

Application No:	17/01139/OUTM (MAJOR)		
Proposal:	Residential development up to 85 dwellings (Class C3), up to 3,000 sqft (280 sqm) retail development (Class A1), and associated access works including details of a new access junction into the site from Eakring Road.		
Location:	Field Reference Number 7108, Eakring Road, Bilsthorpe		
Applicant:	Harworth Group PLC - Mr Stuart Ashton		
Registered:	30.06.2017	Target Date: 29.09.2017	Extension of Time Agreed Until 11.05.2018

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

Members will recall that the application was presented at the March 6th Planning Meeting. The resolution of Members was that the application be deferred to allow further negotiations on the affordable housing offer presented. The applicant has confirmed that they are willing to increase the proportion of affordable dwellings from 5% to 10%. Discussion on this is included in bold text in the relevant Developer Contributions section of the report below. The agent has also requested that attention is drawn to the applicant’s position in terms of the support for the A614 and Mickledale Lane junction to be delivered early through the CIL 123 list (included as part of March late items report).

For the avoidance of doubt the report below remains otherwise unchanged (save for the changes to conditions referred to in March Late Items report).

The Site

The application site is approximately 3.95 hectares in extent at the north eastern corner of the defined village envelope of Bilsthorpe. The site lies adjacent to the former Bilsthorpe Colliery, which closed in 1997. An old railway line (which has been dismantled) lies to the north of the site, and now appears to be informally used as a footpath/track.

The site is situated to the east of Eakring Road with existing residential development on the opposite side of the road. Land to the north east is identified as being a site of interest in nature conservation owing to being recognised as an important site for breeding waders. Land to the south is currently in commercial use whilst land immediately to the north and the east is open in nature with woodland screening along the east elevation.

Relevant Planning History

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

The application has not been subject to screening as it does not fall within Schedule 1 or meet the

thresholds of Schedule 2 of The Town and County Planning (Environmental Impact Assessment) Regulations 2017.

The Proposal

The proposal seeks outline planning permission for a mixed use development comprising up to 85 residential units and up to 280m² of Class A1 retail space as well as associated access works. Details of access are the only matter for outline consideration demonstrating a T-junction access from Eakring Road. It should be noted that this has been amended during the life of the application owing to concerns which were raised by the Highways Authority to the original scheme demonstrating a roundabout arrangement. The revised illustrative layout and access details were received on 19 January 2018 and a full round of re-consultation undertaken. The revised illustrative layout also shows other changes to the originally indicated layout including the repositioning of the proposed attenuation basin and retail unit. Additional information in relation to the access layout and associated safety audit was also received by email dated 15 February 2018.

Although matters of layout; scale; landscaping and appearance are for subsequent consideration, the current application has been accompanied by an indicative layout which demonstrates a mix of house types, styles and sizes. The original application was accompanied by the following supporting documents:

- Archaeological Desk Based Assessment and Geophysical Survey
- Consultation Statement
- Design and Access Statement
- Extended Phase 1 Habitat Survey
- Flood Risk Assessment & Drainage Strategy
- Landscape and Visual Appraisal
- Phase 1 Contamination Desk Study
- Planning Statement
- Preliminary Utilities Appraisal
- Transport Assessment
- Travel Plan

In addition the following documents have been submitted during the life of the application:

- Viability Assessment dated September 2017
- Bat Survey Reports – firstly received 26 September 2017 followed by Version 2 received 12th October 2017

Departure/Public Advertisement Procedure

Occupiers of 61 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 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 6 – Shaping our Employment Profile
Core Policy 8 – Retail Hierarchy
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

Policy Bi/MU/1 – Bilsthorpe – Mixed Use Site 1
Policy Bi/Ph/1 – Bilsthorpe – Phasing Policy
Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2 – Development on Allocated Sites
Policy DM3 – Development Contributions and Planning Obligations
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- NSDC Developer Contributions and Planning Obligations SPD Adopted Dec 2013
- Newark & Sherwood Plan Review - Publication Amended Core Strategy July 2017

Consultations

Bilsthorpe Parish Council – At the meeting on Monday 12 February 2018 the Parish Council voted to object to the application, along with the comments below they would like to also note that the access in and out is not adequate, there will be children crossing the road for school and that there is no weight restriction on that road so there will be lorries as well as cars, (at the time of the meeting there was no footpath planned) and that the retail unit will increase traffic.

Background

In January 2017 a development of 113 dwellings on Oldbridge Way, Bilsthorpe was approved by NSDC Planning. This would potentially increase traffic within the village with approximately 226 vehicles. The Parish Council raised concerns both in writing and verbally to the planning committee meeting regarding the impact the increased traffic would have on the roads within the village, particularly the one way system on the Crescent that accesses the development and the access road junctions into and out of the village where Mickledale Lane joins the A614 and

Farnsfield Road joins the A617. These concerns were not acknowledged and outline planning was approved.

An outline planning application has been agreed for up to 52 dwellings on land off Maid Marian Ave, Bilsthorpe and a further 85 dwellings and retail development is planned for land off Eakring Road, Bilsthorpe potentially bringing an increase of 500 vehicles and associated delivery and business traffic.

Points to be Raised

- The Mickledale Lane GP surgery has struggled in recruiting in the past and residents tell us that it is challenging to get an appointment at the surgery. Increasing the population of the village would significantly impact on this situation.
- The Village Hall is in need of complete refurbishment in terms of new electrics, heating system, toilets, kitchen, bar area, outside and inside redecoration. Currently not used to its full potential as unsightly and in need of repair.
- Bilsthorpe has a high number of rental properties from NSDC, PA Housing (formerly ASRA/Leicester Housing) and private landlords. Private house sales in Bilsthorpe range from properties of £50,000 to £500,000 and these offer opportunities for all categories of home buyers.
- 30% Affordable housing on new housing developments in Bilsthorpe is felt to be unnecessary and this could be a reduced amount with funding saved being directed towards the renovation of the village hall.
- Eakring Road, Bilsthorpe is a well-used road with commercial and heavy goods vehicles as it is the only road into the village with no weight restriction attached in addition to cars. The speed of traffic is a concern on this road and several accidents have occurred involving speed. The village Youth Club is situated on this road. With a new development of housing and a proposed retail unit this will increase the risks on this road. We would ask that traffic management on Eakring Road is considered and to protect pedestrians we feel a pedestrian crossing is required on Eakring Road. We would also ask that some consideration is given to footpaths and bus stops on Eakring Road by the proposed development.
- For many years residents of Bilsthorpe have raised concerns with the risks involving the junctions that take traffic out of the village onto major trunk roads.
- The Mickledale Lane junction with the A614 has recently had “improvements” in the form of pedestrian islands, which in fact reduce visibility for road users, reduced speed limit to 50 mph and better lighting. Traffic from Mickledale Lane can go left, straight over or right with right turn lanes directly on the junction for traffic turning into Inkersall Lane/Limes Café or Bilsthorpe. At peak times queues form due to the volume of traffic, it being a direct route from the A1 to Nottingham, and the inadequacy of the junction.
- The Farnsfield Road junction with the A617 is a busy road that links the A1 with the M1 and is a major route for traffic from the A1 to Mansfield. It has poor visibility due to bends both left and right of the junction. Recently the speed limit has been reduced to 50mp which has helped however vehicles due tend to speed on that road.
- Residents say they feel land locked at peak times, feel extremely stressed when using these junctions and talk of experiencing and witnessing near misses on a regular basis.
- A petition of 1039 residents concerns regarding the major junctions is currently with NCC, NSDC and local MPs and County Councillors.
- The development of the Thoresby Colliery site, at Edwinstowe, with a potential for up to 800 houses is concerning for Bilsthorpe residents who feel the impact on the A614/Mickledale Lane junction will worsen the risks and dangers experienced.

- Bilsthorpe Parish Council, while in principle welcomes development of the village, has major concerns regarding all the points raised in this document and ask that this is considered in any current or future planning applications and that these issues can be addressed as soon as possible. At the meeting on Monday 12th February 2018 the Parish Council voted to object to the application, along with the above comments they would like to also note that the access in and out is not adequate, there will be children crossing the road for school and that there is no weight restriction on that road so there will be lorries as well as cars, (at the time of the meeting there was no footpath planned) and that the retail unit will increase traffic.

Additional comments received 21st March 2018:

Bilsthorpe Parish Council – Meeting 12th March 2018

At the Parish council meeting an update as to the outcome from the planning committee meeting was given and it is understood that the decision has been deferred to investigate the level of affordable housing.

It was agreed by the Parish Council that they do not feel that more than 5% is necessary for Bilsthorpe and would like to resubmit the below comments along with their wishes for this to also be taken into mind when deciding the amount of affordable housing required. There are houses in the village that are below the level of cost and if 10% is agreed there is concern that there will be less investment for other amenities within the village, for example the village hall is in a very poor state and is desperately in need of modernisation and repair.

NSDC Planning Policy –

Assessment

The application seeks outline consent for up to 85 dwellings, 280sqm of Class A1 retail development and associated access works including details of a new roundabout access junction into the site from Eakring Road. The principle of development has been established through the allocation of the site, with Policy Bi/MU/1 providing the framework for how development should be brought forward. Whilst the principle of development is acceptable it still remains important that the detail of the proposal is acceptable. Both in terms of those elements put before you, and their likely implications for the matters reserved for later determination.

Level of Development

The proposed site area covers the extent of the allocation at approximately 3.95ha. The allocation is for around 75 dwellings as such the outline proposal for up to 85 dwellings exceeds the residential element of the allocation. 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 allocation 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.

In the case of Bi/MU/1 the needs to provide appropriate design for both the residential and retail development which addresses the site's gateway location and manages the transition into the main built up area are important site characteristics that informed the setting of a notional capacity of 75 dwellings and retail development.

Level of Development - Residential

Given the outline nature of the proposal the key aspect in considering a potentially greater level of development is whether the later detailed scheme will be likely to be able to satisfy relevant policy requirements within the parameters granting consent would provide, or whether it would give rise to any unacceptable local environmental, highways 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 the future rounds of allocation. District-wide a greater amount of development helps to maintain a 5 year land supply and thereby provide protection from in-appropriate development.

