

PLANNING COMMITTEE – 10 SEPTEMBER 2019

Application No:	19/00892/FULM		
Proposal:	Development of 33 no. Affordable Dwellings		
Location:	Land At Maltkiln Close, Ollerton		
Applicant:	Minster Property Group Ltd		
Registered:	13.05.2019	Target Date: 12.08.2019	
		Extension of Time Agreed: 13.09.2019	

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

The Site

The application site is approximately 0.79 hectares in extent to the south of Wellow Road accessed via Maltkiln Close. The site is within the urban boundary of Ollerton and Boughton at the south of the settlement. The site as existing comprises vacant greenfield land.

It is located to the rear of a small group of houses forming Maltkiln Close which comprise two storey semi-detached dwellings. Two bungalows located off the A616 are also located to the north east corner of the site. The garden of a residential dwelling is located immediately to the west of the site and open countryside and agricultural fields are located to the south and east of the site. A field which contains a vacant dwelling is located to the south of the site.

The land is currently an overgrown field bounded by a mix of hedgerows, trees and fencing. Overhead power lines run close to the north and south boundaries of the site from east to west.

The site is designated as being within Flood Zone 1 in accordance with Environment Agency mapping and is detailed as being prone to surface water flooding.

Relevant Planning History

99/51397/OUT Residential development and construction of new access – refused 28.02.2000 as the proposal was considered to be contrary to PPG3 (now superseded) in relation to the housing (over) supply situation meaning that the release of a greenfield site particularly on the periphery of the settlement was not considered necessary at the time.

Whilst not related to the site itself it is notable that there is an extant permission for 9 bungalows on land immediately to the east of the site (reference **17/02105/FUL**) which was approved in March 2018.

The Proposal

The proposal seeks full planning permission for 33 affordable dwellings accessed by a single road from the end of Maltkiln Close. This has been amended during the life of the application owing to Officer concerns as the original application submission was for 35 units.

The proposed dwellings would be delivered through four house types comprising 6 no. 1 bed units; 13 no. 2 bed units and 14 no. 3 bed units. Two of the one bed units would be bungalows whilst the remainder of the scheme would deliver two storey accommodation (including 4 no. one bed maisonettes).

The application has been considered on the basis of the following plans and documents:

- Drawing 18014 0100-PO3 – Site Location Plan (received 12th July 2019);
- Drawing 18014 0101-PO2 – Existing Site Plan (received 12th July 2019);
- Drawing 18014 0102-PO8 – Proposed Site Layout Plan (received 23rd July 2019);
- Drawing 18014 0200-PO2 – Housetype A – Plans and Elevations;
- Drawing 18014 0201-PO2 – Housetype A – Plans and Elevations (Terrace);
- Drawing 18014 0202-PO2 – Housetype B – Plans and Elevations;
- Drawing 18014 0203-PO2 – Housetype B – Plans and Elevations (Terrace);
- Drawing 18014 0204-PO2 – Housetype C – Plans and Elevations;
- Drawing 18014 0205-PO3 – Housetype D – Plans and Elevations (received 12th July 2019);
- Drawing 18014 0400-PO1 – Indicative Street Elevations;
- Design and Access Statement prepared by James Garner Architecture;
- Drawing 3625 – Existing Topographical Survey;
- Extended Phase 1 Habitat Survey Report ref: P1761 / 0219 / 01 prepared by CBE Consulting dated 20th February 2019;
- Tree Survey prepared by CBE Consulting Report ref: P1761 / 0219 / 02 dated 19 February 2019 ;
- Flood Risk and Drainage Assessment prepared by Fortem Consultants;
- Historic Desk-Based Assessment PCA Report Number: R13727 (received 28th June 2019);
- Viability Assessment (received 28th June 2019);
- Reptile Survey prepared by CBE Consulting Report ref: P1859/ 0619 /03 (received 9th July 2019);
- Bat Activity Survey prepared by CBE Consulting Report ref: P1859/ 0619 /04 (received 9th July 2019);
- Additional Botanical Survey prepared by CBE Consulting Report ref: P1859 /0719 /05 (received 9th July 2019);
- Geophysical Survey – PCA Report No. R13812 dated August 2019.

Departure/Public Advertisement Procedure

Occupiers of 19 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press. An additional period of consultation has also been undertaken on the basis of the revised details received 28th June 2019.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 5 – Delivering the Strategy

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 - Sustainable Transport
Core Policy 1 – Affordable Housing Provision
Core Policy 2 – Rural Affordable Housing
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
ShAP2 – Role of Ollerton & Boughton

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)

Consultations

Ollerton and Boughton Town Council – *Revised comments received 31.07.19:*

At the meeting of the Town Council's Planning Committee last night, following careful consideration the members agreed that their original grounds for objection were still valid:

- Cumulative impact on local services such as health facilities, GP Surgery, Dentists etc and also education with regard to school places.
- Environmental and ecological problems relating to the disturbance to the natural habitat of known wildlife such as newts and bats seen by many residents on the site.
- Loss of privacy, daylight and sunlight by adjacent properties.

Whilst the members are aware that NCC Highways have raised no concerns, as local residents they still feel that this development will have an effect on the already busy Wellow Road. Access and egress to the development is via a small junction on to a busy main road which regularly suffers from increased traffic congestion when the A1 is closed.

Members have requested that a site visit takes place prior to a decision being made with Town Councillors, NSDC members, Highways Officers and representatives from the local residents.

The members of Ollerton & Boughton Town Council strongly request that these comments be taken into account when the application is considered by members of NSDC Planning.

Object on the following grounds:

- Highways matters – small junction on to a busy main road which regularly suffers from increased traffic congestion when the A1 is closed.
- Cumulative impact on local services such as health facilities, GP Surgery, Dentists etc and also education with regard to school places.
- Environmental problems relating to the disturbance to the natural habitat of known wildlife such as newts and bats seen by many residents on the site.
- Loss of privacy and sunlight by adjacent properties.

NSDC Environmental Health (contaminated land) – No observations.

Natural England – *Additional comments received 3rd July 2019:*

Natural England has previously commented on this proposal, our ref 282924, and made comments to the authority in our letter dated 06 June 2019.

