

PLANNING COMMITTEE – 4 AUGUST 2020

Application No:	19/02279/OUTM
Proposal:	Outline application for the change of use of an existing building from office use (Class B1(a)) to 17 Apartments (Class C3) (Phase 1) and erection of an apartment block for up to a maximum of 26 Apartments (Phase 2) (with all matters reserved)
Location:	Land At Latimer Way, Ollerton, Nottinghamshire
Applicant:	Mr Lawrence & McLaughlin
Agent:	Jackson Design Associates - Mr Jason Wright
Registered:	20.01.2020 Target Date: 20.04.2020
	Extension of Time Agreed Until 07.08.2020
Link to Planning Application File:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q2Z62HLBMW400

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 relates to a broadly rectangular plot to the west of Latimer Way/Edison Rise approximately 0.64 hectares in extent situated on the Sherwood Energy Village in Ollerton. The site as existing contains ‘Prospect House’ which is a two-storey office building with associated car parking. The building curves around the corner of Edison Rise and Latimer Way and has c. 90 car parking spaces located to the SW of the building. The U shape of the building encloses an external courtyard area. Immediately west of the site lies a cemetery, beyond which are residential properties. The remaining immediate vicinity is the Sherwood Energy Village made up of commercial & office buildings interspersed with residential properties.

Save for Prospect House the remainder of the site is characterized by a mixture of hard standing and grass and vegetation. The frontage to Latimer Way is marked with tall green metal fencing with a gated access to the south-west of the side of Prospect House and the boundary with the cemetery to the west is formed by large trees and dense vegetation.

The application site is within the Urban Boundary of Ollerton and Boughton as defined by the Proposals Map with the Allocations and Development Management DPD. The nature and size of the settlement means that there are a variety of land uses surrounding the site. Ollerton offers a range of existing services, facilities, amenities, employment provision and public modes of transport, which are easily accessible from the application site. The site is within Flood Zone 1 according to the Environment Agency and within the risk zone for the potential Special Protection Area for woodlark and nightjar as well as the impact risk zone for Wellow Park SSSI.

Relevant Planning History

01/00875/OUT – Sherwood Energy Village (mix of industry, commerce, housing, recreation, education and associated works) – Application Permitted 1st April 2003

01/00942/FUL – Proposed new access and associated infrastructure to serve proposed development – Application permitted 30th July 2001

19/02276/CPRIOR – Change of use of a building from office use (Class B1 (a)) to 17 apartments (Class C3) – Application permitted 30 January 2020

19/02268/FUL – Alterations to external facades and small rear extension – Application Permitted 28th February 2020

The Proposal

The proposal seeks outline planning permission for the change of use of the Prospect House building from office use (Class B1(a)) to 17 Apartments (Class C3) (Phase 1) and the erection of an apartment block for up to a maximum of 26 Apartments (Phase 2) (with all matters reserved).

The application has been amended during its lifetime to link the change of use of Prospect House to residential with the application for new residential units on the existing car park area to overcome an objection from NCC Highways and owing to officer concerns regarding the initial indicative layout submitted.

An indicative layout has been provided with the application which details the retention of Prospect House in the NE corner of the site and the conversion of this building to 17 no. apartments and the construction of a further apartment block in the SW corner of the site. The new apartment block has indicatively been shown in an L shaped part 3 storey part 2 storey arrangement and consent is sought for this to accommodate up to 26 apartments. Amenity space is shown within the axes of both buildings in addition to the SW of the new block. Vehicular access is demonstrated on the indicative layout as being gained via the existing site entrance off Latimer Way into the car parking area which accommodates 43 unallocated spaces, 3 of which are disabled parking bays. Nevertheless for the avoidance of doubt, all matters are for reserved matters consideration.