Level of Development –Retail

The proposal includes a retail unit of 280Sqm, (but does not state whether this figure is net or gross floor area or the type of retail envisaged i.e. convenience or comparison) the planning statement submitted as part of the application advises that the proposed use of the retail unit will be use class A1 small scale to meet day to day needs of the residents. Although the allocation Bi/MU/1 does not specify the size of retail floor area the intention behind the allocation was that retail development within this location would meet local day to day need as per the third bullet point para 5.37 of Core Policy 8.

In line with Core Policy 8 and DM11 it is important that the proposal is acceptable in terms of any impact on the hierarchy of Centres. I would also draw your attention to Policy Bi/LC/1 (Bilsthorpe Local Centres) that aims to promote the strength of Bilsthorpe as a Principal Village, with two defined Local Centres, and as such would want to ensure that the retail proposal for this application would not have a negative impact on the use and viability of the existing defined centres within Bilsthorpe. In addition through the Publication Amended Core Strategy we are seeking to amend Core Policy 8 –'Retail and Town Centres' 'to ensure that the impacts from the proposed retail development located outside of a defined centre, with a floorspace of 350 Sqm (gross) or greater, are robustly assessed through the undertaking of an impact assessment proportionate to the scale and type of retail floorspace proposed.' At this stage in Plan Review the proposed amendments to the policy is still the subject of objections and as such this restricts the weight that can be attached. This does however demonstrate the likely direction of future policy, and the approach the LPA wishes to take in terms of defining local needs retailing. The Town Centre & Retail Study (2016) advises that proposals over 350 Sqm (gross) are unlikely to serve local needs function. Notwithstanding this I would suggest that a potential net floor area of 280 Sqm would appear acceptable in terms of scale, given the type of proposal suggested in the developers planning statement.

I am therefore of the view that should you be minded to support the proposal then I would recommend the use of an appropriately worded condition be explored. The purpose of which

would be to restrict any retail provision within a detailed scheme to that which would meet a local needs function.

Affordable Housing Provision

The applicant has put forward that the affordable housing contributions required by Core Policy 1 are to be discussed with the Planning Department and will be subject to viability. I would emphasise that affordable housing provision makes a valuable contribution towards the creation of mixed and balanced communities and is integral to a more sustainable form of development. Core Policy 1 seeks to secure 30% affordable housing provision on qualifying sites in the Bilsthorpe area. I note that a viability assessment has not been submitted as part of this application and would recommend that the case officer requests that one is submitted as part of this application to clarify the matter. Any suggestion that the proposal is not policy compliant on this matter should be robustly evidenced.

To guide your consideration of the form of affordable housing which would be sought I would draw your attention to proposed amendments to Core Policy 1 that seek to bring our definitions of affordable housing into line with national planning policy. Given that the purpose of the amendments is to reflect national policy within our local policy I would suggest that this does give the policy meaningful weight.

In addition should you consider that the information provided in terms of affordable housing numbers, type, tenure and location of the affordable units, the timing of construction (particularly in relation to the overall development) and the arrangements to ensure initial and subsequent affordability- then I would suggest the use of a condition in line with guidance provided at Para 3.35 of the Affordable Housing SPD.

Housing Mix

I note within the developers planning statement that suggestion is made that mix of house types and tenure are to be discussed as part of any detailed application. I would draw your attention to the Sub-Area report to the Housing and Market Needs Assessment (2014) where market sector demand within the Sherwood Area is weighted in the following way:

- 2 bed 36.1%
- 3 bed 50.5%
- 4 bed 13.4%

I would also draw your attention to proposed amendments to Core Policy 3, which refers to housing mix, type and density that seeks to secure an appropriate mix of housing type to reflect local need. (At this stage objections have been raised with regards to proposed amendments as such this restricts the weight that can be attached to the proposed amendments)

I am of the view that should you be minded to support the proposal then this matter ought to be controlled by condition. With the condition requiring that any subsequent Reserved Matters application covering the site in whole or part, contains a housing mix and type which reflects the housing needs of the area at time of submission.

Design and Layout

Whilst I recognise that it is only an indicative layout which has been provided I would draw your attention to the references within the site allocation policy to ensure that any development is appropriately designed to address the site's gateway location and manage its transition into the main built up area. It is therefore important that you are content that this requirement could be met as part of a subsequent detailed scheme, given the parameters that granting outline consent would provide.

To guide the development of a detailed layout the applicant should be advised that the purpose of the gateway requirement(s) is to ensure that the transition from open countryside is managed appropriately. Key to this is the ability of the design and layout to be successfully assimilated with its edge of settlement context, rather than seeking to define the approach to the Village.

Archaeology

The site allocation policy requires pre-determination archaeological evaluation to be submitted as part of any planning applicant and post determination mitigation measures secured by condition on any planning consent. I note that the desk based and geophysical surveys have been submitted as part of the proposal indicating that the proposal will not affect any designated assets and the site does not contain any known remains of archaeological significance beyond the potential remains of medieval ridge and furrow. The report acknowledges that the site lies within a busy Roman and prehistoric landscape.

Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. Through the same policies Suitable Alternative Natural Green Spaces (SANGS) would be sought to reduce visitor pressure on the Birklands & Bilhaugh Special Area of Conservation. From completing a rough measurement it appears that the development site would be outside of the 5km area, you may however wish to clarify this matter. The Habitat Survey submitted with the application does not appear to make reference to Woodlarks and Nightjars, and within the area of development specific surveys would be a requirement.

I note that Natural England and Notts Wildlife Trust make no comment on the proposal, and would recommend if deemed necessary you contact them to seek clarification on these matters.

Phasing

The site allocation policy requires appropriate phasing of retail and residential uses that is further clarified by phasing policy Bi/Ph/1. I note that the developer is proposing the residential element of the development to be 2 phases, with the retail element proposed after phase 1. I would consider that this to be acceptable, in terms of ensuring that some of the housing is delivered prior to delivery of the retail unit that is proposed to meet the needs of the local residents. Should you be minded to support the proposal then this matter ought to be controlled by condition, to reflect that any subsequent Reserved Matters application should be appropriately phased.

Open Space

The indicative plan includes the provision of open space to the south east elevation however at this outline stage it is not known what specific provisions are proposed and would therefore recommend seeking further guidance from the Parks and Open Space Team if required.

Highways

I note that the proposal includes a new roundabout access junction into the site from Eakring Road. At the time of writing comments a response has not been received from the Highways Authority and would therefore suggest you seek guidance from them on this matter.

In addition I note that the developer has suggested improvements to Mickledale Lane Junction A614 will be required as part of the proposal and can confirm that this junction improvement remains identified in the 2017 updated Infrastructure Delivery Plan and remains on the CIL Regulation 123 List at this time.

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 provide the methodology for the delivery of appropriate infrastructure and so I would direct you to this document in the first instance.

Conclusion

In conclusion the principle of development has been established through the allocation of the site, and the additional contribution the proposal could make towards the maintenance of a five year housing land supply would be welcomed. The matters of providing for an appropriate housing mix and affordable housing contribution are crucial and I trust that the comments made in this response will assist with the discussion proposed by the developer.

Subject to addressing the matters raised within this response regarding night jar and woodlark and retail floorspace, it would appear at this outline stage the application is generally policy compliant.

NSDC Parks & Amenities Officer – As set out in the Council's Supplementary Planning Document on Developer Contributions and Planning Obligations this development of up to 85 dwellings will need to make provision for public open space in the form of provision for children and young people (18m² per dwelling), amenity green space (14.4m² per dwelling) and natural and semi-natural greenspace.

I note that the illustrative layout accompanying the planning application shows a total open space area of 0.556ha including a central community green and a 'gateway landscaping area'. This may be considered to meet the open space requirements in relation to amenity green space and natural and semi natural green space (depending upon the detailed design of these areas – see the comments provided by NCC Ecology) however I do not believe that it meets the requirement for provision for children and young people. The community green is a linear feature which would not be obviously suited for an equipped children's play area and I note that this area of open space, labelled "The Green" on the illustrative layout, is described as being 'considered suitable for a large communal soakaway' in the Planning Statement. I am not sure exactly what this means in relation to its potential recreational use but it seems to add weight to the fact that it cannot be considered to be children's playing space. Given these factors either the site layout needs to be

reconfigured to allow for an appropriate equipped children's playing space or this element of the open space provision needs to be met through the payment of a commuted sum towards off-site provision/improvement and maintenance of children's playing space. However given the number of houses involved and the fact that the site is c600m away from the nearest equipped children's playing space on Crompton Rd playing field I believe on-site provision is preferable.

NSDC Community Projects Manager – I have no objections to this application in principle subject to a full community facility contribution being made in accordance with the current Developer Contribution SPD. Such monies to be allocated to the refurbishment of Bilsthorpe Village Hall and former Squash and Sauna Centre (now a community heritage and resource centre). The buildings need major upgrades including toilets and kitchen refurbishment, new plaster, windows, flooring and wiring as well as a redecoration both internally and externally. Further details can be provided if necessary.

NSDC Strategic Housing – No formal comments received.

NSDC Access and Equalities Officer – Observations in relation to Building Regulations.

NSDC Environmental Health (noise) – No comments.

NSDC Environmental Health (contaminated land) – With reference to the above development, I have received a Phase I Desk Study report submitted by the Rodgers Leask Environmental acting on behalf of the developer.

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

Due to the proximity of the former colliery sludge lagoons of site and infilling of land on site that occurred, a series of intrusive investigations and targeted soil sampling including gas monitoring is recommended.

I generally concur with the reports findings and would therefore recommend the use of the full phased contamination condition.

NSDC Waste - No comments received.

NCC Highways Authority – *Original comments received 16th August 2017:*

This is an outline application for a development of up to 85 dwellings, 280 m² retail use with access works including a new roundabout on Eakring Road.

The following comments apply:

Mickledale Lane/Eakring Road/site access roundabout

The roundabout proposal is a small, conventional roundabout layout with an ICD of 34m and an over-run area around the central island.

- The capacity modelling on Arcady looks to be reasonable and I would not expect to see too many capacity issues with such a relatively small development.