The advice provided in our previous response applies equally to this amendment.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Original comments received:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Wellow Park Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

The surface water drainage scheme should ensure that there will be no harmful discharges to groundwater from the application site which may impact on the conservation targets of Wellow Park SSSI

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

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Surface Water Drainage:

Our preference is for a surface water drainage scheme which disposes of all surface water from new roofs, converted roofs, new hard surfacing etc. harmlessly on site in a sustainable way by means of Sustainable Urban Drainage Systems (SuDS), incorporating systems to clean the water.

Guidance on sustainable drainage systems, including the design criteria, can be found in the CIRIA SuDS Manual (2015) C753. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the guidance and will include at least one water quality treatment train. For technical advice on surface water drainage, the LPA should refer to the relevant Lead Local Flood Authority (LLFA).

Maintenance of the sustainable drainage system proposed is essential to ensure that it continues to function as designed and constructed. The long-term monitoring and maintenance of the surface water drainage system should be secured by condition or legal agreement.

Where a sustainable drainage scheme is not practicable and discharge to mains is proposed, the LPA should ensure that Severn Trent Water has no objection to the proposal.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

Nottinghamshire Wildlife Trust – Additional comments received 10th July 2019:

Thank you for sending over a copy of the botanical and bat survey reports. We are pleased that these surveys have been undertaken at the application site and are happy with the outcomes. We strongly advise the recommendations within these reports are implemented as suitability worded planning conditions with particular attention brought to the bat lighting scheme, bat bricks and retention of the hedgerows. The bat report identified *The southern boundary of the site appears to be on a commuting route through the local landscape linking a hedgerow to the west of the site to a hedge and scrub woodland area to the south* (Bat Activity Survey, CBE Consulting, 2019). These hedgerows, if removed could potentially negatively impact on bats, a European Protected Species, by fragmenting and causing potential disturbance to roosting sites.

Comments received 3rd July 2019:

Thank you for sending over a copy of the Extended Phase 1 Habitat Survey report by C.B.E Consulting which was undertaken in January earlier on this year.

We note that further protected species surveys for the application were recommended within this report, including a reptile presence/absence survey and a bat activity survey. An invasive species survey was also recommended as Japanese knotweed was thought to be present on site.

We strongly recommend these surveys are undertaken prior to the determination of this planning application, as you will be aware, protected species are a material consideration in the planning process and additionally, Paragraph 99 of Government Circular 1/2005 (also known as ODPM Circular 06/2005) (which accompanied PPS9, but remains in force), states that:

*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in **exceptional circumstances**, with the result that the surveys are carried out after planning permission has been granted.*

These surveys will determine the need for any compensation or mitigation requirements for bats and reptiles which will need to be implemented as part of the planning application and may require changes to the planning design. A reptile translocation or reasonable avoidance measures statement may also be required if reptiles are present on site, but would depend on the results of the surveys.

We are concerned that the current site layout (drawing number: 0102) does not appear to retain the hedgerows, with the loss and replacement of the hedgerow located on the southern boundary. As you will be aware hedgerows are a Nottinghamshire Biodiversity Action Plan Habitat and in this county we have lost over 16,000 miles of hedgerow between 1947 and 1985 alone.

In the case of this application, removal of hedgerows without replacing them would result in a net loss of biodiversity and BAP Habitat. We therefore recommend that the hedgerows are retained and at the very least be replaced with native species. Any fragmented hedgerows also should be planted up with native species to form intact hedgerows across the site. The development, as stated within NPPF Paragraph 170 should aim for an overall net gain in biodiversity and other biodiversity enhancements are also recommended to be incorporated in order to achieve this.

We also note the survey was undertaken outside the optimal timings for botanical identification (survey undertaken in January 2019), as plant growing season is considered to be from April to September (inclusively). We note the rough neutral grassland had a variety of herbaceous species, with the potential of being lowland neutral grassland, a Nottinghamshire Biodiversity Action Plan Habitat. We therefore recommend that a further botanical survey is undertaken to classify this grassland and identify any other botanical species present.

NSDC Parks and Amenities – As a development of 35 properties this housing scheme will need to make public open space provision in the form of provision for children and young people (18m² per dwelling) and amenity green space (14.4m² per dwelling). The proposed site layout is a very intensive scheme with no public open space provision whatsoever, however should the layout be considered to be acceptable then the public open space provision will need to be met by the payment of commuted sums towards the off-site provision, improvement and maintenance of existing children's playing space and amenity green space in the vicinity of the development site.

I note that the site is currently a greenfield site however, despite the Planning Statement referencing a Phase 1 Habitat Survey, this is not included in the documents and there is thus no record of the site's wildlife potential nor any recommendations for mitigating the loss of wildlife habitats.

A SANGS payment may also be required given the site's location within 5km of the Birklands and Bilhaugh SAC.

NSDC Community Sports and Arts – No comments received.

NCC Planning Policy – Thank you for your email dated 16th May 2019 requesting strategic planning observations on the above application. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

In terms of the County Council's responsibilities there are number of elements of national planning policy and guidance are of particular relevance in the assessment of applications, these include Minerals and Waste, Education, Transport and Public Health.

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.

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.

Minerals and Waste

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

Minerals

In relation to the Minerals Local Plan, whilst the site does not lie within a Minerals Safeguarding and Consultation Area, approximately 122m to the East of the proposed development site, lies the boundary for the Minerals Safeguarding and Consultation Area for brick clay. Considering the proposed development, it is unlikely there would be an adequate site area to facilitate a viable extraction site. Therefore, the County Council does not wish to raise any objections to this application from a mineral's perspective.

Waste

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 'Waste awareness,

prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Strategic Highways

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

Planning Obligations

The following confirms that no planning obligations are being sought by Nottinghamshire County Council to mitigate the impact of the above development.

Transport and Travel Services

The County Council can confirm that they will not be seeking any contributions towards bus infrastructure to mitigate the impact of this development.

Education

A development of 35 dwellings would yield an additional 7 primary and 6 secondary school places. Based on current projections these places can be accommodated in the local schools. Therefore, the County Council would not wish to seek any planning obligations to mitigate the impact of this development.