The application submission has been accompanied by the following supporting plans and documents (superseded documents not included):

- Indicative Proposed Site Plan - 19/2242/(00)A/003 Rev. B
- Acoustic Report 'Background Noise Assessment' – Report No: 4352-R1 - Prospect House, Latimer Way, Ollerton undertaken by Clover Acoustics dated 28/05/2020
- Amended drainage Strategy 'Drainage Strategy' – Ref: 5237/DS01 Rev. A – undertaken by Keith Simpson Associates Ltd dated 28/05/2020
 - Including Drainage layout drawing 5237-DR-01 (at Appendix A).
- Amended Existing Ground Floor Layout –19 / 2242 / A / 001 Rev. A
- Amended Site Location Plan – 19 / 2242 / (00)/A/001/A
- Amended Existing First Floor Layout - 19 / 2242 / A / 002 Rev. A
- Existing Site Plan – 19 / 2242 /(00)-A-002 Rev. A

- Amended Existing Elevations 1 of 2 - 19 / 2242 / A / 003 Rev. A
- Amended Existing Elevations 2 of 2 – 19 / 2242 / A / 004 Rev. A
- Amended Proposed Phasing Plan - 19 / 2242 /(00)A/004 Rev. A
- Amended Proposed Ground Floor Layout – 19 / 2242 /(00)-A-104 Rev. A
- Amended Proposed First Floor Layout – 19 / 2242 /(00)-A-105 Rev. A
- Amended Proposed Elevations 1 of 2 – 19 / 2242 / (00)-A-106 Rev. A
- Amended Proposed Elevations 2 of 2 - 19 / 2242 / (00)-A-107 Rev. A
- Amended Design and Access Statement - Document Reference: 19/2242/DA-Apt dated April 2020
- Parking Standards Justification Supporting Statement (deposited 17.04.20)

Departure/Public Advertisement Procedure

Occupiers of ten 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.

Earliest Decision Date: 24.06.2020

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 6 – Infrastructure for Growth
 Spatial Policy 7 – Sustainable Transport
 Core Policy 1 – Affordable Housing Provision
 Core Policy 3 – Housing Mix, Type and Density
 Core Policy 9 – Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 ShAP2 – Role of Ollerton and Boughton

Allocations & Development Management DPD

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

Other Material Planning Considerations

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (Last updated 2019)
- Developer Contribution and Planning Obligations SPD (2013)
- Affordable Housing SPD (2013)

Consultations

Ollerton and Boughton Town Council – Initial Comments 28.01.20 – Support the proposal

Additional Comments 03.06.2020 – “Having considered the application the members of Ollerton & Boughton Town council wish to object to this application for the following reasons:

- Highways – insufficient parking spaces for the residential development
- No provision for disabled parking
- Insufficient amenity space for leisure and gardening, particularly in light of the recent pandemic where outdoor space has been a lifeline for residents confined to their own homes.

NCC Highways Authority – Initial Comments 3.02.20 – “The indicative plans have demonstrated that a residential scheme with suitable access and parking provision is possible. Whilst the amenity of residents may be an issue - living on a road immediately serving industrial and commercial units, this is not considered to be a highway matter, but one the Planning Authority may wish to consider. Residential traffic patterns (i.e. leaving the estate in the morning peak and entering in the evening peak) are the reverse of traffic patterns associated with the industrial, commercial and office uses elsewhere at the Sherwood Energy Village. So, the traffic generated by the proposal is not a concern in terms of local junction capacity. Furthermore, the proposal replaces an existing office-related car park. So, the existing and proposed vehicle flows will cancel one another; at least in part.

No objections are raised subject to the following condition:

The formal written approval of the LPA is required prior to commencement of any development with regard to parking and turning facilities, access widths, gradients, surfacing, and drainage (hereinafter referred to as reserved matters.)

Any details affecting the public highway shall comply with the County Council’s current Highway Design Guide and shall be implemented as approved.”

Additional Comments 21.02.20 – “Apologies for missing this point. I had mistakenly assumed that the ‘Office to Residential’ change of use and the Outline application were related and linked. Without this link, then the loss of office car parking is a matter of concern should the 19/02276/CPRIOR proposal not be pursued.

So, as a stand alone application, I would now recommend refusal to 19/02279/OUTM on the grounds that the proposal would result in loss of parking provision for the existing/remaining use of the site resulting in an increase in likelihood of vehicles being parked on the public highway to the detriment of other users of the highway.”

Additional Comments 20.04.20 – “If the whole proposal is for a mix of 1- & 2-bed flats; 43 in total, then if they had a car park with NO allocated spaces and a total provision of 43 spaces, I am prepared to accept that. Since they have already shown a plan that provided 41 spaces, I don’t think that another 2 should offer a problem (perhaps as indicated on the attached plan extract).”

Additional Comments 10.06.20 – “Further to comments dated 3 February 2020, the proposal has been amended to offer 43 apartments. According to drawing 19/2243/(00)A/003/Rev. A, 43 unallocated car spaces are to be provided. This level of provision is considered appropriate. However, it is recommended that 3 of these spaces (7%) should be modified into disabled parking spaces and located near to building entrances as practicable as possible.

