

COMMITTEE REPORT – 3rd NOVEMBER 2020

Application No:	20/00873/FULM	
Proposal:	Residential development of 103 dwellings and associated access and infrastructure	
Location:	Field Reference Number 7108, Eakring Road, Bilsthorpe	
Applicant:	Keepmoat Homes - Miss Elizabeth Woodhouse	
Agent:	Geoff Perry Associates Ltd - Mrs Sinead Rose	
Registered:	10.06.2020	Target Date: 09.09.2020
	Extension of Time Agreed Until 04.11.2020	
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QB1R8DLBHIG00	

The application is being referred to committee as the Officer recommendation is contrary to the objection from the Parish Council.

The Site

The application site relates to a broadly rectangular plot of land approximately 3.8 hectares in extent to the east of Eakring Road. The site falls within the defined village envelope for Bilsthorpe at the very north eastern extent.

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.

There are existing residential curtilages on the opposite side of Eakring 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

17/01139/OUTM - 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.

The application was approved at the Planning Committee on 3rd April 2018 albeit the decision was not issued until 1st June 2018 owing to the required Section 106 completion. A condition was imposed requiring submission of reserved matters within three years and therefore the outline consent remains extant until 1st June 2021.

The Proposal

The proposal seeks full planning permission for the erection of 103 dwellings, 93 for the market sector and 10 as affordable provision. The development would be delivered through 11 different house types ranging from 2 to 4 beds and 2 to 2½ storeys. It is proposed that there would be an area of public open space broadly centrally within the site and an attenuation pond would feature at the south western corner of the site.

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

- Planning Layout – P-01 Rev. P;
- Massing Plan – A 871 Drg No. 002 Rev. C;
- Occupancy Plan – A 871 DRg No. 003 Rev. C;
- Tenure Plan – A 871 Drg No. 004 Rev. C;
- Enclosures Plan – A 871 Drg No. 005 Rev. C;
- Parking Plan – A 871 Drg No. 006 Rev. C;
- Site Location Plan – A 871 Drg No. 08;
- External Finishes Plan – A 871 Drg No. 009 Rev. C;
- Material Plan – A 871 Drg No. 010 Rev. C;
- Street Scenes – A 871 Drg No. 11 Rev. B;
- Drainage Strategy – Option 5 (with additional plots) – 19017 Drawing No. 8 Rev. B;
- House Type Booklet received 28th May 2020;
- Exploratory Hole Location Plan – 19017 Drawing No. GE01 Rev. B dated 06.06.19;
- Analytical Report Number : 19-66188 dated October 2019;
- Arboricultural Assessment by fpcr dated May 2020;
- Archeological Desk based assessment by prospect archeology – Report No.: KEE01-01v4 dated November 2019;
- Design and Access Statement by Keepmoat Homes dated November 2019;
- Ecological Appraisal by fpcr dated May 2020;
- Environmental Noise Survey by noise.co.uk Ltd Report No 20482-1 – R1 dated 27th May 2020;
- Flood Risk Assessment and Drainage Strategy by travis barker – 19017 Rev. C dated 26th May 2020;
- Flood Risk Assessment and Drainage Strategy Addendum Report by travis barker – 19017 dated 9th July 2020;
- Geo-Environmental Assessment Report by Travis Barker – 19017 – Rev. R01;
- Itemised list of Plots / house types – A871_16;
- Landscape and Visual Appraisal by fpcr dated May 2020;
- Landscape Proposals Sheet 1 of 3 – c-1704-05 Revision A;
- Landscape Proposals Sheet 2 of 3 – c-1704-06 Revision A;
- Landscape Proposals Sheet 3 of 3 – c-1704-05 Revision A;
- Transport Assessment (and associated drawings) by travis barker – T19017/TA/01 Rev, B dated 27th May 2020;
- Viability Assessment by Atlas Development solutions by letter dated 22nd June 2020 with associated appendices;
- Residential Travel Plan by travis baker – T19017/RTP/01;
- Letter from fpcr dated 2nd July 2020 – Ref: 9264E / NJL;
- Parking Dimensions – A 871 drg no. 17 Rev. A;

- Written Scheme of Investigation – Archaeological Evaluation by prospect archaeology KEE01-02 dated July 2020;
- Environmental Noise Assessment by noise.co.uk ltd prepared 25th August 2020 – 21122-1;
- Email dated 1st July re: commitment to retail scheme and proposed site layout plan;
- Market Research Report received by email dated 19th August 2020;
- Bilsthorpe local area information received by email dated 19th August 2020;
- Archaeological Evaluation Report: Trial Trenching on Land off Eaking Road, Bilsthorpe by Allen Archeology Ltd. Report No. ALL 2020099 dated September 2020;
- S278 Existing Bus Stop Improvements – M200-TBC-XX-M2-C-S278_992 Rev A;
- S278 Pedestrian Crossing Facility – M020-TBC-XX-M2-C-S278_991 Rev A;
- Pedestrian Crossing Assessment by travis barker – T19017/PA/01;

Departure/Public Advertisement Procedure

Occupiers of 63 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 Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
 Spatial Policy 2 - Spatial Distribution of Growth
 Spatial Policy 5 – Delivering the Strategy
 Spatial Policy 6 – Infrastructure for Growth
 Spatial Policy 7 - Sustainable Transport
 Core Policy 1 – Affordable Housing Provision
 Core Policy 3 – Housing Mix, Type and Density
 Core Policy 9 -Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
 DM2 – Development on Allocated Sites
 DM3 – Developer Contributions and Planning Obligations
 DM4 – Renewable and Low Carbon Energy Generation
 DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