- The shared private access to the houses on the south-west corner is a huge issue. Access would need to be maintained by the removal of the deflection island on the southern Eakring Road approach which is unacceptable. Vehicles wishing to gain access would be required to negotiate through the flow of traffic on the southern arm approach. This is unacceptable. Any removal of islands to accommodate the vehicle movements would also have a detrimental effect on pedestrian routes/safety.
- The over-run area around the central island is not a feature that would be looked upon favourably. Without a kerbed perimeter it will be used by ahead vehicles, straightening their path through the junction and eroding the deflection and, consequently, the speed reducing nature of the geometry. If the over-run area were bound by a kerbing it can then present a hazard to 2-wheelers over-running it. It is also a maintenance liability.
- I think that, due to the above factors (especially the private access issue) the roundabout is not a suitable solution and ADC should consider other options.

A614 Ollerton Road/Mickledale Lane

- This is a crossroads not a T-junction. Inkersall Lane cannot be left under priority control within a signalled junction, especially on such a busy, high speed road. The layout and operation is over simplistic. The right turn into Inkersall Lane will also have to be signalled – it cannot be left as a gap-seeking turn on this speed of road and with a fully signalled facility on the opposite arm. The junction will need to be reassessed (and expanded) to produce a mitigation proposal which deals with the extra traffic and does not introduce other new hazards.
- No account appears to have been taken of the forward visibility on the A614. The approach alignment may restrict visibility to the primary traffic signal heads.
- The traffic flows in the PM peak have been incorrectly assigned – the A614 north flow should have 932 vehicle going ahead rather than turning left into Mickledale Lane.
- NCC are looking at a traffic signalled junction at this location as part of capacity/ safety improvement potentially funded from LTP. This will, ultimately, supersede the development proposal being suggested by ADC. If ADC can develop a proposal which mitigates their additional traffic and meets all safety requirements and provide an estimated cost then could this figure be sought as a CIL contribution to the potentially larger NCC LTP scheme?

A614 Ollerton Road/ A617 Kirklington Road

- The modelling carried out appears to be incorrect in terms of the A617 west approach where the lane movements are split with left turn only in the left hand lane and ahead+right turn in the right hand lane. Arcady modelling assumes uniform usage of the whole give-way line width. This is fine when lane proportions are reasonably equal but it becomes a problem when they are not. In the AM peak the lane use is split 256 left hand lane and 649 right hand lane (28/72% split). In the PM the splits are 304 in the left lane and 579 in the right lane (34/66% split). Consequently the Arcady model will over-estimate the capacity of this approach and under-estimate the queues and delays. This can be addressed by referring to a paper by Barbara Chard of JCT Consultancy (Arcady health Warning) which details ways in which this can be addressed.
- Notwithstanding the above, the submitted results show a degradation of performance on the critical A614 north approach. No alteration is proposed as it is claimed: “The additional traffic as a result of the proposed development is unlikely to increase the potential for accidents”. Firstly the capacity issue is being ignored and, secondly, the predicted queue length puts the last vehicle closer to the dip in the A614 and may increase the likelihood of shunt accidents.

In view of the above comments, this application needs revision, as the Highway Authority is unable to support the proposals as submitted.

Revised comments received 21 February 2018:

Revised Illustrative Layout Plan

The following comments relate to drawing no. P17-0010 002 Rev. G (illustrative layout), which provides a T-junction access layout instead of the roundabout previously considered. The application site is located within a 30 mph zone. There may need to be amendments to the internal road layout at the detailed stage, i.e. clarification as to the extent of adopted highway within the site.

The required visibility splays of 2.4m x 43m are achievable from the proposed access, as shown on drawing no. ADC1579/003-P2.

A Stage 1 Road Safety Audit has been carried out. It is considered this development will generate additional pedestrian crossing movements due to a retail unit being included within this proposal. Therefore, the following improvements in the vicinity of the development are considered reasonable to make the development acceptable in terms of highway and pedestrian safety:

- A pedestrian facility to the site due to the increased pedestrian movement
- The provision of a footway on the eastern side of Eakring Road, from a point at the existing footway at Mickledale Lane junction, running north as far as the Route 6 cycleway.
- Improvements to the existing bus stop infrastructure

Subject to the following conditions being imposed, there are no highway objections:

1. No part of the development hereby permitted shall take place until details of the access road(s) widths, visibility splays, surfacing, lighting, parking and turning facilities within the site, have been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure the development is constructed to adoptable standards.
2. No development shall commence on any part of the application site unless or until a suitable access has been provided at Eakring Road as shown for indicative purposes on drawing P17-0010.002 Rev. G to the satisfaction of the Local Planning Authority. Reason: In the interests of highway safety.
3. No dwelling forming part of the development hereby approved shall be occupied unless or until improvements have been made to the existing highway infrastructure to provide bus stop improvements (inc. shelters, real time displays, raised kerbs etc.) in accordance with details to be first submitted and agreed in writing by the LPA. Reason: In the interests of highway/pedestrian safety and to promote sustainable travel.
4. No dwelling shall be occupied unless or until a new footway on the eastern side of Earking Road from Mickledale Lane junction in a northerly direction up to Route 6 cycleway has been provided as shown for indicative purposes on drawing ADC-1579-003-P2 to the satisfaction of the Local Planning Authority. Reason: In the interests of pedestrian safety.

5. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided, as shown on dwg. No. ADC1579-003-P2. The area within the visibility splays referred to in this condition shall thereafter be kept free of obstruction, structures or erections exceeding 0.6m in height. Reason: To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.
6. No part of the development hereby permitted shall be brought into use until a pedestrian crossing facility on Eakring Road has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of pedestrian safety.

A614 Ollerton Road/Mickledale Lane

The applicant has provided a Transport Assessment and has suggested the signalisation of the A614/Mickledale Lane junction, for which a plan has been submitted. For the avoidance of doubt, however, the applicant is not proposing to pay for or deliver the traffic signal improvement at this junction as an improvement scheme at this location is included on a list of projects to be funded by Newark and Sherwood DC through the district wide Community Infrastructure Levy. This application, in combination with other proposed developments in Bilsthorpe, is expected to lead to a detrimental impact at this junction. Therefore, the District Council are requested to consider whether the improvement of the A614/Mickledale Lane junction should be a priority for delivery from the NSDC CIL fund.

Notes to Applicant

In order to carry out the off-site required you will be undertaking work in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Mr David Albans 0115 804 0015 for details.

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

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

Correspondence with the Highway Authority should be addressed to:-

Notts County Council, Welbeck House, Darwin Drive, Sherwood Energy Village, New Ollerton, Notts. NG22 9FF For the attention of Mr D. Albans.

Additional comments dated 9th March 2018:

In relation to the attached version 4 of the travel plan for the above development, I can confirm that the travel plan is now acceptable.

NCC Planning Policy – Thank you for your letter dated 30th June 2017 requesting strategic planning observations on the above informal enquiry. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

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'*.

Education provision

Paragraph 72 states that:

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

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

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Public Health

Appendix 1 sets out the local health report for the site and identifies that many of the health indicators are *similar to and not better than the England average*.

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/healthandwellbeing-board/strategy/>

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

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

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

Obesity is a major public health challenge for Nottinghamshire. Obesity in 10-11 year olds in this area is similar to the England average Obesity levels for this It is recommended that the six themes recommended by the TCPA document 'Planning Health Weight Environments' – http://www.tcpa.org.uk/data/files/Health_and_planning/Health_2014/PHWE_Report_Final.pdf are considered to promote a healthy lifestyle as part of this application. The six themes are:

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

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

Minerals and Waste

In their consideration of the planning policy context, the applicant should consider the Nottinghamshire Minerals Local Plan (adopted and emerging plans) and the Nottinghamshire and Nottingham adopted Waste Local Plan (remaining, saved policies) and adopted Waste Core Strategy as these form part of the development plan for the area. It is noted that there is some reference to minerals and waste in the submitted documents, however, we would draw particular attention to the following.

In terms of the Waste Core Strategy, the proposed development is not considered to give rise to issues in terms of safeguarding our existing waste management facilities (as per Policy WCS10). However, 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

The applicant has supplied a Transport Assessment and has suggested the signalisation of the A614/Mickledale Lane junction. The applicant has prepared a sketch layout plan to this effect in the TA. For the avoidance of doubt however the applicant is not proposing to pay for or deliver the traffic signal improvement at this junction because an improvement scheme at this location is included on a list of projects to be funded by Newark and Sherwood District Council through the district wide Community Infrastructure Levy. This application for residential development in Bilsthorpe will, in combination with other proposed development in the village, lead to a detrimental impact at the A614/ Mickledale Lane junction. In which case the district council are requested to consider whether the improvement of the A614/Mickledale Lane junction should be a priority for delivery from the NSDC CIL fund.

Travel and Transport

General Observations

The planning pre-application covers an area of land to the East of Eakring Road in the village of Bilsthorpe and is for up to 75 dwellings and a small scale retail development. Access appears to be via a new roundabout replacing the existing junction of Eakring Road and Mickledale Lane. The walking distance to the closest bus stops is approximately 150 metres from the centre of the site.

Bus Service Support

Transport & Travel Services (TTS) has conducted an initial assessment of this site in the context of the local public transport network.

The Transport Assessment for this site states "There are two frequent bus services within walking distance of the site." The residents of Bilsthorpe are served by two commercial services operated by Stagecoach. Both services operate to an hourly frequency. Service 28b operates between Mansfield and Eakring whilst the Sherwood Arrow service links Bilsthorpe with Nottingham and Ollerton. This service operates to Worksop and Retford on alternate hours.

In addition to these service Bilsthorpe is also served by the following less frequent services, which also pass the development site:

Service 227 (Newark – Edwinstowe) – Wednesday and Friday

Service 331 (Ollerton – Bilsthorpe)

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

The County Council would expect all properties to have free introductory bus travel made available to them. This along with other sustainable travel measures should be set out in a site Travel Plan, the details of which can be discussed with Transport Strategy.

Current Infrastructure

The location of existing bus stops NS0033, NS0058 and NS0643 will need to be considered when designing the roundabout access to this proposed development. Should any of the bus stops require relocation then this would be at the developer's cost.

The current infrastructure observations from Transport & Travel Services photographic records are as follows:

NS0058 Eakring Road – Both Ways Bus Stop Pole and Raised Boarding Kerbs.

NS0908 Eakring Road – No current stop infrastructure. Combined with NS0058 - Both Ways stop.

