

Application No:	17/00595/FULM	
Proposal	Residential development of 305no 2, 3 and 4 bed dwellings and associated open space and ancillary works	
Location	Land North Of Petersmith Drive, Ollerton, Nottinghamshire	
Applicant	Gleeson Regeneration Ltd	
Registered	10.04.2017	Target Date: 10.07.2017 Extension of time: Agreed in principle

This application has been referred to Planning Committee for determination due to the officer recommendation being contrary to the comments of the Parish Council.

The Site and Surroundings

The site relates to land at the rear of Petersmiths Drive which has been allocated in the Development Plan for mixed use development. The site area measures approximately 20.18ha (based on the revised red line boundary received during processing of this application), is irregular in shape and sits adjacent to the existing settlement edge to the north west of New Ollerton. Properties to the southern end of Petersmiths Drive are situated at a higher level to the site and the rear boundary of these properties adjoins a vegetated bank with an existing footpath closely aligned with the northern boundary of the settlement edge. Maun Infant and Nursery School and Forest View Junior School are situated adjacent to the south eastern boundary of the allocated site as well as the existing sports ground on Walesby Lane. To the north west of the proposed development site the land is characterised by open fields and the River Maun. Boughton Conservation Area and the Grade II Listed buildings at Boughton Pumping Station are situated in close proximity to the north eastern edge of the site. Ollerton Conservation Area is located some 530m to the south west of the site. Parts of the Northern and western edges of the site within Flood Zones 2 and 3 with the remainder of the site being situated within Flood Zone 1. The nearest Local Wildlife Site is Whinney Lane Grassland situated immediately to the north east of the site within the Boughton Conservation Area. The Birklands and Bilhaugh biosinc, an extensive remnant of the historic Sherwood Forest including excellent examples of the characteristic heathland and woodland communities, is located approximately 500m to the west of the site.

The application site is located within the Sherwood Policy Zone 15 (S PZ 15) as identified in the Newark and Sherwood Landscape Character Assessment (LCA) SPD. This Policy Zone is described as 'River Maun Meadowlands with Plantations' and the landscape is defined as being in 'good' condition and as having 'moderate' sensitivity. The LCA describes views as being generally contained by the low landform and intermittent tree cover. The landscape actions for this area within the LCA are to 'Conserve and Reinforce.'

Relevant Planning History

There is no planning history of relevance to the site albeit the applicant has sought pre-application advice prior to submission.

Environmental Impact Assessment Screening

Prior to submission of the application, the applicant sought a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council applied the selection criteria set out by Schedule 3 of the Regulations. Taking all matters into account, the Council confirmed its opinion that the proposal is unlikely to have complex or significant environmental effects and thus a formal Environmental Statement was not required in this instance.

In reaching this conclusion, the Council was satisfied that the proposal would not constitute a major development that would have more than local significance. Particular regard was also given to the location of the site which is outside of any designated environmentally sensitive areas and the scale and characteristic of development which would be residential seen in context with the existing settlement of New Ollerton.

The Proposal

Full planning permission is sought for residential development of the site for 305 dwellings with associated open space and ancillary works.

The quantum of dwellings has remained constant through the consideration of this application, however the extent of the application site has changed through the process to accommodate the proposed drainage solution.

The submitted drawings show the application site to be split into two distinct phases. Vehicular access is taken from Whitewater Lane to the eastern end with a spine road then running through the site to join a second point of access to the western end linking in to Petersmith Drive. The spine road serves several cul-de-sacs in each phase of the development. The first phase to the eastern end consists of 145 dwellings. There is then a distinct break to the centre of the application site where the site narrows and land is shown to provide public open space and a N.E.A.P. The second phase to the western end would provide a further 160 dwellings. Further open space is shown at the site entrance to the eastern end of the site including a L.A.P, and to the western end where a L.A.P. and land for sports pitches adjoining the existing Ollerton Miners Welfare Sports Ground which is situated to the south of the site. Two SUDS attenuation ponds are shown with one serving each phase of housing and situated immediately to the north of the residential parcels. Footpaths are shown alongside the proposed vehicular access spanning the site east to west from Whitewater Lane to Petersmith Drive as well as an additional footpath link to the east to the site frontage and another via a proposed cul-de-sac on the eastern parcel linking through to Petersmith Drive.

A suite of supporting plans and documents have been submitted with the application. Drawings include housing layouts, dwellings types, garage plans, materials elevations and schedule, details of boundary treatments, phasing plan, landscape plans, engineering plans and an indicative section plan. Supporting documents include a Landscape and Visual Impact Assessment, Air Quality Assessment, Economic Impact report and Viability Appraisal, Affordable Housing Statement, Heritage Statement, Archaeological Statement, Planning Statement, Residential Travel Plan, Tree and Hedgerow Survey, Design and Access Statement, Ecological Impact Assessment, Flood Risk Assessment, Maximising Security Through Design report, Transport Statement, Geophysical Survey and Planning Obligation Statement.

Departure/Public Advertisement Procedure

Occupiers of 194 properties have been individually notified by letter on the revised plans. The application has also been publicised by a site notice displayed at the site and an advert placed in the local press. All properties previously consulted and those that had previously made comments on the application were reconsulted in January 2018 following the submission of revised plans which included a second point of access providing a link to the western end of the site with Petersmith Drive and revised landscape proposals.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted 29 March 2011)

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

Newark and Sherwood Publication Allocations & Development Management DPD

- Policy OB/MU/1 Ollerton & Boughton – Mixed Use Site 1
- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions and Planning Obligations
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (2012)

National Planning Practice Guidance (Web based resource)

Newark and Sherwood Affordable Housing SPD (June 2013)

Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)

Newark and Sherwood Landscape Character Assessment SPD (December 2013)

Consultations

Ollerton and Boughton Town Council – Original comments on the application stated:

‘Object to the proposal on the following grounds:

1 - Highways – Access

The only access to this large development is from a small road which is already in a state of disrepair.

There could be in excess of 500 vehicles regularly accessing & exiting the site.

The main route to the site access is along a busy residential road which already has speed humps and passes two schools.

The alternative route is through a large estate where the bus service has already been cancelled as buses and also emergency vehicles struggle to get through due to the amount of parked cars.

The third route is from the A614 and uses a small bridge and would require a right turn at a dangerous junction. In addition there is no footpath on this route which puts pedestrians at risk.

2 - Environmental issues

The development is on a flood plain and members were concerned that the issue of flood risk has not been addressed. This would put both existing dwellings and the new properties at risk.

Due to the over development of the site wildlife has been put at risk. Previous investment of time and funding to enhance a footpath through the countryside would now be wasted.

3 - Infrastructure

Ollerton roundabout is already at full capacity and the addition of 500+ cars regularly travelling to and from the development would cause further strain at this busy junction.

The original Allocation was for approximately 200 dwellings and not the proposed 300+ properties causing over intensification of the site.

Members also felt that levels of unemployment would be affected as the increase in residential development is not reflected in the provision of local jobs.

4 - Services

Members were of the opinion that as the local Primary and Senior schools are already at full capacity, with the introduction of more families to the area this would be detrimental to the children's education.

The small GP surgery is currently struggling to cope with the number of existing patients. Other services such as the dentist etc are also oversubscribed. There appears to be no mention of contributions to address these problems. It was felt that an additional GP Surgery offering other healthcare provision plus measures to increase educational facilities should be considered as a priority.

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.'

Further comments on the revised plans in January 2018 stated:

'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:

1 - Highways - Access

Despite the addition of a second access this does not address the original concerns and in fact causes additional problems.

Both access routes lead from a small road which is already in a state of disrepair.

There could be in excess of 500 vehicles regularly accessing & exiting the site.

The additional access will cause further disruption to traffic flow on Forest Road and result in an increase in vehicles turning on to Forest Road from busy junctions at Beech Avenue and Walesby Lane close to the roundabout.

The main route to the site accesses is along a busy residential road which already has speed humps and passes two schools.

The alternative route is through a large estate where the bus service has already been cancelled as buses and also emergency vehicles struggle to get through due to the amount of parked cars.

The third route is from the A614 and uses a small bridge and would require a right turn at a dangerous junction. In addition there is no footpath on this route which puts pedestrians at risk.'

The additional comments reiterated the points 2 – 4 from the original response and added further:

'Noise, pollution, access/traffic issues, health and safety regards will have a cumulative effect on the existing residents of the town'

NATS – 'The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.'

These comments were repeated following reconsultation in January 2018.

NSDC Emergency Planner – 'I've taken a look at the flood report attached to the application and there appears to be a risk of flooding in the event of extreme weather through the centre of the proposed development. Flood mitigation measures have been factored in which should reduce the impact of any potential flood - this will not fully cancel out the impact however and it will be down to planning to assess whether the potential risk is acceptable.

I am not willing to support/decline to support any application as I am not a planning officer in respect of building/development and do not feel qualified to do so.'

NSDC Environmental Health – No comments to make.

NSDC Environmental Services (Contamination) – 'With reference to the above development, I have received a Phase 1 Geotechnical and Geo-Environmental Site Investigation Report submitted by Eastwood & Partners acting on behalf of the developer.

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

The report then recommends that further work is required in the form of an intrusive investigation. I shall look forward to receiving the subsequent phase 2 report in due course.'

Following this the Phase 2 report was submitted by the applicant and Environmental Services were reconsulted. A further response was received confirming:

'I have now had the opportunity to review the Phase 2 Geotechnical And Geo-Environmental Site Investigation report submitted by Eastwood & Partners (Project No 39505, dated 18th August 2016) conducted at the above site.

I can generally concur with the findings of the report and am therefore in a position to be able to recommend discharge of the contamination condition.'

The case officer confirmed with the Environmental Health Officer that as a consequence of the above, the Environmental Health Officer was satisfied that the standard phase contamination condition was not required as the applicant has done enough to justify that such a condition is not needed in this instance.

NSDC (Parks and Amenities) – 'As a major housing scheme of 305 dwellings this development will need to include public open space provision in the form of provision for children and young people (18m²/dwelling), amenity green space (14.4m²/dwelling), outdoor sports facilities (52.8m²/dwelling) and natural and semi-natural green space. In addition, as a development within a 5km radius of the Birkland and Bilhaugh SAC there is a need for the provision of Suitable Alternative Natural Green Space.

According to the Planning Statement a 'significant amount of public open space will be provided throughout the development' however there is no layout plan within the submitted documentation showing the disposition of this and I am thus unable to comment on the proposed provision. However a development of this size should provide on-site provision for children and young people in the form of at least 1 Neighbourhood Equipped Area for Play and additional Local Equipped Areas for Play such that both areas of housing are covered and there is provision for older children and teenagers as well as younger children. Amenity green space should be provided on site as should natural and semi-natural green space. The SANGS element could either be provided on site or as an off-site contribution to improve existing areas of accessible natural green space in the vicinity of the development.

I note that the Housing Layout plan shows a single football pitch and that this is located adjacent to the existing Ollerton Welfare sports ground. Whilst the provision of pitch space is to be welcomed I believe that to properly reflect the scale of the development there should be an accompanying off-site contribution towards the improvement of the existing Welfare facilities. I note also that the pitch is partly located on a 1 in 100 year floodplain which may adversely affect its usability.'

NCC (Strategic Planning)

National Planning Context

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

Waste

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

Paragraph 8 of the NPPW states that:

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

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

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

Minerals

Section 13 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 142 points out that minerals are 'essential to support sustainable economic growth and our quality of life.'

Paragraph 143 requires that, in preparing Local Plans, local planning authorities should:

- 'define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-minerals development, whilst not creating a presumption that resources defined will be worked; and define Mineral Consultations Areas based on these Minerals Safeguarding Areas;
- set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place'.

In Nottinghamshire, these areas are defined in the emerging Nottinghamshire Minerals Local Plan and supported by Policy DM13, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 144 of the NPPF states that:

‘When determining planning applications, local planning authorities should:

- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes’.

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

- having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;
- in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and
- when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.’

Transport

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all developments which generate significant amounts of movement to be supported by an appropriate Transport Assessment and a Travel Plan. It also states that it should be ensured that such developments are ‘located where the need to travel will be minimised and the use of sustainable transport modes can be maximised’.

Healthy Communities

The NPPF seeks to promote healthy communities. Paragraphs 69-78 of the NPPF set out ways in which the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It states that planning policies and decisions should:

- plan positively for the provision and use of community facilities in order to enhance the sustainability of communities;
- ensure an integrated approach to considering the location of housing, economic uses and community facilities.

Paragraph 171 of the NPPF relates to health and well-being and encourages local planning authorities to work with public health leads and organisations to understand and take account of the health status and needs of the local population, including expected future changes, and any information about relevant barriers to improving health and well-being.

With regard to public rights of way, paragraph 75 points out that they should be protected and enhanced, and ‘local authorities should seek opportunities to provide better facilities for users’.

Education Provision

Paragraph 72 states that:

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

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

Public Health

Appendix 1 sets out the local health report for the site and identifies that many of the health indicators are: worse than the England average) with Healthy Life and Disability Free expectancy, All causes of death for all ages Standardised Mortality Ratio (SMR) and Causes of premature mortality for under 75 years SMR causes is statistically worse than the England average.

The National Planning Policy Framework (NPPF) seeks to promote healthy communities. Paragraphs 69-78 of the NPPF sets out ways in which the planning system can play an important role in facilitating social interaction and create healthy inclusive environments.

Planning policies should in turn aim to achieve places which promote:

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

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

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

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

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

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

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

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

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

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

http://www.tcpa.org.uk/data/files/Health_and_planning/Health_2014/PHWE_Report_Final.pdf

are considered to promote a healthy lifestyle as part of this application. The six themes are:

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

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

Minerals Planning Issues

The adopted Nottinghamshire and Nottingham Waste Core Strategy (adopted 10 December 2013) (full title Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1:Waste Core Strategy) and the saved, nonreplaced policies of the Nottinghamshire and Nottingham Waste Local Plan (adopted 2002), along with the Nottinghamshire Minerals Local Plan (adopted 2005) (and emerging replacement plan) form part of the development plan for the area. As such relevant policies in these plans need to be considered.

In terms of the Waste Core Strategy, there are no existing waste management facilities in the vicinity of the proposed development to raise any issues in terms of safeguarding our existing waste management facilities (as per PolicyWCS10 of the Waste Core Strategy). The County Council would be keen to see the best practice of waste management for the development. As set out in Policy WCS2 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.

Strategic Highways

NCC have concerns relating to the cumulative impact of this development and others on the A614/A616/ A6075 Ollerton Roundabout junction. The TA supporting the application identifies 35% of the development traffic heading towards the Ollerton roundabout but does not consider the significance of this impact. In the same way that NCC are negotiating a S106 contribution from Thoresby Estates towards the cost of the Ollerton Rbt improvement scheme a proportional contribution from this development should also be sought.

Rights of Way

This application may impact on Ollerton & Boughton Parish Public Bridleways No 7 & 8, which run alongside the north western boundary of the site as shown on the attached working copy of the definitive map.

Whilst not an objection this Office would require that the availability of the above path(s) is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. That we are consulted in any re surfacing or gating issues, also developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

Any required path closure or diversion application should be made via consultation with this office.

Transport and Flood Risk Management

Comments to be provided separately by the Highway Development Control Team and the Flood Risk Management Team.

Archaeology

This application is accompanied by an unusually thorough desk based archaeological assessment, which is good. However, the document concludes the site to have low archaeological potential. This is based upon a lack of recorded archaeology in the vicinity. Unfortunately, this argument is a circular one, which has persisted across the Sherwood area. Little has been found, therefore we do not look, therefore we do not find. This issue has been specifically addressed in "Aggregates and Archaeology in Nottinghamshire", and while the application is for housing not quarrying, the principle nevertheless applies. There are more than a few hints that the conclusion may not be correct. For instance, the report notes the presence of palaeochannels but comments that it is unlikely that these will be affected by the development. Palaeochannels may contain data about the changing climate and ecosystems of the Forest as well as well-preserved organic remains. Not a single one of the rivers in the Sherwood area have had any modern archaeological investigation, which is staggering when one thinks of the amount of work which has been done on the Trent and its larger tributaries. It is noted that the ground condition report mentions peat deposits, offering further indications of the site's potential. The Maun has been manipulated from at least the Medieval period; indeed just a little to the South NCC have only recently become aware of an extensive water management system associated with the Cistercian monks at Rufford. From the plans for this application it is clear that the different phases of the site require substantial engineering works, including the creation of balancing ponds which appear to go right over the palaeochannels.

The normal NCC response to large developments proposed for the Sherwood sandstones is to recommend geophysical investigation, as this will usually provide corroboration or otherwise of assumptions of low archaeological potential. However, NCC recommend this here too, but with the knowledge that it may only work well on the higher ground, away from alluviated areas. In addition, NCC recommend that there needs to be sampling of the palaeochannels through augering or other geotechnical methods, so that we can determine their potential to contain good environmental or archaeological data. Both types of work need to be done before the application is determined, and they may well indicate that further evaluation is required before we can fully understand the impacts of the proposed development on buried archaeological remains. NCC cannot stress too strongly the fact that the palaeoenvironmental potential of the site needs addressing. NCC cannot think of another development site in the Sherwood area so likely to impact on potentially well preserved riverine deposits.

Ecology

In support of the application, an Ecological Impact Assessment conducted by SLR Consulting Ltd. has been submitted, dated March 2017, which includes an Extended Phase 1 Habitat Survey and protected species surveys. A separate Confidential Badger Report, dated March 2017, has also been produced.

The Ecological Impact Assessment indicates that the site is dominated by arable farmland, with additional strips of ruderal scrub vegetation and a number of hedgerows. There are no existing buildings on the site (with the exception of a small substation).

Overall, the site is of limited nature conservation value, however it does lie within the Impact Risk Zone for the Birklands West and Ollerton Corner SSSI, and within c.1.5km of the Birklands and Bilhaugh SAC, and as such, Natural England should be consulted on the application.

In terms of protected species:

- None of the trees on site have been identified as having potential for roosting bats, and the site appears to be of limited importance for foraging and commuting bats. Nevertheless, parts of the site are of higher importance, so measures mitigation should be required such that any artificial lighting is designed to be sensitive to bats, in accordance with the Bat Conservation (2014) publication – ‘Artificial lighting and wildlife – Interim Guidance: Recommendations to help minimise the impact of artificial lighting’ . **This should be conditioned.**
- At the time of surveying the field was identified as having the potential for skylarks or lapwings to nest within it. We request a standard **condition** controlling vegetation clearance during the bird nesting season (which runs from March to August inclusive).
- The majority of the site is not considered to have potential for reptiles; those areas which do have any potential are not being significantly affected.
- The badger survey identified the presence of active badger setts on the southern section of the site. Whilst this area is not proposed for housing development, the landscaping works for the area should be undertaken in a sensitive manner. In addition, we request a **condition** specifying that prior to the commencement of the development, the site be resurveyed for badgers.
- It appears that a new outfall from the development site into the River Maun may be required. It is requested that the location of this is surveyed for water voles and otters prior to construction, secured through a **condition**. The landscaping plan attached to the development proposal highlights the creation of wildflower areas, which is welcomed as it has the potential to enhance the site, alongside amenity grassland areas. NCC request a **condition** providing further details of the landscaping plan, in particular:
 - A more detailed plan labelling the specimen trees with the proposed species. In particular, we recommend that only native trees are planted within the proposed wildflower areas (i.e. Field Maple, Birch, Rowan or Oak).
 - A more detailed outline of the intended species proportions for use within the mixed native hedgerows and shrub planting areas. These should be in keeping with the Sherwood Landscape Character Area (<http://www.nottinghamshire.gov.uk/EasysiteWeb/getresource.axd?AssetID=253003&servicetype=Attachment>).
- Specification of the wildflower mix to be used for planting.
- Details of establishment methods.