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

- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Draft Residential Cycle and Car Parking Standards & Design Guide Supplementary Planning Document ('SPD') 2020

Consultations

Bilsthorpe Parish Council – Voted to object to the proposal and would like the below to be taken into consideration

- The parish council in 2018 voted to object to the planning application on the reason attached in the email when it was 85 houses
- Councilors' felt that the objection was still valid with additional concerns of the increase in house numbers, increased traffic and road users, lack of greenery on the development, concerns on the position of the pedestrian access to the commercial unit, lack of safe pedestrian crossing on Eakring Road and although we may have missed this where is the onsite children's play area provision or equivalent 106 contribution?
- The parish council would also like to ask that if the application is approved by the planning committee what guarantees will be in place that the commercial premises (shop) will be built

NSDC Community, Arts and Sports Manager – request a community facilities contribution in accordance with the current SPD.

NSDC Parks and Amenities – Verbal discussed referenced in appraisal below.

NSDC Archaeological Advisor – Confirmation that the Written Scheme of Investigation (Ref: KEE01-02) prepared by Prospect Archaeology is acceptable.

NSDC Environmental Health (contaminated land) – No objection subject to use of contamination condition.

NSDC Environmental Health (noise) – Original comments requiring additional noise modelling but latest comments confirmed no objections subject to conditions relating to construction phase.

NSDC Tree Officer – Suggestion that areas such as the POS and attenuation pond have a more diverse tree mix that takes advantage of the space available for the addition of larger species. Other conditions recommended for the protection of trees.

NSDC Strategic Housing – Note the evidence supplied and also the reference to demand for larger properties. Concur with the evidence in the main, there is still a demonstrable demand for smaller properties i.e. most of the searches for property in this area is for lower value dwellings.

NCC Planning Policy – Reference to proximity to several waste management facilities and potential visual intrusion. Contributions sought towards bus provision (£15,500); Libraries (£3,631); No primary education but Secondary education (£382,000).

NCC Flood Team – Original comments objected due to insufficient surface water drainage information but this has been provided during the life of the application and the latest comments confirm no objection subject to condition.

NCC Highways Authority – Original comments raising issues regarding a pedestrian crossing facility; provision of a footway and improved internal pedestrian movements. Comments also made regarding detail of the Travel Plan albeit agreeing could be amended through condition.

Latest comments accept development would not justify a pedestrian crossing and confirming that bus stop contribution should be £18,500 (rather than the £15,500 referred to by NCC Policy above).

No objections subject to conditions.

NCC Ecology – No comments received.

NCC Rights of Way Officer - No public rights of way recorded over the proposed development site.

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

Nottinghamshire Wildlife Trust – Original comments suggested further works prior to the commencement of development but latest comments confirm no objection subject to conditions.

Trent Valley Internal Drainage Board – No comments received.

Severn Trent Water – No comments received.

NHS CCG Nottingham and Nottinghamshire - Request for £101,146 towards Bilsthorpe Surgery; Farnsfield Surgery and Major Oak Surgery.

One letter of representation has been received forming an objection to the proposal for the following summarized reasons:

- The development has increased from 75 in 2018 then 85 in 2019 and now 103 but the site is no bigger;
- Money is more important than the size and type of dwellings that are needed by people in Bilsthorpe;
- Less than 10% are affordable dwellings;
- Bilsthorpe needs more 2 bed dwellings;
- There will be drainage problems to plots 90-95 as that areas of the site welcomes waterlogged after rain;
- There are already problems with the doctor's appointments and the primary school capacity;
- The bus service is limited so vehicles will be required;
- The areas marked for parking are too small for vehicles so will cause parking problems;
- When there is an accident on the A614 Eakring Road becomes the diversion;
- The entrance to the site is where pupils wait for the secondary school bus;
- The development will lead to an increase in noise;
- The site is used as a landing site for the air ambulance when it needs to come to the village;
- There is a homeless person who lives in a tent of the site and will be displaced;

Comments of Business Manager

Principle of Development

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

The principle of developing the site for residential purposes has already been accepted by both the site allocation within the Development Plan but also the extant outline permission which relates to the site. However, the current application is materially different to the extant permission and the development envisaged by the site allocation in that the quantum of residential dwellings is greater and the development no longer proposes a retail element (albeit discounts this element of the site).

The site 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.

Whilst the current proposal seeks for 103 units, this is not necessarily fatal in principle. 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.

The current application has been submitted by a house builder and therefore does not seek permission for the retail element of the site allocation (which was included in the extant outline permission). The outline application was conditioned on the basis of a phasing plan which ensures that the retail development comes forward before 'Phase 2' of the residential development is delivered (i.e. there would have been some dwellings; then the retail unit; then the rest of the dwellings).

The site location plan for this application does not cover the whole of the site allocation leaving a small plot of land along the eastern boundary towards the south of the site which could cater for retail provision. However, the applicant is clearly not seeking permission for any retail proposal, nor can they guarantee that such a proposal will come forward separately. Email exchanges have been received during the life of the application regarding the submission of an application from a third party for the retail element and it is understood that legal contracts are in place to purchase the site subject to planning. An application for a retail unit has now been validated albeit is at the early consultation stages (reference 20/01965/FUL).