Possible Infrastructure Improvements

Transport & Travel Services request the following bus stop improvements:

NS0058 Eakring Road – Real Time Bus Stop Pole & Displays including Associated Electrical Connections and Enforceable Bus Stop Clearway.

NS0908 Eakring Road – New footway constructed from roundabout to bus stop, Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.

The County Council will request that a planning obligation be added to state the below:

No part of the development hereby permitted shall be brought into use unless or until the enhancements to the two bus stops on Eakring Road (NS0058 and NS0908) have been made to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, bus shelter, solar lighting, raised boarding kerbs and enforceable bus stop clearways.

Reason: To promote sustainable travel.

The County Council will also request that a planning obligation be added to include the relocation of bus stops should this be required. This requirement will be assessed at the planning stage.

Ecology

In support of the application, an Extended Phase 1 Habitat Survey was conducted by Applied Ecological Surveys Ltd. dated June 2017. This also includes a protected species risk assessment and search for invasive species.

The habitat survey indicates that the site is dominated by agricultural grassland with areas of ruderal vegetation and a hedgerow border. There are no existing buildings on the site. Overall, the site is of limited nature conservation value.

In terms of protected species:

- No bat survey was contained within the habitat survey, however section 5.3.2 details that one is currently underway. NCC request no decision is made on this application until these surveys have been submitted, so that any recommendations for mitigation can be incorporated into the proposals.
- Minimal vegetation clearance is detailed in the Design and Access statement (e.g. to facilitate site access), however we request a standard **condition** controlling vegetation clearance during the bird nesting season (March to August inclusive).

In terms of mitigation:

- The vegetated embankment along the eastern boundary of the site, should be protected during the works, as should the hedgerows onsite to be retained. Appropriate measures should be put in place during construction works, as highlighted in section 6.6 of the Habitat Survey.

The proposals submitted do not include a landscaping plan for the development. NCC welcome the inclusion of open space within the development. NCC request a **condition** providing further details of the landscaping plan, in particular:

- A detailed Landscaping Plan, using native species of tree and shrub appropriate to the local area within the open spaces and surrounding the attenuation area, selected with reference to the Sherwood Landscape Character Area species list available at:

<http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>.

- In particular, new hedgerows along the site frontage and around areas of public open space should be native, hawthorn dominated hedgerows to mitigate for the loss of hedgerow at the site access, which trees should include pedunculated oak, silver birch, rowan and field maple.
- We request that the 'Gateway Landscaping Area' is seeded with a native wildflower mix (e.g. Naturescape N1 mix or Emorsgate Seeds EM2), and 'The Green' area be seeded with a native grass mix which can tolerate a higher rate of mowing (e.g. Naturescape N14 or Emorsgate Seeds EL1). The Attenuation Area should be seeded with a wet grassland mix (e.g. Naturescape NV7 or Emorsgate Seeds EM8).

In addition, conditions should require:

- The production of a simple Landscape Management Plan, setting out how the open space areas will be managed, noting that Gateway Landscaping Area and Attenuation Area should be left uncut between April and August inclusive (save for informal mown paths etc.).
- The Habitat Survey section 6.7 suggests further measures which could be implemented within the development to enhance the site for nature conservation. We would welcome the inclusion of these, in particular;
 - That 13cm x 13cm gaps are left in garden fences/walls to allow the movement of hedgehogs.
 - That integrated bat and bird boxes are incorporated into the fabric of a proportion (25%) of the proposed dwellings/their garages. The latter should target house sparrow, starling and swift.

Finally, it seems inevitable that new residents will use the Bilsthorpe Multiuser Route, which heads west from the northern end of the site towards Sherwood Pines. It is suggested that a S106 agreement is used to make a contribution towards the upkeep of this route. Discussions should be held to this effect with the NCC Green Estates team.

Green Estates

The National Cycle Route 645 running west from the development site across the 614 towards Sherwood Forest (mentioned briefly in the Transport/Travel Plans) is actually a Notts County Council owned multiuser route (MUR) known to us as the Bilsthorpe Line MUR. Our landholding begins at Eakring Road and runs west and is formally accessed from the west side of Eakring Road. However, there is a squeeze beside the vehicular barrier under the road bridge. Therefore, the MUR is accessible from the unrestored track bed east of Eakring Road, which is immediately adjacent to the development. Currently the whole area, including fields, is heavily used for dog walking.

If/when the potential, future pedestrian links are created it is suggested that it will be necessary for the developer to arrange for restoration with the owner of the track bed east of Eakring Road. This will then create a fully restored connection with the MUR under the Eakring Road. Inevitably this will increase use of the area, particularly by people walking dogs. Therefore, NCC suggest that dog waste and/or litter bins would be required at the access points from the development on to the restored track. Hopefully this would minimise the impact of more dog walking and ensure that the existing bins that NCC pay to have emptied would not come under increased pressure. Unfortunately, resources are not available to increase the number of bins or frequency of emptying on the County Council site.

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.

In terms of education, a proposed development of 85 dwellings would yield an additional 18 primary and 14 secondary places. Nottinghamshire County Council would therefore wish to seek an education contribution of £206,190 (18 x £11,455) to provide primary provision to

accommodate the additional pupils projected to arise from the proposed development. In respect 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 for them can be found in Appendix 2.

In respect of bus stop infrastructure, the current level of facilities at the specified bus stops are not at the standard set out in the Council's Transport Statement for Funding. The stop denoted as NS0908 in the supporting statement has no infrastructure, and this will be established as a new stop, together with the improvements specified at stop NS0058. The specified improvements are necessary to achieve an acceptable standard to promote sustainable travel, and make the development acceptable in planning terms. The improvements are at the nearest bus stops which are situated adjacent to the site, so are directly related to the development, and are fairly and reasonably related in scale and kind to the development (85 dwellings). Based on this and the supporting information provided it is considered that the request for a planning obligation for bus infrastructure is justified and meets the three statutory tests. Further information about the contribution sought is available on request.

The developer contributions detailed above are necessary in order for the proposed development to be considered acceptable and as such the County Council would wish to raise objections to this application unless these contributions are secured.

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

Conclusion

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

NCC Flood – No objection

Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA raise the following issues:

The site is potentially affected by a pluvial surface water flow path from north to south and needs to be considered by the developer.

The developer should be aware that the highway drain in Eakring Road is only for highway drainage and not available for the overall site surface water, and the surface water drainage system will need to address the outfall in accordance with the National Planning Policy Framework.

For the Lead Local Flood Authority general guidance is

1.1 Drainage from the site should be via a sustainable drainage system.

- 1.2 The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
- 1.3 For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area.
- 1.4 For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
- 1.5 The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new dwellings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.

NCC Ecology – In support of the application, an Extended Phase 1 Habitat Survey was conducted by Applied Ecological Surveys Ltd. dated June 2017. This also includes a protected species risk assessment and search for invasive species.

The habitat survey indicates that the site is dominated by agricultural grassland with areas of ruderal vegetation and a hedgerow border. There are no existing buildings on the site. Overall, the site is of limited nature conservation value.

In terms of protected species:

- No bat survey was contained within the habitat survey, however section 5.3.2 details that one is currently underway. We request no decision is made on this application until these surveys have been submitted, so that any recommendations for mitigation can be incorporated into the proposals.
- Minimal vegetation clearance is detailed in the Design and Access statement (e.g. to facilitate site access), however we request a standard **condition** controlling vegetation clearance during the bird nesting season (March to August inclusive).

In terms of mitigation:

- The vegetated embankment along the eastern boundary of the site, should be protected during the works, as should the hedgerows onsite to be retained. Appropriate measures should be put in place during construction works, as highlighted in section 6.6 of the Habitat Survey.

The proposals submitted do not include a landscaping plan for the development. We welcome the inclusion of open space within the development. We request a **condition** providing further details of the landscaping plan, in particular:

- A detailed Landscaping Plan, using native species of tree and shrub appropriate to the local area within the open spaces and surrounding the attenuation area, selected with reference to the Sherwood Landscape Character Area species list available at:

<http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>.

- In particular, new hedgerows along the site frontage and around areas of public open space should be native, hawthorn-dominated hedgerows to mitigate for the loss of hedgerow at the site access, which trees should include pedunculated oak, silver birch, rowan and field maple.
- We request that the 'Gateway Landscaping Area' is seeded with a native wildflower mix (e.g. Naturescape N1 mix or Emorsgate Seeds EM2), and 'The Green' area be seeded with a native grass mix which can tolerate a higher rate of mowing (e.g. Naturescape N14 or Emorsgate Seeds EL1). The Attenuation Area should be seeded with a wet grassland mix (e.g. Naturescape NV7 or Emorsgate Seeds EM8).

In addition, **conditions** should require:

- The production of a simple Landscape Management Plan, setting out how the open space areas will be managed, noting that Gateway Landscaping Area and Attenuation Area should be left uncut between April and August inclusive (save for informal mown paths etc.).
- The Habitat Survey section 6.7 suggests further measures which could be implemented within the development to enhance the site for nature conservation. We would welcome the inclusion of these, in particular;
 - o That 13cm x 13cm gaps are left in garden fences/walls to allow the movement of hedgehogs.
 - o That integrated bat and bird boxes are incorporated into the fabric of a proportion (25%) of the proposed dwellings/their garages. The latter should target house sparrow, starling and swift.

Finally, it seems inevitable that new residents will use the Bilsthorpe Multi-user Route, which heads west from the northern end of the site towards Sherwood Pines. It is suggested that a **S106 agreement** is used to make a contribution towards the upkeep of this route. Discussions should be held to this effect with the NCC Green Estates team.

Further comments 9 October 2017:

A Bat Survey Report has now been supplied, although the September 2017 visit is still outstanding. This confirms that the boundaries of the site are used by foraging and commuting bats. Recommendations for mitigation are made in Section 5 of the report, and the following should be secured by conditions:

- The provision of a sympathetic lighting strategy which avoids illumination of the woodland edge and site boundaries, to be developed in accordance with the text box in section 5.3 of the report
- The provision of integrated bat boxes in the fabric of a proportion (20%) of the proposed dwellings/their garages, as per section 5.5 of the report.

NCC Landscape – No comments received.

NCC Rights of Way - Thank you for your consultation for the above planning application. I have attached a copy of the working copy of the Definitive Map, indicating the recorded public rights of way in the vicinity of the proposed development site.