- A landscape management plan (or equivalent) for the area, to guide the ongoing management of retained and created habitats. In order to deliver further enhancements, NCC would welcome the inclusion of integrated bird and bat boxes (the former targeting house sparrow, starling and swift) within the fabric of a proportion of the proposed dwellings. A **condition** to this effect would be welcomed.

It is also queried whether the proposed SuDS feature is intended to be dry for most of the time, or to hold water permanently. The latter has more wildlife value, and would be welcomed. Alternatively, several wildlife ponds could be dug in the open space areas. Comment on this would be welcomed.

Landscape

These comments have been provided by Via East Midlands Ltd on behalf of Nottinghamshire County Council through Via's continuing role of providing operational services on behalf of the County Council.

The Environmental Management and Design Team (formerly Landscape and Reclamation Team) were consulted on a pre-application consultation for this site for 220 240 residential development for this site in September 2017. Refer to planning reference PreApp/00235/15 Whinney Lane Ollerton and memo dated 17th September 2015 from Mike Elliot to the Planning Policy Team.

With regard to landscape design issues the following drawings have been submitted:

- Landscape Proposals 2639/1 1 of 3, 2 of 3, 3 of 3 Revision G September 2016 produced by Rosetta Landscape Design

The preapplication consultation recommended a Landscape and Visual Impact Assessment (LVIA) and a soft landscaping plan both of which do not accompany this application.

Policy OB/MU/1 Ollerton and Boughton Mixed Use Site 1 of Newark and Sherwood Allocations and Development Management DPD requests the "provision of a landscape scheme to assimilate the development into the surrounding countryside in accordance with the landscape character." An LVIA would assess the impact on landscape character and help to inform the master plan for this development which is sited on the visible north western edge of Ollerton close to the River Maun.

To summarise in order to make more detailed comments on this application further information should be provided by the applicant on the impact to both landscape character and visual receptors. Additional information should also be provided on the maintenance and long term management of the sites blue and green infrastructure.

Developer Contributions

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

Conclusion

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

Following confirmation from the applicant that the proposed SuDS features would be designed, in normal circumstances, to be wet (approx. 300mm water in base in normal rainfall conditions), the County Ecologist advised:

‘Thanks for the clarification regarding the SuDS ponds; the comment provided by the applicant is welcomed, as SuDS which are designed to hold water on an at least semi-permanent basis are better for wildlife than those which are dry most of the time.’

NCC (Landscape) – Following the initial response as part of NCC’s Strategic Planning comments, the Landscape Team commented further after the submission of the applicant’s LVIA and landscape drawings:

‘These comments are based on a desk based review of the site using aerial photographs, Google Earth Images, map data available to Nottinghamshire County Council and the following documents on Newark and Sherwood District Councils website accessed on the 17.10.2017

- Existing situation - Drawing No. 2693/4 Rev A
- Mitigation Measures - Drawing No. 2693/6 Rev B
- Visual Impact Analysis - Drawing No. 2693/5 Rev B
- Landscape Proposals 1 of 3 (Drawing No. 2693/1 Rev G) 2 of 3 (Drawing No. 2693/2 Rev G) 3 of 3 (Drawing No. 2693/3 Rev G)
- Landscape and Visual Impact Assessment (Rosetta Landscape Design) 2017

Due to time constraints a site visit has not been carried out in preparing these comments.

Existing Site

The application area (approx. 19 hectares) lies on the north western edge of Ollerton within Newark and Sherwood District. The site is part of a large open low lying agricultural field, set within the wider floodplain of the River Maun that runs to the west of the site. Existing residential housing to the north of Petersmith Drive lies to the south east of the site on slightly higher ground. Ollerton and Boughton bridleway (BW8) runs along the western edge of the site following the course of the River Maun along its western bank.

Designations and Planning Policies

Boughton Conservation area lies to the eastern edge of the site east of Whinney Lane. Boughton Pumping Station (Grade II listed building) lies to the north of this beyond which is mature tree cover of Boughton Brake. The southern tip of this area is a Local Wildlife Site (LWS), Whinney Lane Grassland (Ref: 5/2174) described as ‘An open area with remnant areas of acid grassland.’ Immediately west of the A614, approximately 0.5km west of the site is Birklands and Bilhaugh SSSI and Local Wildlife Site described as ‘An extensive remnant of Sherwood Forest including excellent examples of the characteristic heathland and woodland communities.’

Newark and Sherwood Allocation and Development Management Development Planning Document show this site as a Mixed Use Allocation (OB/MU/1) to accommodate 225 houses.

Proposed Development

The proposed development is for the construction of:

- 305 no. units comprising a mixture of detached/semi-detached 2, 3 and 4 bedroom houses. 2 storeys high (The overall height to ridgelines has not been stated)
- Access road from Whinney Lane.
- Associated green infrastructure , sports field and SUDs features

Physical Landscape Impact

The majority of existing vegetation which will screen this development is off site. The removal of existing vegetation though minimal should be quantified and any trees and hedgerows to be removed should be shown in the drawing (e.g. for new road junction with Whinney Lane). On site trees and hedgerows to be retained should be protected to BS 5837:2012 Trees in Relation to Design, Construction and Demolition.

Impact on Landscape Character

The site lies within the National Character Area NCA 49 Sherwood as defined by Natural England. At a county level the Nottinghamshire Landscape Character Assessment 2009 describes the site lying within the Sherwood character area and the Newark and Sherwood District Council Landscape Character Assessment SPD 2013 shows the site within the policy zone SPZ 15: River Maun Meadowlands with Plantations. The landscape condition is defined as good and the landscape sensitivity moderate giving a landscape action of conserve and reinforce.

The following actions are appropriate to this development:

- Conserve and reinforce the pastoral character of the river valley. (Development largely meets this requirement with the exception of the close proximity of built development within the southern phase)
- Promote measure for restoring arable lands to past and flood meadow (Development largely meets this requirement .Wildflower grassland is shown on the landscape drawings)
- Conserve and reinforce river channel diversity and marginal riverside vegetation. (Some tree planting is shown along sections of the river. Marginal wetland planting has not been shown. There is potential for more tree planting and wetland planting associated with the SUDs feature.)
- Conserve the sparsely settled character of the river corridor by avoiding development within the immediate flood plain of the River Maun. (Not met for the proposed housing area to the south)
- Reinforce the sense of place of the built environment by using materials and design that reflect the local character of the area. (Met)

The applicant has assessed the overall impact on landscape character as minor / moderate adverse impact following construction stage. (Refer to Table 2 page 10 LVIA for the definition of this impact) At year 15 this has been assessed as an overall minor adverse potentially beneficial due to the planting have matured. I consider that this would be minor adverse as it will be

dependent on the treatment of the north western boundary which has not been shown on the drawings. This requires clarification.

Visual Impact

The surrounding topography, pattern of existing vegetation on and offsite, heights of these buildings and proximity of visual receptor will determine the visibility of this development. The visual assessment has been described for the construction period and post construction viewpoints assessed during the summer months when trees are in full leaf. I generally agree with the findings of the visual impact assessment. The greatest impact will be properties that are to the immediate south of the development along Petersmith Drive which has been assessed as substantial by the applicant. There is very limited scope for reducing this impact due to the proposed layout other than planting within rear gardens. Had this LVIA been carried out at the master planning stage this could have been at least partially mitigated against. The rest of the site has been assessed as moderate to minor moderate on completion and a reduction again following planting maturing. This will be dependent on the amount of planting along the north and western edges of the site and proposed lighting. Will the sports pitch shown at the southern end of the site be flood lit?

Design Proposals

The planting shown on the Mitigation drawing (No. 2693/6 Rev B) does not reflect the proposals as shown on the Landscape Proposals drawings (No. 2693/1, 2693/2, 2693/3).

Inconsistencies include:

- A narrow belt of proposed tree planting adjacent to the River Maun is shown on the Mitigation drawing but not on the Landscape Proposals drawing 2 of 3
- There is an unlabelled hatched area on Landscape Proposals 3 of 3 (Drawing No. 2693/3 Rev G) Is this proposed planting as it is not shown on the Mitigation drawing?
- Two attenuation basins are shown on the Mitigation drawing and only one on the Landscape proposals drawings. The latter also show these features in different positions. Are these SUDs features to be wetland areas or a dry feature to accommodate surface water only during periods of heavy rainfall? Is there any wetland planting proposed? Will the water discharge into the River Maun and could wetland planting help to improve water quality entering the Maun catchment? Whilst functioning on a hydrological basis the proposed basins should be designed to appear as naturalistic features in this landscape rather than being over engineered with uniform gradients and profile to the margins.

The planting design does not appear to be informed by a clear planting strategy. This is important given the wider landscape context of the site which includes proximity to both designated sites of heritage and nature conservation interest.

There is insufficient provision of planting to the northern boundary which is contrary to bullet point 4 (page 73) of the Allocation and Development Management Development Planning Document. Planting along the northern and western edges will help to integrate the new settlement edge of Ollerton into the landscape and impact on receptors that use the A614 which is an important recreation/tourist route through the county. There is scope for more planting across the site. Intermittent gaps in hedgerows should be identified marked on the plan and gapped up on site and planting protected until they have grown out to fill the space. Native tree and shrub planting would provide shelter to adjacent sports pitches and provide connectivity for biodiversity

with the River Maun.

Detail planting design should be native planting suitable for the Sherwood Character area and this conditioned to show the size, species, density, tree protection using plant material from local provenance. The new planting works area described under paragraph 6.3 of the LVIA. Sycamore is not a native species and should be omitted from the mix. (Acer campestre, Field maple is and would be suitable) Plant species for the structure/screen planting should be native to the Sherwood Character Area. Due to the current problems with Chalara dieback of Ash (Hymenoscyphus fraxineus) Ash should not be planted.

Summary

I am generally supportive of the principle of development but consider that the application lacks a robust landscape strategy. The density of housing is higher than the allocation by 80 houses and the proposed planting seems minimal by comparison.

Although a landscape and visual assessment has now been carried out for this application it unfortunately has been carried out retrospectively when it is least able to inform and shape the proposed design which is set out in the site layout. This is unfortunate as there are missed opportunities where visual impacts (substantial for properties to the north of Petersmith Drive) could have been reduced.

I recommend:

- Inconsistencies between the landscape drawings should be resolved.
- The density /housing layout be reviewed to allow for additional space for screening and filtering of views
- Further information is provided on the location and the design of the SUDs features that incorporates wetland planting

The following points should be conditioned should planning permission be granted.

- A landscape masterplan/proposals plan should be submitted together with detailed planting proposals including specification, species, size at planting, spacing, ground preparation/tree pit details etc. Proposals for establishment maintenance and long term management should also be provided by the applicant.
- Appropriate management proposals and a funding mechanism for future softworks maintenance within the public open space should be agreed before construction works start on site.'

Following the applicants' submission of revised landscape drawings, the following further comments were provided:

'I have had a look at the revised drawings in line with my comments and your notes below and I am generally fine with the amended proposals that you describe. The only comment that I have is the loss of the hedge along Whitewater Lane, presumably to allow for visibility splays for site access, is regrettable. I know that the Wildlife Discovery Survey (Aug 2016) did not identify this as a concern but the outgrown hawthorn trees do provide a linking habitat between existing tree cover to the north of Petersmith Drive to Whinney Lane Grassland LWS (ref 5/2174) and the woodland associated with Boughton Brake beyond this. I acknowledge that the hedge will be removed at the site entrance and several metres beyond this but there appears to be scope to

retain some existing vegetation.

The extent of the visibility splay should be shown on the drawing.

Work to retain the northern/southern ends of the hedge should include:

- reduction in canopy height of hawthorn trees and laying of existing hawthorn to promote regeneration
- infill planting to gap up along the boundary to include occasional hedgerow trees'

A revised plan was submitted showing the hedgerow to the front boundary to be retained but trimmed back to the rear of the visibility splay and gaps filled with new hedgerow planting. The case officer confirmed this to the County Council's Landscape Team and advised if acceptable to them any favourable recommendation could also include conditions requiring precise details of the works to retain the hedge as bullet pointed above. The County Council confirmed by email on 14th March 2018 that this was acceptable.

NCC (Developer Contributions) – 'In terms of education; a proposed development of 305 dwellings would yield an additional 64 primary and 49 secondary places. Nottinghamshire County Council would therefore wish to seek an education contribution of £733,120 (64 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In terms of secondary education; the proposed development is within the catchment of The Dukeries Academy for which any contributions would be covered under CIL regulations. Further information about the contributions sought and the justification for this can be found in the attached document.

In respect of libraries; we would seek a developer contribution for the additional stock that would be required to meet the needs of the 732 population that would be occupying the new dwellings. This is costed at 732 (population) x 1.532 (items) x £12.50 (cost per item) = £14,018'

This initial request was accompanied by projections data for the primary catchment area of Maun Infant School and Forest View Junior School.

Following this request the County Council discussed their request with the applicant's representatives who queried the need for additional places given spare capacity at the nearby Parkgate Academy. The County Council provided their final comments on 30th January 2018, stating as follows:

'This full planning application sits in the Ollerton planning area. The area comprises the following schools:

School	PAN	Net Capacity
Maun Infants	60	180
Forest View Junior	60	240
Parkgate academy	50	350
Walesby Primary	20	140
St Joseph's Catholic Primary & Nursery	30	210

The composite first admissions capacity is 160, which is made up of the above PAN figures added together (minus 60 at Forest View – which is a junior and admits children from Yr. 3).

Projections data for 2017/ 18 show that 165 are required at first admission and at year 1 across the planning area with this number set to continue during the projections period.

Projections data for 2018/19 and 2019/20 point towards the area providing more potential applicants than places available.

The projections data that we currently reviewing does not include the DfE recommendation for a 1.2% in-year movement which equates to 13.44 (14) pupils. Also projections do not include a full planning application for the Ollerton and Bevercotes Miner's Welfare which on formula would generate an additional 18 primary aged students.

During the projections period 2017/18 – 2021/22 Walesby Primary school data shows that the school is full in all year groups with several infant year groups being full beyond the planned admission number of 20 – which given the rigour of the application of infant class size regulations (yr. Reception/ 1 and 2) – this would suggest that the excess of pupils will to be allocated a place at the only school in the planning area with capacity – Parkgate Academy.

Data for St Joseph's Catholic Primary, Ollerton is very similar to that of Walesby. Infant year groups are oversubscribed and older year groups also full for the plan period. Unsuccessful applications will be allocated a place at a school in the area where there may be places.

Maun Infant School, Ollerton has only 3 year groups; they are full throughout the plan period and unsuccessful applications would in all likelihood be allocated a place at Parkgate Academy.

When the pre-application was made in 2015 for 250 units the LA response was that a full education contribution would be required. The circumstances surrounding the situation in the Ollerton planning area have not changed materially since that response; if anything the situation is more challenging in terms of the provision of school places.

In our discussion before Christmas you alluded to the suggestion that the developer was of the view that Parkgate Academy had surplus capacity and that children coming from the Petersmith Drive development would push back children to fill these places. Our data would suggest that during the plan period the numbers of children in the area will mean that this "surplus" will not exist and that additional capacity will need to be created through the agency of section 106 funded development.

Finally, I would suggest that Gleeson's design statement (February 2017), paras. 6.5 & 6.6 , referring to the "305 dwellings making best use of the land available ensuring the site is viable," somewhat confounds the view that viability is at issue.

In summary NCC is of the view that full education contributions should be sought in relation to this and any future developments and would commend NSDC to seek these.'

NCC (Flood Team) – 'No objections in principle subject to the following comments:

1. No construction shall start until a detailed surface water design and management proposal has been submitted to and approved by the LPA.
2. A significant proportion of the site is shown in Flood Zones and it is critical to get the Environment Agency's views on the proposals.'

Ramblers Association – ‘It looks as if this site will share a boundary on its SW aspect with Ollerton & Boughton Bridleway 7, an important right of way giving access from the town to the far bank of the River Maun. As long as this bridleway remains open and safe to use during and after the construction process we have no objection.’

Further comments were provided during reconsultation:

‘I have no comment to make further to my submission of 26th April. As long as the integrity of Ollerton & Boughton Bridleway 7 (on the SW boundary of the development) is respected we have no objection.’

Natural England – ‘Insufficient information provided

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

Internationally and nationally designated sites

The application site is within 1.5 km of a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the ‘Habitats Regulations’). The application site is within the stated distance of the Birklands & Bilhaugh Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Birklands & Bilhaugh Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The interest features of the site(s) listed above may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development. The consultation documents provided do not include any assessment of air quality impacts. There is, therefore, currently insufficient information for you to undertake a Habitats Regulation Assessment of the proposed development and we advise you to obtain an Air Quality Assessment.

Natural England is concerned with the lack of information provided on air pollution in this application, since nitrogen deposition is already exceeding critical background thresholds in this area which is in close proximity to the designated sites listed above. The impacts of air pollution need to be assessed both in terms of the increase in traffic volumes and direct pollution (e.g. emissions from central heating boilers) that will be generated by this proposal. These emissions will contribute to the nitrogen deposition and NO_x concentrations on the designated sites and at the moment no in-combination effects can be ruled out since no information has been provided on emissions. We would require information to confirm whether the development, as currently proposed, will have a significant negative impact on both the SSSIs and SAC, either alone or in-combination. Such impacts may require off-setting measures either specifically as part of the development or as a contribution to wider measures needed to address in-combination effects.

Sites of Special Scientific Interest (SSSI)

No assessment has been provided of the potential impacts the proposal will have on the Birklands & Bilhaugh SSSI and Birklands West & Ollerton Corner SSSI. We advise you to obtain the following information in order to assess potential impacts of the proposal on this designated site:

- An air quality assessment (see above)

Please note that we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.'

Following the submission of an Air Quality Assessment Natural England provided the following further comments:

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below.

European sites – Birklands & Bilhaugh Special Area of Conservation

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

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

- Air Quality Assessment - Natural England has reviewed the air quality assessment which has now been submitted following our request for this information in our letter of 8th May (ref: 213769). We consider that the air quality assessment satisfactorily demonstrates that the Critical Loads for nitrogen contribution to acid deposition arising from additional development trips associated with the proposed housing scheme is less than 1% increase of the Critical Load at all considered ecological designations and units. We are also satisfied that no further assessment of 'in-combination' effects is required at the Birklands & Bilhaugh SAC designation.
- Green Infrastructure - Natural England does not consider there is a measurable impact from this proposed development on the SAC, however new residential developments mean more people, which can put increased recreational pressure on sensitive sites. Therefore it is important that new housing development is supported by adequate investment in the Green Infrastructure (GI) network in order to increase its accessibility and quality, helping to protect the more ecological sensitive sites, including Birklands & Bilhaugh SAC, from potential detrimental impacts.
- We note that policy OB/MU/1 of the Allocations & Development Management Development Plan Document applies to this housing allocation, which requires the identification of measures to protect and enhance features of biodiversity value and species within and adjoining the site, including the River Maun, and mitigate or compensate for any potential adverse impacts. In addition policy 12 of Core Policy requires the provision of Suitable Alternative Natural Green Space to reduce visitor pressure on the District's ecological, biological and geological assets for 5kms around the Birklands and Bilhaugh SAC.

- We therefore encourage you to ensure the proposed measures are sufficient to meet the requirements of the policy and contribute towards the overall functioning of the GI network by helping to implement the priorities identified in the GI Strategy. We recommend any evidence to demonstrate successful implementation of the GI Strategy, obtained through a review of the Strategy or monitoring of outcomes, should be used in support of the HRA.

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

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

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

- disturbance to breeding birds from people, their pets and traffic
- loss, fragmentation and/or damage to breeding and/or feeding habitat
- bird mortality arising from domestic pets and/or predatory mammals and birds
- bird mortality arising from road traffic and/or wind turbines
- pollution and/or nutrient enrichment of breeding habitats

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

Natural England's final comments on the proposals were as follows:

Thank you for your consultation of 22nd January 2017 regarding the additional information relating to the above planning application concerning the following: site location plan, phasing plan, landscaping, engineering and housing layout.