Notwithstanding the assurances provided during the life of the application, the delivery of the retail unit (if approved) is clearly beyond the control of this applicant.

The lack of retail provision was raised as an issue during pre-application discussions. Retail studies have highlighted the very limited convenience retail offer in the village and as a result the village performs poorly when compared to similarly sized settlements elsewhere in the District. The inclusion of the retail use in the site allocation is intended to help resolve this under provision and in doing so boost the sustainability of the settlement (and ultimately support the additional housing allocations). The development plan, in allocating for a mixed use site, has made a strategic

intervention and the rationale behind this intervention has not gone away. However, it is relevant that the most recent retail studies (from 2016) do not explicitly reference this site allocation or indeed advance to suggest that if no delivery of the retail element came forward, serious planning harm would arise.

The case being made by the applicant is that the policy allocation is not explicit in respect to a defined order of delivery and that the residential scheme needs to come forward first to facilitate the delivery of the initial infrastructure required to assist in the delivery of the retail unit. However, this argument is considered flawed given that a retail provider has already come forward with an application without the residential permission being in place.

The issue at hand is a matter of phasing. This has been subject to lengthy discussions during the life of the application with Officers warning that it could form a reason to resist the application. The applicant subsequently submitted a Counsel opinion and Officers have therein sought advice from legal colleagues.

Officers concede that the policy allocation is not prescriptive and indeed does not require the residential and retail parts of the allocation to come forward by the same developer. The difficulty is that the severance of parties leaves the LPA with no control over when the uses will come forward. A Section 106 agreement would not be appropriate given that the retail delivery is outside of the control of the applicant.

There is no doubt a comprehensive scheme would have been favourable to align with the policy allocation. However, in the context of the pending retail application (which received favourable pre-application advice) it is difficult to envisage how the LPA could defend a refusal purely on the separation of the land uses. The commitment of the retail provider to submit an application and indeed the legal contract with the land owner to purchase the site due to planning, provides some level of assurance of market delivery.

Whilst Officers still remain concerned that there are risks in approving a solely residential scheme, after careful consideration of all matters, it is not considered that the failure to satisfy the phasing requirements (which is not prescriptive) of Policy Bi/MU/1 would be a reason to refuse the application and one that could not be held up at appeal.

Housing Mix, Type and Density

Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the Council's relevant development plan policies at the time and the housing market at the time of delivery.

The proposed development seeks 103 residential units which is significantly higher (around 37%) than the site allocation of 75 units. Based on a site area of 3.8 hectares, the development would deliver circa 27 units per hectare albeit once the non-developable area is discounted (i.e. the attenuation pond and the area of public open space) the density of development would be around 31 dwellings per hectare. This is considered acceptable in the context of the aspirations of Core Policy 3.

The proposed development seeks permission for the following mix, all of which between 2 and 2.5 storeys in height:

Number of Beds	Affordable Units	Market Units
1-bed	0	0
2-bed	10	0
3-bed	0	58
4-bed	0	35
Total	10	93

The District Council have commissioned a Housing Market and Needs Assessment (HMNA) in 2014 dividing the District into survey areas. Bilsthorpe is within the Sherwood sub-area where the greatest need in the market sector is for three bed dwellings. The greatest need in the affordable sector is for 2 beds and therefore this element of the proposal is supported (notwithstanding the number of units of affordable housing which is discussed in the Developer Contributions section below).

The following table outlines a comparison of the market sector demand by bed size against the proposed development as presented (and subsequently excluding the affordable housing units):

Number of beds	% preference of market demand according to HMNA 2014	% of beds in market delivery of proposal as submitted (as a % of 93 units)
1-bed	0	0
2-bed	36.1	0
3-bed	50.5	62.4
4-bed	13.4	37.6
Total	100	100

The delivery of a majority 3-bed units is supported in principle. However, the total lack of 2 bed units in the market provision is not reflective of the 2014 survey results. Clearly the 2014 survey is now some 6 years old and may not be truly reflective of the current position (the survey is in the process of being updated).

Notwithstanding the results of the survey, the scheme would benefit from some form of mix for the affordable provision and a greater mix (i.e. not just 3 and 4 beds) for the market provision. It has been suggested to the agent during the life of the application that some of the 3 bed units are given over to the affordable provision swapping some of the 2 bed units to market.

The scheme has not been amended as suggested but the applicant has responded by email dated 19th August 2020 which includes a justification statement and associated sales statement and market research report for the proposed housing mix.

The Sales Statement includes local area information which is not disputed and indeed the LPA agree that Bilsthorpe is a sustainable and desirable settlement. Of more specific relevance to this application is the statement that there has been an influx in demand for 3 and 4 bed properties due to the shift in priority to be working from home which requires flexibility in space. The report

then goes on to discuss Keepmoat Homes house types and makes reference to other sites where such house types have sold out.

There is no dispute that the 3 and 4 bed homes may be desirable (indeed they do form part of the housing needs mix outlined above). The issue at hand in this application is that there are no 2 bed properties presented for the market sector. The point regarding greater working from home is understood to relate to the Covid-19 pandemic but clearly it is too early to conclusively understand whether this will have long term impacts on housing need.

Officers have also considered the submitted Market Research Report which concludes that the demand in this location will be from families looking for predominantly 3 and 4 bedroom homes.