Further information about the County Councils approach to planning obligations can be found in its Planning Obligations Strategy which can be viewed at <https://www.nottinghamshire.gov.uk/planning-and-environment/general-planning/planning-obligations-strategy>. If the Council has any queries regarding planning obligations please contact Andrew Norton, the County Councils Developer Contributions Practitioner on 0115 993 9309 or by email andrew.norton@nottscc.gov.uk

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

NCC Flood Team – Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 28 Jun 2019. Based on the submitted information we have no objection to the proposals and can recommend approval of planning subject to the following conditions. It should be noted that the proposed surface water strategy has a number of areas that require clarification during detailed design that could impact on the layout and viability of the proposals and the applicant should familiarise themselves with the associated risks.

Condition

No part of the development hereby approved shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. It must be noted that the FRA dated May 2019 by Fortem contains a number of issues that should be resolved as part of and detailed surface water design and these are referenced below. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753. The FRA contains no reference to SUDS and this must be reconsidered. 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). The FRA suggests that there are no watercourses in the vicinity yet it appears that there may be some form of watercourse to the west of the site and also to the north side of Wellow Road. These should be considered as a priority over the use of sewers.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to Q_{bar} for the developable area. The proposed rate within the FRA must be supported by hydraulic calculations.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

Reason : A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

NCC Highways Authority – *Additional comments received 17th July 2019:*

Revised Site Layout Plan 0102 Rev. P07

The revised plan has addressed the concerns raised in my previous comments dated 11/06/19.

Therefore, the Highway Authority would not wish to raise objection subject to the following:

1. No development hereby permitted shall commence on any part of the application site unless or until a suitable access into the site has been provided at Malkiln Close as shown for indicative purposes on drawing 0102 Rev. P07 to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

2. No individual dwelling shall be occupied until its associated driveway/parking/turning area is provided in accordance with plan 0102 Rev. P07 and surfaced in a hard bound material (not loose gravel) for a minimum distance of 2 metres behind the highway boundary. Each surfaced driveway/parking/turning area shall then be maintained in such hard bound material for the life of the development.

Reason: In the interests of highway safety and to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

Note to Applicant

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

- a) The Advanced Payments Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete, therefore, it is recommended that the developer contact the Highway Authority as early as possible.
- b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site. Please contact David Albans (0115) 804 0015 for further details.

Comments received 12th June 2019:

Whilst the principle of the development is acceptable, there are concerns over the parking arrangements as shown on site layout drawing 0102 Rev. P01:

- The visibility is poor for vehicles emerging adjacent Plots 28 and 32.
- The layout shows some vehicles are to be parked remotely from the associated dwelling (Plots 6, 9, 10-14, 18, 19, 26, 27). With this type of layout, it has been noted in the past with previous developments, that an increase in on street parking in the vicinity occurs, as residents prefer to park their vehicle adjacent their property. Also, it is unclear how the parking spaces are to be allocated.

In view of the above, it is recommended that the plan be amended to address the above issues and the Highway Authority reconsulted.

NCC Built Heritage - Thank you for your request for comments from the County Council over the 19/00892/FULM Land at Maltkiln, Close, Ollerton, Nottinghamshire planning application. As we have commented on the previous version of the application, only comments from a built heritage perspective would be necessary. As such these are provided below:

The County Council have the following observations from the built heritage perspective. The site is close to the boundary of the designated conservation area and several designated listed buildings therein. The County Council is content that the heritage impact assessment has properly considered these heritage assets and agree with the conclusions of that report. The residential development of the proposal site would not cause harm to the setting of any designated heritage assets. There will be an impact on the setting of the non-designated HAs (historic buildings that are identified on the HER), but none of these are within the development area and they will not be demolished or altered.

NSDC Archeological Advisor – *Additional comments received 10th July 2019:*

The Heritage Assessment/Archaeological Desk Based Assessment has further highlighted that although this site is away from the medieval core of the settlement of Ollerton there is the potential to find prehistoric/Roman archaeology on this site. Given this potential it is appropriate to ask for further investigation work to assess this potential.

Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains. I recommend that further information is required from the applicant in the form of an archaeological evaluation to be considered alongside the application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on this planning application.

Recommendation: It is requested that the developer is required to supply more information in the form of an archaeological evaluation to be carried out prior to determination. It is recommended that the evaluation should in the first instance be comprised of geophysical survey across the site. This will then help to identify if and where features of archaeological interest exist and will inform where further intrusive evaluation is required to inform the application to identify the nature, extent and significance of any archaeological features on the site.

'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 impacts of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using the 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. Policy 189 National Planning Policy Framework (2018)'.

'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)'

Original comments 30th May 2019:

This site is a large development in an area of archaeological potential, a brief appraisal of the Nottinghamshire HER has identified several areas of cropmarks in the immediate vicinity.

The information in the heritage assessment needs to provide sufficient evidence to understand the impact of the proposal on the significance of any heritage assets and their settings, sufficient to meet the requirements of paragraph 189 of the National Planning Policy Framework (NPPF).

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 proposals on their significance. 'Policy 189 National Planning Policy Framework (2018)'.

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'. 'Policy 189 National Planning Policy Framework (2018)'.

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'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)'.

Tree Officer – *Additional comments received 5th July 2019:*

The submitted tree survey indicates removal of all on site vegetation. No hedgerows have been assessed.

Retained tree 9 is likely to significantly adversely affect the rear garden areas of plots and building footprints are very close to RPA so amendments are recommended to layout.

Indicative landscaping infers planting of new hedging rather than retention/re-enforcement of the existing which could increase biodiversity.

Original comments received:

Although there is little vegetation within the site there is a significant amount of green infrastructure on the site boundaries that is worthy of retention for both screening and ecological benefits.

Request tree/hedge survey/constraints plan in accordance with BS5837 2012 in order to evaluate any potential conflict between proposed layout and retained green infrastructure.