No recorded public rights of way are affected by the proposal and I therefore have no objection to the application. This does not preclude public rights being proven to exist at a later date.

NCC Archeology – No comments received.

Natural England – Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process.

We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Nottinghamshire Wildlife Trust – No comments specific to this application.

Environment Agency – This application is in flood zone 1, therefore is LLFA requirement for surface water.

Trent Valley IDB – The site is outside of the Trent Valley Internal Drainage Board district and catchment. There are no Board maintained watercourses in close proximity to the site.

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

I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

Condition

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

Reason

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

Suggested Informative

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

NB. We have clean water apparatus within the proposed application site, the developer will need to contact Severn Trent Water New Connections Team as detailed below to assess their proposed plans for diversion requirements.

Anglian Water - No comments received.

NSDC Conservation - Have read through the geophys report and desk based assessment and cannot see any material reason to ask for further work to be undertaken.

Newark and Sherwood CCG - No comments received.

Representations have been received from 4 local residents/interested parties which can be summarised as follows:

- The council has in the past year had applications for 172 dwellings in Bilsthorpe – this application would see the number of dwellings increase to 257
- The village cannot cope and none of this is social housing
- There is not the infrastructure to cope in terms of schools, doctors, shops etc.
- Vehicles would increase which would affect road safety
- The Plasma Gas Factory has 100 lorries daily using the roads
- It can take 10-15 minutes at peak times to get out of the village at the A614 / A617 junction
- Bilsthorpe is become a known black spot because of solar farms, turbines, waste oil, the gas factory, land fill and types of facilities for people with special needs
- Bilsthorpe does not need more housing – it is a village not a town
- The retail unit is on the boundary of the development and will impact existing local residents through additional noise and traffic
- The position of the retail units would take away human rights which include the respect to privacy and family life and the protection of property
- Cars will park on the main busy road
- Children use the local St Johns Ambulance for meetings and so additional traffic would be dangerous
- The retail shop should be within the estate itself
- The village already has 3 retail shops
- The application will be the end of a village location with no compensation for existing residents
- There are always parked up on Eakring Road causing issues

- More cars will create road safety issues

An additional letter of support has been received on the basis of the revised illustrative layout submitted during the life of the application:

- Happy to see that the retail unit has been moved and replaced with an area of green space
- Should the new plan go ahead, the original objection would be removed

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 village envelope of Bilsthorpe and comprises a mixed use allocation site (Policy Bi/MU/1). The allocation envisages a mixed use development providing around 75 dwellings and retail development. Specific requirements of Policy Bi/MU/1 are for the consideration of an appropriate design which addresses the site's gateway location as well appropriate phasing of retail and residential uses and pre-determination archaeological investigations.

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 75 dwellings (the application seeking consent for up to 85 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.

The original application was accompanied by an indicative site layout plan which has annotated the disposition and amount of each proposed land use as follows. It is appreciated that the illustrative layout has been amended during the life of the application but this has not fundamentally changed the disposition of uses (albeit the land occupied by access infrastructure would be marginally reduced).

	<i>Area (Hectares)</i>
Residential Developable Area	2.835
Retail Area	0.163
Open Space	0.556
Attenuation Area	0.223
Access Infrastructure	0.085
<i>Total</i>	3.862

On this basis the development would deliver an average of 30 dwellings per hectare which would be compliant with Core Policy 3. It is fully acknowledged that the exact mix, type and tenure of the development are a matter to be determined at reserved matters stage. The supporting documentation is relatively silent on this matter other than stating that the development will incorporate a range of residential development ranging from coach houses and semi-detached properties to detached properties. I am satisfied that the proposal demonstrates the capability to deliver a scheme of appropriate density and housing mix, the details of which would be assessed and agreed at reserved matters stage.

Mixed Use Disposition and Phasing

Policy Bi/MU/1 identifies the aspirations for the site to deliver a mixed use development of residential and retail delivered through an appropriate phasing mechanism. The policy is not prescriptive as to the amount or type of retail development envisaged but as is confirmed by the comments of colleagues in Planning Policy, the intention behind the allocation was that the retail offer would meet the local day to day needs in line with Core Policy 8. It is noted that the Publication Amended Core Strategy seeks to amend the wording of CP8 such that retail units outside of a defined centre, with a floorspace of 350m² or more, are subject to an impact assessment proportionate to the scale and type of retail floorspace proposed. The retail floorspace proposed by the current application (280m²) would fall below the suggested threshold and thus would not warrant a need for a retail assessment.

I note the concerns raised during the original consultation period in respect of both the positioning of the retail unit and the lack of need for an extra unit noting alternative provision in the village. However, the delivery of a retail use has been accepted by the site allocation. It is my officer view that the positioning shown on the indicative site layout (i.e. adjacent to the site entrance) is the most appropriate. In this location, the retail unit offers the opportunity to serve the occupiers of the proposed residential use as well as the existing community surrounding the site. Its position close to the site access also means that the occupiers of the proposed residential scheme would not be disproportionately disturbed by traffic movements associated solely with the retail unit.

I concur with the implication of policy colleagues that the retail provision should be restricted by condition to ensure that a detailed scheme meets the function of the local needs. Equally I consider it necessary to control the phasing of the development to secure the delivery of the retail unit before the occupation of the majority of the residential development. This could be appropriately incorporated within the associated S106 legal agreement.

Impact on Character

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.

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. Whilst it is acknowledged again that the current proposal is submitted as outline only with matters of layout, scale and landscaping to be agreed at a later date, it is equally acknowledged that Policy Bi/MU/1 specifically refers to site specific factors which need to be taken into consideration through the design evolution of the site.

There is an implicit recognition of the site's contribution to the character of the area in terms of the wording of the policy allocation which requires consideration of a design which *'addresses the site's gateway location and manages the transition into the main built up area'*.

Matters of landscape character are also addressed elsewhere in the development plan. Specifically, Core Policy 13 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.

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 application submission has been accompanied by a Landscape and Visual Appraisal dated June 2017. The document has identified 8 viewpoints on which to assess the development with the aim of determining the likely effects of the proposed development before subsequently considering proposed mitigation measures to inform the design evolution of the application submission.

The LVIA confirms that the site is within the Mid-Nottinghamshire Estates Farmlands with Plantations specifically Policy Zone MN24 Rufford Park Estate Farmlands with Plantations. The landscape condition within this PZ is defined by the guidance as poor. It has an incoherent pattern composed of industrial and agricultural elements which give an overall visually interrupted area. The landscape sensitivity is defined as very low.

The submitted LVIA concludes the following:

'The visual envelope for the site is restricted by the landscape setting and settlement edge and is contained to the east, west and south, by mature tree belts and the existing settlement of Bilsthorpe including the new residential development at The Hawthorns to the south of the site off Eakring Road. The local topography also serves to contain views of the site and any proposed development on it.

Some limited physical landscape impacts will give rise to perceived changes in landscape character at a site level. The landscape mitigation strategy (and overall masterplan) makes provision for the retention of landscape features and elements. Other permanent changes to the landscape will include alterations to the landform at a site specific level (with the nature of the overall landform retained) and the permanent change in land use.

A range of representative visual receptors have been used to inform the LVA. Overall the selected viewpoints and subsequent analysis demonstrate that the site and proposed development will be visible from a very localised area only, and also seen in the context or from the context of the existing built environment.

Overall the scale and form of proposed development is likely to result in only limited change at a localised level and potential landscape and visual effects are not likely to be significant. Furthermore, the proposals for green infrastructure and landscaping will deliver a number of enhancements in terms of the physical landscape and landscape character. As such the proposed development is considered to be acceptable in landscape and visual terms.'

The above assessment is deemed appropriate in the context of the proposed development. There is no doubt that a scheme for residential development as proposed would alter the existing character of the site. The development would necessitate not only the built form of the dwellings and the retail unit, but also internal infrastructure such as the road network and boundary treatments between the dwellings and on the boundaries of the site itself. It is noted however that the scheme would also include features of a more rural characteristic such as the areas of open space. The approach to assimilating the development with the open landscape to the north is considered appropriate in the context of the site being at a gateway location as identified by Policy Bi/MU/1. It is noted that it was originally intended for the attenuation pond to be at the north of the site which may have been preferable in visual impact terms but I appreciate that this was deemed unfeasible on the basis of technical work and I do not consider that this need to be fatal. The landscape buffer belt at the north of the site will assist in softening the visual impact of the built form noting that the indicative layout ensures that the dwellings are set into the site boundary intervened by both the aforementioned landscaping area and the highways access to the dwellings.

Any reserved matters application would need to be accompanied by full landscape plans which would allow the LPA the opportunity to consider in detail the landscape implications of the proposal.

Impact on Highways

Within the overarching roles that the planning system ought to play the NPPF indicates that there are a set of core land use planning principles which should underpin the decision making process. Specifically in relation to transport these principles include:-

“Actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focussing significant development in locations which are or can be made sustainable”.

Although the application has been submitted in outline form, agreement of the access details are being sought at this stage.

The application submission was accompanied by a Transport Assessment and Travel Plan by ADC Infrastructure. This demonstrated a single vehicular access to the site through a new 4-arm roundabout junction at the existing Mickledale Lane / Eakring Road junction. The site access carriageway was demonstrated as an approximate 6m width with 2m wide footways either side. However as is outlined by the original consultation response of NCC Highways, fundamental issues were raised with this approach. On this basis the agent has been in discussions with the Highways Authority throughout the life of the application and on this basis a revised indicative layout has been submitted and a further period of consultation undertaken.

The revised access approach demonstrates a T-junction approach from Eakring Road north of the existing access to Mickledale Lane on the opposite side of Eakring Road. In terms of the site specific impacts of the current proposal the Parish Council remain of the view that the proposed access arrangements are inadequate. Reference is made to children having to cross the road to access the school but as has been confirmed verbally to the Parish Council the latest plans showing the access also show the provision of a proposed footway along the site frontage and a proposed uncontrolled pedestrian crossing to the north of the access.

The revised details have also been assessed by the Highways Authority with their comments listed in full above. The original objection has been removed on the basis that the proposal is acceptable subject to conditions in terms of ensuring provision is made for the additional pedestrian movements which would likely arise from the proposed retail unit. This includes the need for the provision of an additional pedestrian crossing facility on Eakring Road.