Clearly these reports have been commissioned by the applicant to support the current scheme under methodology not previously agreed with the LPA. Officers have therefore taken the opportunity to discuss the documents with the LPA Housing Strategic Officer to ascertain whether they should hold material weight in the decision noting the age of the 2014 HNS. The following comments have been offered:

I note the evidence you have supplied and also the reference to demand for larger properties. Whilst I concur with the evidence in the main, there is still a demonstrable demand for smaller properties i.e. most of the searches for property in this area is for lower value dwellings. Evidence of the average income is provided at just over £30,000 per annum. This would indicate that properties in the region of £120,000 would be desirable for first time buyers.

I acknowledge the demand for larger properties that you are seeking, however a scheme that aligns with the housing need for a wider range of 1, 2, 3 and 4 beds in the market sector would be supported by Strategic Housing. The current proposal as it stands for 3 and 4 bedrooms does not provide for the wider community and their range of incomes.

Notwithstanding the above, Core Policy 3 refers to the potential for mix to be dependent on the viability of the development. As is explored further below, the applicant has presented a viability case which has been accepted by the Council's appointed Independent Consultant. The applicant's case is that the inclusion of 2 bed units in the market sector would be inconsistent with the marginal viability position presented and that the local evidence provided during the life of the application confirms a strong demand for the applicant's target market of first time buyers and affordable family homes.

Planning policy relating to housing mix seeks to deliver balanced communities as part of sustainable development. The skew towards larger units in the market sector is a cause for concern in achieving this balance. However, noting that the majority 3 bed units would align with the local housing needs but moreover attaching significant weight to the viability case presented, Officers do not consider that there would be a strong enough case to resist the application solely on housing mix.

Impact on Landscape Character

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments.

The landscaping impacts of the proposal were clearly considered at site allocation stage with Policy Bi/MU/1 explicitly requiring development proposals to address the sites gateway location in order to manage the transition into the main built up area. The site allocation itself implicitly accepts that the site characteristics will fundamentally change.

Unlike the indicative scheme presented at outline stage (which was purely indicative and was not formally assessed in respect of layout), the plans for the current application seek to present principal elevations to the northern boundary of the site which forms the edge of the village envelope. Of concern is that the layout presents the driveways and turning heads in front of these elevations such that the edge of the development would be primarily areas of hardstanding with little space for landscaping to soften this impact. This arrangement was raised as a cause of concern to the applicant at pre-application stage.

The submitted Design and Access Statement includes a Character Assessment of the surrounding area but this is presented in the context of the choice of house types rather than the resultant landscape impacts of the proposal. There is seemingly no acknowledgement of the policy requirement to integrate the development into the open countryside.

This has been addressed partly during the life of the application through a revised layout plan which now includes some small areas of landscaping at the northern boundary. To clarify this is not along the entire length and there would still be a vehicular turning head abutting the site boundary.

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 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.

Again unlike the outline application, the current application was not originally accompanied by a Landscape and Visual Impact Assessment. Clearly in the context of a full application, this will have even more benefit as it the actual development proposed which could be imposed on the landscape through visuals from certain viewpoints.

Having visited the site, there is an acknowledgement that the topographical changes in the area mean that the site is not readily visible on approach from the north until the observer is relatively close to the site boundary. However, the original submission lacked the technical assessment to fully assess the landscape implications of the proposal. This has been raised as an issue with the

applicant during the life of the application and a Landscape and Visual Impact Assessment has now been received as well as associated detailed landscape proposals.

The submitted LVIA concludes that for the larger scale character areas, the landscape effects are generally negligible due to the proportionately small scale of the site in comparison to the extensive character areas, and the lack of inter-visibility due to the enclosed nature of the site. A conclusion of negligible effects is continued to a regional and District level due to the aforementioned visual enclosure. For the site itself, the impacts are deemed minor adverse once the associated green infrastructure has been able to establish and *'allows the development to settle into the existing village edge context'*.

Visual effects are also assessed with the acknowledgement that nearby residential properties are likely to suffer a moderate / minor adverse visual effect acknowledging the change from open landscape to residential development.

The methodology employed in preparing an LVA requires a level of technical expertise. Therefore in the interests of robust decision making, Officers have sought an independent review of the submitted document during the life of the application.

The appointed consultant, Via East Midlands, confirms the initial Officer assessment above regarding the site being visually contained and therefore concur with the applicant that the landscape impacts will not extend a great distance from the site. Ultimately Via East Midlands are in agreement with the conclusions of the submitted LVIA and have identified no fundamental landscape issues arising from the proposal. Their comments do make reference to the need for detailed landscape proposals and tree protection measures, both of which could be secured by condition if permission were to be otherwise forthcoming.

Impact of Dwelling Design

Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The properties represent 11 different house types ranging from 2 bed to 4 beds.

The Government has published 'Technical housing standards – nationally described space standard' in March 2015. This document deals with internal space within new dwellings and is suitable for application across all tenures. However the National Planning Policy Guidance (online tool) is clear in stating that if an LPA *"wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard."* Provision in a local plan can also be predicated on evidence, as the NPPG goes on to describe. In the case of NSDC we have not adopted the national space standards and thus the guidance is that one should not *require* (emphasis added) them for decision making. The standards however do exist and must be material in some way.