It is important that the spaces remain ‘unallocated’ since this allows some flexibility between those residents who may have two cars being balanced against those with no cars, and; on the reasonable assumption that some cars will be absent in the daytime for work or shopping trips, parking spaces for visitors will naturally become available.

Since this is an outline application, no objections are raised subject to the following condition:

The formal written approval of the LPA is required prior to commencement of any development with regard to parking and turning facilities, access widths, surfacing, and drainage (hereinafter referred to as reserved matters.) Any details affecting the public highway shall comply with the County Council’s current Highway Design Guide and shall be implemented as approved”

Additional Comments 15.06.2020 – Confirmation that the amended plan showing the inclusion of 3 no. disabled parking bays is acceptable.

Nottinghamshire County Council Flood Risk – “Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 29 May 2020. Based on the submitted information we have no objection to the proposals and can recommend approval of planning subject to the following conditions;

Condition

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Drainage Strategy ref 5237/DS01 Keith Simpson Associates Ltd. dated November 2019, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. 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.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- 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.

Informative

We ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. We will provide you with bespoke comments within 21 days of receiving a formal consultation."

NSDC Environmental Health Officer – Initial Comments 24.1.20 – "I refer to the above application. Considering the location of the site and surrounding local commercial activities I would request that a noise report in accordance with BS4142 is undertaken."

Additional Comments 16.06.20 – "Documents seen: Acoustic report, plans or proposed development. I refer to the above application and respond to the acoustic report provided by the applicant. The report is not to BS4142 as requested, however after reading the report and a site visit the noise levels monitored do not suggest and adverse effect if the development was approved.

One thing to note is that there are several commercial units adjacent and I am uncertain what hours they operate. It may be there could be some disturbance from late night operations and deliveries which the report does not take account of. It may be worth checking what permission has been granted for operating hours of the units opposite."

Additional Comments 17.06.20 – Confirmation that given surrounding commercial units are unrestricted with regard to hours of operation acoustic treatment could be considered at reserved matters stage to mitigate any potential disturbance.

Additional Comments 19.06.20 - "I have no issues other than the building should be constructed taking in recommendations detailed in the Conclusions section of the background noise assessment report."

NSDC Environmental Services Contamination – "This application is for the construction of residential dwellings on a former colliery site. There is clearly the potential for contamination to be present from this former use. Whilst some limited remediation is believed to have been carried out in the past, the introduction of high sensitivity residential properties with gardens will require

further assessment. I would therefore recommend the use of the full phased contamination condition.”

NSDC Planning Policy – Initial Comments 30.01.20 – “The proposal seeks outline planning permission with all matters reserved for 16 dwellings on the car park adjacent to Prospect House. Prospect House is also subject to a separate prior approval for conversion of the office building to apartments and a full application for external alterations (both pending).

The site comprises a car park used in conjunction with the adjacent Prospect House office building. The site lies within the defined built up area of Ollerton, a ‘Service Centre’ in the district’s hierarchy in line with SP1 and SP2. Therefore the site offers a sustainable location within the service centre of Ollerton in line with SP1, SP2 and DM1 which identifies this area as to provide 30% of service area growth. Planning permission for Sherwood Energy Village was granted in 2003 and comprises the former colliery.

Prior approval is being sought for the conversion of the office block into residential flats under a separate application in addition to the proposed residential development on the car park. My principal concern is that there is currently no guarantee that the change of use of the office block will occur. It is entirely possible that the residential development on the car park could be delivered and then the owners decide to retain Prospect House for office use. The car park is fundamental to the functioning of the office block (particularly in this location) and without it would exacerbate existing on-street parking problems in this area and have implications on the wider functioning of the Business Park. This is contrary to SP7. As such, it would be premature to come to a view on the impact of the development when the future of Prospect House is at yet unknown.

In addition, the car park serves an existing employment site which under CP6 serves to maintain the employment base in Ollerton. Loss of the car park would be contrary to CP6.

On this basis, I am currently unable to provide support for the positive determination of the application.”

Additional Comments 06.05.20 – “My original concern was that there was no guarantee that the change of use of the office block would occur and that it was entirely possible that the residential development on the car park could be delivered ahead of the office block at the prejudice of the functioning of the office block. In this respect I am satisfied that the amendments and phased approach as outlined above would address my original concerns.