Natural England acknowledges that the landscaping plans describe the proposed planting regime for green space located along the western boundary of the development. We note that a wildflower mix will be included and planting of native tree species. We suggest that the trees should be of local provenance where possible. We have no objection to the additional information and have no other comments to make further to our response of 17th July 2017.'

Environment Agency – Initially commented as follows in May 2017:

'We object to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. We recommend that the application should be refused planning permission on this basis.

Reasons

Planning Practice Guidance to the National Planning Policy Framework classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. In this case part of the application site lies within Flood Zone 3b functional floodplain defined by the Planning Practice Guidance to the NPPF as having a high probability of flooding.

The development type in the proposed application is classified as more vulnerable category in line with table 2, Planning Practice Guidance to the NPPF. Tables 1 and 3 of the Planning Practice Guidance to the NPPF make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.

Overcoming our objection

The FRA has confirmed that the surface water attenuation pond has been located within the functional floodplain. This should be located outside of the floodplain to comply with the NPPF and avoid increasing flood risk to third parties.

Once this has been achieved the FRA requires the following amendments:

- Assess the impact of a 100 year plus 50% climate change flood event.
- Ensure finished floor levels must be placed at least 300mm above the minimum 100 year plus climate change level, in particular plots 174-190 and 191-211. Please note we can provide additional model nodes to support the FRA
- Floodplain compensation must be provided to a level for level standard. This should be detailed in the FRA and included on application drawings of the site.'

In September 2017 the following further comments were provided:

'I refer to the above application and additional information more recently received.

Please note that the Environment Agency understands that you are still working with the LPA to determine whether or not the principle of locating the drainage feature in FZ3b is acceptable in terms of the appropriateness to the Flood Zone. However, we have reviewed the document and have the following comments:

- We recommend that losses and gains of floodplain storage are provided in 200mm bands. We need to ensure level for level floodplain compensation has been provided.
- We note that the 2016 Waterco modelling has been used. We thought this modelling has a 2D floodplain representation. Floodplain heights could be used to provide a more accurate assessment of the loss of floodplain storage

Once we have details of the proposed level for level compensation we will be able confirm the adequacy of the scheme.'

The above comment relates to the applicants suggestion that the development should be considered in its component parts and that the housing being proposed would not be located on land at higher risk of flooding. I have considered the principle of this aspects of the scheme alongside the other Flood Risk and drainage considerations within the appraisal below.

Following further discussions on the technical aspects of flood risk and drainage between the Environment Agency and the applicant, a revised Flood Risk Assessment (Report No.16/022.01 Rev 02 – 14 Feb 2018) and engineering drawings were submitted on 21 February 2018. The Environment Agency has now provided the following further comments:

I refer to the above application and additional information received on the 22 February 2018.

Environment Agency Position

As discussed with the LPA and the applicant, and as per our previous response, the surface water attenuation pond is located within an area highlighted within NSDC's Strategic Flood Risk Assessment (SFRA) as Flood Zone 3b (functional floodplain). Notes to Table 3 of the Planning Practice Guidance to the National Planning Policy Framework explains that some developments may contain different elements of vulnerability and the highest vulnerability category should be used and therefore the surface water pond should be considered as More Vulnerable, and therefore not appropriate in Flood Zone 3b. We consider that the surface water attenuation is intrinsically linked to the development and would not be a standalone development without the more vulnerable development it is serving and therefore we object to this application because the proposed development is inappropriate to the Flood.

However, the note to Table 3 does continue to explain that the development can be considered under their component parts. We understand that this approach is being recommended by the applicant and that the surface water pond can be considered as water compatible (flood control infrastructure). The LPA must therefore consider whether the surface water attenuation can be considered as a separate component and consider the precedent this may set for future applications.

If the LPA are minded to accept the compartmentalisation of this development and recommend approval of this application, then the proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) policy to ensure the development is safe and there is no increase in flood risk to third parties if the following planning conditions are included.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 16/022.01 revision 02 (February 2018) compiled by JOC Consulting and the following mitigation measures detailed within the FRA:

1. No dwellings located within the 1 in 100 year plus upper estimate of climate change and floor levels set in accordance with appendix F of the FRA.
2. Provision of compensatory flood storage as detailed in Section 7.1 and appendix F of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to ensure no development or ground works within 8m of the top of bank of the River Maun and an unobstructed easement maintained during the lifetime of the development has been submitted to, and approved in writing by, the local planning authority.

Reason

To reduce the risk of the development impacting on the banks of the watercourse, allow for exceedance flows and future maintenance for removal of channel blockages and watercourse improvements. The easement can be an opportunity for environmental/biodiversity enhancements and access for the public.'

The applicant's drainage consultant challenged the Environment Agency's objection on the following grounds:

I have received a copy of the Environment Agency's latest response dated 13th February 2018 and I am very surprised that the EA is maintaining its objection which appears to be solely in relation to the flood zone 3b issue. I note that the letter leaves it to the LPA to decide whether the development can be considered under its component parts but this misses the point. As noted in paragraph 6.4.3 of the FRA rev. 02, the 2016 River Maun Study by Waterco; the findings of which have been accepted by the Environment Agency; clearly shows that no part of the site is affected by the 4% AEP flood outline. This is the most recent and 'best available information' which supersedes the flood maps in the SFRA which were produced in 2009. The Environment Agency requires site specific flood risk assessment to use the best available information but, in this instance it does not appear to have followed its own advice.

As no part of the site is within an area at risk of flooding from a 4% AEP (1 in 25 years) event, it cannot realistically be considered to be in the Functional Floodplain, whatever the 2009 SFRA map indicates and the question of considering the development in its component parts does not therefore arise.

The Environment Agency then provided a further response advising:

This is a fair question and the Waterco modelling shows no flooding of the site in a 4% (1 in 25) Annual Exceedence Probability (AEP). We have been working from the definition of Functional Floodplain (Flood Zone 3b) from the NPPF:

Zone 3b The Functional Floodplain This zone comprises land where water has to flow or be stored in times of flood. Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency. (Not separately distinguished from Zone 3a on the Flood Map)

The NPPF does not define a specific return period, but often the 4% (1 in 25) or 5% (1 in 20) AEP has been used in SFRAs. Some LPAs identify more conservative FZ3b, particularly considering land where water has to flow or be stored in times of flood definition (e.g. some LPAs have used a 1 in 100 year outline). Your level 1 and 2 SFRA provides the defined 'functional floodplain' for the area here:

<http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/floodingandwaterinfrastructure/strategicfloodriskassessmentlevel2part2/Appendix%20E%20-%20Flood%20Maps,%20Flood%20Maps%20for%20Surface%20Water.pdf>

However, if it is simply as explained in paragraph 6.4.3 of the FRA that “the SFRA maps will be updated in due course” and the 1 in 25 year outline from the updated modelling will be used to update Flood Zone 3b then please take this into your consideration and our comments regarding the appropriateness of the development to Flood Zone 3b should be disregarded.

NSDC Planning Policy – Initial comments provided in respect of Flood Risk:

‘In flood risk terms the allocation of the site was guided by the Strategic Flood Risk Assessment (SFRA) Level 2 Part 2 (prepared in 2012), with the assessment informing the setting of the relevant requirements in Policy OB/MU/1. Subsequently the SFRA has been updated earlier this year to support the ongoing Plan Review, and with respect to this particular site hydraulic modelling was undertaken.

I note that the application is supported by a Flood Risk Assessment (FRA) which seeks to address the flood risk requirements of Policy OB/MU/1. The Planning Practice Guidance (PPG) advises that such assessments should be proportionate to the degree of flood risk and make optimum use of information already available, including information in a SFRA. The purpose of the FRA, again as outlined by the PPG, is to demonstrate to the decision-maker how flood risk will be managed now and over the development’s lifetime, taking climate change into account, and with regard to the vulnerability of its users.

I would defer to the EA for detailed consideration of the submitted FRA and note their current objection. However it is important that flood risk is considered with the benefit of the most up-to-date information, in this respect the applicant’s FRA has drawn from the Level 2 Part 2 SFRA and the River Maun Flood Risk Mapping Study (2007) prepared by the EA. As previously stated the Level 2 Part 2 study has now been reviewed and updated earlier in the year. This work also considered the suitability of using the EA River Maun Study to assess the impacts of climate change. Ultimately it was felt that disproportionate effort would be required to generate climate change allowance flood extent mapping from the model, and that this would ultimately be of limited reliability. Accordingly a more accurate assessment of flood zone impacts on the deliverability of the site was deemed necessary, and so this was the focus of the hydraulic modelling. As I understand it the EA are now content with this work, however the comments provided from the EA on the application don’t appear to have taken account of it.

Importantly the modelling shows the entire site to be dry during the 4% AEP (Annual Exceedance Probability) event (i.e. a 1 in 25 year fluvial event) and whilst the Maun overtops its banks in places during this event flood waters do not reach the site. During a 1% AEP event (i.e. a 1 in 100-year fluvial event) a very small area of the site to the north experiences shallow flooding, whilst the remainder remains flood free. With the addition of a climate change allowance of +30% flow on the 1% AEP event the flood extent in the north slightly increased to approximately 0.4ha (2% of the site area). Maximum flood depths also increase but the majority of the site remains flood free. When a +50% climate change allowance is considered flood extents and depths in the north increase a small amount relative to the +30% scenario with approximately 3ha (16% of the site) experience flooding. The extreme 0.1% AEP event (i.e. a 1 in 1000-year fluvial event) shows similar extents to the 1% AEP + 50% climate change scenario with approximately 77% of the site remaining flood free.

Notwithstanding the EA's current objection I would question whether the applicant's FRA can be considered robust. However the critical question is whether our hydraulic modelling is sufficiently detailed to support the determination of the application, and if so what the implications of this are for the development as proposed. So I would suggest that we go back to the EA on these points. My reading of this (which may be incorrect) is that our modelling shows the site to be at lesser flood risk, and that applying the sequential test at site level the flood sensitive residential development appears to be located in areas at lesser flood risk.

The update to the SFRA and the hydraulic modelling can be viewed through the link below.

[http://www.newark-sherwooddc.gov.uk/planningpolicy/strategicfloodriskassessmentupdate/#d.en.76911'](http://www.newark-sherwooddc.gov.uk/planningpolicy/strategicfloodriskassessmentupdate/#d.en.76911)

These comments were forwarded to the Environment Agency on 15th May 2017.

Comments were subsequently provided on other elements of the proposal (Note comments provided prior to the amended layouts submitted in January 2018):

'The application seeks full consent for 305 dwellings and open space, with the principle of development having been established through the allocation of the site. Whilst the principal may be acceptable it still however remains important that the detail of the proposal is acceptable.

Flood Risk

Comments have been previously provided over fluvial flood risk. In addition this the positive management of surface water is also sought through OB/MU/1. We are however yet to receive comments from the Lead Local Flood Authority and so I would defer to the body for guidance on this aspect.

Level of Development

The level of development exceeds that anticipated through the site allocation policy. When the capacity of allocated sites was calculated it was based on an average density of 30 dwellings per hectare with any necessary adjustments for site characteristics. Without detailed layouts available at the time of allocation it was anticipated that some sites would yield less and some more than the average density figure. The main aim of the allocations process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy and this was endorsed by the Inspector who conducted the examination of the DPD. Where site owners and promoters made the case that their sites could accommodate a greater level of development then the Inspector made it clear that this was a matter for the planning application process, the test of soundness was satisfying the targets of the Core Strategy.

The key aspect in considering the greater level of development is therefore whether the proposal remains able to satisfy relevant policy requirements and whether it would give rise to any unacceptable local environmental, highway or amenity impacts. Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development, and particularly not for statistical reasons alone. As explained above the figures quoted within the DPD were minimum estimates, not maximum capacities. Where sites can deliver a greater amount of development this will benefit both the settlements in which they lie and the whole district. Developer contributions for use within the settlement will be

proportionally higher and there may be less need to find new sites in future rounds of site allocation. District-wide, a greater amount of development helps to maintain the 5 year land supply and thereby provide protection from inappropriate development.

Affordable Housing Provision

The applicant has put forward that meeting the affordable housing contributions required by Core Policy 1 is not viable, so we will need to be content that this has been robustly demonstrated. It is also suggested that the applicant's 'help to buy' product meets the definition of intermediate affordable housing, which I would defer to Strategic Housing for guidance on. However should the product fall within the definition then it is reasonable to question whether this is an appropriate affordable housing product for the locality, or whether an alternative product or mix of products would be more suitable. Again Strategic Housing would be able to advise on this.

The mix within this element of the scheme is focussed on 2 and 3 bed units. However the Sub-Area Report to the Housing Market & Needs Assessment (2014) shows demand within the social sector to be overwhelmingly focussed on one and two bed units. The affordable mix would therefore be improved through inclusion of one bed units, and so in my view as currently proposed the mix requires justification. Such justification can include the presenting of a viability case, however as set out above this will need to be robust in order to be satisfactory.

Housing Mix

According to the Sub-Area report to the Housing Market & Needs Assessment (2014) market sector demand within the Sherwood Area is weighted in the following way:

- 2 bed 51.8%
- 3 bed 38.2%
- 4 bed 10%

As far as I am aware the applicant has not provided detailed settlement level housing needs information so it would not be unreasonable to expect a mix within the market sector which approaches the above split. The mix as proposed includes 2, 3 and 4 bed units which would be in line with our housing needs evidence, however the respective weightings within the mix are not. 3 bed units would make up the bulk of the scheme at 175 units (roughly 57%), 2 bed dwellings make up the next largest element at 105 units (approximately 34%) and 4 bed units contribute a small portion at 25 units (around 8%). Consequently the mix would better reflect local housing needs if the number of 2 bed units was increased at the expense of some of the 3 bed units. Justification in line with Core Policy 3 will therefore be required to support the mix as proposed.

Design & Layout

The site allocation policy requires a design and layout which respects and enhance the setting of the nearby Boughton Pumping Station Conservation area and Listed Buildings. I note that a 'break' between the proposed residential development and the designation(s) has been factored into the scheme, I would however defer to colleagues in Conservation for consideration of this aspect.

The site is linear form and location results in a high level of prominence; consequently OB/MU/1 requires provision of a landscaping scheme to assimilate the development with the surrounding landscape character. Whilst the applicant has provided landscaping plans I would agree with the comments from the County Council which highlights the need for a Landscape and Visual Impact Assessment. It is crucial that we have sufficient information before us to allow for proper consideration to be made.

Through Core Policy 3 densities of no lower than 30 dph are sought, with those lower than this needing to be justified. The scheme comes in at 16 dph, however there are significant amounts of open space within the overall site area as well as areas subject to flood risk which are non-developable both of which will affect the calculation. Accordingly in my view the matter ought to come down to whether you consider that the proposed density within the developable areas is acceptable and contributes towards an appropriate design and layout.

Open Space

The proposal appears to make provision for the strategic open space referred to within Policy OB/MU/1 which is to be welcomed. Through the site allocation policy the importance of appropriate phasing mechanisms between the residential development and strategic sports infrastructure and open space uses is underlined. The applicant has proposed delivery of the site be split across two phases (which on a purely visual assessment appear to constitute roughly half the scheme each). In my view this does not appear unreasonable though we will need to use an appropriately worded condition to ensure that delivery occurs at an appropriate juncture (i.e. whether this occurs on commencement of the second phase etc.). To guide this I would suggest that input be sought from the Community Sports and Art Development team over the timing of delivery.

Given the scale of the proposal it will however attract other open space requirements, as set out in the response from the Business Manager Parks & Amenities. Ultimately it may be that given the scale of strategic open space requirements a lesser level of provision in other forms of open space is, on balance, acceptable (particularly when set against other competing developer contribution priorities). However in order to come to that conclusion we will need to better understand the proposed approach, and should a viability case be presented be comfortable that this is robust.

Biodiversity & Ecology

Policy OB/MU/1 refers to the need for protection and enhancement of features of value within and adjoining the site and of mitigation / compensation for any adverse impacts. The applicant has provided an Ecological Impact Assessment with NCC being satisfied that overall the site is of limited nature conservation value.

In terms of wider ecological impacts I note that the assessment has considered and concluded that the site does not have the potential to support either woodlark or nightjar in its present stated. I would however defer to relevant stakeholders for guidance on this.

Whilst the proposal has sought to take account of its potential impact on the breeding population of nightjars and woodlarks there is nonetheless a holding objection from Natural England. This highlights that there is currently insufficient information to allow a Habitats Regulations Assessment of the likely effect of the proposed development on the Birklands & Bilhaugh Special Area of Conservation. Given that nitrogen deposition is already exceeding critical background

thresholds in the area the body advises that an Air Quality Assessment be sought. Whilst with regards to the Birklands & Bilhaugh SSSI and Birklands West & Ollerton Corner SSSI no assessment has been provided over the potential impacts of the proposed development.

To relieve visitor pressure on the Birklands & Bilhaugh SAC Core Policy 12 and Policy DM7 both require provision of SANGS on sites within 5km of the designation, with the quantity and quality to be developed and agreed in conjunction with the District Council and Natural England. I am unaware of any input having been provided by Natural England on this specific matter. Nonetheless the proposal does appear to have made allowance for a significant level of open space provision which may well address this requirement.

Highways

The site allocation policy requires the submission of a Transport Assessment, through which the impact on the local highway network and importantly Ollerton Roundabout needs to be considered. I note that the Highways Authority have placed a holding response, and in respect of Ollerton Roundabout have raised concerns. The TA identifies 35% of development traffic using the roundabout but with the significance of this impact not being considered. The Authority has indicated that a proportionate S106 contribution towards its improvement should be sought. The proposal appears to have a single point of access, so we will need to be content that this is acceptable.

Developer Contributions

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure and so I would direct you to this document in the first instance.

Conclusion

There remain significant outstanding matters and whilst these matters may be capable of remedy the proposal as it stands does not comply with the Development Plan. Without the positive resolution of these issues strong material considerations would be required to determine the application positively.'

NSDC (Conservation) – Introduction

The proposed development seeks permission for 305 dwellings at the edge of Ollerton (to the north of Petersmiths Drive).

There are no designated heritage assets within the proposal site. Nevertheless, by virtue of its layout, scale and form, the proposed development could affect the setting of a number of heritage assets. The proposal site at its eastern limit is, for example, located directly adjacent to three listed buildings forming Boughton Pumping Station (all Grade II listed; designated 1974). The Pumping Station complex falls within Boughton Conservation Area (CA) (designated 1993).

In the wider landscape, approximately 1km to the west and northwest of the proposal site is Thoresby Park, a Grade I registered Park and Garden. Less than 1km to the south is Ollerton CA, encapsulating the historic core of the settlement and including the landmark Ollerton Hall.

In addition, the Grade II listed Church of St Paulinus sits within the heart of the early 20th century planned colliery settlement and is located approximately 500m to the south of the proposal site.

We provided pre-application advice on a scheme for residential development on this site in 2015 (ref PREAPP/00235/15). This proposal was for 250 dwellings. It is acknowledged that the general layout of the submitted scheme is similar to that shown in the concept masterplan submitted to the Council in the pre-application enquiry, comprising two distinct clusters of development to the north east and south west.

Main issue(s)

Key issues to consider in this case:

- i) Whether the proposal would preserve the setting of the listed buildings comprising Boughton Pumping Station;
- ii) What impact the proposal has on the setting of Boughton CA; and
- iii) What impact the proposal has on the character and appearance of the area, taking into account the wider landscape setting of Thoresby Park and Garden and other heritage assets.

Legal and Policy Considerations

The proposal site is allocated in the NSDC Allocations and DM Policies DPD (ref OB/MU/1). In accordance with the approved policy for that allocation, any proposals should seek to incorporate sensitive design to respect the setting of the listed building complex at Boughton Pumping Station, as well as Boughton Conservation Area.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Section 72 also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

Policies CP14 and DM9 of the Council's Local Development Framework (LDF) Development Planning Documents (DPD), amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice in Planning (notably Notes 2 and 3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the "main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting" (paragraph 41).