The following table is lifted from the March 2015 document:

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

Table 2 – Assessment of submitted development

House Type	No. of beds	Floor space (m ²)	Space standard requirement (m ²)	Compliance against (m)
Halstead	2 (4P)	60.5	79	-18.5
Danbury	3 (5P)	77.3	93	-15.7
Caddington	3 (5P)	79.0	93	-14.0
Wentworth	3 (5P)	78.2	93	-14.8
Warwick	3 (5P)	79.7	93	-13.3
Windsor	3 (5P)	80.7	93	-12.3
Stratten	3 (5P)	98.6	99	-0.4
Stavelly	3 (5P)	95.8	93	+2.8
Rothway	4 (6P)	95.5	106	+10.5
Eaton	4 (6P)	118.8	106	+12.8
Burton	4 (7P)	120.5	106	+14.5

The standards do not define a 2.5 storey dwelling but given that the accommodation would be delivered across 3 storeys, for the relevant house type (Stratten) a 3 storey figure has been used. As is shown above, whilst the 4 bed units would comfortably exceed the national space standards, the vast majority (all but one) of the 3 bed house types and the 2 bed house type would fall notably short. The largest discrepancy being the 2 bed unit at 23% short. On average the 3 bed units delivered across 2 storeys would be 12% short of the standards.

The Design and Access Statement presents Keepmoat Homes as a ‘top 10 homes builder’ (albeit does not qualify the source for this statement). It is therefore highly disappointing to note that the majority of the smaller units presented by the application would not achieve what the government consider (again to clarify not adopted by NSDC) to be a minimum space requirement. The agent has been asked to comment on this point during the life of the application.

The applicant has responded essentially detailing that the range of house types presented is based on their target market and popularity and sales success of said house types:

“Ultimately, the mix and house-types put forward have been informed by a very considered evidence base approach and we are accordingly confident that the proposal will be very well received by the local housing market. We consider that the Keepmoat product is perfect for the site location and Bilsthorpe as an area in general and we look forward delivering a scheme that will benefit the area whilst making an important contribution to the wider District housing need.”

Without evidence outlining a specific required space standard for the District or indeed any evidence to the contrary in respect to product sales, it would be extremely difficult to resist the applications solely on this basis. The applicant would have a case to make that any proposed occupiers would be well aware of the size of the units prior to purchase and this must be weighted in the overall planning balance. This unfortunately appears to be a position the LPA are having to accept on numerous occasions in recent decision making.

The overall aspirational character of the site appears to be modern in nature with a varied use of materials. The use of 11 different house types adds visual interest both in individual plots and for the site as a whole. The varying house types are dispersed around the site with both semi-detached and detached units. The application has been accompanied by a materials plan which details facing brickwork in a majority red mixture but interspersed with a natural grey stone. The visual impact of this is perhaps best demonstrated by the submitted street scene plans:



The contrast of materials is welcomed and responds well to the character evaluations in the Design and Access Statement. Overall the visual appearance of the proposed house types are considered acceptable in the context of Policy DM5.

The application has been accompanied by an enclosures plan, which demonstrates that rear gardens would be bounded by 1.8m close boarded fences which are considered appropriate in terms of achieving privacy for residents. It is welcomed that the attenuation pond at the south of the site would be enclosed by a modest post and rail fence. It is also welcomed that, where plots bound the highways network, their boundaries would be formed of 1.8m high stone walls which are considered to be a more attractive arrangement than a timber fence against a highway. The compliance with the submitted enclosures plan could be conditioned to any forthcoming permission negating the need to submit further details at a later date.

There are other design principles of the scheme which have not been explicitly referenced above but are noted and deemed to represent good design. Namely, the area of open space proposed broadly centrally within the site (and to some extent the drainage basin at the south of the site) would be well overlooked by principal elevations. This would give a sense of ownership to the areas and create an attractive and safe living environment and legibility of the space.

Impact on Highways

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

The application has been accompanied by a parking plan which helpfully annotates which spaces would be allocated to which plots and identifies internal and detached garages (both of a sufficient size to contribute towards the overall parking allocation). As a general principle, the majority of the parking provision is demonstrated to the side of plots which is welcomed in terms of reducing the visual impact of hardstanding. In terms of quantum of parking, each 2 and 3 bed dwelling is allocated at least two parking spaces and each 4 bed allocated at least 3. In the main, the spaces are positioned immediately adjacent to the dwelling such that they would be a convenient solution to off street parking requirements. There are a couple of cases, e.g. the affordable 2 bed plots no. 96 and 98 where one space would be on the opposite side of the turning head. However, given this is an exception rather than a rule and given that these are 2 bed units, there may not be requirement to use both spaces in any case.

The greatest concern in respect to the proposed parking arrangements is that a significant proportion of the four bed plots have their 3 spaces delivered in tandem. The issue with this is that the use of the furthest back space becomes undesirable given the number of manoeuvres it takes to move the vehicle with two others parking in front of it. This has been raised with the agent during the life of the application but the revised plan continues to show this to be an issue on 19 of the 35 four bed plots. This level of tandem parking on a scheme of this size is not considered to be a desirable design approach and must weigh negatively in the overall planning balance (the LPA is currently out to consultation on a parking standards SPD which specifically seeks to avoid such arrangements). However, due to the stage that this is at, in accordance with paragraph 48 of the NPPF, very little weight can be attributed to this document.

The internal road network has been assessed by Nottinghamshire County Council through their role as the Highways Authority. The comments refer to the wider road network in the village, namely the junction improvements which are needed for the A614/Mickledale junction, but as is clarified by the comments, these works are on the Council's CIL 123 list and therefore cannot be attributed to a single developer to deliver.