The proposal of a new apartment block meets more broadly supports the criteria in CP3 in respect of providing smaller units of 2 bedrooms or less and also has the potential to provide housing for the elderly. These two elements have particular emphasis placed on them under CP3.

NSDC Community, Sports and Arts Development – “If approved I would expect a community facilities contribution in accordance with the Developer Contributions SPD, such contribution would be allocated to a suitable scheme in the area of benefit that would serve the wider community. ”

NSDC Strategic Housing – “The proposal now provides additional dwellings (43 apartments). Therefore the applicant is above the qualifying threshold for on-site affordable housing provision

as per Council Policy (CP1). This would mean that there will be a requirement for 8 dwellings to be designated as affordable (NPPF compliant). I note the applicant is offering 30% affordable housing subject to a future viability report. Should the report find that a level of affordable housing is required, the Council would be seeking 8 x 1 bed apartments (2 bed apartments are in low demand in this area due to the spare room subsidy and Registered Provider interest. As this is an outline application, specific plots have not been identified. If there is no Registered Provider interest then the Council could consider the purchase of the affordables or a commuted sum may be required but only in the absence of interest from Registered Providers.”

NSDC Parks and Amenities – “As an application involving more than 29 units of accommodation this scheme should make provision for public open space in the form of both amenity green space and provision for children and young people. The amenity green space requirement appears to be fulfilled by the on-site provision shown on the proposed site layout plan however there is no obvious on-site open space provision for children and young people. An off-site play space contribution may thus be considered to be appropriate and if this is the case then the obvious site for provision/improvement is the Ollerton Central Park facility which is located close to the application site. The proposed 20 no 1 bedroom apartments will not generate a requirement for children’s playing space.”

Additional comments 10.06.20 – “Yes – the amenity green space is being provided on site so no contribution is required. And yes, only the 2 bed properties will count towards the PCYP contribution. We don’t normally seek off-site N&SNGS contributions – rather we should ask them to incorporate wildlife and biodiversity measures into the on-site landscaping.”

Nottinghamshire County Council Planning Policy Team – Initial comments 16.03.20 – “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 (MSA/MCA) have been identified in Nottinghamshire and in accordance with Policy SP7 of the emerging Publication Version of the Minerals Local Plan (July 2019). These should be taken into account where proposals for nonminerals development fall within them.

Minerals

In relation to the Minerals Local Plan, there are no Minerals Safeguarding and Consultation Areas covering or in close proximity to the site. There are no current or permitted minerals sites close to View our privacy notice at www.nottinghamshire.gov.uk/privacy Nottinghamshire County Council, County Hall, West Bridgford, Nottingham NG2 7QP the application site. Therefore, the County Council does not wish to raise any objections to the proposal 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 sets out the Planning Obligations that are being sought by Nottinghamshire County Council to mitigate the impact of the above development. These are detailed in appendix one and summarised below.

Transport and Travel Services

The County Council request a planning obligation of £6,000 for bus stop infrastructure. This will be used to provide improvements to the two bus stops on Forest Road and shall include installation of raised boarding kerbs.

Education

There is currently sufficient capacity in both the primary and secondary planning area to accommodate the additional primary aged and secondary aged pupils that would be generated by this development. Therefore, the County Council would not seek a planning obligation for primary or secondary education.

As developer contributions are being sought in relation to the County Council's responsibilities it is considered essential that the County Council be a signatory to any legal agreement arising as a result of the determination of this application. 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/planningand-environment/general-planning/planningobligations-strategy>

Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants.

These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.

Should you require any further assistance in relation to any of these matters please do not hesitate to contact me.”

Additional Comments 12.05.20 – “Transport and Travel”

Transport and Travel services comments remain the same and the County Council would still seek a planning obligation of £6,000 for bus stop infrastructure as detailed within the original NCC planning policy response (March 2020).

Education

As per the County Council’s Planning Obligation Strategy, only the 23x 2 bedroom units have been considered. A development of 23 units would expect to generate an additional 5 primary aged pupils and 4 secondary aged pupils. Based on current data, there is projected to be sufficient capacity to accommodate both the additional primary and secondary aged pupils and therefore the County Council would not seek a contribution at this time”

No representations have been received from local residents/interested parties.