The decision-maker should be mindful of the need to give great weight to the conservation of designated heritage assets (para. 132). This is consistent with the LPA's duty to consider the desirability of preserving listed buildings (and their setting), as well as conserving or enhancing the character and appearance of the conservation area. The Judicial Review concerning *The Forge Field Society vs Sevenoaks District Council* presents some timely reminders of the importance of giving considerable weight to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. Mr Justice Lindblom reminds us: "As the Court of Appeal has made absolutely clear in its recent decision in *Barnwell [Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014)]*, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in *Barnwell* it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight. This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in *Barnwell*, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering" (paras 48-49).

In heritage conservation, therefore, there are two key legal requirements that apply to decisions concerning listed buildings and conservation areas. Simply put, these legal objectives require special regard to the desirability of preserving these types of designated heritage asset (sections 66 and 72 of the Act). The courts have said that these statutory requirements operate as a

paramount consideration, 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, there must be a sense of the weight society, through parliament, wishes to place on an objective such as heritage asset conservation. The protection of listed buildings and conservation areas is regarded as highly important, and that should not be undervalued out of respect for both the law and democratic will.

Significance of the heritage asset(s)/appraisal of site and surrounding area

The proposal site itself does not include any designated heritage assets. Sanderson's 1835 map (extract attached) reveals a brick pattern field system parallel to the water course (River Maun) with extensive hop fields. The proposal site has the potential for archaeological interest.

Boughton Pumping Station comprises 2 pump houses which were opened in 1905. The station was designed by W. B. Starr in a renaissance revival style, comprising red brick with rockfaced stone, ashlar dressings and Westmoreland slate roofs. The Blackburn Engine House (the principal pump house) possesses a distinctive brick chimney. The site also includes a superintendent's house and workers' cottages, as well as boundary walls and railings.

The Pumphouse was commissioned by the Nottingham Corporation Water Department. There were two Manhattan-type 'triple-expansion steam engines' from Ashton Frost of Blackburn.

Boughton Pumping Station later passed into the hands of Severn Trent Water and was listed Grade II in 1974. By 1980, the pumping station was obsolete and in need of major repair, and in 1988 suffered structural problems from mining subsidence. Boughton Pumping Station Partnership Trust secured funding to restore the buildings and by 1998 the works were complete. Since then, the Station has been operated as a business centre by several previous owners, Boughton Pumping Station Trust, Nottinghamshire County Council and NE Group. In April 2010 it was privately purchased by Horizon Investments and re-launched as Blackburn House (named after the Blackburn pumping engines).

The land to the north of the former Pumping Station was known as Boughton Brecks and is an important landscape feature (note the 1871 Enclosure Plan attached).

The 1938 OS map (see extract attached) reveals housing emerging along Whinney Lane. The bulk of the housing off Petersmiths Drive is later 20th century. Housing stock in the vicinity is predominantly 2 storey with some single storey bungalows.

Boughton Conservation Area was designated in 1993. There is no current Appraisal for the area. The CA boundary follows the historic enclosure of the Station complex. Historic mapping reveals that the site has always been well-wooded (see 1920 extract for example), and the trees are therefore an important element of significance. The apex of land to the south is currently open, but is now encroached upon by modern housing development to the southeast, as well as the eastern termination of Petersmiths Drive.

Assessment of Proposals

The proposal site's north-east boundary is directly opposite Boughton CA and the historic building complex of Boughton Pumping Station. Designed by W.B. Starr, the main Station buildings were constructed in baroque and renaissance revival styles in 1905 and have group value with the former station superintendent's house, workers' housing and walls and railings forming the site

boundary. The curtilage and immediate setting of the Station complex is encapsulated within the CA boundary, but the site also enjoys a relationship with an ostensibly rural landscape setting due to its historic independence from Ollerton and Boughton. The proposed development will expand the existing urban extension along Petersmiths Drive, and due to the intensity of units proposed, will impact upon this rural setting.

As a result of extensive tree coverage within the CA and further trees and hedges along the north-east boundary of the proposal site, much of the historic building complex enjoys significant screening from the proposed development. It is accepted that the rural context of the Pumping Station has much changed in the post-War period, furthermore, with modern housing now located in close proximity at its southern and eastern edges. The proposal site itself has limited individual interest beyond contributing to general rural setting of the CA (notwithstanding any archaeological potential). In this context, Conservation considers that the reinforcement of landscaping and a large element of public open space at the eastern edge of the proposal site shall broadly help maintain the existing character of the CA and its immediate setting. Furthermore, as the development will broadly follow the pattern of urban grain to the south, and that extensive rural landscape setting remains to the northwest of the CA, it is felt that the proposal will not unduly harm the setting of the CA or listed buildings forming the Station complex.

It is also noted that the proposed development will allow for a softer approach along the River Maun edge, helping to integrate development into its rural context. Individual houses will be limited to 2 storeys in height, furthermore, which is consistent with the existing pattern of development on Petersmiths Drive. The use of red brick from the local Ollerton brickworks is also beneficial.

In addition, it is also felt that the proposal will cause no harm to the setting of Thoresby Park. The Park is a significant distance from the proposal site, and it is otherwise felt that the development will follow the existing character of development along Petersmiths Drive, ensuring that the proposal is not unduly prominent when seen in aspect from or on approach to the Park.

On balance, the development will have no discernible impact on any other heritage assets. Ollerton CA is sufficiently distant and screened by existing modern settlement expansion, and key buildings such as Ollerton Hall will not be intervisible from any material receptor. Similarly, the Church of St Paulinus will be unaffected.

Having reviewed the submitted plans and details, Conservation therefore has no objection to the proposed development and finds that the setting and significance of designated heritage assets within the vicinity and wider landscape of the proposal site are not fundamentally harmed. The proposal therefore accords with heritage objectives contained within the Act, as well as policy and advice contained within the Council's LDF DPDs and section 12 of the NPPF.'

The Conservation Officer provided further comments in respect of Archaeology in September 2017:

'The desk based archaeological report advises that potential on the site is low, although acknowledges that previously unrecorded archaeological remains cannot be ruled out.. The geophysical report appears to show no archaeological interest, although notes that the high magnetic disturbance might be masking archaeological potential below (a similar outcome has been recorded on similar sites).

In light of this, I would recommend asking the developer to re-consult their archaeological specialist and make a recommendation for condition purposes. With the unknown potential for archaeological interest below the modern farmed top soils, I wonder whether the model condition for a WSI should be considered. At the very least, a watching brief condition should be used.'

Following this the applicants consultant confirmed in December 2017:

'The main features of potential archaeological interest are palaeochannels in the valley bottom. It is suggested that a targeted trial trenching programme is undertaken to investigate and record any archaeological remains associated with palaeochannels. This would consist of a couple of, roughly east west aligned, lines of trenches (maybe 3 in each line) targeted to sample from the valley bottom across to the higher ground. If palaeochannel deposits with good preservation potential are identified these should be sampled, assessed and analysed for archaeological and palaeoenvironmental remains. Depending on the results of the trial trenching further works may be required if archaeological remains are identified.

The attached plan identifies the areas to be targeted in the proposed trenching. The base plan is from Lidar data, The green shows the valley bottom where palaeochannels may survive and the proposed locations of the lines of sample trenches.

It is proposed that the works are undertaken as a condition of planning.

A possible wording for a condition is:

The programme of archaeological works will comprise initial evaluation with the potential for mitigation works if justified by the results of the evaluation. The initial evaluation will investigate the potential for archaeological and palaeoenvironmental remains associated with former palaeochannels and on adjacent higher ground. The evaluation works will comprise targeted trial trenching and palaeoenvironmental sampling to evaluate if archaeological and palaeoenvironmental remains exist and their preservation conditions.'

Following liaison with the case officer for this application, the Conservation Officer then confirmed they the proposed methodology was acceptable and that any condition would need to include wording requiring confirmation in writing of the results of your initial evaluation and then, should this necessitate further archaeological work, a written schedule of how such work would be undertaken including timescales and results/mitigation (to be submitted to and confirmed as acceptable in writing by the LPA).

Following submission of the revised layout plans in January 2018, the Conservation Officer confirmed:

'I am of the understanding that the revised plans relate to the red line boundary, building layout, phasing plan, landscaping, and engineering works. Having reviewed the amended details, we have no historic environment observations.'

NHS Newark and Sherwood Clinical Commissioning Group – Confirmed a request for a health contribution of 305 (no. of dwellings) x £982.62 in accordance with the Developer Contributions and Planning Obligations SPD (2013) and Updated Indexation Calculations 2016. This equates to a contribution of £299,699.10. The contribution would be spent on improvements/extensions to and/or staffing/training resources within the administrative boundary of Ollerton and Boughton. There is ongoing work to assess the requirements for health facilities in the area of Ollerton and

Boughton. The following data was also provided:

Healthcare Provision for Ollerton

Currently the population in Ollerton receives its Primary Care services from one GP practice with an existing list size of 12,594 patients employing seven GPs. Any additional residential or commercial development will see an increase in the GP's patient list although the practice is very close to Public Health England's benchmark of 1,750 patients per GP. Depending on the developers who are interested in the surrounding sites in accordance with the authorities earmarked land for further development, along with their start dates for building, the full catalogue of developments are likely to be completed post 2020 and will add additional pressure if collaborative alignment is not planned now. The ongoing existing developments associated with Thorsby Colliery will also have an additional impact to this development.

Newark & Sherwood CCG are working with health partners who will help provide existing data on demographics. The data will help further to assess the need for the right healthcare estate to be best placed to help serve the local healthcare needs, especially with the unknown quantum of need which will result from the developments coming into the area.

It must be noted also that there is a local issue in recruiting GP's, so the need for better utilisation of existing healthcare estate to deliver the right healthcare within its existing estate is a major priority. This will mean the reconfiguration of existing healthcare sites to enable more flexible delivery which may not mean direct assessment per patient by a GP. This data is assessed through high impact healthcare needs for the area which suggests on initial data that Ollerton has a higher prevalence in key disease areas than the CCG and England average.

QOF						
Indicator	Practice 15/16			Prevalance 15/16		
	Register	Year on year change	Exception rate	Practice	N&S Average	England average
COPD	350	0.1%	7.7	2.8	2.1	1.9
Diabetes	811	0.4%	12.0	8.0	5.7	5.3
CHD	615	0.1%	7.6	4.9	4.0	3.2
Stroke	348	0.1%	5.4	2.8	2.1	1.7
Hypertension	2,238	0.4%	7.1	18.0	15.1	13.8
Mental Health	83	0%	13.8	0.7	0.7	0.9
Dementia	93	-0.1%	10.2	0.7	0.9	0.8
Depression	946	1.2%	31.2	9.5	6.2	6.6
Heart Failure	178	0.0%	6.8	1.4	0.9	0.8
Cancer	390	0.1%	20.6	3.1	3.0	2.4

Rates per 1,000 population

Therefore, based on current estimates, and in line with the Section 106 requirements of the developer, the following would be requested: s.106 monies to be formally phased in collaboration and alignment with ongoing health planning works which are jointly being led with Newark and Sherwood District Council.

NCC Highways –

Initial comments were provided on 5 May 2017 stating:

‘Further to my holding response of 28 April 2017 work is continuing to assess the Transport Assessment and Layout drawings.

In the meantime, the impact on the junction of Whinney Lane/Forest Road/Tuxford Road has been assessed and the following issues need to be addressed:

- There are issues with the results and conclusions drawn in the Arcady modelling that offer the common theoretical ‘fix’ which won’t translate into real improvements in practice. This relates to the balance of flows between the lanes on a multi-lane approach. Arcady distributes incoming flows equally across the full give-way width. Where lane flows are balanced this is a reasonable assumption to make. Where lane flows are not balanced e.g. Forest Road west 134 pcus in left turn lane versus 670 pcus in ahead + right turn lane in am peak, this does not hold true. The dominant ahead movement will choke off the left turn lane and the discharge over the give-way line will be equivalent to a single lane flow. Consequently, the quoted results are overly optimistic. The same will be true to a lesser degree for the Whinney Lane north approach.
- I would refer to the paper ‘Arcady Health Warning’ by Barbara Chard of JCT Consultancy for a way to work around this lane usage issue and suggest rerunning the model incorporating the recommendations described in the paper.
- The short length of widening of the Forest Road east approach by 300mm will not achieve anything in practical terms. In practice it will offer no benefit.
- The geometry from Forest Road west is poor. The widening will encourage cars to try to peel off for the left turn lane earlier, encroaching into the cycle lane. The left turn from this approach is very acute with drivers almost having to look over their right shoulder to see the circulating flow. The repositioned refuge in Whinney Lane north is now opposite the left turn lane from Forest Road making it much more difficult for pedestrians to cross here.

In addition, it has been assessed that the proposed development would add about 2.5% to traffic flows at the A614/A616/A6075 Ollerton Roundabout which is congested at most times of the day. An improvement scheme for this roundabout has been formally identified by the County Council at a cost of approximately £5million. Therefore, a financial contribution towards this scheme is sought at £125,000 and could be secured via a Section 106 Agreement.

Further comments will be submitted in due course.’

Further comments dated 30th May 2017 stated:

Further to comments made on 5th May 2017 further assessment of the transport submission has taken place, and the following comments made:

Sustainable transport provision and linkages are poor:

- a) It is quoted that the nearest bus stops are 350m from the site. This appears to be measured from the mouth of the main access point, when the development itself stretches over 800m from this point; making the bus stops over 1 km away from some properties. For almost all dwellings the bus stops are far in excess of the Highway Authority guidance (6C's Deign Guide) that states that walking distances to bus stops should be a maximum of 400m, and desirably no more than 250m. Proposals for new bus stop provision should be made.
- b) A footway along the Whinney Lane (Whitewater Lane?) site frontage should be provided and shown on all drawings. Pedestrians are led from the proposed development to the junction mouth with no link to the existing footway system. In addition the pedestrian desire line will cross the public open space in this area and a footpath route should be provided to match this desire line.
- c) The plans suggest pedestrian linkage to Petersmiths Drive via two points; one near 115 Petersmiths Drive and the other via Petersmiths Close. Neither of these connections appear to be fully formed and do not connect directly with the public highways; crossing third party land. Therefore the new development neither integrates well with the surrounding development nor promotes use of sustainable transport.
- d) Similarly links between the existing housing development and the proposed open space provision and sports pitch towards the western end of the proposed development are not provided.

It is noted that an extension to the 30mph speed restriction is proposed to enable 2.4m x 43m junction visibility splays to be justified. A drop in speeds may be expected but it may not necessarily reduce them to 30mph. It would be useful to know what splays may be achieved in practice, since I expect that these may extend beyond the 43 metres quoted.

Street lighting improvements on Whinney Lane (Whitewater Lane?) will be expected as part of the highway works surrounding formation of the new access. As it stands it is considered that the submission does not meet the requirements of Spatial Policy 7 and should therefore be refused.

However, the applicant may wish to review and revise the submission to address the above concerns and those matters raised in the previous correspondence.

On 11 August further comments were provided:

'Further to comments made on 30 May 2017 'Technical Note 1' dated July 2017 has been received which attempts to address previously raised issues. The following comments respond to that submission.

1. Despite a pedestrian link being proposed at the western end of Petersmiths Drive, bus stops are still far in excess of the distances from the development recommended by the Highway Authority guidance (6C's Deign Guide) i.e. walking distances to bus stops should be a maximum of 400m, and desirably no more than 250m. For the western portion of the site, the nearest bus stop is around 850m away, and for the eastern portion it is around 600m. The site layout (cul-de-sac) does not lend itself to bus penetration so there is little likelihood that these distances will be reduced. Perhaps the developer should once again consider providing a loop road development with a carriageway connection to the western end of Petersmiths Drive.
2. Drawing No. 1604.04.03 rev. D suggests that pedestrian linkage can be made to Petersmiths Drive via four points. Three of these connections do not appear to be fully formed and do not connect directly with the public highways; crossing third party land. Therefore the new development does not integrate well with the surrounding residential area.

3. Direct pedestrian access to the Maun Infants School should be considered to minimise walking distances.
4. The pedestrian footpath route leading to the western end of Petersmiths Drive should be reviewed and could provide a shorter & more convenient direct route for many if it were to run close to the site's southern boundary.
5. It is noted that the extension to the 30 mph speed limit and street lighting are proposed.
6. The residential travel plan is still being assessed, but if this aspect needs the application of a condition to allow permission prior to resolution, then this may be an option.
7. The justification of the contribution of £85,806 toward the improvement to the A614/A616/A6075 Ollerton Roundabout is based on a reduced amount of development-generated traffic using this junction on the grounds that some traffic will use A616 Back Lane at the A6075 Forest Road/A616 Ollerton Road roundabout based on traffic turning proportions at this junction. This is flawed. Any traffic related to the proposed development will not tend to use A616 Back Lane to travel to or from Wellow and beyond, since the easier and quicker route will be via Whinney Lane & Newark Road, Ollerton. Therefore the earlier sought contribution of £125,000 remains justifiable under a Section 106 Agreement.
8. Technical Note 1 provides revised details of proposed mitigation works to the A6075 Forest Road/Whinney Lane mini-roundabout. A road safety audit of the junction proposals is being carried out and is awaited. Further consideration is also being given over whether or not the theoretical improvements to capacity will be achieved in practice.

Currently there remains too many issues for the Highway Authority to raise no objection to this proposed development and the applicant should be asked to further review & revise their submission.

On 31st August 2017 further comments relating to the Travel Plan were provided:

'Please find below comments on the Travel Plan (dated February 2017):

- It would be useful to show a walking and cycling isochrones, to show the areas accessible within a 2km walk and 5km cycle.
- Section 4.6 refers to a lifespan up to the point of "full occupation". The Travel Plan (TP), and indeed the role of the Travel Plan Coordinator (TPC) should be in place from initial occupation to a point 5 years following 50% occupation. The TPC should be prepared to extend this period (and their role) beyond this point should the TP not be reaching its targets.
- There is no reference to the planned number of car parking spaces per dwelling, nor a mention of cycle spaces.
- For a development of this size, we would expect developers to consider the provision of Public Transport 'taster tickets' to be offered to households upon initial occupation, as an incentive to try out bus services.
- There is a minor discrepancy in the number of dwellings used in the targets calculation.
- We would usually expect that the Travel Plan is monitored via the collection of traffic counts (as are included in the TP), but still supplemented by travel surveys. A suggested timetable of monitoring is given below (taken from the Nottinghamshire County Council's 'Guidance for the Preparation of Travel Plans in support of planning applications' guidance document - attached). The travel surveys can then pick up qualitative issues that wouldn't be evident from the counts. The form of the survey should be agreed with Nottinghamshire County Council, with an example given in the Nottinghamshire County Council's guidance document. A revised draft of the TP should set out a review timetable in more detail.

Year	SAM	Residential Travel Survey
Baseline	No	Yes
1	Yes	Yes
2	No	Yes
3	Yes	Yes
4	No	Yes
5	Yes	Yes
Etc...		

- Secondary monitoring may include the uptake of public transport taster tickets and the number who sign up to the car sharing website etc.
- The Travel Plan does not refer to any remedial measures. Should the TP fail to reach its targets, at minimum the lifespan of the TP (and that of the TPC) should be extended and a new approach adopted to meet targets.