The original comments request that the development is mitigated through a pedestrian crossing; footway and improvement to bus stop infrastructure noting the additional pedestrian crossing movements which will occur due to all the local facilities lying on the opposite side of Eaking Road. Pedestrian accessibility within the site itself was also considered inadequate requiring a footway link on the border of the public open space. The latest site layout plan shows that the public open space would include a footpath link and the footpath on the eastern side of Eaking Road has also been included. Additional information has been submitted during the life of the application disputing the need for the pedestrian crossing and the latest comments from NCC Highways accept that the residential development alone will not generate sufficient pedestrian movements to justify a formal pedestrian crossing facility. The comments continue to promote the need for bus stop improvements and a dropped kerb facility between the site access and Mickledale Lane.

The original comments of the Highways Authority also raised concern with the proposed size of some of the allocated car parking spaces (which is noted through the consultation responses from a neighbouring party). To address this point, the applicant has submitted a dimensions plan of the proposed parking spaces which has been reviewed by NCC Highways. Overall, NCC Highways raise no objection to the development subject to a suite of conditions which could be included / included within an associated legal agreement if permission were to be forthcoming. Some of the requested conditions (i.e. footpath on Eakring Road) would need to be included into the S106 instead as they are outside of the red line.

The application has also been accompanied by a Residential Travel Plan. This details measures such as an annual travel survey which will seek to identify travel behaviour and periodic traffic counts. In addition a Travel Guide will promote walking and cycling. NCC comments make reference for the required revisions to the Travel Plan but an updated version could be conditioned should permission be forthcoming.

Impact on Amenity

Policy DM5 seeks to protect the amenity for both existing neighbouring residents but also to provide appropriate levels of amenity provision for proposed occupiers.

Being at the edge of the village envelope, the site has the advantage that the majority of the shared boundaries are with the open countryside and therefore the amenity relationship with existing properties would be limited. The closest amenity relationship with existing properties in the village would be to the west of the site on the opposite side of Eakring Road. Given the presence of the highway, distances of at least 27m between principal elevations would be achieved. These distances are considered sufficient to avoid any undue impacts of direct overlooking or loss of privacy.

There would of course be a risk of increased noise and disturbance through the introduction of 103 additional residential units. However, this would not be an uncommon scenario in a built up settlement and in any case, as is detailed by the submitted noise survey, existing residents closest to the site, on the opposite side of Eakring Road, would already be susceptible to the noises associated with vehicular traffic of this main route through the village in any case. The residential development of the site is not considered to materially affect existing neighbouring amenity to a degree which would warrant resistance of the proposal. The impact of the development would also have been a consideration when the site was allocated for development.

As identified above, the application has been accompanied by a Noise Survey to determine the required façade sound insulation to meet relevant guidance. Essentially the survey expects that the properties fronting Eakring Road will be susceptible to a medium risk of adverse noise impacts from Eakring Road and therefore requires an acoustic design process to mitigate these impacts (namely specific glazing installation). The document has been assessed by colleagues in Environmental Health. The comments make reference to the need for a noise assessment for any retail element albeit clearly there is no retail development proposed with this application and therefore those specific comments are not relevant to the current determination.

Notwithstanding this, the comments do request that noise levels are modelled across the site to provide a definitive answer as to whether external sound pressure levels meet the guideline values. The applicant has responded on the basis that the main noise source is Eakring Road making the noise model relatively simple. An updated Environmental Noise Assessment has been

received dated 25th August 2020. This document concludes that no additional mitigation is deemed necessary to mitigate and minimize the sound from industrial / commercial sources.

The document has been reviewed by colleagues in Environmental Health with a subsequent request for calibration certificates. These have now been received and Environmental Health have confirmed that they have no issues with the application as proposed.

Nottinghamshire County Council comments have referred to nearby waste management sites and the approved Bilsthorpe Energy Centre (extant until 2021 and therefore material to this application determination). However, their comments are more in relation to the visual intrusion that these neighbouring land uses may cause. As is already discussed above, landscaping around the site boundaries is minimal. Nevertheless, as acknowledged by NCC, the presence of the woodland would offer some screening/buffering from potential visual impacts and in any case the actual perceived effects would be limited to a modest proportion of the proposed properties.

Moving then to assess amenity relationships within the site itself, the proposal has been designed with several 'blocks' of development creating a number of back to back relationships. This is with the exception of the eastern boundary of the site which in the main would back onto the open countryside.

Officers identified some very tight arrangements on the original scheme within the site itself including back to back distances of under 20m (between plots 102 and 97 for example) and rear to side gable relationships of just 11m (e.g. between plots 2 and 20). However, again these are the exception rather than the rule and on the whole, the scheme represents suitable distances between plots such that direct overlooking would not be an issue in principle. The aforementioned examples have been queried with the agent in the interests of completeness and have been amended on the revised plan such that the distances now presented would be marginally increased.

Each plot is allocated an area of outdoor amenity space which, whilst varying in size, would be broadly commensurate with the sizes of the plots proposed.

Impact on Trees and Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.

The NPPF incorporates measures to conserve and enhance the natural and local environment and requires outlines a number of principles towards the contribution and enhancements of the natural and local environment within Chapter 15.

The application has been accompanied by an Arboricultural Assessment including details of a Tree Survey undertaken in October 2019. A total of 6 individual trees; five groups of trees and one hedgerow were surveyed. With the exception of group G5 (considered to be Category B moderate value), the remainder of the specimens on site were considered to be Category C of low quality. Group G5 is actually situated to the east of the site outside of the application boundary and therefore would not be adversely affected by the development.

