure a biodiversity enhancement. As such the proposal is considered acceptable from an ecological perspective and accords with Core Policy 12 of the Amended Core Strategy and policy DM7 of the ADMDPD as well as the NPPF and PPG. In the spirit of the NPPF moving forward I consider it necessary to condition ecological enhancements through the submission of bird/bat boxes within the site and such a scheme should be submitted at reserved matter stage and measures incorporated in to the design.

Rights of Way

There is an identified ROW located to the north of the site, North Collingham Footpath 16. The proposal is not considered to impede the use of this.

Trees

Policy DM5 of the ADMDPD states that natural features of importance within or adjacent to development site should, wherever possible, be protected and enhanced.

Representations have been received stating that some trees have been removed from the site prior to the submission of this application. However the site is not located within a conservation area and prior to the submission of the first application in 2018, no trees on the site had a preservation order on them. Pursuant to the first application (which was refused) an analysis of the site was taken by our Tree Consultant and found that the Copper Beech tree on the southern boundary was worthy of a TPO and thus one was served and subsequently confirmed in July 2018 (N364-2018).

Therefore removing trees within the site has not been carried out unlawfully in the opinion of the Authority.

The Council's Tree Consultant has not raised any objections to the proposal subject to conditions pertaining to tree protection and soft landscaping. Therefore it is considered that the impact on the TPO tree especially during construction could be mitigated for. Moving forward, landscaping is a reserved matter and a scheme of such would be submitted at a later stage should Members resolve to approve this application.

There are other trees within the site which were assessed by the Tree Officer at the same time and whilst they afforded some merit, due to their condition, species or location they were not worthy of the imposition of a TPO.

It is therefore considered that the proposal would not have a harmful impact upon the longevity of the trees or the character of the area and the proposal accords with policy DM5 of the ADMDPD.

Developer Contributions

Spatial Policy 6 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

The agent has submitted details of a Draft Heads of Terms S106 which states they agree to the following contributions;

- provision of 30% on site affordable housing;
- Off-site contribution in lieu of community facilities;
- Off-site contribution in lieu of the provision of school places;
- Off-site contribution towards or on-site provision of children's play area.

Although it states the list is not exhaustive additional matters and the level of contribution would be subject to viability testing.

Below is the expected level of contributions based on a delivery of 16 dwellings. It must be noted that this has been agreed through the Draft Heads of Terms and the applicant is not claiming

viability against such contributions. The proposal is therefore considered policy compliant in this respect.

Table 1: Developer Contributions

Affordable Housing	<p>4 units of affordable housing are required on site for a maximum development of 16 units. The split should be as follows:</p> <table border="1" data-bbox="592 353 1361 562"> <thead> <tr> <th>Type</th> <th>Affordable Rent</th> <th>Intermediate (S/O)</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>2 Bed</td> <td>1</td> <td>1</td> <td>2</td> </tr> <tr> <td>3 Bed</td> <td>1</td> <td>1</td> <td>2</td> </tr> <tr> <td></td> <td>2</td> <td>2</td> <td>4</td> </tr> </tbody> </table>	Type	Affordable Rent	Intermediate (S/O)	Total	2 Bed	1	1	2	3 Bed	1	1	2		2	2	4
Type	Affordable Rent	Intermediate (S/O)	Total														
2 Bed	1	1	2														
3 Bed	1	1	2														
	2	2	4														
Community Facilities	<p>£1384.07 x 16 = <u>£22,145.12</u> (indexed to 2016) The contribution would be used to improve community facilities in Collingham in consultation with Collingham Parish Council. Equal payments upon 1st, 9th and 12th occupation</p>																
Public Open Space	<ul style="list-style-type: none"> • A commuted sum in lieu of on-site Children’s and Young Peoples Space based on £927.26 per dwelling for provision and £1,031.30 per dwelling for maintenance equating to £1958.56 x 16 dwellings = <u>£31,336.96</u> and; • A commuted sum in lieu of Natural and Semi-Natural Green Space, based on a contribution of £102.66 per dwelling for provision and £102.66 per dwelling for maintenance equating to £205.32 x 16 dwellings = <u>£1,642.56</u> <p>(Indexed to 2016) Phil Beard has advised that monies could be spent towards the provision/improvement and maintenance of children’s playing space in Collingham. Equal payments upon 1st, 9th and 12th occupation</p>																
Education provision	<p>The development is located within the catchment of John Blow Primary School and would generate 3 additional places. Based on the 2018 projections the catchment school has no capacity to accommodate the additional places. As a result, the County Council would seek a primary school contribution of <u>£40,968.00</u> (3 places x £13,656 per place).</p>																
Total in contributions based on 16 units	£96,092.64 (not including the 30% onsite affordable housing provision)																

I am satisfied that securing the above contributions would mitigate the impact of the development in terms of pressure upon existing infrastructure and services in line with the requirements of the Development Plan and the Council’s SPD on the matter of developer contributions.