Further comments on a Revised Travel Plan were provided on 22 September 2017:

‘Please find below comments on the attached travel plan (dated September 2017):

- Our comments on the previous version of the travel plan (dated February 2017) included:
- For a development of this size, we would expect developers to consider the provision of Public Transport ‘taster tickets’ to be offered to households upon initial occupation, as an incentive to try out bus services. This comment still stands.
- Secondary monitoring may include the uptake of public transport taster tickets and the number who sign up to the car sharing website etc. This comment still stands
- The Travel Plan does not refer to any remedial measures. Should the Travel Plan fail to reach its targets, at a minimum the lifespan of the TP (and that of the TPC) should be extended and a new approach adopted to meet targets. This comment still stands.
- section 4.6 of the February 2017 version referred to a lifespan up to the point of “full occupation”; our previous comments were: ‘The Travel Plan (TP), and indeed the role of the Travel Plan Coordinator (TPC) should be in place from initial occupation to a point 5 years following 50% occupation. The TPC should be prepared to extend this period (and their role) beyond this point should the TP not be reaching its targets.’ In relation to the September 2017 version of the travel plan:
 - The monitoring section has been updated, although a commitment should be given to producing an annual monitoring report for the Newark and Sherwood District Council and Nottinghamshire County Council.
 - The TPC must be in post for the length of the monitoring period, the wording of the TP indicates that the TPC function (stated as being undertaken by TPS Consultants Ltd) may cease before the end of the monitoring period. If the TPC function is no longer undertaken by TPS Consultants Ltd, then the responsibility for the TPC functions should revert to the developer until the end of the monitoring period and the developer must inform Nottinghamshire County Council of any changes to the name and/or contact details of the TPC.’

Confirmation was then received on 5 October 2017 that a Revised Travel Plan submitted on 29 September 2017 addressed these points and was acceptable.

Following the reconsultation of the revised plans submitted in January 2018 showing two points of access, the Highway Authority provided the following comments in February 2018:

'Further to comments made on 11 August 2017 'Technical Note 2' dated November 2017 has been received which attempts to address previously raised issues. In addition, in January 2018, revised drawings were submitted that provide a road link through to Petersmith Drive.

In response I would comment as follows:

1. The submissions fail to address the issue of the excessive walking distances to bus stops. Bus stops are far in excess of the maximum 400m walking distance, and desirable 250m distance, recommended by the Highway Authority guidance (6C's Deign Guide). In addition, the latest drawings have reduced the carriageway width from 6.75m to 5.5m. Whilst under normal circumstances this would be acceptable given that there are two proposed points of access, this would not be a sufficient width over a long length to cater for any potential bus route. If a bus route could be established linking through to the existing route on Whitewater Road, then walking distances to bus stops would no longer be an issue. Reverting back to either a 6.75m carriageway, or a 6.0m carriageway with widening on bends to take account of bus swept paths could potentially resolve this point. However, it has not yet been assessed how feasible it is for a service to run through the new estate. For this proposal to become acceptable, enhancements to service provision and/or bus stop infrastructure would be required at the developers expense. I understand that correspondence between the applicant's agent and the County Council Passenger Transport Team has taken place but matters remain unresolved.
2. Technical Note 2 still refers to four points of pedestrian linkage, when only 2 of these, to the far east and to the far west of the residential area, are publicly available without crossing third party land. The link(s) across third party land are not safeguarded for future use; they are not controlled by the applicant nor lie within the public highway. In the most recent submission these 'third party' links appear to have been removed although it is not altogether clear that this is the case, and confirmation would be helpful. Either way, this leaves poor pedestrian connectivity to the adjacent and existing development including housing, church, shops and facilities. Table 4.1 of the submitted Transport Assessment offers recommended walking distances taken from national guidance. Other than for school or commuting trips, a preferred maximum walking distance is 1200m. However the town centre facilities are 1500m or more away.

It is concluded that the proposal is contrary to Spatial Policy 7 in that it fails to provide adequate, safe and convenient access by non-car modes.

Potentially the bus issue may be resolved through further negotiation and a Section 106 Agreement.

Should the Planning Authority be inclined to grant permission, then further advice from the Highway Authority should be sought in terms of applying suitable conditions to protect the interests of highway safety, capacity and sustainability.

In the meantime it should be pointed out that since previous correspondence, a revised estimate has been prepared for the Ollerton Roundabout A614/A616/A6075. Improvement costs are now understood to be £7,984,000. Therefore, on the calculated basis that this development would add 2.5% to the traffic flows, a contribution of £199,600 should be sought via a S106 Agreement

towards the improvement costs.'

On 23 February comments were provided in respect of bus service provision:

We've reviewed the requirements for a bus service contribution for Petersmith Drive, Ollerton and comment as follows:

The closest served bus stops are on Whinney Lane and are approximately 700-800m from the centre of the proposed development, which exceeds 6Cs accessibility guidelines. It is estimated that the development will generate in excess of 140 public transport trips per day. Additional resources will be required to serve the development to provide access to public transport which meets the 6Cs guidelines for all residents.

Operations colleagues have assessed the options for serving the development by bus. A diversion of the Stagecoach services 14 and 15 is not feasible. A more appropriate and cost effective solution would be a bespoke town service offering links to employment, education, shopping and leisure facilities. It is suggested that this development could be served with an extension of an existing Nottinghamshire County Council Fleet service i.e. 333, 334 or 335, with an additional vehicle, using the planned accesses to the north and/or south of the development.

An indicative Public Transport contribution of £147,000 would provide a service to serve the development, subject to review based on projected usage and revenue. The proposed level of contribution should be considered as indicative, pending receipt of more detailed information about the mix of housing types and build out rates, which will impact upon the service revenue.

No contingency or inflation is applied.

Infrastructure costs will be in addition to the above.

Further information can be supplied through developer contact with Transport & Travel Services.'

The Highway Authority provided their final comments on the latest layout plans on 16 March 2018:

Further to comments made on 11 August 2017 'Technical Note 2' dated November 2017 has been received which attempts to address previously raised issues. In addition, in January 2018, revised drawings were submitted that provide a road link through to Petersmith Drive.

In response I would comment as follows:

1. The submissions fail to address the issue of the excessive walking distances to bus stops. Bus stops are far in excess of the maximum 400m walking distance, and desirable 250m distance, recommended by the Highway Authority guidance (6C's Design Guide). In addition, the drawings in that report reduced the carriageway width from 6.75m to 5.5m. Whilst under normal circumstances this would be acceptable given that there are two proposed points of access, this would not be a sufficient width over a long length to cater for any potential bus route. If a bus route could be established linking through to the existing route on Whitewater Road, then walking distances to bus stops would no longer be an issue. Reverting back to either a 6.75m carriageway, or a 6.0m carriageway with widening on bends to take account of bus swept paths could potentially resolve this point. It is understood however that a later

revised drawing, 16/314/TR/009/C has been submitted that takes account of this issue and provides a 6m carriageway with localised widening to cater for a bus swept path. Notwithstanding the above, it has not yet been assessed how feasible it is for a service to run through the new estate. For this proposal to become acceptable, enhancements to service provision and/or bus stop infrastructure would be required at the developers expense. I understand that correspondence between the applicant's agent and the County Council Passenger Transport Team has taken place and a S106 contribution is sought.

2. Technical Note 2 still refers to four points of pedestrian linkage, when only 2 of these, to the far east and to the far west of the residential area, are publicly available without crossing third party land. The link(s) across third party land are not safeguarded for future use; they are not controlled by the applicant nor lie within the public highway. In the most recent submission these 'third party' links appear to have been removed although it is not altogether clear that this is the case, and confirmation would be helpful. Either way, this leaves poor pedestrian connectivity to the adjacent and existing development including housing, church, shops and facilities. Table 4.1 of the submitted Transport Assessment offers recommended walking distances taken from national guidance. Other than for school or commuting trips, a preferred maximum walking distance is 1200m. However the town centre facilities are 1500m or more away.

It is concluded that the proposal is contrary to Spatial Policy 7 in that it fails to provide adequate and convenient access by non-car modes. Therefore a recommendation **to refuse this application is made.**

However, potentially the bus issue may be resolved through further negotiation and a Section 106 Agreement.

It should be pointed out that since previous correspondence; a revised estimate has been prepared for the Ollerton Roundabout A614/A616/A6075. Improvement costs are now understood to be £7,984,000. Therefore, on the calculated basis that this development would add 2.5% to the traffic flows, a contribution of £199,600 should be sought via a S106 Agreement towards the improvement costs, if the application were to be approved.

In addition, should the Planning Authority be inclined to grant permission, then it is requested that the following conditions should be applied to protect the interests of the Highway Authority:

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the [prospective] Public Highway boundary. The surfaced drive shall then be maintained in such hard bound material for the life of the development.

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

Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

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

public highway.

The development spine road shall be laid out in accordance with drawing 16/314/TR/009/C.

Reason: For the sake of clarity and to ensure the highway infrastructure can potentially cater for public transport in the interests of sustainability.

No part of the development hereby approved shall be occupied unless or until improvements to Whinney Lane, fronting the site, have been made and include new street lighting, footways and visibility splays in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety

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

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

No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel.

No part of the development hereby approved shall commence until application has been made to the Highway Authority for the proposed extension of the 30mph speed restriction on Whinney Lane, fronting the site.

Reason: In the interests of highway safety.

Notes 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 Highways Authority under Section 38 of the Highways Act 1980, 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.

In order to carry out the off-site works required (footways and street lighting, etc) you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the

Act. Please contact david.albans@nottsc.gov.uk for details.

This consent requires an application for a Traffic Regulation Order before the development commences to restrict waiting. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk . Please note this process can take 6-12 months.

Notts. County Council (Rights of Way) – ‘The comments submitted by my predecessor in response to the original application are still valid. In addition to the previously submitted comments, the applicants should be advised of the following.

The absence of recorded public rights of way across the development site does not preclude unrecorded rights being proven to exist at a later date. The applicants should be made aware that there is a route that appears to be used by members of the public, linking the end of Petersmiths Drive to Ollerton and Boughton Public Bridleway No. 7, along an existing track. There is also anecdotal evidence via aerial photographs that members of the public may be using the field edge on the South Eastern boundary of the site. If provision is not made to accommodate these routes within the development then the landowner is at risk of claims being submitted by users of the routes for public rights to be recorded, on the basis that public rights have been acquired through usage, in the belief that the use is public (without force, secrecy or the landowners permission). Should a claim ever be made then the routes would need to be made publicly available.

In view of this, it would be prudent for the developer to amend their proposed design to create appropriate rights of way links, in particular the link from Petersmiths Drive to Ollerton and Boughton Public Bridleway No. 7, which would create a useful off-road link to the nearby school. I have enclosed a copy of the Working Copy of the Definitive Map, with the approximate alignment of the routes indicated, for your reference.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council through Via's continuing role of providing operational services on behalf of the County Council.'

(Nb. Previous Rights of Way comments were provided as part of NCC's comprehensive Strategic Planning comments above)

Access & Equalities Officer – ‘It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings on all floors be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals. In particular, 'step-free' access to and into the dwellings is important with reference to the topography of the site and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible pedestrian pavement route is essential to and into the dwellings from facilities such as car parking and from the site boundary. External footpaths to and around the site should be incorporated and carefully designed to accepted standards to ensure that they provide an integrated network of 'traffic free' pedestrian pavements around the site without pedestrians being required to walk along roadways. It is recommended that inclusive step free access be considered to garden areas, open spaces, parks, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, suitably wide corridors etc. all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.'

Neighbours/Interested Parties – 29no. written representation has been received objecting to the proposals and raising the following issues (6no. of these were received following the reconsultation exercise undertaken in January 2018):

Highway issues

- Severe traffic implications.
- Roads in the area will not be able to accommodate extra traffic. Congestion will increase including at Ollerton roundabout. These issues need to be resolved before any new housing is approved.
- Highway safety will be unduly impacted upon from extra traffic with schools on Whinney Lane and Walesby Lane in close proximity.
- Existing roads in the area are not wide enough for emergency vehicles, pedestrians to pass with parked cars mounted on pavements.
- Many properties on Petersmith Drive (on the north side) have no off road parking due to slope of the land. New properties are unlikely to have parking to cater for all residents and where will visitors park?
- Single access road to serve the whole development appears grossly inadequate.
- Nearby Gleasons development already causing parking issues.
- Roads are not well maintained with pot holes
- Road safety will be an issue particularly for children.
- The school is on a neighbouring road and existing problems at school pick up times will only increase.
- The access point is on a derestricted highway and within 30 metres of a sharp bend.
- Vehicles use Petersmith Drive as a rat run to avoid traffic calming measures on Whinney Lane
- Local bus service has ceased to use Petersmith Drive as was deemed unsafe for large vehicles
- The developer refers to internet shopping will help keep traffic to a minimum. Such a claim cannot be made as the number of residents to use this cannot be guaranteed and cars would only be replaced by delivery vehicles.
- Lack of traffic calming on Whitewater Road which often has cars parked on both sides and the road from Boughton Brake is also in a poor state and narrow. These roads are not equipped for extra traffic.
- Impact on traffic using other roads including Chestnut Drive.
- When the M1 or A1 is shut the local roads come to a standstill.
- More heavy lorries means more danger.

Impact on the Environment

- Land to the rear of Petersmith Drive is a natural rural boundary and those living there do so for the outlook and rural feel.

- Noise and car pollution from at least another 610 vehicles (2 cars per household).
- Light pollution from new homes.
- Ollerton has seen enough new development.
- Brownfield sites should be used before green field such as at the end of Cinder Lane and next to the old Ollerton railway station.
- There are alternative sites on higher ground that would be more suitable for development.
- Shortly after the colliery closed in 1994 plans were drawn up for 250+ dwellings to build on the pit site 20+ years on there are approx. only 20 - why not finish that development first before throwing money at something else?
- Other sites in Ollerton are in need of redevelopment such as land near Tesco and the old Thoresby pit.
- Surprised that seismic disturbance is considered minimal given tremors felt along Petersmith Drive in recent years as often as every day at one point with New Ollerton branded the most seismically active town in the British Isles – given the movements are suspected to be connected to mining, heavy earth moving would not improve the situation.
- Impact on walkers and cyclists who use the area
- The soil on the site is very sandy and when wet behaves like quicksand.
- Spoiling the scenery and outlook of neighbouring properties.

Flood Risk and Drainage

- The FRA states the site is low risk so why are future residents being recommended to sign up to the Environment Agency Flood Warning Service?
- The site has a main sewer pipe leading to the river.
- Increased flood risk - The fields have flooded on many occasions.
- Negative impact of the development on local drainage.
- Building on the flood plain of the River Maun / Whitewater is unwise – no management of the watercourse which continues to silt up, have debris washed downstream
- If permission is given adequate flood protection measures should be included and should not increase the risk of flooding elsewhere.
- How will the drains cope, the local drains block all the time.
- Impact on flood risk and drainage will increase neighbours insurance premiums making properties less attractive to buy.
- Existing properties are already liable to flooding and adjacent pavements have lifted because of this. Works to the drains regularly have to be undertaken.

Ecology

- Adverse impact on wildlife including loss of habitat.
- Impact on wildlife including foxes and hobby hawks.
- Light pollution – it is not only bats and other wildlife that will suffer.
- Birds and squirrels come back every year and trees where they nest are to be cut down.
- Nature walk by the river currently enjoyed by residents and visitors. The traffic and air pollution will effect wildlife and nature which is a characteristic of the town.

Neighbouring Amenity

- Impact on amenity of existing houses by way of overlooking and overshadowing/loss of light and increased noise.

- Impact on neighbouring amenity due to loss of privacy
- The development will be overbearing on existing residents on Petersmith Drive.
- Increased foot, bicycle and vehicular traffic will have an unacceptable impact on existing residents.

Infrastructure

- Inadequate facilities. The Town does not have the infrastructure to cope.
- Impact on schools (they are full with some pupils having to travel out of the village), local health service (doctors is already over stretched), lack of dentist facility and council (struggling to provide services with cut backs).
- There are no parks or play areas for children.
- Overdevelopment of the site with no sports facilities provided.
- Impact on public transport facilities.
- The only dental practice specialises in mentally and physically disabled patients with no new patients not suffering from these conditions in years.
- Detrimental to the overall wellbeing of the Town.
- There must be a better location for new housing.
- Potential for just over 1000 new residents.
- New Ollerton does not benefit from a local Fire Station and no full time Police station
- New residents will struggle to find employment locally
- The plan includes a children's play area. There is already a play area on land to the rear of Petersmith Drive, Cedar Lane and Birklands Ave which has been locked and inaccessible for years due to misuse and inability of the local authority to effectively maintain. Any new play area would be the same.
- The claim that Center Parcs as a leisure facility is within walking distance is inaccurate. The head office is within walking distance but there are no public leisure facilities and the holiday village a few miles away is for holiday makers staying on the site.
- Local Council struggle to provide services with the cut backs, roads need resurfacing (not just pot holes filled in) and in winter the roads hardly get gritted.
- The bus service serving Petersmith Drive has been stopped due to buses not being able to get through.

Policy and Procedure

- The community was not correctly notified of any change to the boundaries of Ollerton.
- The proposals are contrary to the Local Plan recommendations
- Site density is recommended at 225 units so why is permission being sought for 305 units?
- The letters of objection / support should be available on the Council's website

Other

- The proposals are nonsensical and in no-one's interests but those of money grabbing developers.
- The developer has said that the proposed houses are a "done deal".
- Concerns of increased noise, being overlooked and overshadowed with reference to the Human Rights Act.
- Potential damage to vehicles given lack of parking in the area and increased traffic.
- Impact of building work on exiting residents.

Comments have also been received from the Ollerton Village Residents Association (OVRA) stating as follows:

‘Ollerton Village Residents Association (OVRA) object to such a large development on the following grounds.

Traffic Issues.

No further significant housing developments should be approved in the area until traffic flow problems (especially Ollerton roundabout) are resolved. We note that the developer claims that any increase in traffic at Ollerton roundabout will be small in relation to traffic flow forecasts for the early 2020s which is when they expect this development to be completed. Such a claim fails to recognise the increase in construction traffic from the onset of development and residents moving in during the phased development.

Health Care.

There are already problems getting GP and dental appointments. Significant improvements need to be made in this area need to be made before any approval is granted. The health care impact of the Thoresby colliery site must also be taken into consideration as there is no guarantee that additional medical facilities will be included in this development.

Flooding.

The proposed development is on a flood plain. If NSDC are likely to approve this application, they should ensure that adequate flood protection measures are included and that any such measures will not increase the risk of flooding both upstream and downstream.’

Comments of the Business Manager

Principle of Development

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

Notwithstanding the current process of Plan Review, at the current time the Adopted Development Plan for the District is the Core Strategy DPD (2011) and the Allocations and Development Management Policies DPD (2013).

The application site is located within the urban boundary of Ollerton and comprises a mixed use allocation site (Policy OB/MU/1). The allocation envisages a mixed use development providing around 225 dwellings, enhanced Strategic Sports Infrastructure and Open Space. Specific requirements of Policy OB/MU/1 include that no flood sensitive development takes place in areas identified as being in Flood Zones 2 and 3, incorporation of sensitive design to respect and enhance the setting of the nearby Boughton Pumping Station Conservation Area and Listed Buildings, provision of a landscaping scheme in order to assimilate the development into the surrounding countryside and the identification of measures which maximise opportunities to protect and enhance features of biodiversity value and species within and adjoining the site, including the River Maun, and mitigate or compensate for any potential adverse impacts.

Despite the acceptance of the development in principle on the basis of this site allocation, it is noted that the current application before the LPA for determination seeks a greater quantum of residential development than the originally envisaged 225 dwellings (the application seeking consent for 305 dwellings). As is clarified through the comments of Planning Policy; the main aim of the allocations process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy and thus a greater delivery of housing is not necessarily resisted in principle subject to the proposal being able to satisfy the relevant policy requirements.

Members are aware of the current position in respect to the Council's ability to demonstrate a five year housing land supply. It is not considered necessary to rehearse the full position in the context of the current application save to say that the Authority is confident that it is able to demonstrate a five year housing supply against what it and the other authorities in Nottinghamshire to be an appropriate OAN figure of 454 dwellings per annum. Nevertheless, in line with the recently published Housing White Paper which promotes a requirement to boost housing supply, the positive determination of housing schemes on allocated sites remains fundamental to sustaining a healthy housing land supply position.

Housing Mix, Type and Density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. 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.