Comments of the Business Manager

Principle of Development

The proposal seeks outline consent for the conversion of an existing office building (Prospect House) to residential and the erection of a new apartment block. Prospect House has been subject to a separate prior approval application that was approved for the conversion of the office building to apartments under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and a full application for external alterations. The conversion of Prospect House was considered to comply with the qualifying criteria contained within Class O and having received no objections from Nottinghamshire County Council - the Highway Authority or the District Council’s Environmental Health Service in respect of potential transport, highways and contamination risks it was concluded that the proposal would not result in any detrimental risks to such considerations and was therefore acceptable without the prior approval of the Local Planning Authority. The conversion of this building to residential under permitted development is therefore a fall-back position in the determination of this application.

The remainder of the site comprises a car park used in conjunction with the adjacent Prospect House office building. The entire site lies within the defined built up area of Ollerton, a ‘Service Centre’ in the district’s hierarchy in line with SP1 and SP2. The Core Strategy outlines the Spatial Strategy for the District setting a hierarchy for the preferential areas for further development. This essentially focuses the intention for further development within the Newark Urban Area (as a Sub-Regional Centre) in the first instance before cascading to Service Centres of which Ollerton and Boughton is classified as. The purpose of Service Centres are to act as a focus for service provision for a large local population and rural hinterland. The site is within the Urban Boundary for Ollerton and Boughton and therefore the principle of residential development within the site is acceptable.

Initially this application was for the car park re-development only (with the conversion of Prospect House already secured through the foregoing Prior Approval) however concerns were raised by the Highways Authority and Officers that there would be no guarantee that the change of use of the Prospect House would occur. Thus it was considered entirely possible that the residential re-development of the car park could be delivered with Prospect Housing never being converted to

residential, thus leaving a functioning Office Block without any car parking provision which would result in an unacceptable highways impact. As such the applicant has chosen to revise this application to include the conversion of Prospect House as Phase 1 and the re-development of the car park as Phase 2.

I am mindful that Prospect House and its car park serve as an existing employment site which under CP6 serves to maintain the employment base in Ollerton. Loss of the car park in isolation would have been contrary to CP6 as it would impact the ability of Prospect House to serve this function, however I am mindful that the two phases have now been linked. I am equally mindful of the national focus surrounding boosting the supply of housing that has resulted in such Permitted Development reforms that allow the conversion of office blocks to residential use in order to make the best use of available land to meet housing need. I therefore consider the approval under Permitted Development to convert this building to residential use is a fall-back position that is material to the application at hand and given that in principle residential development in this location is supported by SP1 and 2 I consider the principle of this development overall to be acceptable.

In addition, paragraph 68 of the NPPF is clear that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and that LPA's should support the development of windfall sites through their decisions, giving *'great weight to the benefits of using suitable sites within existing settlements for homes.'*

Housing 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 site area is approximately 0.64 hectares and therefore the proposal for up to 43 apartments would deliver a housing density of 67 dwellings per hectare. Officers initially raised concerns with the original proposal (for 16 no. 2 and 3 bed semi-detached properties on the existing car park) on the basis that the indicative layout for this type of housing was considered to represent a cramped arrangement with unacceptably small units which corresponded to overdevelopment of the site for this house type. A number of options were explored for semi-detached units however for a number of reasons all layouts demonstrating the applicants desired quantum and mix for semi-detached dwellings were unacceptable. Given the conversion of Prospect House to apartments the applicant explored the possibility of re-developing the car park part of the site with an apartment block which was considered to result in a more satisfactory indicative layout.

It is noted that whilst Core Policy 3 refers to a minimum density (i.e. no lower than 30), other than in the context of the Strategic Sites which details an aspiration for average densities of between 30 to 50 dwellings, there is no identification within the Policy in terms of a maximum density. The site is not allocated for development and therefore there is no set density aspiration. Noting the density of the existing and extant housing developments surrounding the site and within the Sherwood Energy Village which are a mix of detached/semi-detached/terraced properties and apartment blocks, it is considered that the scheme is not wholly inappropriate but could be

considered as being at the upper cusp of an appropriate density. Whilst it is not appropriate to attach weight to the indicative layout given the outline nature of the proposal, the plan does at least demonstrate that a maximum of 17 units would be accommodated within the conversion of Prospect House in a suitable arrangement and that the remaining (up to) 26 units could be delivered in an appropriately designed and scaled apartment block without resulting in the cramped appearance of the site or compromising on an appropriate level of external amenity and parking space.