Representations have been received from 11 local residents/interested parties (including a letter on behalf of Ollerton Village Residents Association) which can be summarised as follows:

Principle of Development

- There has been continual building in Ollerton in recent years resulting in significant disturbance, noise, traffic and air pollution;
- There is no play space or open space for children;
- Greenfield land should be left for wildlife;
- There are no contributions towards doctors etc.;
- Comparisons can be made with 16/01102/OUTM (Land at Cinder Lane) which was refused because no new housing land is required;
- The site has not been allocated for development;
- Planning permission was refused on the site 20 years ago;
- There are other sites in the area for development and Ollerton has had more than its fair share;
- There has already been significant change in the area from Rufford Oaks; the 9 bungalows adjacent and a potential development at Cinder Lane;
- The term affordable cannot be substantiated and may lead to inferior design;
- This is one building project too far and comes very quickly on the heels of 180 homes on Wellow Road;
- There are also plans to build 800 homes at Thoresby Colliery;
- Maltkiln Close was not built for this scale of development;

Impact on Neighbouring Amenity

- The rear garden of neighbouring properties will be surrounded by the proposed dwellings;
- The dwellings will be overbearing and result in a loss of sunlight; openness and privacy;
- The plan shows no break between the neighbouring boundary and the proposed new buildings;
- There should be a buffer zone between the site and neighbouring gardens;

Impact on Highways

- The development has no room for lorry transits which may cause lorries to reverse down the access;
- 35 dwellings may lead to 70 vehicles which will lead to on street parking;
- The access will be right opposite the Rufford Oaks development;
- Speeding is already an issue on this part of Wellow Road;
- Public Transport to get to Ollerton village centre is virtually non-existent;
- The extra traffic will lead to noise and pollution;

- Maltkiln Close is the only way in and out but the close is not wide enough to cope with the extra vehicles;
- Construction vehicles would put the residents lives in danger;
- Vehicles may have to reverse on to the A616;
- When there is an accident on the A1, the A616 comes to a standstill;
- Access for emergency vehicles will be restricted;
- Wellow Road is used as a major relief road for the A1 and M1;
- Traffic in Ollerton has already massively increased in the last 20 years but the roundabout hasn't improved;

Impact on Ecology

- The planning form claims there to be no biodiversity issues but the site is even closer to the pond mentioned in the Cinder Lane application – no decision should be made until a full and detailed great crested newts survey is undertaken;
- The area will result in significant removal of trees;
- There have been sightings of bats, foxes, newts, rabbits and many species of birds;
- Buzzards have already been lost from the north side of Wellow Road;
- There has been much on the TV recently about the importance of protecting green spaces;
- Neighbouring gardens have a significant amount of Wildlife and ponds to support wildlife;

Impact on Design and Landscaping

- The aesthetically pleasing landscape claim is subjective;
- It would represent overdevelopment;

Other Matters

- Searches on nearby property sale did not show planning applications on the site but the Planning documents refer to an initial review;
- The drains may not be adequate for another 35 properties especially given the development on Wellow Road opposite;
- A neighbor requires piped oxygen and quality of life would be diminished;
- There is a deed of covenant that states the land cannot be built on;
- The Town Council meeting appeared to come down to one neighbor letter;
- The Town Council meeting was not based on a site meeting;
- Concerns about ground stability due to adverse impacts of excavation and building work;

7 letters of representation has been received on the latest plans:

- There would still be the removal of several mature trees;
- The proposal is for affordable housing yet the project plan clearly states that the development will provide income for the investors;
- The impact on traffic has not been properly investigated;
- There has already been issues with the recent builds in the area;
- The development would result in the loss of a greenfield site which would affect wildlife;
- The amenity impacts are worse on the revised plan in that there would now be more properties overlooking to the northern boundary;

- The plan shows trees along the boundary as being in the application site but they are within neighbouring ownership;
- The west boundary of the site is in neighbouring ownership – the boundary line is straight;
- Plots 05-08 are close to the boundary;
- The maisonette is not in keeping with the area;
- The density is still higher than the surrounding area;
- The existing wildlife is good for social wellbeing;
- The aerial photograph is not a true representation of what is on the ground – the chicken sheds have been demolished;
- The A616 is already congested;
- Maltkiln Close is not suitable for this amount of dwellings.

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 determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). 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. Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District.

The application site is within the urban boundary for Ollerton and Boughton as defined by the Proposals Map within the Allocations and Development Management DPD. Ollerton and Boughton are considered as one of the Service Centres for the Sherwood Area with the function as acting as a focus for a large local population and a rural hinterland. Policy SHAP 2 confirms that part of the role for Ollerton and Boughton is to promote new housing within the town.

It is noted that the site is not allocated for development specifically. However, the presence of the site within the urban boundary renders the principle of residential development within the site acceptable. Neighbouring comments have made referring to an application at Cinder Lane whereby the Officer Report made reference to the Council having a five year housing land supply. It is confirmed that this is the case but this does not mean that the LPA need not be supportive of windfall sites where they are in sustainable locations (which the Cinder Lane site was not) and all other material planning considerations are acceptable.

Housing Mix, Type and Density

Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery. Paragraph 127 of the NPPF states that planning decisions should ensure that developments optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).

The proposal relates to the delivery of 33 dwellings within a site area of 0.8 hectares thereby delivering a development density of 41 dwellings per hectare. This would meet the aspirations of Core Policy 3.

The site falls within the Sherwood Sub Area. In 2014 the Council undertook a review of the Housing Needs for the District. Noting the scheme is for a wholly affordable housing site, it is relevant to focus on the demand in the social sector. The main requirements for social housing is 2 bedrooms properties (64.5%); followed by 1 bedroom (19.7%) then by 4 and 3 bedrooms (8.7% and 7.1% respectively).

The scheme as proposed would be broken down into the following mix:

Size	Number of Dwellings	% of scheme
1 bed	6	18
2 bed	13	39
3 bed	14	42

It is notable that there would be a majority proportion of 3 bed units contrary to the requirements of the 2014 survey where 3 bed units are the least required need. However, the actual size of the proposed properties are relatively modest in their design such that the 3 bed units have two double and one single bedroom. It therefore falls that these units may suit a demand akin to a two bed need on the basis that the third bedroom could be used as an office room. There is also a significant delivery of 2 bed units which forms the majority need.

It is also notable that the proposal would represent a wholly affordable scheme significantly above the 30% affordable housing requirement (as discussed further below). The market need is for predominantly 3 bedroom properties (50.5%) I am conscious that if attempts were made to negotiate a higher proportion of 2 bed units, the applicant would have the option to change some of the 3 bed units to market housing to meet a market need. It is my view that it is more of a benefit to secure an over provision of affordable housing rather than being overly restrictive in meeting the results of the 2014 survey.