Core Policy 3 also states that the Council will seek to secure new housing development which adequately addresses the housing need of the District namely:

- Family housing of 3 bedrooms or more
- Smaller houses of 2 bedrooms or less
- Housing for the elderly and disabled population.

The development proposes a total of 305 dwellings and the schedule of accommodation on the submitted plans confirms this would be a mix of 2, 3 and 4 bedroomed dwellings with the split being:

- 113 x 2 bedroomed semi-detached;
- 79 x 3 bedroomed semi-detached;
- 89 x 3 bedroomed detached; and
- 24 x 4 bedroomed detached.

I note the comments of Policy colleagues regarding the weighting of properties for the Sherwood Area in the Sub-Area report to the Housing Market & Needs Assessment (2014) which are weighted in the following way:

- 2 bed 51.8%
- 3 bed 38.2%
- 4 bed 10%

The original mix was even more heavily weighted towards 3 bed units and a request was made to the developer to increase the number of 2 bed units. A small increase was made from 105 2 bed units to the current proposal of 113 and the number of 3 bed units was reduced accordingly. The developer was also pointed towards the element of Core Policy 3 which seeks housing for the elderly and disabled population and it was queried whether any of the properties might be designed to meet this need for example lifetime homes that are easily adaptable or the provision of bungalows.

In response to the requests to consider more smaller units to correspond with the weighting in the Housing Market and Needs Assessment the developer has confirmed that whilst we understand the Housing Market Needs Assessment suggests that 2 beds are most required in the area, their product is geared towards first time buyers and their house type range makes it possible for 3 beds to be affordable to a large range of first time buyers utilising Help to Buy or other shared equity schemes available from Gleeson. As of July 2017 their existing site at Whinney Lane had sold 48 homes, out of 58 sold so far, to first time buyers, with many of these being 3 bed houses, indicating this affordability and the ability to acquire a larger 3 bed as opposed to being limited to a 2 bed property. Therefore the developer saw no reason to increase the number of 2 beds in this development to those set out in the HMA as they assume that affordability is the driving force behind it and, as demonstrated, even the Gleeson 3 bed is affordable to first time buyers on their developments due to the nature of the product offered. Equally no single bed units have been provided within the revised scheme and mix.

Overall I note the housing mix includes family housing of three beds or more and that more than a third of the dwellings would be smaller houses in the form of 2 bedroomed dwellings both of which accord with Core Policy 3. Given that the development would still make a significant contribution to the dwelling types most needed in the area and taking the developers comments in to consideration, I am satisfied that the proposed mix is acceptable in this instance.

305 dwellings would result in a net density of 15 dwellings per hectare based on the wider site area of 20.5 hectares. However, I concur with my Policy colleagues that what is more relevant in this instance is whether the density on the developable areas makes effective and efficient use of the allocated land and contributes towards an appropriate design and layout. I am conscious that, notwithstanding the latest modelling undertaken as part of this application, the allocation policy requires that no flood sensitive development takes place in areas identified as being in flood zones 2 and 3. Equally the site requires a suitable drainage solution and the site allocation requires provision of landscaping to assimilate the development in to the surrounding countryside and the provision of onsite strategic sports facilities and it has been acknowledged by various statutory consultees that whilst the public open space is extensive, it is required to meet the various objectives including addressing ecological and landscape character matters within the site allocation. I have calculated that the developable area in Phase 1 is approximately 4.56 Hectares and 145 dwellings within this Phase would equate to approximately 31 dwellings per hectare. The developable area on Phase 2 is approximately 4.58 Hectares. 160 dwellings would equate to approximately 34 dwellings per hectare. The site narrows between the two proposed phases and is only suitable for provision of the access road and has therefore been discounted from these calculations. Based on the density of dwellings on the developable area within each phase, this demonstrates that the density would be just over the minimum 30 dwellings per hectare set out in the Core Strategy.

On balance, I am satisfied that the housing mix, type and density proposed meets the overall objectives of Core Policy 3 whilst also providing the ability to address the other detailed design matters set out below.

Design, Layout and Amenity

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. CP9 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.

A Design and Access Statement has been submitted as part of the application and this recognises the location and setting of the site and the relationship with existing properties on Petersmith Drive which are situated at a higher level and separated by a strip of existing vegetation. The predominant housing in the area of two-storey semi-detached and terraced housing in red brick and/or render with concrete roof tiles is noted.

The housing layouts submitted shows two distinct parcels or phases of development and plans have been provided to illustrate each phase. Public open space is indicated adjacent to the site entrance and this provides an opportunity to soften the appearance of the development and assist the transition from the Boughton Pumping Station Conservation Area opposite. Initial plots are also shown to overlook this area which I consider will provide a suitable outlook for these dwellings whilst also providing some natural surveillance for the open space. Similarly, the drainage attenuation ponds to the western end of Housing Layout 1 would be overlooked by the proposed dwellings (particularly on the first phase of development). The overlooking of these public areas will have benefits in terms of crime prevention and site safety. The relative position of housing and public open space on the proposed layouts also responds to the requirements within the site allocation policy including the need to avoid housing within areas at potential risk of flooding, incorporate sensitive design to respect nearby heritage assets and the landscape character of the area and preservation and enhancement of the River Maun and associated footpaths, walkways and cycle facilities through the design and layout.

A mix of house designs is proposed, all fairly traditional in style, all two storey. Features include brick corbeling and soldier course headers and sills. Comments were provided to the developer in respect of the original layout raising issues including where plots appeared tight within the layout, setting these properties in from boundaries. Where properties include blank facades which would be prominent within the street scene, the applicant was advised to consider dual front properties such as to corner plots or the provision of additional fenestration or delineation in terms of materials to add visual interest. Some properties within the original layout were set forward of neighbouring properties to the extent that they would obstruct views down the relevant section of street to the detriment of the appearance of the scheme and advice was given to realign these properties to improve the sense of place within the development.

As a result of the above comments the applicant provided revised plans. These plans addressed some of the issues raised including the introduction of corner turner units where possible with more space afforded to some corner units. Whilst some issues remain with regards to the positioning of some corner plot dwellings forward of the alignment of properties fronting adjacent cul-de-sacs (plots 141, 96, 41, 137, 282, 278, 258) I am satisfied that the spacing between these

particular properties is sufficient to ensure the corner property can be accommodated without having such a significant impact on the character of the scheme to warrant a refusal of permission in these instances.

Given the number of properties proposed and to assist legibility through the development use of materials will be critical in breaking up the development and adding visual interest within the street scene. This was not clear from the original drawings and the developer was asked to consider different character areas. The use of alternative elevational treatment e.g. render to key plots for example to corner properties to provide some focal points was also suggested. A materials layout plan was requested indicating where different materials are to be applied as per Gleeson's rural style and urban style elevations. Proposed materials are a mix of buff and red brickwork and terracotta red and dark grey roof tiles. Different elevation treatments in terms of the application of brickwork is used dependant on the 'rural' or 'urban' style applied. Having considered this on the plan the groupings of material and elevational styles should assist in breaking up the development and assisting with legibility through the site. Whilst this may have gone further to provide some visually distinct properties at key locations, I consider that overall the approach to materials is acceptable.

Whilst 1.8m high close boarded fencing is proposed to rear boundaries and to corner plots (with regards to the latter this is in limited locations and I am satisfied it will not unduly impact upon the street scene), I note the plans suggest post and wire fencing to boundaries between neighbouring plots. I am concerned that this will not provide adequate means of screening between properties to provide a suitable level of amenity. A query has been raised with the applicant and an update can be provided to the Planning Committee.

In terms of garages proposed, internal measurements are 2.6m wide by 5.1m depth which is sufficient to park a vehicle. I am aware of other housing developments where garages have been increased to 6.0m in depth to accommodate a storage area and to encourage their use for the parking of vehicles. This option was put to the developer but garage depths have not been subsequently amended. However, the Highway Authority has not raised concerns with regards to the level of parking proposed or garage depths.

Generally driveways within the development will be interspersed with lawns/planted areas and this will help to ensure there is not a dominance of parking and hard surfacing to frontages.

With regards to amenity the back to back interface distance are generally acceptable with distances generally between 20 and 24 metres. Private amenity spaces are also of suitable proportions. The eastern first phase of development is set away from boundaries with properties on Petersmiths Drive and I am satisfied therefore that there will be no undue impact on the amenity of these existing properties.

With regards to the western second phase of development, the proposed dwellings would share boundaries with properties on Petersmiths Drive. Interface distances on the original layout were particularly constrained at the plot backing on to 55c and concerns in terms of the potential for overbearing and overlooking impacts were raised with the applicant. The amended plans submitted include the reorientation of the dwellings closest to 55c so that the side elevation of Plot 154 is now closest to the rear elevation of this existing dwelling and its immediate neighbours at 55a and 55b Petersmiths Drive. A detailed section has also been provided which demonstrates how the proposed dwellings would be situated at a slightly lower level to these neighbouring

properties. The dwelling type proposed has a first floor side elevation window, however this could be conditioned to be obscure glazed and fixed with a top opening light only.

I also note that the distance between the rear elevation of no.57 Petersmith Drive and Plot 153 is relatively close at 20 m between rear elevations. However no.57 Petersmith Drive is set at an angle to this proposed dwelling and taking this angle and comparative levels into consideration, I consider the distance is acceptable in this particular instance to maintain an acceptable level of amenity between dwellings.

I also note the existing dwellings at nos. 45 and 47 Petersmith Drive are set back towards the boundary with the application site. Having checked the potential relationship between these dwellings and the proposed properties I note Plot 161 has a side elevation with no windows facing no.47 at an angle and distance of some 13.0m from the nearest existing dwelling. The rear elevation of Plot 162 is some 21.5m from the rear elevation of no.45 Petersmith Drive. I am satisfied that the distance involved will ensure a suitable level of amenity is retained for existing and proposed dwellings.

On balance, whilst there remain some relatively minor alterations that could be made to the position of dwellings and the materials and façade treatment could be improved in some areas to create landmarks within the development and improve legibility, overall the proposed layout appropriately responds to the existing character of the area in terms of the design and scale of development and materials used. The development is also acceptable in terms of amenity both for the proposed users and the relationship with the nearest existing properties at Petersmith Drive. The proposals therefore meet the objectives of Policy DM5.

Impact on Landscape Character

Following the initial consultation work with the County Council and advice from their Landscape Team a Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application. The submitted landscape drawings have also been updated during the application process incorporating suggestions received from statutory consultees.

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

It has been accepted through allocation of the site that the site characteristics will be fundamentally changed through the introduction of a mixed use development. The site allocation policy (OB/MU/1) seeks to mitigate any impact requiring proposals for the site to include the 'provision of a landscaping scheme in order to help assimilate the development into the surrounding countryside in accordance with the landscape character'.

Policy DM5 requires the rich local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the

landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The Council's Landscape Character Appraisal (LCA) provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The application site is situated within Sherwood Policy Zone S PZ 15 'River Maun Meadowlands with Plantations'. The Policy Zone is characterised by a narrow meandering river valley, low lying fields to the north and steeper wooded valley side to the south, occasional sandstone outcrops to the southern bank, arable farming on flatter areas to the east, some willow, alder and riparian vegetation along the banks adjacent to the river and some views out to built edges, railway embankments, and woodland edges. The Policy Zone is defined as having a good landscape condition, moderate landscape sensitivity and a policy action to 'Conserve and reinforce'. Landscape actions for built features include conserving the sparsely settled character of the river corridor by avoiding development within the immediate flood plain of the River Maun and reinforcing the sense of place of the built environment by using materials and design that reflect the local character of the area.

The applicant's LVIA includes within its summary:

'The local landscape is assessed to have a medium sensitivity to change since, although it possesses some attractive individual elements, these do not necessarily complement each other fully. At year 15 it is assessed that the level of impact would be 'Minor'. In view of the enhanced planting proposed along the north western site boundary – which will provide a setting for (and which will visually contain to some extent) both existing and new built development – this change may be regarded as an improvement on the present situation; in this case it would be seen as beneficial rather than adverse.'

The County Council's Landscape Team have provided comments on the LVIA and the submitted drawings including the landscape proposals. They noted the LVIA assessment but considered the impact at year 15 to be minor adverse as it will be dependent on the treatment of the north western boundary.

In considering how soft landscaping will assist in assimilating the proposals into the wider landscape, whilst generally supportive of the proposals, the Landscape Team were initially concerned that the application lacked a robust landscape strategy and provided comments on the landscape drawings submitted. These comments are set out in full in the Consultation responses detailed earlier in this report. Their main concern was the housing density being somewhat higher than the figure in the site allocation, yet planting appeared minimal by comparison.

Since these comments, revised landscape drawings have been submitted responding to the points raised as follows:

- NCC suggested trees and hedgerows to be removed / protected should be shown -
The latest landscape drawings indicate areas of vegetation to be removed / retained and refer to the Tree and Hedgerow Survey submitted and that any to be protected shall be to BS5837:2012
- NCC noted marginal wetland planting was not shown and potential for more tree planting –
The Suds features have been repositioned and the applicant has confirmed that the features will be designed, in normal circumstances, to be wet. A condition could be attached to any

permission requiring precise details of the design/grading of attenuation ponds including wetland planting.

- NCC were concerned that there was insufficient planting to the northern boundary – Additional planting is now indicated to the northern boundary particularly to the middle section between the 2 housing phases and north of the 2nd phase attenuation pond.
- NCC suggested planting to northern and western edges to help integrate dev and across site inc gapping up of hedgerows - A band of native woodland mix is also indicated on the revised plans to the northern and western edges as well as a mixed native hedge
- NCC suggested native tree and shrub planting to sports pitches – Planting in close proximity to the pitches would be likely to impact on maintenance and the ability to alternate the pitch layout. However any permission could include the requirement for a masterplan of the composition of the sports pitches which may allow for further planting.
- NCC noted a reference in the LVIA (para 6.3) that proposed tree species included Sycamore and that this is not native and should be removed from the mix. Ash should also not be planted – the revised drawings do not show Sycamore or Ash amongst the proposed planting.

The case officer also confirmed to the County Council's Landscape Team that in line with their requests a condition could be attached to any permission requiring a precise planting strategy, for example to clarify the band of native woodland mix indicated to the northern and western edges. The case officer also confirmed that appropriate management could be secured through a legal agreement. On this basis the Landscape Team has confirmed that they are comfortable with the amended proposals. They made a further suggestion that there appeared to be scope to retain some of the existing hedgerow to the site entrance on Whitewater Lane and suggested changes to the submitted plans to show work to retain the northern/southern ends of the hedge to promote regeneration and planting up of any gaps.

A revised plan was submitted showing the hedgerow to the front boundary to be retained but trimmed back to the rear of the visibility splay and gaps filled with new hedgerow planting. The case officer confirmed this to the County Council's Landscape Team and advised any favourable recommendation could also include conditions requiring precise details of the works to promote regeneration and planting up. The County Council confirmed by email on 14th March 2018 that this was acceptable.

I also note an earlier query from the County Council's Landscape Team as to the potential impact of lighting from the sports pitches. The application does not propose any floodlighting and any such lighting would require separate planning permission and would be considered on its own merits.

The residential development would alter the existing character of the site through the built form of the dwellings and the internal infrastructure such as the road network and boundary treatments between dwellings. However, the scheme would be seen in context with existing dwellings to the south which sit in close proximity to the site. An LVIA assessment has been submitted and the County Council, have given regard to this and have concluded that the overall visual impact would not exceed minor adverse. The advice of the County's Landscape Team has been taken into account in revised plans including increased planting to the northern boundary

and the retention and enhancement of the hedgerow on Whitewater Lane. Taking into account the scale of development and landscape mitigation proposed, I am satisfied that the visual impact of the proposed development will be acceptable in this instance and the landscaping scheme will help assimilate the development within the surrounding landscape. This is subject to suitable conditions being attached to ensure the landscape proposals are appropriately implemented and maintenance and long term management of the sites blue and green infrastructure is secured. On this basis the proposal complies with Core Policy 13 and Policies OB/MU/1 and DM5 in terms of its impact on the landscape.

Impact on Ecology

Habitat Regulations Assessment:

The Habitats Directive requires competent authorities to decide whether or not a plan or project can proceed having undertaken the following “appropriate assessment requirements” to:

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

Natural England have identified that the application site is within 1.5 km of a European designated site, the Birklands & Bilhaugh Special Area of Conservation (SAC), and therefore has the potential to affect its interest features. The site is also notified at a national level as Birklands & Bilhaugh Site of Special Scientific Interest (SSSI). Regard needs to be given to any potential impacts in terms of the Conservation objectives for the European site with consideration as to how the site would be restored and/or maintained. Natural England initially advised that the interest features of the site may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development and further information was required to enable consideration as to whether any impacts required off-setting measures.

Following the above, the applicant submitted an Air Quality Assessment. Having considered this additional information, Natural England have confirmed as follows:

- Air Quality Assessment - Natural England has reviewed the air quality assessment which has now been submitted following our request for this information in our letter of 8th May (ref: 213769). We consider that the air quality assessment satisfactorily demonstrates that the Critical Loads for nitrogen contribution to acid deposition arising from additional development trips associated with the proposed housing scheme is less than 1% increase of the Critical Load at all considered ecological designations and units. We are also satisfied that no further assessment of ‘in-combination’ effects is required at the Birklands & Bilhaugh SAC designation.
- Green Infrastructure - Natural England does not consider there is a measurable impact from this proposed development on the SAC, however new residential developments mean more people, which can put increased recreational pressure on sensitive sites. Therefore it is important that new housing development is supported by adequate investment in the Green Infrastructure (GI) network in order to increase its accessibility and quality, helping to protect the more ecological sensitive sites, including Birklands & Bilhaugh SAC, from potential detrimental impacts.

To relieve visitor pressure on the Birklands & Bilhaugh SAC Core Policy 12 and Policy DM7 both require provision of SANGS (Suitable Alternative Natural Green Space) on sites within 5km of the designation. The significant level of open space has been noted by the County Council's Ecologist and I am satisfied this will provide the development with a suitable recreational resource to relieve pressure on the SAC.

On the basis of the plans submitted and the further information now received, Natural England have confirmed that the proposed development will not have likely significant effects on the Birklands & Bilhaugh Special Area of Conservation (SAC) and they have no objection to the proposed development.

On the basis of the above, I confirm that having regard to the Habitat Directive, the proposal can proceed without having a significant effect on a European site.

Sherwood Special Protection Area (SPA)

The site is located within the 5km buffer zone identified in Natural England's Indicative core area & RSPB's 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 Indicative Core Area (ICA) and proposed Important Bird Area (IBA), as agreed by Natural England, within which possible adverse effects of any development should be properly considered. This application is situated within that area. The Ecological Impact Assessment submitted with the application assesses the relationship of the proposal with the pSPA. The Assessment notes the good connections of the site with an extensive Public Bridleway network and notes the landscape proposals will include 'an enhanced access route from the southern edge of Petersmiths Drive to the existing bridge crossing point over the River Maun, and beyond. This will be tied in with a network of mown footpaths within areas of Public Open Space (POS), and around the edges of the proposed SUDS, in order to create a range of walking and dog-walking opportunities within the site itself. Access to the southern side of the River Maun along the northern site boundary will be retained, and formalised, and access east to Boughton Brake through the site will also be enhanced by improving the visibility splays, over Whitewater Lane.' The Assessment identifies Boughton Brake as being likely to accommodate much of the recreational activity from the development and notes the formal recreational activity will be accommodated on site as well as the existing adjacent outdoor sports facilities. The proximity of Clumber Park, Sherwood Forest Country Park and Sherwood Pines Country Park are all noted. I would concur with the Assessment that the development has been sensitively designed to accommodate as much recreational pressure as possible, and to retain and enhance existing links to the wider bridleway and footpath network, with an enhanced access to Boughton Brake.

On this basis, I am satisfied that there would be no significant impact upon any statutory protected areas, or the possible Sherwood Forest pSPA and therefore that any potential impacts arising from the development on the breeding nightjar and woodlark population are addressed.