Core Policy 3 also affirms that the District Council will expect good quality housing in line with the provisions of Core Policy 9 and that an appropriate mix of housing types will be sought. As is confirmed above, the application has been submitted on the basis that all matters are to be agreed at reserved matters stage and thus it is not possible, nor indeed appropriate to assess the exact housing mix proposed. However, certain judgements can be taken in respect of the quantum of development proposed and indeed the applicant has provided an indicative site layout and mix which demonstrates how the site *might* be developed. The indicative details shows that Prospect House would accommodate 17 apartments and the new apartment block would accommodate up to 26 apartments both with a mix of 1 and 2 bedroom units.

Ollerton falls within the Sherwood Sub-Area of the Council's 2014 Housing Market Needs Report. In the market sector 50% of existing households require three bedrooms. All of concealed households need two bedrooms. In the social sector the main size of property required by existing households is two bedrooms. The indicative layout demonstrates that there is potential for the reserved matters submission to sufficiently address local housing needs. The new apartment block more broadly meets the criteria in CP3 in respect of providing smaller units of 2 bedrooms or less and also has the potential to provide housing for the elderly. These two elements have particular emphasis placed on them under CP3. Therefore overall the proposal as revised is compliant with Core Policy 3.

Impact on the Character of the Area

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 (noting that a number of these factors would not be able to be considered until reserved matters stage).

As is referenced above, the site lies at the entrance to the wider Sherwood Energy Village, to the west, beyond the cemetery, lies a residential area within Ollerton but to the north, east and south adjacent land uses include the commercial uses of the Energy Village which are interspersed with residential development. On Latimer Way surrounding buildings are a mix of larger commercial buildings and two storey office blocks and the site is very much read within this context rather than the lower density residential area to the west. The conversion of Prospect house would include a number of minor external alterations, albeit reserved for a future reserved matters approval. Previously approved under 19/02268/FUL included changes such as alterations to the fenestration arrangement, addition of timber cladding and the erection of a small linking extension at ground floor level which were considered to be acceptable without resulting in a detrimental impact on the character of the area.

Turning now to the new apartment block proposed, the plans submitted (which are indicative only) show an L shaped apartment block positioned in the southern corner of the site. The part of the building facing Latimer Way is shown a 3 storeys and the out-shot that projects west 2 storeys. Given the surrounding site context I do not consider this relatively high density residential development would have a significant impact on the character of the area. Whilst the mix of commercial and residential would result in a contrast in land use I attach weight to the existing mixed use character that already exists in the wider Energy Village. There are other recent residential developments of a similar style in close proximity to the site and therefore I do not consider there would be character harm in developing the site in principle.

Impact on Highways Safety

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.

Matters of access and parking are not for consideration at this stage. Nevertheless the site plan demonstrates 43 no. unallocated parking spaces (including 3 no. disabled parking bays) can be accommodated within the site. The Highways Authority has been consulted on the principle of the development which overall would be for up to 43 apartments and their comments are listed in full above, including their initial comments regarding linking the conversion of Prospect House to the re-development of the car park. In summary, no objections are raised subject to condition in relation to any reserved matters submission demonstrating appropriate details including parking and turning facilities, access widths, surfacing, and drainage. I have no reason to disagree with this advice and consider the suggested condition to be reasonable and appropriate. On the basis of this condition the proposal is considered compliant with Spatial Policy 7 and Policy DM5. Exact details of access and parking provision would be secured through the reserved matters submission.

Impact on 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 located within the 5km buffer zone identified in Natural England's Indicative Core Area (ICA) and proposed Important Bird Area (IBA) boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total and that the Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014. There is a 5km buffer zone around the combined ICA and proposed IBA, as agreed by Natural England, within which possible adverse effects of any development should be properly considered. It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards.

Given the developed nature of the site and that no demolition or removal of any trees would be proposed as part of this proposal no ecology surveys have been submitted with this application. The Design & Access Statement does however address the SSSI Impact Risk. The Natural England Open Data publication has been consulted to determine if the site is likely to pose a risk the Wellow Park SSSI – the scheme falls under ‘Residential’ use but is below the threshold (50 or more units) contained within the SSSI Risk Impact Zone guidance where developments are considered to have the potential to pose a risk to SSSI’s. The nature and scale of the proposed development is therefore unlikely to pose a risk to the Wellow Park SSSI in accordance with the IRZ guidance. Following this guidance it has not been considered necessary to consult Natural England to seek their advice on this proposal.