Impact on Design and Character

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

Policy DM5 goes on to state that proposals creating backland development will only be approved where they would be in keeping with the general character and density of existing development in the area and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area.

There is no doubt that the proposed development would be considered as a backland scheme taking its access from Wellow Road to the north and positioned behind the cul-de-sac properties on Maltkiln Close. However, in the context of recent approvals in the immediate vicinity (as indicated by the submitted layout plan) there is an argument to say that the precedent has already

been set. The boundary of the urban settlement as defined by the Proposals Map would provide a logical resistance to further forms of backland development to a degree that this proposal in itself is not considered to amount to character harm in principle.

The site is currently green and relatively well bound with a mix of hedging and trees. Officers raised at pre-application stage that any development would need to carefully consider the transition with the open countryside on the southern boundary of the site. The scheme that originally came forward did indicate a level of planting of the southern boundary but this also included areas of car parking immediately abutting the southern edge.

The proposal as revised makes a greater attempt at incorporating landscaping along the southern boundary and also includes the retention of an existing attractive tree specimen. It is fully appreciated that the landscaping proposed is unlikely to entirely screen the development (and neither would that be appropriate in the context of the amenity of proposed occupiers) but it would at least soften the transition between the open countryside. Subject to conditions to secure this landscape delivery (including the retention of the aforementioned tree) the character implications of the proposal as revised, are considered acceptable.

Officers raised concerns both at pre-application stage and in terms of the original submission that the development form was overly cramped leading to unacceptable design compromises. The revised scheme has dropped two units to allow greater flexibility in land take but there are still notable elements of compromise particularly in respect to parking provision. For example, it is considered to represent poor design that the entrance to the site at the end of the Maltkiln Close cul-de-sac would feature 8 car parking spaces abutting the highway edge with little attempt to soften the impact of the hardstanding. There are also numerous areas of tandem car parking for three dwellings such that there would be 6 car parking spaces in one solid block.

The density of the scheme is still at odds with the established urban grain of the immediate site surroundings (albeit it perhaps isn't a fair comparison with the dwellings to the east given that these represent a solely bungalow scheme). Despite the changes made during the life of the application, Officers remain of the view that the scheme would benefit from a further reduction in overall numbers. However, this has to be considered in the context of the need for smaller units (as discussed above) which understandably take a smaller land area. When one factors in matters of viability (discussed in further detail below) it is not considered reasonable to insist on losing any more units as this would likely prevent the scheme coming forward altogether. Notwithstanding this, it is certainly the case that Officers consider negative weight should be attached to the aforementioned design compromises above, in the overall planning balance.

The overall design of the scheme is for a modern development delivered through four different house types. The indicative street scenes submitted show an intention for a variety of materials to be used which would add visual and variety to the scheme. Noting the other modern developments in close proximity to the site, it is considered that this would be an acceptable approach at this site.

Impact on Amenity

Policy DM5 requires a consideration of amenity impacts both in respect to amenity provision for occupiers and amenity impacts to neighbouring properties.

The location of the site at the edge of the urban boundary in some respects limits the number of neighbouring properties which would be potentially affected by the development. However, this is counteracted slightly by the backland position of the site and also extant permissions neighbouring the site which have already been referred to.

Plots 1 and Plot 33 would be immediately adjacent to the end properties on the Maltkiln Close cul-de-sac. Plot 1 would broadly follow the building line with a distance of approximately 7m between the two side gables. There are no windows proposed on the side gable of Plot 1 such that this relationship is considered acceptable. Plot 33 would have a similar relationship to no. 7 Maltkiln Close albeit the distances between would be just under 2m. Again there are no side windows proposed towards the neighbouring dwelling. No. 7 Maltkiln Close is shown on the site plan as almost abutting the shared boundary but this is slightly deceptive in that the closest element of built form is a single storey garage. There is a small window on the side gable at first floor but this appears to be a secondary window.

The proposed site layout has included the development of 9 bungalows immediately to the west of the site which whilst not completely built out remains an extant permission which must be fully considered (and recent visits show that building work has commenced). The closest relationship would be between Plots 16 – 18 with the bungalow on Plot 7 of the neighbouring scheme. I have considered the distance indicated but do not consider that there would be any significant detrimental amenity impacts given that the rear elevations of the proposed plots would be towards the side gable of the neighbouring bungalow at a distance of approximately 15.5m. Having assessed the approved plans for this bungalow I am mindful that one of the three windows on the side elevation would be the only window serving a third bedroom. The exact boundary treatments of the neighbouring scheme are yet to be formally agreed but would probably be in the form of a fenced boundary which would offer a degree of privacy between the dwellings. Other back to back distances from Plots 19-21 with the extant bungalow scheme are at least 23m which is considered acceptable.

It is notable that concerns were received from neighbouring residents in respect to overlooking and overbearing on the original scheme where the plans demonstrated Plots 26 and 27 (now different plot numbers) close to the neighbouring boundary of no. 7 Maltkiln Close and the dwelling known as Janang. Although the back to back relationship would have been an oblique line of site, Officers raised concern during the life of the application regarding the outlook of Plot 27 in particular.

This has led to the fundamental re-design of this part of the site and indeed this is where the two plots have been removed. The relationship now would be a distance of approximately 24m from the rear elevation of Janang to Plots 22 and 23 on the proposal which are single storey bungalows. This relationship is now considered to be acceptable.

It is notable that comments have been received from neighbouring residents specifically on the revised plan with the opinion that it represents a worse amenity impact given that revised Plots 24-26 would have a line of site to the neighbouring dwellings to the north. However, this would be at a distance of approximately 30m and the line of site from these plots would be oblique.

Comments have also been received as to the amenity impacts from the plots on the western boundary (specifically that they are close to the boundary). I agree in some respects that this would be the case but I am conscious that these plots would be towards the south of the site which is some distance from the built form of the neighbouring dwelling to the west (which fronts the highway) and thus the rear outlook of these properties (including the maisonettes) would be

towards the rear extremes of the neighbouring garden which is around 100m in length. I find that this area of the garden would be less sensitive in amenity terms and thus it would not be appropriate to resist the application purely on this basis.