Other Ecology Matters

Nationally, the paragraphs under Section 11 of the NPPF relating to 'Conserving and enhancing the natural environment' are relevant. At the local level Core Policy 12 and Policy DM7 relate to 'Biodiversity and Green Infrastructure' and seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.

The relevant site allocation policy OB/MU/1 requires the identification of measures which maximise opportunities to protect and enhance features of biodiversity value and species within and adjoining the site, including the River Maun, and mitigate or compensate for any potential adverse impacts.

The proposed development has been designed so as to utilise the proposed open space including attenuation ponds, tree planting and wildflower mix to create a buffer between the new dwellings and hard landscaped infrastructure and the River Maun. Not only will this space assist in softening the appearance of the proposal and providing recreational space helping to reduce visitor pressure on more sensitive sites, but it will also provide an opportunity to enhance features of biodiversity value on the site with proposed planting providing new habitat. The applicant has taken on board the advice of the County Council's Landscape Team and Natural England and to the northern and western boundaries has incorporated wildflower/grass mix and native tree planting in to the proposals.

Whilst NCC Ecology have acknowledged the site appears to be of limited importance for foraging and commuting bats, they have recommended mitigation measures should be incorporate in the form of integrated bird and bat boxes (the former targeting house sparrow, starling and swift) within the fabric of a proportion of the proposed dwellings. I am mindful that Paragraph 118 of the NPPF states opportunities should be taken to incorporate biodiversity enhancements and I consider it would be prudent to include a condition on any planning permission with regards to these details. Any planning permission could also include a condition requiring confirmation of external lighting details to ensure any artificial lighting is designed to be sensitive to bats as suggested by the County's Ecologist.

I also consider it reasonable to attach the County Ecologist's other suggested conditions controlling vegetation clearance during the bird nesting season, that the southern section of the site be resurveyed for badgers prior to commencement of development and that where outfalls are proposed to the River Maun, this be surveyed for water voles and otters prior to construction, secured through a condition.

In considering the landscape proposals submitted, consultation has been undertaken with the County Council's Landscape Team and they have commented on the proposed tree species to ensure the amended plans have incorporated native trees are incorporated in keeping with the Sherwood Landscape Character Area. The precise specification for the areas indicated as wildflower mix, amenity grasslands and native woodland mix have not been provided and will need to be conditioned. Details of establishment methods and ongoing management of retained and created habitats would need to be secured via a landscape management plan as part of any Section 106 Agreement.

Finally, I note the query from the County Council as to whether the proposed SuDS feature is intended to be dry for most of the time, or to hold water permanently and that the latter has more wildlife value, and would be welcomed. This point is covered under the landscape section

above and it has been confirmed that the features will be designed, in normal circumstances, to be wet. Precise details are to be conditioned in order to maximise the ecology potential of the drainage features.

Taking in to account the above considerations, I am satisfied that the proposals will not unduly impact on the biodiversity of the area and opportunities to conserve and enhance biodiversity can be secured through conditions. The proposals therefore comply with the aims of Core Policy 12, Policy DM7 and the guidance in the NPPF.

Impact on Heritage Assets

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 preservation and enhancement of the character, appearance and setting of the Districts heritage assets and historic environment....including archaeological sites...(and) Conservation Areas...' Paragraph 5.71 states that the Council will ensure that any proposals concerning these heritage assets will secure their continued protection and enhancement, contributing to the wider vitality, viability, regeneration of an area, reinforcing a strong sense of place.

Policy OB/MU/1 requires that the development incorporates sensitive design to respect and enhance the setting of the nearby Boughton Pumping Station Conservation Area and Listed Buildings.

The Council's Conservation Officer has considered the proposals and has considered the site's proximity to Boughton Conservation Area and the historic building complex of Boughton Pumping Station which are situated opposite the site. The extensive tree coverage within the Conservation Area and further trees and hedges along the north-east boundary of the proposal site, ensures that much of the historic building complex will enjoy significant screening from the proposed development. The Conservation Officer considers that the reinforcement of landscaping and a large element of public open space at the eastern edge of the proposal site will help to maintain the existing character of the Conservation Area and its immediate setting. Furthermore, as the development will broadly follow the pattern of urban grain to the south, and that extensive rural landscape setting remains to the northwest of the Conservation Area, they consider the proposal will not unduly harm the setting of the Conservation Area or listed buildings forming the Station complex and I concur with this conclusion.

The proposed landscaping, scale of development being 2 storey and proposed materials are also considered to assist the integration of the proposal into the rural setting.

The Conservation Officer has also confirmed the proposal will cause no harm to the setting of Thoresby Park given the significant distance to the application site.

On balance, the Conservation Officer has confirmed that the development will have no discernible impact on any other heritage assets.

Archaeology

Policy OB/MU/1 also requires pre-determination archaeological evaluation submitted as part of any planning application and any necessary post-determination mitigation measures to be secured by conditions.

I note the County Council's comments concern that the desk based archaeological assessment submitted concludes the site to have low archaeological potential. The County recommended geophysical investigation, but with the knowledge that it may only work well on the higher ground, away from alluviated areas. In addition, NCC recommended that there needs to be sampling of the palaeochannels to determine their potential to contain good environmental or archaeological data and that this work should be done before the application is determined.

The Council's Conservation Officer also noted the conclusions of the report submitted and that it appears to show no archaeological interest, although that high magnetic disturbance might be masking archaeological potential below. The Conservation Officer liaised with the applicant's archaeology consultant in respect of the unknown potential for archaeological interest below the modern farmed top soils, with the view that a pre-commencement condition might be appropriate. The applicant has identified that the main features of potential archaeological interest are palaeochannels in the valley bottom and a targeted trial trenching programme could be undertaken to investigate and record any archaeological remains associated with palaeochannels. If palaeochannel deposits with good preservation potential are identified these should be sampled, assessed and analysed for archaeological and palaeoenvironmental remains. Depending on the results of the trial trenching further works may be required if archaeological remains are identified.

The applicant provided a plan identifying the areas to be targeted in the proposed trenching and the wording for a potential condition has been suggested as set out under the consultation responses from the Conservation Officer earlier in this report. The condition includes a requirement for the investigation of the potential for archaeological and palaeoenvironmental remains associated with former palaeochannels and on adjacent higher ground as recommended by the County Council with targeted trial trenching and palaeoenvironmental sampling.

Following discussions with the case officer, the Conservation Officer has confirmed that the basis of the condition is acceptable and that any condition would need to include wording requiring confirmation in writing of the results of the initial evaluation and then, should this necessitate further archaeological work, a written schedule of how such work would be undertaken including timescales and results/mitigation (to be submitted to and confirmed as acceptable in writing by the LPA).

On the basis of the advice received from the Council's Conservation Officer, I am satisfied that the suggested pre-commencement condition would appropriately address the potential for archaeological remains on the site.

On the basis of the above considerations and suggested condition to address the potential for archaeology on the site, the proposal therefore accords with heritage objectives contained within the Act, as well as policy and advice contained within the Council's LDF DPDs and section 12 of the NPPF.

Impact on Highways Network

Core Policy 9 requires proposals to be accessible to all and Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport. Policy DM5 of the DPD states that provision should be made for safe and inclusive access to new development. Where practicable this should make use of Green Infrastructure and as many alternative modes of transport as possible.

Policy OB/MU/1 states that development of the site will be subject to the preparation of an appropriate Transport Assessment (TA) as part of any planning application(s) to identify any negative impact of the development on the highway network including Ollerton roundabout, and the provision of appropriate mitigating measures.

The application has been accompanied by a Transport Assessment, Travel Plan and detailed layout drawings. Initial comments from the Highway Authority raised issues with the results and conclusions drawn in the TA and the potential impact on the Highway. The Highway Authority also assessed the potential impact of the development on traffic flows to Ollerton Roundabout which it estimates will add about 2.5% to traffic flows and refers to the improvement scheme to this roundabout identified by the County Council for which they request the applicant would make a financial contribution to be based on the proportionate increase in traffic attributed to this development.

Early on in the application process, when the proposed layout indicated a single point of access from Whinney Lane/Whitewater Lane, the Highway Authority raised concerns in respect of sustainable transport provision and advised that linkages were poor with the nearest bus stops are 350m from the access point on Whinney Lane/Whitewater Lane, with the development itself stretching over 800m from this point. This distance would be far in excess of 6C's Guidance which recommends that walking distances to bus stops should be a maximum of 400m, and desirably no more than 250m. The initial suggestion was that proposals for new bus stop provision should be made.

In order to improve access and linkages for residents and responding to the concerns relating to sustainability raised by the Highway Authority, the applicant has submitted amended plans during the application process to provide a second point of access to the western end of the development (Phase 2) linking through to the existing highway on Petersmiths Drive. This includes a footpath linking through to Petersmith Drive at this end of the development. Alterations have also been made to accommodate a footway along the Whinney Lane/Whitewater Lane site frontage and a pedestrian link across the Public Open Space to it. However the concern remains that walking distances to bus stops are still far in excess of the recommended distances. The Highway Authority noted that previous drawings did not lend themselves to bus penetration meaning there was little opportunity to reduce these distances. They suggested that if a bus route could be established linking through to the existing route on Whitewater Road, then walking distances to bus stops would no longer be an issue. I note the latest drawings include the second point of access and the widening of the main access road to 6.0m to future proof the site for a potential bus service to operate through the proposed development. The Highway Authority have advised that the widened access has not yet been assessed to see how feasible it is for a service to run through the new estate although I note the widening of the access to 6.0m is in direct response to the previous suggestions of the Highway. The applicant has also responded noting the bus stop distances could be reduced by providing a new bus stop at the junction of Whitewater Road and Walesby Lane reducing the walking distance from the edge of the site by some 150-200m depending on exactly where the current bus stop is. They also suggest a new bus stop could be positioned at the junction of Walesby Lane and Whinney Lane again reducing walking distances by a similar distance. The applicant has confirmed that they would be prepared to pay for the minimal cost of these new bus stops. This suggestion has been put to the Highway Authority and an update can be provided to Planning Committee.

The applicant has responded to various points made by the Highway Authority on the submitted Travel Plan and following the submission of a Revised Travel Plan on 29th September 2017 the Highway Authority have confirmed that this aspect of the proposal is acceptable.

Footpath Links

Spatial Policy 7 requires development to provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility, and provide links to the existing network of footways, bridleways and cycleways, so as to maximise opportunities for their use.

The Highway Authority notes the suggestion in the original plans that as well as the footway to the eastern and western ends of the development, pedestrian linkage to Petersmiths Drive would be available at two other points; one near 115 Petersmiths Drive and the other via Petersmiths Close. However, the Highway Authority do not consider that these access points can be relied upon given they do not connect directly with the public highway and cross third party land. The Highway Authority are therefore concerned that the only connections through to the existing settlement are via the proposed footpaths at the eastern and western ends. The Highway Authority are concerned this leaves poor pedestrian connectivity to the adjacent and existing development including housing, church, shops and facilities with the town centre facilities 1500m or more away. The applicant has commented that whilst they can't control the 2no. internal points of connection, they have been used for many years, they consider it likely they will continue to be used 'informally' in future. These links were removed from the drawing following previous Highway Authority comments but it remains the case they are currently in situ.

The Rights of Way Officer has commented that there is a route that appears to be used by members of the public, linking the end of Petersmiths Drive to Ollerton and Boughton Public Bridleway No. 7, along an existing track. There is also anecdotal evidence via aerial photographs that members of the public may be using the field edge on the South Eastern boundary of the site. I am mindful that part of the potential other route used by the public sits within what would be rear gardens on Phase 2 of the development. The applicant has been made aware of the potential risk of claims being submitted by users of the routes for public rights to be recorded, and that the routes would need to be made publicly available. The plans have not been amended to take development outside the line of this route. The footpath sat alongside the proposed vehicular access road and this would retain the ability for pedestrians to walk through the site and link up with Bridleway No.7. In the event that a claim were made and accepted the applicant would need to apply to divert the route and this could delay implementation should planning permission be forthcoming.

Conclusion on Highway Matters

Subject to the subsequent confirmation from the Highway Authority that the road dimensions do facilitate bus access, the outstanding issues would be the cost the Highway Authority have set out for provision of a bus service through the proposed development and lack of pedestrian links to the existing settlement and whether these matters should be prohibitive to the development coming forward. The applicant has advised they are not in a position to meet the bus service provision cost as is evidenced through the viability assessment undertaken as part of this application set out later in this report. The distances to bus services and facilities in the town centre are in excess of the recommended distances. However the developer has confirmed they would be willing to explore costs of additional bus stops closer to the site. This has been put to

the Highway Authority and their response is awaited. Access through to Petersmiths Drive is also available at either end of the development for pedestrians and consideration needs to be given as to whether these distances make the development so unsustainable so as to warrant a refusal of planning permission bearing in mind the other infrastructure contributions that could be achieved and the way the development has addressed all other requirements set out in this report.

It is noted that the Highway Authority are not objecting on road safety grounds and the matter of concern relates solely to walking distances and access to public transport. Sustainability is a key requirement of Spatial Policy 7 but it needs to be weighed in the planning balance as to whether this matter is fatal to the development coming forward in this instance.

Flood Risk and Drainage

Core Policy 10 (which is in line with the NPPF) states that through its approach to development, the Local Development Framework will seek to, amongst other criteria; locate development in order to avoid both present and future flood risk. Policy DM5 states that the Council will aim to steer new development away from areas at highest risk of flooding and that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the sequential test, that there are no reasonably available sites in lower risk Flood Zones.

Policy OB/MU/1 states that proposals for the site should set out the broad location for development on the site including a phasing strategy. This should ensure that no flood sensitive development takes place in areas identified as being within Flood Zones 2 and 3.

The residential element of the proposal is located within Flood Zone 1 and therefore within an area at least risk of flooding. However the open space element of the proposal including the proposed SuDs feature in the form of two attenuation ponds is located within Flood Zone 3b.

The applicant has referred to the NPPF and notes it includes the option of splitting a development in to component parts when considering flood risk.

The applicant has liaised with the Environment Agency throughout the application process and submitted a Revised Flood Risk Assessment (Report No.16/022.01 Rev 02 – 14th Feb 2018) and engineering drawings in February 2018. The Environment Agency reiterated at the time that the surface water attenuation pond was shown to be located within Flood Zone 3b (functional floodplain) and that in accordance with the Planning Practice Guidance to the National Planning Policy Framework the highest vulnerability category should be used and therefore the surface water pond should be considered as More Vulnerable, and therefore not appropriate in Flood Zone 3b. They considered that the surface water attenuation is intrinsically linked to the development and would not be a standalone development without the more vulnerable development it is serving and therefore they objected to this application because the proposed development would be inappropriate when referring to national flood risk guidance.

However, the Environment Agency also noted the approach being advocated by the applicant in terms of the development being considered in its component parts and put the onus on the Council to consider whether the surface water attenuation could be considered as a separate component whilst considering the precedent this may set for future applications.

I understand the Environment Agency's position with regards to strictly applying the guidance on assessing flood risk. As they have suggested the option to consider a development in its component parts would usually be more appropriate when considering mixed use development (e.g. a mixed use site of residential, offices, roads and sports facilities) and that a proposal in those circumstances might be acceptable if the water compatible use (e.g. the sports facilities) were located within the functional floodplain. In this instance however the proposal includes residential development and associated open space including the attenuation ponds which are intrinsically linked to the development.

I accept that if the guidance in the NPPF were to be strictly applied, and it was accepted that the attenuation ponds and open space are located within the functional floodplain, the higher vulnerability category would be applied to the whole development and the proposal would be considered inappropriate in flood risk terms. Alternatively, if it could be demonstrated that:

1. the dwellings as located on the proposed housing layout would not be at risk of flooding
2. the drainage scheme with attenuation ponds is suitable to serve the proposed development
3. the drainage scheme with attenuation ponds would be able to function even in times of flood
4. any loss of flood storage could be appropriately mitigated and flood risk would not be increased outside the application site

it could then be argued that the development could acceptably address any potential drainage and flood risk matters and therefore there would be no demonstrable harm in terms of the flood risk impact of the development in this particular instance.

In respect of points 1 and 4 the Environment Agency confirmed by email on 14th March 2018 that the latest FRA and engineering drawings demonstrate that the dwellings proposed would not be at risk of flooding and that the mitigation proposed would ensure there is no increase in flood risk to third parties (inclusive of their recommended conditions). The Environment Agency has advised that the Lead Local Flood Authority (LLFA) would need to provide confirmation of points 2 and 3. In respect of point 3 the EA note a bund has been built around the ponds above the design flood height and therefore should not be inundated by fluvial water. However, they have not reviewed the surface water design or if the outfall could be surcharged in flood conditions, which may affect the function of the site drainage. A further consultation has been sent to the County Council's Flood Team as LLFA and a response is awaited at the time of writing this report and an update will be provided to the Planning Committee as a Late Item. Subject to the LLFA confirming that the attenuation ponds are appropriate and could function during a flood event all the above points would have been met. In those circumstances given the very specific characteristics of the site and that the proposals could effectively manage drainage and flood risk within the site without increasing flood risk elsewhere, I consider that in this particular instance there would be no planning harm in this respect and therefore subject to the suggested conditions I am satisfied that the proposal would effectively manage flood risk and drainage on the site in accordance with Core Policy 10 and Policy DM5.

Notwithstanding the above, the developers' consultant has queried the Environment Agency's objection on the basis of the site being located in Flood Zone 3b. They stress that the Environment Agency have accepted the findings of the revised FRA which clearly shows that no part of the site is affected by the 4% AEP flood outline (1 in 25 years event) and given this is the best available information supersedes the flood maps in the Strategic Flood Risk Assessment (SFRA) produced in 2009. On this basis the site could not realistically be considered to be in functional flood plain and the question of considering the development in its component parts

does not arise. The Environment Agency have advised that the NPPF does not define a specific return period but often the 4% (1 in 25) or 5%(1 in 20) AEP has been used in SFRA's. The Environment Agency have advised that if the SFRA is to be updated with the latest modelling incorporated that the Council can take this in to consideration and the Environment Agency's comments regarding the appropriateness of the development to Flood Zone 3b should be disregarded.

At the time of writing Policy colleagues are currently liaising with the Environment Agency to clarify their position. If the sites location outside the flood zone is confirmed, I consider that the development would be acceptable in flood risk terms. Confirmation of the Lead Local Flood Authority in respect of the acceptability of the detailed drainage design is still required and an update on these matters can be provided to Planning Committee.

Taking the above matters in to consideration, provided that either the Lead Local Flood Authority confirms that the drainage solution is acceptable as per the questions set out above, or alternatively that the application site is confirmed as not being situated on land at high risk of flooding the development would be acceptable in flood risk and drainage terms and would comply with Core Policy 10 and Policy DM5.

Other Matters

Following the submission of a Phase 2 Geotechnical and Geo-Environmental Site Investigation report the Council's Environmental Health Officer has confirmed that they generally concur with the findings of the report and that there are no further requirements in terms of addressing any potential contamination on the application site. The proposals therefore comply with NPPF paragraph 121 which states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

I note the comments received from the community, the majority of which relate to the material considerations considered under the above appraisal. Issues raised relating to the inability of local infrastructure to cope with the additional dwellings are considered under the Developer Contributions section of the report below. The site allocation was appropriately advertised under the consultations prior to adoption of the Allocations and Development Management DPD and the requirements relating to the site allocation have been factored in to this report. Letters of objection / support are not available to view on the Council's website but are available to view at the Council's offices on request. The proposal is not a "done deal" as has been suggested and the various planning considerations need to be weighed in the balance before a recommendation can be made. Potential damage to vehicles given lack of parking in the area and increased traffic is not a material planning consideration and any such damage would be a police matter. The Highway Authority have not raised concerns with regards to the latest plans in terms of the width of the highway or parking provision. The impact of building work on existing residents is not a material planning consideration, although it would be reasonable to attach a condition to any permission restricting hours of work to usual working days and hours.