The applicant has made clear endeavours to work with the LPA and the Highways Authority during the life of the application. The latest position of the Highways Authority is that the proposed access could be considered safe in highways terms. The internal road layout would be subject to final agreement through the reserved matters application. The proposal is compliant with Spatial Policy 7 and the relevant elements of Policy DM5 subject to conditions.

It is fully appreciated that the Parish Council has significant concerns in relation to the traffic issues in Bilsthorpe. These concerns are not just in relation the potential traffic implications of the current proposal but also the cumulative impacts potentially arising from other approvals in the village. This has also been referenced by the comments of NCC Highways with the suggestion that the A614 / Mickledale junction should be a priority for delivery. Officers can confirm that the junction is on the CIL 123 list for delivery but equally acknowledge that this does not provide assurances to the timescales for delivery. Whilst it may be a reasonable request for the LPA to reconsider the priorities of the CIL list, this is not something that can be done through the current determination process and it would be unreasonable for the LPA to hold a decision for this application to allow these discussions to take place.

Impact on Ecology and Trees

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

The NPPF incorporates measures to conserve and enhance the natural and local environment, including 'Biodiversity and Geological Conservation'. Paragraph 118 of the NPPF requires that in determining planning applications the following principles are applied to conserve and enhance biodiversity:-

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

As is confirmed through the Habitat Survey, there are 10 non-statutory local wildlife sites within a 2km radius of the application site; the closest being Bilsthorpe Colliery identified for its importance to breeding wading birds which is situated to the north east of the application site (approximately 35m away at its closest point).

The site is also located within the 5km buffer zone identified in Natural England's Indicative Core Area (ICA) and proposed Important Bird Area (IBA) boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total and that the Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014.

There is a 5km buffer zone around the combined ICA and proposed IBA, as agreed by Natural England, within which possible adverse effects of any development should be properly considered.

It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards.

The original application was accompanied by an Extended Phase 1 Habitat Survey. It should be noted that this survey makes no reference to evidence of Nightjar or Woodlark. This report recognised ongoing works in respect of additional surveys which were subsequently submitted during the life of the application and subject to a further period of consultation with the relevant parties.

The site comprises a site field supporting improved agricultural grassland – an agricultural mix that is cut annually. The site is bounded along its western edge by a continuous hedgerow and on its northern and southern edges by scattered scrub. The eastern edge of the site is bordered by dense scrub and amenity woodland planting beyond the site boundary. The survey concludes that none of the woodland is required to be removed to facilitate the development proposals.

The survey includes reference to previous ecological records as well as confirming species of flora and fauna which were identified during the field survey. It is stated that the site supports a limited range of habitat types but has some potential for bats and birds to be present. It is acknowledged that there is potential that residential properties in close proximity to a woodland edge could have an impact on foraging and community bats. Nevertheless the updated bat survey submitted during the life of the application found that bat activity across the site was low, generally being restricted to the woodland edge to the east and the other boundaries.

The original survey makes a number of recommendations from para. 6.4 including the recommendation that vegetation clearance should be undertaken outside of the bird breeding season unless a walkover survey is undertaken prior to clearance. Reference is also made to the benefits of habitat enhancement which is further discussed by the comments of NCC Ecology listed above.

NCC Ecology do not raise an objection to the proposed development subject to the imposition of conditions. The suggestion of a contribution towards the Bilsthorpe Multi-User route is discussed further in the appraisal section on Developer Contributions below but for the avoidance of doubt is accepted as being secured through any associated Section 106 agreement. Having assessed the details of the relevant surveys, I am minded to agree with the stance that the site is overall of limited nature conservation value. Nevertheless, through appropriately worded conditions, the application presents the opportunity to deliver biodiversity enhancements which would protect / increase the ecological value of the site.

On balance, I am satisfied that the proposals would 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 Amenity

A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered. I appreciate that matters of amenity (notably in terms of the proposed retail unit) have been raised as a concern during the consultation process and indeed there will be undoubtedly be amenity implications in comparison of the existing and proposed land uses. As shown on the indicative layout, the retail unit would be towards the south of the site close to the St Johns Ambulance building with existing residential dwellings intervened by the highway or proposed attenuation area (if the indicative layout comes forward as suggested). Eakring Road is a busy road and I do not consider that the noise and movements associated with a small retail unit would amount to detrimental amenity impacts above and beyond those established by the existing circumstances surrounding the site. Nevertheless, these matters will be more appropriately assessed in full at reserved matters stage when the full implications of the development are available.

Impact on Flooding / Drainage

Core Policy 9 requires new development proposals to pro-actively manage surface water. The land is classified as being within Flood Zone 1. As such it is not at risk from flooding from any main watercourses. The applicant has submitted a Flood Risk Assessment (FRA) and Drainage Strategy as part of the submission in accordance with the requirements of NPPF and NPPG. The FRA indicates that the site is located entirely within Flood Zone 1 and as such is assessed as having less

than 1 in 1,000 annual probability of river or sea flooding. The Sequential Test does not apply to residential development within flood zone 1 (given the site is already within the lowest risk zone) and as such the location of the proposed development is considered appropriate in terms of flood risk.

In terms of the proposed drainage strategy the report confirms that due to differing permeability, soakaways would only be viable in certain areas of the site. The area of open space intended to be delivered as part of the development is considered suitable for a large communal soakaway; the exact proportions of which would be determined at detailed design stage. Where soakaways are not feasible drainage will be provided via a large attenuation pond which will outfall via a new connection to the highway drain in Eakring Road. I note the comments of NCC Flood that this could potentially be problematic but in any case this connection will be agreed under Section 102 of the Water Industry Act 1991 with Severn Trent Water as the statutory undertaker. The strategy confirms that a developer enquiry response has been received from Severn Trent Water which confirms that foul flows from the development could be accommodated in the public sewer. On the basis of the details submitted, I am confident that the applicant has provided adequate evidence to confirm that the development proposed would be appropriate in flood risk and drainage impacts. Exact details would need to be confirmed through any subsequent reserved matters application.

Impact on Archaeology

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.

The site is some distance from the boundary of the Conservation Area, and there is no obvious inter-visibility between the Conservation Area and the site. However, Policy Bi/MU/1 requires the investigation of potential archaeology of the site. The application is accompanied by an archaeological desk based assessment and archaeological geophysical survey. The survey revealed little of potential interest within the site boundary and on that basis does not recommend further archaeological investigation.

NCC Archaeology has been consulted on the application but unfortunately no response has been forthcoming. The report has been fully considered by officers including conservation expertise and there is no dispute to the conclusions reached. On the basis of the submitted desk based assessment, I am satisfied that the applicant has met the requirements of the allocation policy and do not consider it necessary to request further works by condition.

Land Contamination

NPPF paragraph 121 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. This has been addressed through a Desk Study with the application which has been assessed by colleagues in Environmental Health. It is noted that,

due to the proximity of the former colliery sludge lagoons and infilling of land on site that has occurred, a series of intrusive investigations and targeted soil sampling including gas monitoring is recommended. It is considered that it would be appropriate to attach a condition in respect of matters of land contamination.

Developer Contributions

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

The Planning Statement accompanying the original application referred to a Section 106 Head of Terms which stated an intention to deliver contributions towards Affordable Housing; Education; Sports and Community Facilities; and Health Facilities. Reference to viability is made in terms of the Affordable Housing contribution but this was not qualified at the outset. Meetings during the life of the application began to advance the likelihood of presenting a viability case with a Viability Assessment undertaken by Harworth Estates received 5th September 2017. This has then been supplemented with further clarification and updated appraisals following responses from the Independent Review discussed below. This includes a revised Appraisal dated 25th January 2018 which factors in the changes in the access arrangements (i.e. the financial savings associated with no longer installing a roundabout).

The National Planning Policy Framework says that plans should be deliverable and that the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. The NPPG makes clear that this policy on viability also applies for decision taking and makes clear that decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible.

With this in mind, the Council has commissioned an independent viability expert to critically appraise the applicant's submission (prepared with Savills as their viability consultant) and to provide independent advice to the Council in respect of viability. One of the key concerns raised through the original comments of the Council's independent advice was that the land price quoted in the original viability case should be discounted by a range of 10-20%. It is fully acknowledged however that the discounting of the land is a subjective matter i.e. there isn't a fixed sum by which the land should be discounted. Despite a suggestion through ongoing discussions (notably a revised position presented on December 19 2017) that the applicant would be willing to discount the land by 20% the latest offer is that the land would be discounted by just 8.5%. This is clearly disappointing given that the latest position should in theory allow a greater discount (or at the very least increased contributions) given the cost savings associated with the road infrastructure. The Council's independent consultant has taken the opportunity to discuss this with the applicants directly. The rationale behind the decision was that the compromised offer of 5% Affordable Housing (discussed in further detail below) was reluctant in any case and actually amounted to a

greater impact on profit than the Developers were prepared to entertain. Thus when the costs for the access arrangements were reduced, the stance taken was that the savings should be factored into the perceived 'lost profit.'

Members were presented with an affordable housing offer of 5% at the March Planning committee meeting. Following a resolution to defer the application for further discussions, the agent has confirmed that the applicant is willing to increase the proportion of affordable dwellings to 10% which would deliver 8 units on site (4 intermediate and 4 affordable rent units). It has been confirmed that the increase in affordable housing would reduce the developers profit margins from 18.86% on Gross Development Value (GDV) to 17.36% on GDV. The latest offer of 10% affordable housing delivery on site represents a compromised position but one that the applicant is willing to entertain in light of the discussions from the last committee meeting.

For the avoidance of doubt, the scheme is being presented on the basis that it cannot deliver a policy compliant development. It is presented that if a policy compliant scheme were to be delivered the Profit margin would be 5.58% rendering the scheme unviable. The following section examines the policy requirement of potential developer contributions. These are shown in summary in the table at **Appendix 1**. For each potential contribution I have set out the policy position, the developers offer and our position/commentary on each.