In terms of on site amenity, each dwelling with the exception of the maisonettes at Plots 5-8 has been afforded an area of private amenity space. Whilst these vary in size, they are considered commensurate to the size of the dwellings proposed. There are no true back to back relationships within the site itself which warrant a cause for concern in amenity terms.

Officers noted on site that there is a building footprint adjacent to the southern boundary of the site but it is clear that this has been abandoned as it has no roof and the access from the end of Cinder Lane is overgrown. I therefore do not consider it necessary to assess this from an amenity perspective.

Impact on Trees and Ecology

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

The site is not directly affected by any local sites of interest in nature conservation. However, as is acknowledged by the comments of Natural England, the site is within the risk zone for Wellow Park SSSI (the comments from Natural England are discussed in more detail in the drainage section below). The site is also within the RSPB 5km buffer for the potential area for special protection of woodlark and nightjar.

A number of neighbouring representations have made reference to the ecological potential of the site referencing views of wildlife on the site. This largely corresponds with the submitted Phase 1 Habitat Survey submitted to accompany the application which confirms that the rough grassland forming tussocks and dense tall ruderal and perennial growth colonising the site has considerable potential to support reptiles due to the character of this and lack of management. Although no sightings were witnessed as part of the survey in January 2019, the report did recommend further surveys which have been requested during the life of the application.

These were received on July 9th 2019 and include a Reptile Survey; Bat Activity Survey; and Botanical Survey (the latter also requested by the comments of Nottinghamshire Wildlife Trust).

The original survey acknowledged records of Great Crested Newts in the surrounding area but concludes that given the lack of any nearby ponds, or otherwise suitable habitat, the potential for amphibians on the site appears limited. The follow up Reptile Survey submitted recorded one juvenile grass snake on two occasions (likely to be the same individual snake). This is concluded to represent low population of reptiles within the site and therefore the development could be mitigated by suggested working methods which could be secured by condition.

The Bat Activity Survey confirmed presence of Common Pipistrelle and occasional Soprano Pipistrelle and Myotis - probably Natterer's foraging around the site. The majority of the activity was by solitary bats foraging around the site area briefly and moving away. It is suggested that the development of the site could be mitigated through dark garden areas of landscape areas along the southern boundary of the site to enable Pipistrelle and occasional Myotis bats to continue to commute and forage through the site.

The surveys have been assessed by the latest comments of Nottinghamshire Wildlife Trust who deem the surveys appropriate subject to the imposition of conditions to secure the mitigation measures outlined.

The site is currently greenfield in nature and whilst unmanaged in nature, it does support a number of tree specimens. On this basis, the application has been accompanied by a Tree Survey. A total of 19 individual trees and 2 tree groups were identified on the site, predominantly Sycamore with some Hawthorn. Saplings of less than 100mm diameter were not assessed. Most are scattered within the centre and southern parts of the area surveyed, crowded and competing for space. Some individual specimens of greater stature and better quality are present, such as T1 and T2 in the western area of the site and T4 nearer the southern boundary. These trees are placed within Category B2. Willow T9 is situated along the southern boundary of the site and this large tree has an irregular crown, characteristic of mature willow. It is spreading across the site boundary area with some branches at quite low level. This tree has been placed within Category B2.

Despite the results of this survey, the original application as submitted appeared to make no attempts to incorporate the most valued specimens within the site. Whilst the amended plan now demonstrates the retention of the Willow on the southern boundary, there would still be a wholesale removal of a large proportion of the existing trees within the site (albeit acknowledging that the majority of these are within Category C). On the basis of Officer concerns, the Council's Tree Officer has been asked to comment specifically on the scheme as submitted. The latest comments make reference to the Willow on the southern boundary still being close to the proposed built form. Having discussed further, it has been confirmed that the development would not necessarily affect the longevity of the tree provided it was subject to appropriate protection which could be secured by condition.

Comments of the Tree Officer and Nottinghamshire Wildlife Trust have made reference to the intention to remove the existing hedge on the southern boundary and replace with new planting. Clearly this is not the best approach in ecological terms and therefore a revised plan has been sought (and received) to indicate the retention of the existing hedge and additional re-enforcement where necessary which would be agreed by the overall landscaping condition.

Impact on Flood Risk and Drainage

The site is within Flood Zone 1 according to the Environment Agency and therefore the residential delivery of the site would be sequentially appropriate.

The application has been accompanied by a Flood Risk Assessment and Drainage Strategy dated May 2019. The report identifies that there are two possible drainage surface water drainage solutions which need to be qualified by ongoing intrusive investigations. These are infiltration drainage or discharge to the local drainage network. Infiltration drainage is to be designed to accommodate the 1 in 30 year event, whilst discharge to the local drainage network is to be restricted to 3.5l/s and designed for no external flooding for the 1 in 30 year event and all flows retained on site for up to the 1 in 100 year plus 30% climate change. The foul water flows from the development will discharge to the existing 225mm combined sewer located in Wellow Road to the north of the proposed development.

As is referenced above, Natural England have provided specific comment on the scheme with the concern that without appropriate mitigation, the development would damage or destroy the interest features for which Wellow Park SSSI has been notified. In order to mitigate against such damage, it is suggested that the development should be appropriately conditioned to ensure that there will be no harmful discharges to groundwater. Overall the preference is a Sustainable Urban Drainage system which aligns with the preferences of NCC Flood Team.

Clearly, the exact drainage details are yet to be determined. Nevertheless it is considered that the development could be reasonably conditioned to require further details of surface water drainage in line with the aspirations of Natural England and NCC Flood Team. It is acknowledged that neighbouring concerns have referenced whether or not the current system has capacity to deal with the additional development but I have identified no evidence to the contrary. Therefore, subject to the aforementioned condition, there is no reason to resist the application on flood or drainage matters.

Impact on Highways

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The intention is for the application to continue the existing access from Malkiln Close to serve the whole development of 33 units. The access would cumulate in a turning head with individual properties served by parking including in the form of parking courts as already mentioned.