Developer Contributions

Policy DM3 relates to 'Developer Contributions and Planning Obligations' and sets out that the infrastructure required to support growth will be provided through a combination of the

Community Infrastructure Levy (CIL), Planning Obligations, Developer Contributions and where appropriate funding assistance from the Council. Planning applications will be expected to include appropriate infrastructure provision in line with the Developer Contributions SPD.

A viability appraisal has been submitted by the applicant and the Council appointed an independent viability assessor to scrutinise the findings. The conclusions reached are set out below. However I consider it first useful to set out the contributions requested:

Open Space

Through the site allocation policy OB/MU/1 the importance of appropriate phasing mechanisms between the residential development and strategic sports infrastructure and open space uses is underlined.

The Parks and Amenities Officer has confirmed that the development will need to include public open space provision in the form of provision for children and young people (18m²/dwelling), amenity green space (14.4m²/dwelling), outdoor sports facilities (52.8m²/dwelling) and natural and semi-natural green space. The development would need to provide Suitable Alternative Natural Green Space given the proximity to the SAC and on-site provision for children and young people in the form of at least 1 Neighbourhood Equipped Area for Play and additional Local Equipped Areas for Play.

The layout plans and landscape drawings now provided confirm that a significant amount of public open space will be provided throughout the development. The open space indicates the various elements of open space referred to above including provision for older children and teenagers as well as younger children, amenity green space and natural and semi-natural green space would be provided and the extent of open space and opportunities it provides for recreation on site would address the requirement for SANGS. The open space requirements are therefore provided on site and discussions between the applicant and the Parks and Amenities Officer have taken place throughout the application process to assist design of the final open space landscape scheme. The developer has also confirmed that the open space would be maintained by the Town Council if appropriate maintenance contributions can be agreed, or alternatively by a management company and therefore the need for a maintenance contribution would not be required within any S106 Agreement in this instance and would be a private agreement between the developer and the Town Council or alternative maintenance company.

The latest detailed landscape proposals include details on the precise composition of the proposed play equipment to be provided on the LAPS and NEAP on the site. The Parks and Amenities Officer has advised that the plans appears to show a reduction in the number of pieces of equipment in the NEAP (from 9 to 7) compared to a previous plan submitted. A NEAP should include play facilities suitable for older children and teenagers and the Parks and Amenities Officer is not convinced that the proposals do this. The Fields in Trust guidance Chapter 6 gives further details of what should be provided in a NEAP. The NEAP should provide at least 9 play opportunities, some of which should be suitable for older children and teenagers. Details of the safety surfacing and fencing and any proposed landscaping are also required. Should planning permission be forthcoming, conditions need to indicate that the latest plans showing equipment on the proposed LAPS and NEAP are taken as indicative only and that the final details need to be agreed as part of the Landscape Masterplan secured via a S106 Agreement.

Policy OB/MU/1 requires as part of the development of this allocated site, the provision of on-site strategic sports facilities to enhance the existing provision within Ollerton & Boughton. The proposed sports pitches are shown to be located to the western end of the development. The location of the proposed sports pitches to this end provides opportunities for cohesion with the existing sports facilities at Ollerton Welfare Sports ground which sits immediately to the north of this part of the application site. Whilst joint management of the existing and proposed sports facilities is dependent on future responsibilities for management of the existing sports ground being confirmed, clearly there would be benefits in these areas being managed by one party not least increasing the opportunities for sports provision if the areas were joined with appropriate links between. At the time of writing there is still uncertainty as to whether this is a possibility, however I am conscious that the proposed sports pitches are situated adjacent to Phase 2 of the development meaning there is time, following any planning permission being granted, for further discussions towards agreeing this matter.

In the event that the Town Council were responsible for the existing sports ground and that a mutually acceptable agreement could be reached between the developers and the Town Council for the future management of the open space on the application site, this would potentially maximise sports and recreation facilities both on and adjoining the site with a consistent management approach across these areas and links between. In order to allow for this potential opportunity to be realised, I would suggest that any S106 Agreement would need to put the onus on the developer to fully explore the future management of public open space on the site with the Town Council first before considering any other management entity. Furthermore, notwithstanding the layout of the sports pitches on the submitted layout and landscape plans, that a detailed Landscape Management Plan be submitted and agreed which includes the management arrangements for the sports pitches and explores links between the proposed sports pitches and facilities to the north.

Education

The County Council have confirmed a proposed development of 305 dwellings would yield an additional 64 primary and 49 secondary places and on this basis have sought an education contribution of £733,120 (64 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In terms of secondary education; the proposed development is within the catchment of The Dukeries Academy for which any contributions would be covered under CIL regulations.

I am mindful that the applicant's representatives have queried the need for additional places given they suggest that the nearby Parkgate Academy appears to have some spare capacity and if the new pupils derived from the proposed development were to be allocated places at their in catchment schools (Maun Infants and Forest View) this might push any out of catchment pupils back to Parkgate Academy. However, the County Council's final comments set out the Published Admission Number (PAN) for the primary schools in the Ollerton primary schools planning area and argue that existing schools in the Ollerton area are at capacity or in the case of Parkgate academy any spare capacity will need to take any surplus demand from first admissions at the other primary schools in the Ollerton area. On this basis the County Council are convinced that the full education contributions set out above should be sought in this instance. There have been several comments made and there are some inconsistencies on both sides. However, as decision maker the Council needs to arbitrate. Erring on the side of caution I am inclined to support the County Council's argument in this instance and based on the evidence presented it appears reasonable to see the contribution requested.

Health

The Clinical Commissioning Group have confirmed a request for a health contribution of 305 (no. of dwellings) x £982.62 in accordance with the Developer Contributions and Planning Obligations SPD (2013) and Updated Indexation Calculations 2016. This equates to a contribution of £299,699.10. The contribution would be spent on improvements/extensions to and/or staffing/training resources within the administrative boundary of Ollerton and Boughton. There is ongoing work to assess the requirements for health facilities in the area of Ollerton and Boughton. Data on existing healthcare provision for Ollerton has been provided in support of this request.

Highways

The Highway Authority notes the proportion of traffic from the proposed development which would be likely to use the Ollerton roundabout Ollerton Roundabout A614/A616/A6075. A revised estimate has been prepared for the improvement scheduled for this piece of highway infrastructure and costs are now understood to be £7,984,000. On the calculated basis that this development would add 2.5% to the traffic flows, a contribution of £199,600 is sought towards the improvement costs.'

I note the County Council have also raised concerns about the distance to bus stops with the closest served bus stops on Whinney Lane approximately 700-800m from the centre of the proposed development. In this instance the County Council do not consider the diversion of existing services is feasible and suggest a bespoke service would be suitable. The County Council has confirmed that an indicative Public Transport contribution of £147,000 plus infrastructure costs would provide a service to serve the development, subject to review based on projected usage and revenue. The County Council have suggested that the proposed level of contribution should be considered as indicative, pending receipt of more detailed information about the mix of housing types and build out rates, which will impact upon the service revenue. However, I note that no information has been provided to evidence how this sum has been calculated and whether or not this contribution would be required as a lump sum or to fund a service over a defined period. Furthermore the mix of housing types is known as are average build out rates yet this does not appear to have been factored in. The overall sustainability of the proposal in terms of the plans submitted and accessibility is considered under the Highways section of this report. Whilst it could not be argued that the development is ideally situated or that it provides the optimum solution in terms of transport links, nor could it be suggested that the development is isolated and the developer has submitted a revised layout plan to provide a 6.0m wide spine road in order to future proof the site for possible bus use. The developer has also confirmed that they would consider the provision of bus stop infrastructure, dependent on costs although at the time of writing discussions are not ongoing and such costs have not been agreed. However, the developer has confirmed that they are not able to provide a subsidy to the bus company to enhance the service as the figures quoted are significant and in their view are not viable.

The figure quoted for bus service provision could potentially form part of the package of developer contributions covered by the figure now put forward by the developer (see below) but this would be at the expense of some of the other requests made and needs to be considered in the planning balance.

Affordable Housing

The site would usually trigger a requirement for 30% of the housing to be affordable housing in line with the Core Strategy and the Developer Contributions DPD and that this would equate to 92 units of affordable housing on the site. The ability to make this contribution in light of the viability situation is considered further below and the conclusion is that the development cannot support any contribution towards affordable housing if it is to remain viable.

Libraries

The County Council has confirmed it would seek a developer contribution for the additional stock that would be required to meet the needs of the 732 population that would be occupying the new dwellings. This is costed at 732 (population) x 1.532 (items) x £12.50 (cost per item) = £14,018.

Community Facilities

The SPD states a contribution of £1,384.07 per dwelling would be required for a residential development of 10 units or more. For the proposed development of 305 units this would therefore equate to a contribution of £422,141.35. I am mindful of the viability situation set out below and that at the time of writing information has not been provided from the Community Facilities Officer as to where such a contribution might be spent. Clearly any request would need to be evidence based and given the situation in terms of the viability of the scheme (set out below) and that there are other requests here which have been evidenced, I do not consider the community facilities contribution could be prioritised in this instance.

CIL

Reference to the Council's Community Infrastructure Levy Charging Schedule (1st January 2018) confirms that the site is situated within the Housing Low Zone 1 where residential development is charged at £0m².

Viability

The applicant has sought to challenge the level of developer contributions by way of Affordable Housing and Infrastructure provision on the basis that the level of contributions proposed would render the development economically unviable.

An independent viability assessment has been commissioned to determine whether the policy based contributions are viable and, if not, the level of contributions that can be delivered whilst maintaining economic viability.

The main premise of the viability appraisal, following advice contained in the NPPF, is that the development should be deliverable, taking account of the full cost impact of planning policies (including affordable housing, CIL and other infrastructure contributions) whilst maintaining a reasonable return to the landowner and developer.

Background

The Applicant has submitted a viability assessment which concludes that it is only viable to offer a S106 contribution of £400,000 towards infrastructure provision.

Key Assumptions of NSDC Viability Appraisal

GENERAL		
Net Developable Site Area		8.27Ha
Development Scenario		Greenfield
Total Unit Numbers		305
AREAS		
Net Residential Sales Area	Houses	21653qm
	Apartments	0sqm
AFFORDABLE HOUSING		
Affordable Housing Delivery Test Parameters		0-30%
Affordable Housing Tenure Mix		60% Social Rent
		40% Intermediate
SALES VALUES		
	2 Bed Houses	£1935qm
	3 – 5 Bed Houses	£1885sqm
CONSTRUCTION COSTS		
	2 Storey Semi- Detach Houses	£1029sqm
	2 Storey Detached Houses	£1246sqm
ABNORMAL DEVELOPMENT COSTS		
Abnormal Construction Cost Allowance		£718,283
LAND VALUE ALLOWANCE		
Residual Land Value with Planning Permission		£3,377,945
Existing Land Use Value		£165,400
Share of Uplift in Land Value to Landowner		50%
Land Value Allowance in Viability Appraisal		£1,771,674
OTHER FEES & COSTS		
Professional Fees		8.0%
Legal Fees		0.5%
Statutory Fees (Planning, Build Regs, Warranties)		1.1%
Sales/Marketing Costs		2.0%
Contingencies		5.0%
FIXED DEVELOPER CONTRIBUTIONS		
CIL		£0
Planning Obligations	Education	£733,120
	Libraries	£14,018
	Community (SPD Calculation)	£360,281
	Health (SPD Calculation)	£289,750

FINANCE COSTS		
Interest		5.0%
Arrangement Fee		0%
DEVELOPMENT PROFIT		
Development Profit Return on GDV		20%

Assumptions Comments

The standard fee and cost assumptions adopted by NSDC have been used in the appraisal carried out by the independent viability consultant.

The applicant has submitted its own projected sale values and build costs.

An assessment of Construction Costs has been undertaken based on comparable BCIS data. This concludes total 'normal construction costs' of £24,254,096 – which is similar to the applicants's projected figure.

The principal difference between the applicant and the Council is based on Sales Values. The applicant projects sales values of £1582 (average) for 2 bed houses, £1685 (average) for 3 bed houses and £1614 for 4+bed houses (giving a range of sale prices for 2 bed properties of £97,000, 3 bed properties £113,000-£131,000 and 4+bed properties of £160,000-£171,000)

The Council has adopted the sales values produced by HEB Chartered Surveyors relevant to the Ollerton area used to update the CIL Viability study in 2016. These assume 2 Bed house sale values of £1935sqm and 3-5 bed values of £1885sqm (giving a range of sale prices for 2 bed properties of £117,000 - £120,000, 3 bed properties £132,000-£142,000 and 4+bed properties of £183,000-£205,000).

The applicants total projected sale value is £35,838,000. The Council's total sale value allowance, based on the HEB Valuation figures, is £41,137,000.

The applicant has included the purchase price of £2,269,000 in its appraisal. Based on the land value benchmark methodology adopted by the Council, a land value allowance of £1,771,674 has been made.

The S106 contributions set out in the above table are based on requests for Education and Library Contributions from Notts County Council. The Community Facility and Health Contributions are based on per dwelling rates set out in the NSDC S106 Contributions SPD based on 305 dwellings. (Note this independent appraisal was carried out prior to the full raft of developer requests being received including contributions requested by the Highway Authority)

The following allowances have been made based on the Applicants projected abnormal costs :-

Site Strip/Demolition	£57,933
Strategic Landscaping Eo Cost	£40,000
Off Site Highways Costs	£30,000
Abnormal Foundation Costs	£370,350
Abnormal Services (pumping station, substation, sewer diversion)	£220,000

The total abnormal cost allowance is £718,283

Viability Results & Conclusions

The independent viability assessment has confirmed that if the development is to make a full contribution towards S106 Infrastructure Costs, it would not be viable to deliver any affordable housing.

The viability appraisal indicates that based on the full S106 Contribution allowance of £1,397,169, the development demonstrates negative viability of -£78,000. As such it is recommended that the development is capable of providing S106 Contributions of approximately £1.3 Million without threatening the economic viability of the scheme.

Since receiving this advice negotiations have continued to take place with the developer. It is noted that the education (£733,120), Ollerton roundabout (£199,600) and health (£299,699.1) requests alone equate to a total of £1,232,419.1 which is similar to the figure provided by the independent assessor. After some consideration, the developer has agreed to meet these costs should planning permission be forthcoming on the basis that the site is strategically important to the company with them being able to move on from their Whinney Lane site which sits close by. It is acknowledged that this figure would not cover the remaining developer contribution requests in terms of bus service provision, community facilities and library contributions although the independent assessor has already confirmed that the development could not cater for any significantly greater contribution than the developer's latest offer. The developer has also advised that since the original viability work was completed, they have had to incur significant extra costs, namely the additional access road to the western end of the proposed development, additional land purchase for the proposed drainage works and the additional play area. They estimate that this additional works would equate to a further £300k for the length of road (and spine road widening as discussed above), a further £50k for the play area and £30k for the additional drainage land. The developer has also referred to the need to lay out the sports pitches to specific standards which adds further cost. Whilst these costs have not been independently verified, it is clear they are additional costs nonetheless that would further impact on the viability of the proposal if reassessed.

In addition to the above, the developer has also offered to build in a viability re-test scenario in to any S106 agreement to ensure that a proportion of any uplift in values is captured. They suggest that this would give the Council added confidence that their 'low cost housing' which is 'the main stay of their development philosophy, will remain low cost'.

Overall Conclusions and Planning Balance

The application proposes mixed use development consisting of 305 dwellings, enhanced sports infrastructure (with the potential to link in to existing sports facilities) and open space. The sports provision and large proportion of the open space is located to the south western end of the allocated site as per the requirements of the allocation policy and significant further open space is provided along the River Maun corridor to the northern boundary of the application site, as well as between the two distinct residential parcels and to the site frontage on Whinney Lane/Whitewater Lane. The design approach taken helps to address several of the key requirements within the allocation policy OB/MU/1 including the need to provide a suitable drainage solution with flood sensitive development kept away from areas at potential risk, sensitive design with a visual break between the residential development proposed and existing

heritage assets and suitable landscaping to assimilate the development in to the surrounding countryside and provide opportunities to protect and enhance features of biodiversity value.

At the time of writing there remains a question mark over the flood status of the site. When the site was allocated it was recognised parts of the site had the potential to flood hence the requirement to ensure that flood sensitive development took place outside areas identified as being within Flood Zones 2 and 3. The applicant therefore located the open space and sports pitches within this area including the proposed SUDs attenuation ponds to serve the proposed residential development. The Environment Agency have called into question the appropriateness of locating the ponds in the area potentially at risk given they are inextricably linked to the residential element of the scheme and the need to look at the development comprehensively in accordance with NPPF guidance. It may be that in this particular instance the development could be considered in its component parts if it is confirmed the dwellings are not at risk of flooding, that the proposals do not increase flood risk elsewhere (both of which have been confirmed by the EA) that the attenuation ponds are fit for purpose and that they would still be functional during a flood event (awaiting confirmation from the LLFA). Confirmation from the LLFA would confirm whether there is any planning harm in this regard, equally this point may be immaterial if it is confirmed the latest modelling takes the site out of the flood zone. It is therefore possible that in either scenario the development is acceptable in flood risk and drainage terms.

The Highway Authority has raised no concerns relating to highway safety. However, an objection has been raised in respect of the sustainability of the proposal based on the lack of suitable bus provision, the limited provision of pedestrian links through to the existing settlement and the distance between the proposed dwellings and the nearest bus stops and town centre facilities. I note the applicant is constrained in terms of the funds available to meet the Highway Authority's request for provision of a new bus service and in any case evidence to demonstrate how the bus service contribution has been calculated has not been provided by the County Council. Additional links between the site and the existing settlement are prevented to much of the southern boundary given the intervening third party land and the existence of existing dwellings and curtilages on Petersmiths Drive. Careful consideration therefore needs to be given as to whether the delivery of an allocated site should ultimately be prevented on this basis. Further queries have been put to the Highway Authority in terms of an alternative solution through the provision of new bus stops on existing routes closer to the site and a response is awaited.

The viability of the proposal has been independently assessed and it has been confirmed the development could deliver around £1.3M of developer contributions although this would not support the delivery of any affordable housing. The key requests towards education, health and the Ollerton roundabout improvements have all been evidenced in terms of how figures have been reached and where the contributions would be spent. The three requests come to a total of £1,232,419.1 which is close to the level of contributions which could be afforded if the application is to remain viable. The developer has agreed to meet these costs but remains concerned about the viability of the scheme and that any further costs would render the development unviable. Other contributions requested could be considered less critical in terms of the key priorities for infrastructure in the area and what has been evidenced as part of this application.

Whilst it is regrettable that the bus service provision cannot be met and it is acknowledged walking distances would exceed those usually sought, in attaching weight to a scheme which would boost housing numbers through development of an allocated site and therefore in accordance with the anticipated delivery of housing in the Development Plan, which is acceptable in most respects save for the Highway objection and the lack of ability to deliver affordable

housing (the latter of which Local Planning Authorities are encouraged to be flexible upon seeking where viability is an issue), I am minded, in this particular context, to recommend a balanced approval. This is subject to appropriate conditions for implementation and an appropriate legal agreement to secure the contributions towards primary school provision, health and the Ollerton roundabout improvements as well as a Landscape Masterplan with appropriate provision, specification, phasing and management of the proposed public open space and sports pitches.

RECOMMENDATION

Approve, subject to conditions to ensure appropriate implementation of the development and the completion of a S106 Agreement to secure the developer contributions sought towards primary school provision, health and improvements at Ollerton roundabout and to secure a Landscape Masterplan with appropriate provision and phasing of the proposed public open space and sports pitches and management thereof.

List of suggested conditions to follow.

Background Papers

Application Case File

For further information, please contact **Martin Russell** on ext. 5837.

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

Matt Lamb
Business Manager – Growth & Regeneration

Committee Plan - 17/00595/FULM