The vast majority of the existing trees and hedgerows can be retained and integrated into the development. The only required loss would be a section of the hedgerow along the western boundary to facilitate the access which given its low quality is not an issue in principle. The Arboricultural Assessment goes on to discuss recommendations for additional planting. Detailed landscaping plans have been received during the life of the application (accompanying the LVIA). Comments from the Council's appointed Tree Officer have suggested minor amendments to these, including the inclusion of a more diverse tree mix for the larger areas such as the public open space and the attenuation pond. This could be secured by condition as agreed by the applicant in principle.

The application has also been accompanied by an Ecological Appraisal based on a desk top assessment and an extended Phase 1 habitat survey undertaken in October 2019. As is implied above, the main core of the developable site is laid to improved grassland with the margins of the site forming the dominance of ecological potential.

The report identifies the presence of three local wildlife sites within 1km of the site boundary, the closest being the abandoned Bilsthorpe Colliery to the north east recognized for its importance to breeding waders. However, the report fails to recognise the presence of the site within the 5km buffer zone of the indicative core area for the potential Special Protection Area (pSPA) for a substantial population of nightjar and woodlark in the Sherwood Forest area. This is identified as an issue in the comments from Nottinghamshire Wildlife Trust as identified above:

"Taking the above pSPA into consideration and as the development will result in a loss of grassland, scrub and tall ruderal habitat (potential breeding bird habitat), we recommend that a breeding bird survey, specifically including nightjar and woodlark, is undertaken in the optimal breeding bird season/s. In this survey, bird species and their behaviour are mapped and an assessment is made of the significance of the species present and an estimate of the number of breeding territories. This information can be used to design works to avoid or reduce adverse impacts on breeding birds and to mitigate for any loss of habitat."

The applicant has submitted a response to Nottinghamshire Wildlife Trust's comments firstly expressing concern regarding the detail of the comments in the context of the extant outline approval which secured matters of ecology through condition. The letter from fpcr (dated 2nd July 2020) goes further to suggest that near identical conditions should be attached to this application. For clarity, this application has been submitted as a standalone full application and in this regard matters of ecology require a full and through assessment.

The rebuttal letter from fpcr suggests that the comments of NWT are misleading and that their comments appear out of context. The response does nevertheless go on to consider the development against the habitat requirements of woodlark and nightjar stating that the site lacks the structure required for these species and therefore surveys would be disproportionate. In terms of the potential increased disturbance from recreation attributed to the development, the letter refers back to a condition which was imposed on the extant outline permission.

Further comments in relation to hedgerow importance and biodiversity net gain are also made but ultimately the letter does not include any additional survey or landscaping works as requested.

NWT have responded to the letter, essentially they accept the response provided and reiterate a number of earlier recommendations which could be secured by condition. These include good

practise measures in terms of lighting; hedgehog holes; a Construction Environmental Management Plan (CEMP); and site enhancements such as bat and bird boxes and landscaping.

Officers have confirmed with NWT that their earlier recommendations for additional surveys prior to determination no longer stands (noting that the ecological work undertaken in October was also outside of the optimal survey period (April to September) for bats). It has been confirmed that the additional response from the applicant during the life of the application addressed their original concerns and therefore no further surveys would be required at this stage.

Officers have considered the requirements of a Habitat Regulations Assessment (HRA) under Regulation 61 & 62 of the Conservation of Habitats and Species Regulations 2017. Habitats Regulations Assessment (HRA) is the process that competent authorities must undertake to consider whether a proposed development plan or programme is likely to have significant effects on a European site designated for its nature conservation interest. HRA is often referred to as 'Appropriate Assessment' (AA) although the requirement for AA is first determined by an initial 'Screening' stage undertaken as part of the full HRA.

As part of the plan making process, the LPA were required to undertake appropriate habitat assessments (including consideration of cumulative impacts) which would have included consideration of this site. There is no requirement to proceed to take an AA (under the HRA regulations) for this specific application.

Subject to the imposition of conditions as discussed above, Officers have identified no specific harm in relation to matters of ecology.

Impact on Flooding and Drainage

The site is within Flood Zone 1 and therefore at low risk of flooding from rivers. Parts of the site are however at risk of surface water flooding as identified by the constraints work within the submitted Design and Access Statement. The submitted Flood Risk and Drainage Assessment confirms that as existing, surface water runoff is at greenfield rates. The proposed drainage strategy includes an on-site attenuation pond towards the south west corner of the site. The proposals have been reviewed by Nottinghamshire County Council as the Lead Local Flood Authority. The original comments objected to the application on the basis that the submission fails to consider alternative methods of surface water disposal including discharge to adjacent watercourses or to a nearby surface water sewer.

The applicant has addressed these concerns during the life of the application with the latest comments of NCC Flood confirming no objections subject to a condition seeking the details of the surface water drainage scheme.

Impact on Archaeology

The site is outside of the designated Conservation Area and there are no designated assets within the site itself. The policy allocation does however make reference to a need for further archaeological works prior to any development within the site. The application has been supported by an Archaeological Desk Based Assessment. The report confirms that the site has been agricultural land since the medieval period albeit the presence of prehistoric and Roman material, as well as cropmark sites, in the vicinity suggests that the potential of the site to contain remains of these dates should not be discounted. Specifically the Roman road is aligned on or

close to the site. Work done in support of the earlier outline application in 2017 found evidence of medieval ridge and furrow cultivation.