NCC as the Highways Authority has commented specifically on the application with their comments listed in full above. Their original comments did not object to the use of the access in principle but did raise concerns to a number of specific design elements including distance from dwelling to parking space and emerging visibility. Even in the revised scheme there are still elements of compromise (as already referred to) where proposed occupiers would not have parking spaces immediately adjacent to their properties. Nevertheless, the revised scheme undoubtedly represents an improvement to the original and given the compact nature of the site, it would in reality be difficult to find other areas to park on the highway without blocking other driveways. The use of assigned driveways will therefore become more desirable even if they are a short distance to walk to the properties. I note that the Highways Authority's latest comments confirm that the revised plan has addressed their original concerns and therefore raise no objection subject to conditions.

It is fully appreciated that neighbouring residents and the Town Council have raised concerns in respect to the highways impacts of the scheme. There is no doubt that the scheme would lead to an increase in vehicles but without an objection from the highways expertise it would be very difficult to refuse the scheme purely on this basis and I have no reason to conclude that the development could not be catered for in the existing capacity of the network.

Impact on Heritage including Archeology

Core Strategy Core Policy 14 relates to the historic environment and states that the District has a rich and distinctive historic environment and that the Council seeks, *"the continued conservation and enhancement of the character, appearance and setting of the Districts heritage assets and historic environment"* including archaeological sites and Conservation Areas. Any proposals concerning these heritage assets should secure their continued protection and enhancement, contributing to the wider vitality, viability, regeneration of an area, reinforcing a strong sense of place.

The application site is outside of the designated Conservation Area and does not contain any listed buildings. Nevertheless the original comments of the Council's Archeological Advisor requested the submission of a Heritage Impact Assessment given that the site is within an area of archeological interest.

A Historic Environment Desk Based Assessment was submitted during the life of the application. The report has appropriately considered the Conservation Area asset and nearby listed buildings and would ultimately cause no harm to the setting of these assets. However, the report does highlight that although this site is away from the medieval core of the settlement of Ollerton, there is the potential to find prehistoric/Roman archaeology on this site. On the basis of Archeological advice therefore, further investigations in the form of geophysical surveys of the site have been requested.

The applicant has submitted the results of the geophysical survey by email dated 27th August 2019. Consultation with the relevant archeological expertise has been instructed and any comments received will be reported to Members as a late item with any required recommended conditions.

Developer Contributions

Core Strategy Spatial Policy 6, policy DM3 of the Allocations & Development Management DPD and the Developer Contributions and Planning Obligations Supplementary Planning Document present the policy framework for securing developer contributions and planning obligations.

The application has been submitted as a wholly affordable housing scheme which is welcomed in respect to contribution to the District's social housing stock. There is no doubt that positive weight should be attached to a 100% affordable housing scheme when the policy requirement is for 30%. The affordable provision is within the description of the development but it is nevertheless possible for the LPA to secure that the dwellings remain affordable for their lifetime if determinative weight is to be attached to their delivery.

The original Planning Statement was somewhat sparse in respect to the mention of other contributions. To confirm, a development of 33 dwellings at this site would also require contributions to open space as outlined by the comments of the Parks and Amenities Officer detailed above. There is also a required contribution towards community facilities. On the basis of an off-site contribution, this would amount to the following:

Contribution	Off-site cost per dwelling	Total
Open Space – Children and Young People	£927.26	£30,599.58
Open Space – Amenity Green Space	£282.94	£9,337.02
Community Facilities	£1,384.07	£45,674.31
		£85,610.91

Ordinarily a scheme of this size would also hit the trigger for an education contribution but as confirmed by the comments of NCC Policy Team above, there is existing capacity within the primary schools to cater for the development.

The figures above have been passed to the agent during the life of the application but the revised submission has included a Viability Appraisal. The covering email from the agent confirms that the appraisal shows:

“without any S106 contributions, the scheme makes a loss of approx. £90k. This is acceptable to NCHA because they are a not-for-profit organisation and their long-term programme includes both loss-making and profitable schemes which balance out across the board.”

As is now usual practice, the appraisal has been assessed on behalf of the Council by an independent consultant. The response received is as follows:

The applicant has confirmed that a pre-sale construction and land purchase price has been agreed with Notts Community Housing Association equivalent to £1551sqm. This represents approximately 75% of open market value in Ollerton and is considered reasonable for a 100% Affordable Housing scheme.

The total value of the 100% Affordable Housing scheme has been assessed at £3,592,116.

Construction cost rates based on current BCIS data relevant to Newark and Sherwood have been applied at £1460sqm for the housing units and £1346sqm for the maisonettes giving a total build cost of £3,592,116. The Council's standard assumptions for fees and contingencies have been applied. It has been assumed that the RSL purchaser will stage fund land purchase and construction so no allowance for finance costs has been made.

A residual land value appraisal indicated negative land value. As such the normal benchmarking methodology is not appropriate. The applicant proposes a land purchase price of £750,000. In view of the negative residual value, a nominal land value allowance of £50,000 for the 0.79 Ha site has been adopted in the appraisal.

A reduced profit allowance of 6% has been adopted reflecting the affordable housing nature of the scheme. No CIL charges are applicable in this area.

The viability assessment indicates that even with a nominal land value allowance, no finance costs and 6% developer profit, there is a negative viability margin of -£523,917 without any developer contributions. It is therefore concluded that the proposed development is not capable of providing any additional S106 infrastructure contributions.

In light of these comments it is reasonable to accept that the scheme can in no way afford contributions towards open space or community facilities as would ordinarily be sought. It is notable that the advice was received on the basis of the 35 unit scheme however the loss of 2 units would likely make the viability position worse. Whilst this weighs negatively in the balance, in respect solely of conditions, this would be outweighed by the benefit of the proposal delivering 100% affordable housing.

Other Matters

One of the letters of representation received makes reference to a recent house sale where the legal searches did not identify the potential development of the site despite the pre-application discussions. Whilst this is unfortunate, it remains the case that pre-application discussions are confidential and therefore are not reported in a public facing manner.

Comments received on the latest plans have made reference to inaccuracies with the boundary lines specifically on the western boundary and at the north eastern corner of the site. This has been clarified with the agent during the life of the application and slight amendments made to the site location plan to match the title plans as received on 12th July 2019.