Affordable Housing

I note the comments of the Parish Council in respect of Affordable Housing which state that 30% affordable housing on new housing development in Bilsthorpe is felt to be unnecessary. However, this does not override the policy stance of Core Policy 1 which requires that 30% on-site affordable housing is provided which should reflect local housing need and viability on individual sites, overall reflecting a mix of 60% social rent and 40% intermediate. For 85 dwellings 30% equates to 26 dwellings. However, as is implied above, the Developer has from the outset suggested that it would not be policy compliant in this respect. The offer for Affordable Housing presented is **10%** of the overall scheme amounting to **4** Intermediate units and **4** Affordable Rent units (i.e. a 50:50 split).

Members will note the changed position, however given that the affordable housing offer has increased, additional comment has not been sought from the Council's Independent Consultant. The following discussion in relation to the original 5% offer nevertheless remains of relevance. The response of the independent review suggests an acceptance of this percentage in principle but does make the comment that sensitivities could mean that the tenure mix could be varied to enhance the overall number of affordable units by including a higher percentage of higher value affordable units if there was a need to achieve a higher percentage. This approach has been discussed with colleagues in Strategic Housing. Essentially if the LPA were to push for a higher percentage of affordable units on the basis that they could be through a discounted sale process, this would not necessarily meet the affordable needs of the community. For example, it may be plausible to increase the numerical percentage of units but on the ground this would mean that Registered Providers operating in the area would be unlikely to take the properties on. It would be for the developer to sell the properties at a discounted rate (say 25%) but this would not necessarily make the dwellings affordable to the local community. On this basis, officers find it more appropriate to promote securing Intermediate and Affordable Rent units which would give the LPA a greater degree of control and subsequently better meet the affordable needs of the community.

Community Facilities

For developments of 10 or more dwellings a contribution towards community facilities can be sought which is based upon £1,384.07 per dwelling (indexed as of 2016), equating to £117,645.95 for the entire 85 units. This requirement has been factored into the viability appraisal at an amount of £100,406 thereby representing a shortfall of £17,239.95. It is not clear through the submission why this element of the contributions is not policy compliant and thus further clarification has been sought during the life of the application. Officers have secured that the savings associated through not making a library contribution (discussed below) and savings associated with no longer installing a roundabout can be transferred to a community facilities contributions allowing the proposal to be policy compliant in this respect.

Members will note that the Community and Sports Manager has requested a full SPD contribution to be spent towards the refurbishment of Bilsthorpe Village Hall and former Squash and Sauna Centre (now a community heritage and resource centre). The buildings need major upgrades including toilets and kitchen refurbishment, new plaster, windows, flooring and wiring as well as a redecoration both internally and externally. This is confirmed by the comments of the Parish Council. The negotiated offer is deemed more than reasonable to achieve these objectives.

Education

The Council's SPD on 'Developer Contributions and Planning Obligations' provides that contributions towards primary school education can be sought from planning applications for 10 or more dwellings.

The comments of Local Education Authority suggest that the development would yield an additional 18 primary and 14 seconding places. A contribution of £206,190 (18 x £11,455) has therefore been sought. It is noted that this amount actually exceeds the latest figures from the Developer Contributions SPD but it is equally noted that no 2016 indexing figures have been formally provided and thus presumably this amount has taken the latest indexing into account. Aside from issues of viability, the education contribution has been subject to discussions during the life of the application on the basis that other approvals in the village for housing development have been done so on the basis that the education system can accommodate the additional pupils (specifically the approval at Oldbridge Way for up to 113 dwellings reference (16/01618/OUTM)). Whilst it is a legitimate query as to why this development now requires a contribution, officers note that the position of NCC Education in commenting on the current application is within a different academic year and thus it is plausible that the school intake position has altered. It is deemed a reasonable position that a development of 85 additional residential units would impose a greater pressure on education provision. Notwithstanding the debates throughout the life of the application, the latest viability position presented factors in the full education contribution as requested and the scheme is therefore policy compliant in this respect.

Health

For developments over 65 dwellings (or where a development places an extra demand upon local health care) a contribution of £982.62 per dwelling (figure includes indexation to 2016) towards health can also be sought through the planning application as set out in our SPD. This amounts to £83,522.70 for the entire 85 units, a figure which has been incorporated in full through the viability appraisal.

Despite a lack of specific comment from the health bodies as to exactly where the monies would be spent towards, it is notable that contributions have been sought on a previous scheme within the village and it is considered entirely reasonable that a development for up to 85 residential units would add pressure to the health system. Officers therefore maintain that the health contribution should be secured in full and discussions will be ongoing with the relevant bodies in terms of the wording of the associated Section 106 legal agreement should permission be forthcoming.

Libraries

The Council's SPD allows for contributions towards library stock at a cost of £47.54 (based on 2016 indexation) per dwelling. The maximum contribution based on 85 dwellings would be £4,040.90. However, Nottinghamshire County Council who manage the public libraries have confirmed that no contribution would be sought in respect of library provision. Officers therefore consider it reasonable to utilise the £3,906 accounted for library stock in the viability appraisal towards other contributions as discussed above.

Open Space

A development of up to 85 dwellings is required to make a contribution towards open space in the form of provision for Children and Young People; Amenity Green Space and Natural and Semi-Natural Green Space. The indicative site layout incorporates on site provision in the form of a Gateway Landscaping Area; an area referred to as 'The Green' and an Attenuation Area. The original application submission states that open space accounts for 0.556 hectares of the site and the attenuation area as 0.223 hectares. It is noted that the actual figures may differ slightly given the changes made to the indicative layout throughout the life of the application but given that the application is submitted in outline only, it is not considered necessary to seek an updated position.

The requirements of open space provision are outlined by the SPD in **Appendix 1**. The comments of the Parks and Amenities Officer outlined in full above are noted in terms of referencing the lack of provision indicated for Children and Young People. It is suggested that the linear layout of 'The Green' may be unsuitable for such provision. It is Officers view that at an outline stage it would not necessarily be appropriate to seek exact details of the equipment which would come forward. I remain to be convinced that 'The Green' would not be able to accommodate useable equipment in principle. Subject to careful wording within the Section 106 I am satisfied that the proposal could be delivered as policy compliant in this respect.

The requirement of the SPD for Children and Young People and Amenity Green Space amounts to 2,754m² in total for on-site provision. This amounts is 0.2754 hectares and therefore demonstrates that the proposal could provide appropriate on site provision in land take terms. This could be secured through the wording of the Section 106.

Comments have been received from NCC in respect to the potential impact of the development on the Bilsthorpe Multi-User trail. This has been subject to ongoing discussions and it has been clarified that the monies requested would be sought towards the installation of additional bins at existing locations; funding additional litter picks and the alteration of a barrier to formalize pedestrian access. The sum of £19,053 has been factored into the viability offer presented by the Developers.

Transport

The SPD is clear that contributions towards Transport will be negotiated on a site by site basis. The comments of NCC confirm that no contributions towards local bus stop provision will be sought in respect to the current application. Reference is made to the potential for bus stop improvements at two locations. The Developer has accounted for Public Transport in their viability position and therefore it is reasonable that the improvements to existing bus stop provision can be secured through condition.

Overall Negotiated Position

The above discussion can be summarised through the following table:

Contribution	Negotiated Position	Policy Compliant?
Affordable Housing	10% provision on site	No
Community Facilities	£117,645.95	Yes
Education	£206,190	Yes
Health	£83,522.70	Yes
Open Space	On site provision + Contribution of £19,053 towards the Bilsthorpe Trail Contribution	Yes
Transport	£64,000	Yes
Total	£490,411.65	

As is confirmed above, the viability position presented has been fully assessed by an Independent Consultation on behalf of the Council. The original response received outlined that the methodologies used were not unreasonable in principle provided that account was taken of the discounted land value as referred to above. The response summarised that on the whole the appraisal was fair and reasonable with the exception of a number of points as below:

- *Profit: At 20% Profit on GDV across all housing tenures and commercial, the appraisal is assuming too much profit take than would normally be assumed. The profit should be reduced to 20% Profit on OM GDV, 6% Profit on AH GDV and 15% Profit on GDV (equivalent to 20% on costs).*
- *Land Value: Whilst the approach in principle is not unreasonable the scheme cannot be delivered unless 0% affordable housing is achieved. In this instance the risk of not achieving consent is higher and a discount equal to risk should be applied to the land value, say 10-20% which would reduce the land price in the appraisal from £2,302,469 (£27,088 per unit) to £2,072,222 - £1,841,975 (£24,379-£21,670 per unit) may be necessary to consider balancing return to land owner and mitigation of the scheme in terms of the S106/affordable housing.*
- *The programme is slow for an 85 unit scheme being 42 months of sales. The market is not strong in this location which is accepted. There is no direct evidence available to suggest that the programme must be speeded up however, other than comparable of schemes tested of a similar size and value elsewhere in the country.*

Members should note that the overall offer has evolved through discussions in that the Developer now intends to deliver **10%** affordable housing (the original position was that no affordable housing would be provided). Clearly this still falls short of the original comments outlined above. However, the latest response from the Viability Consultant acting on behalf of the Council

acknowledges that discounting land value is a subjective matter and one which, if the LPA were to resist on the basis of, may be at risk in terms of robustly defending through appeal. Officers fully acknowledge that the scheme as presented would not be policy compliant falling significantly short of the 30% requirement for Affordable Housing. This must weigh negatively in the overall balance to the proposal. However, weight must also be attached by the decision maker to the position on viability as presented through the NPPF and its associated guidance. The applicant has cooperated with discussions throughout the life of the application in terms of increasing the affordable offer from nothing to **10%** and supplementing the remainder of contributions to ensure that the scheme is otherwise policy compliant. On the basis of the expert advice received from the Councils Independent Consultant, Officers are minded to reluctantly accept the offer presented. It is of course for Members as the decision makers to consider whether such a shortfall of affordable housing provision should be accepted on an allocated site.

CIL

The Council's adopted Community Infrastructure Levy confirms that for residential development, Bilsthorpe is rated zero. The retail element of the scheme would however be liable to a contribution of £100 per square metre. The exact amount would be calculated as part of the reserved matters application.

Overall Balance and Conclusion

The application site has been allocated for a mixed use of residential and retail development. It is acknowledged that the application exceeds the site allocation in respect to its residential delivery by 10 units but this is not considered to be fatal in principle. To the contrary, the additional units would further assist in boosting the housing supply within the District which must attach significant positive weight in the overall balance.