With regard to the pSPA, given the developed nature of the site and the nature of the proposal there would be no demolition or removal of surrounding trees as a result of the development, nor would the development be located such that it would result in a direct impact on the pSPA. Any potential impact is likely to be indirect from recreational pressure, however if the application were to be approved then a clause within the S106 agreement could be added to require the submission of an advisory leaflet such that any proposed occupiers would be aware of the ecological constraints of the site.

Overall I consider the proposal is compliant with Core Policy 12 and Policy DM7.

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.

Affordable Housing

The qualifying thresholds for affordable housing provision requires some careful consideration. Paragraph 63 of the NPPF confirms that “*provision of affordable housing should not be sought for residential developments that are not major developments.*” For housing, major development is defined as being where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. The proposed application thereby falls into the major category. Core Policy 1 sets out how the Council usually expects the provision of Affordable Housing to be on site and this provision is set at 30%, which for this development equates to 13 units. I note the comments from NSDC’s Strategic Housing Officer cite 8 units being required however this is based on the minimum NPPF requirement of 10%. No viability case has been advanced with this application and as such compliance with CP1 is expected. As this is an outline application specific units have not been identified however the Council is likely to seek 13 x 1 bed apartments as a contribution to Affordable Housing as in the social sector 2 bed apartments are in low demand in this area due to the spare room subsidy and Registered Provider interest.

Community Facilities

The Council would seek a Community Facility contribution as per the LDF Developer contributions and Planning Obligations Supplementary Planning Document. The SPD sets out a formula which equates to a contribution of £1,384.07 per dwelling plus indexation. A development of 43 dwellings would therefore equate to a contribution of £59,515.01 plus indexation.

Education

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. Nottinghamshire County Council has reviewed the proposals and indicate that the proposed development of 43 units (which indicatively shows 23 no. of these to be 2 bed units) would yield 5 additional primary school places and 4 secondary school places. The comments received from the Developer Contributions Team at the County Council confirm that there is sufficient capacity in the current primary and secondary schools to accommodate the development and therefore no education contribution would be required.

Open Space

As an application involving more than 29 units of accommodation this application would need to make provision for public open space in the form of both amenity green space and provision for children and young people. Based on the indicative layout the amenity green space requirement would be fulfilled by the on-site provision however there is no obvious on-site open space provision for children and young people. The SPD states that the scheme would need to contribute to the provision for children and young people at a cost of £927.26 per dwelling plus indexation which charged on only the 2 bed units within the scheme. Based on the indicative mixed submitted (23 no. 2 bed apartments) this would equate to a contribution of £21,326.98 plus indexation. The NSDC Parks and Amenities Officer has indicated that in this case the obvious site for provision/improvement is the Ollerton Central Park facility which is located close to the application site.

The exact contributions sought from the Section 106 cannot be finalized until the exact numbers which come forward at reserved matters stage are known. If approved, any associated Section 106 would therefore be set out, where relevant, as a series of formulas to be applied to each separate obligation dependent on details submitted in the reserved matters stage. .

Transport and Travel

The Developer Contributions Team at the County Council have commented that they would request a planning obligation of £6,000 for bus stop infrastructure which would be used to provide improvements to the two bus stops on Forest Road and would include the installation of raised boarding kerbs.

CIL

The site is situated within the Ollerton Community Infrastructure Levy Zone and the development type is zero rated in this area meaning a CIL charge does not apply to the proposals.

Other Matters

Policy DM5 requires a consideration of amenity impacts both in respect to amenity provision for occupiers and amenity impacts to neighbouring properties. A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered. If reserved matters permission were to be forthcoming then the specific details of the scheme in terms of amenity impacts would need to fully considered including in the context with the potential relationships with surrounding land uses. Nevertheless a Background Noise

Assessment has been submitted to and reviewed by the Council's Environmental Health team who has raised no objection subject to the reserved matters application incorporating the recommendations detailed in the Conclusions section of the background noise assessment report such as acoustic glazing treatments.

Other consultation comments worthy of note (all listed in full above) include the comments of the Council's Environmental Health team in respect to contaminated land issues. These comments acknowledge that the previous use of the site is potentially contaminative. As such, it is recommended that a suitable condition is attached to any forthcoming permission.