Overall Balance and Conclusion

An element of the balancing exercise has already been inferred to above predominantly in respect to the lack of ability for the scheme to meet the required developer contributions in the context that the proposal is for a wholly affordable housing scheme.

However, the above appraisal also identifies other elements of compromise which must be properly considered. Notably, the development for 33 dwellings, (even noting that two dwellings have been removed from the original proposal) would represent a more cramped built form than is established in the immediately surrounding area. In the context of the site's presence at the edge of the urban area, this is clearly undesirable. This also has consequences in terms of parking delivery which in some areas of the site would represent a harsh appearance on the street scene with little spatial opportunity for further landscaping to soften this impact. Moreover, in the theme of landscaping, the proposal would necessitate the removal of a number of attractive tree specimens.

The applicant has worked with Officers throughout the application process and in doing so has submitted a number of additional reports which have evidenced that the scheme can be acceptably mitigated for example in terms of ecology. The revised plan is also in Officer's submission considered to represent a significant betterment in terms of neighbouring amenity.

Taking all the above factors into account, the benefits of delivering 33 affordable dwellings in a sustainable settlement are considered significant to a degree that it would outweigh the other minor elements of harm identified in other respects. Clearly this would only be the case if the affordable housing delivery were to be secured for the lifetime of the development (and indeed if other matters are appropriately mitigated) and therefore the recommendation is one of approval subject to the suite of conditions outlined below.

RECOMMENDATION

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

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

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

- Drawing 18014 0100-PO3 – Site Location Plan (received 12th July 2019);
- Drawing 18014 0102-PO8 – Proposed Site Layout Plan (received 23rd July 2019);
- Drawing 18014 0200-PO2 – Housetype A – Plans and Elevations;
- Drawing 18014 0201-PO2 – Housetype A – Plans and Elevations (Terrace);
- Drawing 18014 0202-PO2 – Housetype B – Plans and Elevations;

- Drawing 18014 0203-PO2 – Housetype B – Plans and Elevations (Terrace);
- Drawing 18014 0204-PO2 – Housetype C – Plans and Elevations;
- Drawing 18014 0205-PO3 – Housetype D – Plans and Elevations (received 12th July 2019);

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 the permission.

03

The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall give priority to those who have a local connection within the parish of Ollerton and shall include:

- the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no Registered Social Landlord involved);
- the arrangements to ensure that such provision is affordable for both first and all subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order to secure appropriate provision of on-site affordable housing to meet local need in accordance with Core Policy 1 of the Core Strategy and Sherwood Affordable Housing Supplementary Planning Document July 2013.

04

Prior to any development above slab level a schedule of materials for all plots detailing all facing materials including bricks and roofing tiles shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity

05

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

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

06

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

others of similar size and species unless otherwise agreed in writing by the local planning authority.

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

07

The development hereby approved shall be carried out in accordance with the mitigation measures outlined by the following reports:

- Reptile Survey prepared by CBE Consulting (received 9th July 2019);
- Bat Activity Survey prepared by CBE Consulting (received 9th July 2019);

Specifically this includes but is not limited to:

- The areas of bramble and tall ruderal growth within the site construction area should be carefully cleared over vegetation in a directional manner from one end to the other, from north to south and east to west. The initial cut of the vegetation should be to 10cm height and then this should be left for 24 hours and followed by a cutting down to ground level.
- The construction of at least two permanent artificial refugia suitable for reptiles should be constructed in boundary positions within landscaped areas (not gardens) in locations where they will receive direct sun.
- Provide dark garden areas or landscaped areas along the southern boundary of the site to enable Pipistrelle and occasional Myotis bats to continue to commute and forage through this site. Any artificial lighting plans should ensure that light spillage does not encroach into the AREA areas along the southern, south western and south eastern boundaries.

Any deviations from the approved mitigation measures must be agreed in writing by the local planning authority.

Reason: To preserve the ecological value of the site.

08

Prior to any development above slab level, a scheme for the provision of integral bat brick roost features on properties adjacent to the southern boundary shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

09

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority through the seeking of either a non material amendment or a subsequent discharge of condition application.

Reason: In the interests of residential and visual amenity.

10

Notwithstanding the details shown on plan reference Drawing 18014 0102-PO8 – Proposed Site Layout Plan (received 23rd July 2019, prior to first occupation of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;

car parking layouts and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

11

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

12

No dwelling shall be occupied until bin storage facilities have been provided for that dwelling in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the local planning authority. The bin storage facilities shall be provided prior to occupation of that dwelling in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

No part of the development hereby approved shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. It must be noted that the Flood Risk Assessment (FRA) dated May 2019 by Fortem contains a number of issues that should be resolved as part of and detailed surface water design and these are referenced below. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753. The FRA contains no reference to SUDS and this must be reconsidered. 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). The FRA suggests that there are no watercourses in the vicinity yet it appears that there may be some form of watercourse to the west of the site and also to the north side of Wellow Road. These should be considered as a priority over the use of sewers.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to Qbar for the developable area. The proposed rate within the FRA must be supported by hydraulic calculations.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness of proposals.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

No development hereby permitted shall commence on any part of the application site unless or until a suitable access into the site has been provided at Maltkiln Close as shown for indicative purposes on drawing 0102 Rev. P08 to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

15

No individual dwelling shall be occupied until its associated driveway/parking/turning area is provided in accordance with plan 0102 Rev. P08 and surfaced in a hard bound material (not loose gravel) for a minimum distance of 2 metres behind the highway boundary. Each surfaced driveway/parking/turning area shall then be maintained in such hard bound material for the life of the development.

Reason: In the interests of highway safety and to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

16

Prior to the commencement of any development above slab level, details of the existing and proposed ground and finished floor levels of the site and approved buildings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

17

Construction works shall not take place outside the following hours:

- 8am to 6pm Monday to Saturday
- 9am to 1pm Sunday
- And not at all on bank or public holidays

Unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

18

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 Local 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 Local Planning Authority.

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

19

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

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

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

Notes to Applicant

01

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

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

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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

- a) The Advanced Payments Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete, therefore, it is recommended that the developer contact the Highway Authority as early as possible.
- b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site. Please contact David Albans (0115) 804 0015 for further details.

Background Papers

Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development