The proposal has evolved during the life of the application notably in respect to the access arrangements sought which remain to be the only matter for agreement at outline stage. The revised comments of the Highways Authority confirm that the T-junction access arrangement now promoted would be suitable to serve the development. On this basis their original objection has been removed.

It is notable from the above appraisal that one of the other key matters of discussion throughout the life of the application has been in respect to viability. The applicant has presented a case whereby the development sought cannot be viably delivered as policy compliant. The final negotiated offer is that the proposal would be policy compliant in all respects except for the delivery of affordable housing. Clearly a residential development for up to 85 units which delivers just **10%** of affordable housing (amounting to **8** units on site) is not a position that the LPA would ordinarily entertain. However, I am mindful of the advice which has been provided by an Independent Viability Consultant **which accepted the previous offer of 5%. The recent increase to 10% affordable housing on site goes some way to reducing the deficit against the 30% policy requirement and thus can be afforded greater positive weight.**

It is a fine balance to play as to whether such a lack of affordable housing provision can allow for a site to be considered sustainable in its delivery. However, in the context of the evidence provided, officers are minded to accept that the benefits of the scheme, in terms of delivering a potential 85 units and a retail unit as envisaged by the site allocation process, would carry substantive determinative weight which allows a recommendation of approval subject to conditions and

indeed a Section 106 legal agreement which would ensure that the proposal would be otherwise policy compliant.

RECOMMENDATION

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

Conditions

01

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

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

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

02

The first reserved matters application should be accompanied by a Phasing Plan (in line with indicative details shown on Plan reference P17-0010_002 No. 03 Rev. G) detailing the development to come forward in each phase or sub phase of the development. This plan should be re-submitted and updated where necessary through subsequent reserved matters applications. Details of the appearance, landscaping, layout (including internal accesses) and scale ('the reserved matters') for each phase or sub phase of the development demonstrated by the agreed Phasing Plan shall be submitted to and approved in writing by the local planning authority before development in that phase or sub phase begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal to comply with the requirements of Section 92 of TCP Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

03

Any details submitted in relation to reserved matters for landscaping within any phase or sub phase pursuant to Condition 2 shall include a schedule (including planting plans and written specifications, cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall include details of a management plan. In particular, new hedgerows along the site frontage and around areas of public open space should be native, hawthorn dominated hedgerows to mitigate for the loss of hedgerow at the site access, trees should include pedunculated oak, silver birch, rowan and field maple. The 'Gateway Landscaping Area' should be shown to be seeded with a native wildflower mix (e.g. Naturescape N1 mix or Emorsgate Seeds EM2), and 'The Green' area should be shown to be seeded with a native grass mix which can tolerate a higher rate of mowing (e.g. Naturescape N14 or Emorsgate Seeds EL1). The Attenuation Area should be shown to be seeded with a wet grassland mix (e.g. Naturescape NV7 or Emorsgate Seeds EM8).

Reason: In order to ensure the landscaping of the site promotes biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

04

All hard and soft landscape works for each phase or sub phase shall be carried out during the first planting season following commencement of that phase/ in accordance with the approved implementation and phasing plan for each phase including as approved by the associated reserved matters approval. The works shall be carried out before any part of the phase or sub phase is occupied or in accordance with a programme which shall firstly be agreed in writing with the local planning authority.

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

05

The development hereby permitted authorises the erection of no more than 85 dwellings.

Reason: To define the planning permission as the technical studies submitted as part of the application assume a maximum number of 85 dwellings.

06

The development hereby permitted authorities no more than 3,000ft² of gross retail use as indicated on the Indicative Layout reference P17-0010_002 No:01 Rev. G. The use hereby permitted is restricted to an A1 usage unless evidence of a demand for an alternative usage is submitted to and agreed in writing by the local planning authority.

Reason: To define the planning permission and to ensure appropriate development takes the form agreed by the authority and thus results in a satisfactory form of development.

07

No development shall be commenced within any phase or sub phase pursuant to Condition 2 until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) for that phase or sub phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

08

No development shall take place within any phase or sub phase pursuant to Condition 2 until a Construction Method Statement for that phase or sub phase has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for;

- i. access and parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,

- v. wheel washing facilities,
- vi. measures to control the emission of noise, dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from construction works
- viii. hours of operation
- ix. a scheme to treat and remove suspended solids from surface water run-off during construction

The approved Statement shall be adhered to throughout the construction period.

Reason: To ensure amenity of neighbouring residential properties is maintained throughout construction.

09

Any subsequent reserved matters application within any phase or sub phase pursuant to Condition 2 should contain a housing mix and type which reflects the housing needs of the area at the time of submission for that phase or sub phase in accordance with details to be first agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To define the planning permission and to ensure appropriate development takes the form agreed by the authority and thus results in a satisfactory form of development.

10

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to August inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

11

No development shall take place within any phase or sub phase pursuant to Condition 2 until a scheme for ecological mitigation ('the Ecological Mitigation Scheme') for that phase or sub phase has been submitted to and approved in writing by the District Council. The Ecological Management Scheme shall include recommendations relating to bats, birds, and badgers as set out in the Extended Phase 1 Habitat Survey received 22nd June 2017; Bat Survey Report received 26th September 2017; and the Updated Bat Survey Report received 13th October 2017. The agreed scheme shall be implemented in full. For the avoidance of doubt the scheme shall include that 13cm x 13cm gaps are left in garden fences/walls to allow the movement of hedgehogs; that integrated bat and bird boxes are incorporated into the fabric of a proportion (25%) of the proposed dwellings/their garages targeting sparrow, starling and swift; and the provision of a sympathetic lighting strategy which avoids illumination of the woodland edge and site boundaries, to be developed in accordance with the text box in section 5.3 of the Extended Phase 1 Habitat Survey report.

Reason: In order to enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework (2012).

12

The development hereby permitted shall not commence within any phase or sub phase pursuant to Condition 2 until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority for that phase or sub phase. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

13

No development shall take place within any phase or sub phase pursuant to Condition 2 until details of a sustainable surface water drainage scheme based on the Flood Risk Assessment (report No P17-025 Rev # dated June 2017) for that phase or sub phase has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and timetable. The scheme to be submitted shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for implementation of the scheme in relation to each phase of the development; and,
- iii) provide a management and maintenance plan for the scheme, for the lifetime of the development, which shall include the arrangements for adoption of the scheme by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that adequate provision is made for the sustainable drainage of the development.

14

No dwelling shall be occupied until a scheme for the provision of improvements to bus stops NS0058 Eakring Road and NS0908 Eakring Road has been submitted to and agreed in writing by the LPA. The scheme shall be implemented in full thereafter. For the avoidance of doubt, in respect to NS0058 this shall include details of real time bus stop pole and displays including associated electrical connections and enforceable bus stop clearly. For NS0908 the details shall include a new footway constructed from the access to the bus stop; details of real time bus stop pole and displays including associated electrical connections; bus shelter; solar lighting; raised boarding kerbs; and enforceable bus stop clearway. The details shall also include a timescale for implementation.

Reason: To promote sustainable travel.

15

The development hereby approved shall be carried out in accordance with the Measures and Incentives and subsequent Implementation and Monitoring details (Sections 7 and 8 respectively) of the ADC Infrastructure Travel Plan dated 27/02/2018 unless otherwise agreed in writing by the

local planning authority. For the avoidance of doubt these measures include the appointment of a Travel Plan Co-Coordinator prior to occupation of the development and the retention of this role until five years after first occupation.

Reason: In the interests of sustainable transport and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.

16

Unless otherwise agreed by the Local Planning Authority, development must not commence within any phase or sub phase pursuant to Condition 2 until Parts A to D of this condition have been complied with for any phase or sub phase. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

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

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

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

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

17

Details submitted pursuant to the first application for approval of reserved matters consent shall include a draft information leaflet to be distributed to all new residents within the development regarding the ecological value of the local area and the sensitivities of woodlark and nightjar, requesting that dog walking after dusk, during the breeding season within the key areas for nightjar, is avoided. Once approved by the local planning authority, the information leaflet shall form part of the 'welcome pack' to be distributed by the developer of the site to first occupants following legal completion.

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

18

Notwithstanding the submitted indicative site masterplan, all site highway layouts should comply with the Highway Authority design guidance current at the time of application for reserved matters unless otherwise agreed by the Highway Authority and shall be submitted to and agreed in writing by the LPA.

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

19

No development shall commence within any phase or sub phase pursuant to Condition 2, nor shall any equipment machinery or materials for the purpose of the development hereby permitted,

including works of site clearance, be brought onto the site until all existing trees and hedges to be retained as shown on a plan for that phase or sub phase have been protected by fencing in line with BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations, pursuant to a scheme that shall previously have been submitted to and approved in writing by the local planning authority. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved protection measures shall not be removed other than in accordance with a timetable that shall previously have been submitted to and approved in writing by the local planning authority.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

20

No development shall commence within any phase or sub phase pursuant to Condition 2, until details of the access road(s) widths, visibility splays, surfacing, lighting, parking and turning facilities within that phase or sub phase, have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in accordance with the approved details before the development of that phase or sub phase is first brought into use.

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

21

No part of the development hereby permitted shall be brought until a scheme for the provision of a new footway on the eastern side of Earking Road from Mickledale Lane junction in a northerly direction up to Route 6 cycleway as shown for indicative purposes on drawing ADC-1579-003-P2 has been submitted to and agreed in writing by the LPA. The scheme shall be implemented in full thereafter.

Reason: In the interests of pedestrian safety.

22

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided, as shown on dwg. no. ADC1579-003-P2. The area within the visibility splays referred to in this condition shall thereafter be kept free of obstruction, structures or erections exceeding 0.6m in height.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.

23

No part of the development hereby permitted shall be brought into use until a scheme for the provision of a pedestrian crossing facility on Eakring Road has been submitted to and agreed in writing by the LPA. The scheme shall be implemented in full thereafter.

Reason: In the interests of pedestrian safety.

Informatives

01

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

02

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

03

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the residential development hereby approved as the development type proposed is zero rated in this location. The retail element of the proposal would however be liable to CIL, details of which would be calculated through the relevant reserved matters application.

04

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

05

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

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

06

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

BACKGROUND PAPERS

Application case file.

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

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 - 17/01139/OUTM