In addition to above, I have considered the original comments of NCC Flood which outlined an objection to the scheme on the basis that the application did not include information as to how surface water would be dealt with. When taken in the context of the thresholds outlined in the NPPG, the proposal would not require the submission of a Flood Risk Assessment being within Flood Zone 1 and less than a hectare in extent. However, the site is considered as being at risk from surface water flooding according to the Environment Agency maps.

Drainage details have been submitted during the life of the application and subject to review from colleagues at NCC Flood Authority. The applicant has now demonstrated that the proposal is capable of adequate drainage provision subject to the exact details which could be secured by the suggested condition of NCC Flood team.

Comments have been received from the Town Council which have been duly taken on board throughout this assessment. With regards to their comments on the highways impact I note that matters relating to access and parking are reserved for future approval but nevertheless the indicative details submitted have been found to be appropriate by the Highways Authority. Disabled parking spaces have also been indicatively shown on the proposed site layout plan. Comments also refer to there being insufficient amenity space for leisure and gardening, particularly in light of the recent pandemic where outdoor space has proven to be valuable. Notwithstanding that precise matters relating to external amenity space are reserved for future consideration I have no concerns with the indicative plan submitted which in my view shows a reasonable amount of communal amenity space for both apartment blocks.

Overall Planning Balance and Conclusion

The application relates to the conversion of Prospect House to residential and the re-development of the car park for residential development which overall would be for up to 43 dwellings. Whilst the site is submitted in outline form with all matters to be reserved, the nature of any type of this development in this quantum can be inferred from the site constraints in respect of area alone. The site is approximately 0.64 hectares in extent and as such the delivery of 43 apartments would amount to a site density of 67 dwellings per hectare however I am mindful that 17 no. apartments would be accommodated within the existing building, Prospect House, which has permission for conversion to residential use under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Given the context of the area it is considered that the proposal represents an appropriate density that would assimilate well with the character of the surrounding area.

The benefits of the scheme in terms of the delivery of 43 no. smaller residential units in a sustainable settlement are afforded positive weight. It is also notable that no harm has been identified in respect of a number of other material planning considerations including ecology or

contamination. The reserved matters submission would present the opportunity for the LPA to secure an appropriately design and mixed housing scheme and as such I recommend that this application is approved subject to the conditions below and the signing of a Section 106 legal agreement to secure the contributions as referenced above.

RECOMMENDATION

Approve, subject to the following conditions and the completion of a S106 Agreement as set out above in this Report.

01

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

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

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

02

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

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

03

Any details submitted in relation to reserved matters for landscaping shall include a schedule (including planting plans and written specifications, cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall include details of a management plan.

Reason: In order to ensure the landscaping of the site promotes biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

04

The development hereby permitted authorises the conversion of Prospect House as identified on the Proposed Site Plan (19 / 2242 /(00)A/003 Rev. B) to accommodate no more than 17 residential units and the erection of no more than 26 residential units within Phase 2 of the site as demarcated on the Amended Proposed Phasing Plan (19 / 2242 /(00)A/004 Rev. A).

Reason: To define the planning permission.

05

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Drainage Strategy ref 5237/DS01 Keith Simpson Associates Ltd. dated November 2019, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. 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.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40 per cent (for climate change) critical rain storm 5 l/s rates for the developable area.
- 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.

06

Any reserved matters submission in relation to securing details of the access to the development hereby approved shall be accompanied by details to show parking and turning facilities, access widths, surfacing, and drainage. All details submitted to the Local Planning Authority for approval shall comply with the current Highway Design Guide and shall be implemented as approved.

Reason: To ensure the development is constructed to adoptable standards.

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

Part A: Site Characterisation

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

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

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

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

Informatives

01

You are advised to consider whether there are opportunities to incorporate innovative boundary measures to restrict public access and cat access to the areas important for woodlark and nightjar when submitting details relating to the reserved matters.

02

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.

03

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

04

NCC Flood Team wish for the following comments to be included as an informative:

We ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. We will provide you with bespoke comments within 21 days of receiving a formal consultation.

05

You are advised to incorporate the conclusions of the 'Background Noise Assessment' – Report No: 4352-R1 - Prospect House, Latimer Way, Ollerton undertaken by Clover Acoustics dated 28/05/2020 submitted in support of this application when submitting details relating to the reserved matters.

BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext 5827.

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

Committee Plan - 19/02279/OUTM