Conclusion

The site is located on brownfield land within a defined sustainable settlement identified as a Principal Village. The site is bounded on either side by existing residential development and located within a highly residential area. The use of the site as commercial, as was its former use, could reopen using the two existing vehicular accesses and could have the potential to result in a greater amenity and highway impact than is proposed here.

Nevertheless the proposal here is for outline permission for up to 16 dwellings with only vehicular access for consideration. The site is considered, due to the accurate site data, to pass the sequential test in terms of flood risk, the access point and the impact upon the surrounding highway network is considered acceptable and the agent has been involved in considerable consultation with Nottinghamshire County Council Highways and the Transport department with regards to the impact upon the bus layby and the proposed access has passed the Stage 1 safety audit.

The application has been accompanied by an ecological survey to ensure the proposal would not have any impact upon the surrounding ecological population and a tree survey has been submitted to ensure works do not result in harm to the TPO tree and others within the site.

Therefore I am satisfied that despite neighbour objections to the proposal, a suitable layout can be achieved within the site for up to 16 dwellings whereby an acceptable impact to neighbours could be achieved whereby there is an acceptable design and relationship to existing occupiers.

Having taken the resident's concerns on board through the processing of this application I conclude that the proposal is acceptable, is able to mitigate for any pressure upon services and facilities in the village and would result in a positive development and enhancement to the area that would contribute to the delivery of housing, both market and affordable housing, to the surrounding area.

RECOMMENDATION

That outline planning permission is approved subject to the following conditions and the signing and sealing of a s106 agreement to agree all matters set out within Table 1 of this report:

Conditions

01

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

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

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

02

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

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

03

The development hereby permitted shall not be carried out except in complete accordance with approved proposed plans reference;

DRWG no. 100_C Site location plan;

DRWG no. 17-0237/003 Rev E Access arrangements & visibility splays (insofar as the access point with Woodhill Road);

DRWG no. 0001 Sheet 1 of 1 Topographical survey;

DRWG no. 17-0237/004 Rev B Refuse vehicle tracking 11.85m long;

DRWG no. WRC01 Rev A Tree constraints plan;

DRWG no. WRC01 Rev A Tree survey;

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

04

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

Part A: Site Characterisation

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

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

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

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

05

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

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.

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

Reason: 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.

06

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme required under condition 05.

Reason: 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.

07

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

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

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

08

Development shall be carried out in full accordance with 4.19-4.24 of the Ecological Appraisal undertaken by FPCR Environment and Design Ltd dated March 2018 unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of ecology and biodiversity.

09

No demolition of buildings or works to trees/hedgerows shall be carried out during the bird nesting period (beginning of March to end of August inclusive) unless the site has first been inspected by a suitably qualified ecologist.

Reason: In the interests of ecology and biodiversity.

10

Prior to any groundworks taking place the developer should commission and submit for approval to the local planning authority, a Scheme of proposed Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)). Development shall thereafter take place in accordance with the written scheme of investigation submitted to and approved in writing by the local planning authority unless otherwise agreed in writing.

Reason: To enable heritage assets within the site to be recorded prior to their destruction.

11

No development shall commence until a scheme for foul and surface water disposal has been submitted to, and approved in writing by the local planning authority in consultation with the Lead Local Flood Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The surface water drainage system shall include details of the provision, implementation and future maintenance of the system. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants and in the interests of flood risk and disposal of surface water

12

No other part of the development hereby permitted shall be commenced until the mouth of the access on to Woodhill Road has been provided and works to modify the adjacent layby and other minor highway and bus stop works shown on drawing 17-0237/003/E has been completed to the satisfaction of the Local Planning Authority and Highway Authority.

Reason: In the interests of highway safety

13

The reserved matters submission shall include details and locations of bird and bat boxes within the site.

Reason: In the interests of maintaining and enhancing biodiversity.

14

Development shall be carried out in full accordance with Section 5 (recommendations) of the Flood Risk Assessment and Drainage Strategy undertaken by BSP Consulting dated 11 May 2018 which sets the minimum ground floor levels of 9.43m AOD and other recommendations.

Reason: In the interests of managing flood risk.

15

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

16

Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

Notes to Applicant

01

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

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

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

02

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. 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

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

When it comes to submission of reserved matters the applicant should be made aware of the following:

1. It is expected that 2 & 3 bedroom dwellings should have at least 2 car spaces, and 4 and 5 bedroom dwellings should have at least 3 car spaces.
2. Generally, it is expected that a full width footway will surround all of the adoptable carriageway.
3. Careful attention will be required to ensure that visibility splays from car spaces are adequately provided and kept clear of any obstruction over 0.6m.. This may affect the road alignment and/or housing layout.
4. Road layout details should comply with the Highway Authority's design guidance

04

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 PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

05

This application shall be read in conjunction with the S106 agreement.

06

The Lead Local Flood Authority advice of the following:

- Drainage from the site should be via a sustainable drainage system that aligns with the CIRIA Suds Manual and non-statutory technical guidance. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests (compliant with BRE365).
- For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
- The site drainage system should cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
- Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

BACKGROUND PAPERS

Application case file.

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

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

Matt Lamb
Director Growth and Regeneration

Committee Plan - 19/00242/OUTM