The study has been considered by the Council's appointed Archaeological Advisor with the comments acknowledging that the site is within an area of known pre-historic and Roman activity. The comments suggest that the limited evidence of activity in the immediate vicinity of the site is more likely due to the lack of archaeological investigation rather than a lack of archaeology itself. The comments ultimately disagree with the conclusions of the submitted desk based assessment and suggest that further works are required including targeted trial trench evaluation. A number of conditions are suggested to secure these works however the agent has worked with the County Archeologist during the life of the application in an attempt to avoid these conditions. A Written Scheme of Investigation has been submitted dated July 2020 setting out the intended process of further works. The Archeological Officer has reviewed the additional document and confirmed that it would be appropriate for the work to proceed as set out by that report.

Developer Contributions

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

Affordable Housing

The District Council sets a threshold of 30% on site affordable housing delivery. For a scheme of 103 dwellings this would amount to a requirement of 31 dwellings. However, the proposed development includes just 10 affordable dwellings representing just 10%.

Community Facilities

The SPD outlines that for a development of this size, a contribution towards community facilities would be expected. Community Facilities can include numerous types of development including village halls; areas for sport and activity; buildings for worship or buildings for leisure and cultural activity.

The SPD sets out a formula which equates to a contribution of £1,384.07 per dwelling plus indexation. This would amount to circa £142,559 for a scheme of this size.

Education

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. NCC as the education authority have assessed the capacity of the existing primary schools to facilitate the demand from the development. It is concluded that the existing primary schools could accommodate the development and therefore no education contribution is requested. The comments of NCC do make reference to a request towards secondary education but this would be covered by the CIL 123 list and is therefore not reasonable to impose on specific applications.

Open Space

As a development of 103 dwellings this application would need to make provision for public open space. The layout demonstrates an area of 1,854m² broadly centrally positioned on the site. The application submission was not clear whether this area is envisaged to include play equipment for children and young people which has been clarified during the life of the application. The applicant is not presenting to include play equipment on the site due to the linear shape of the open space which in their submission makes the incorporation of equipment unfeasible. There are also areas of green space around the boundaries of the site which the agent has been requested to quantify.

As a numerical calculation the level of onsite central open space appears to have been specifically designed to meet the required 18m² per dwelling for children and young people provision (i.e. 18 x 103 = 1,854). However the applicant has confirmed that due to the linear nature of the area, there is not an intention to include play equipment which is against the principle of the SPD.

The remaining areas of green space would meet the requirements of the SPF for amenity green space at 14.4m² per dwelling (therefore a requirement of 1,483.2m²), including the land around the drainage basin.

There is however notably no provision for outdoor sports facilities which would be required for a scheme of this size.

Health

The Developer Contributions SPD details that, for a scheme of this size, a contribution to the health authority should be made. This has been requested to the sum of £101,146 by NHS Nottingham and Nottinghamshire CCG. The monies are envisaged to be spent towards facilities at Bilsthorpe; Farnsfield and Major Oak surgeries.

Libraries

The SPD details that library contributions can be attributed towards the costs of building / extending a library building or the costs of providing additional stock for existing facilities. NCC have commented on the need for the development to contribute £3,631 towards library provisions in their comments above.

Transport

A site specific request has been made from Notts. County Council for £18,500 towards the improvements to bus stops in the locality specifically the bus stop denoted as NS0908 Eakring Road and shall include installation of real time bus stop pole & displays including associated electrical connections, polycarbonate bus shelter, solar lighting and raised boarding kerbs.

The conditions requested by NCC Highways regarding the footway on Eakring Road would need to be incorporated into a Section 106 given that it is outside of the red line site boundary.

Viability Case

The applicant has presented a viability case during the life of the application. The basis of the case is outlined by a letter from atlas development solutions dated 22nd June 2020. The assessment focuses on the fact that the extant outline approval secured an affordable housing rate of just 10% and therefore three appraisals have been prepared:

1. 10% Affordable Housing plus full S106 contributions;
2. 4% Affordable Housing plus full S106 contributions;
3. 4% Affordable Housing plus reduced S106 contributions.

The appraisal acts as an updated version of the 2017 Viability Assessment Report prepared by White Land Strategies for the outline application. However, this application is clearly materially different insofar as the development is now for 103 dwellings whereas the extant application was for 85.

The original letter accompanying the viability assessment presents that the major difference is the inclusion of a significant number of abnormal costs, which have been understood through the benefit of detailed technical reports.

The letter submitted to support the viability case refers to an offer just 4% affordable housing. However, Officers have discussed this with the applicant noting that this would contradict the submitted plans but also given that paragraph 64 of the NPPF states that where major development is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.

The applicant has confirmed by email dated 29th September 2020 that the offer presented is 10% affordable housing and a Section 106 securing contributions of £258k for the Council to *'spend as they best see fit, taking into account the overall planning balance considerations for the scheme.'*

The monetary figure would be almost enough to cover all of the figures referred to above albeit would leave nothing remaining for off site contributions towards open space or affordable housing given that the on site provisions would be insufficient.

The National Planning Policy Framework states that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case. Officers have commissioned (at the expense of the applicant) an independent viability expert to critically appraise the applicant's submission.

Ultimately the Council's consultant agrees with the applicant's position that the scheme cannot viably deliver a full suite of contributions as required by the developer contributions SPD and the site specific requests made in this instance. The consultant has gone further to state that the offer presented actually exceeds what would be considered a viable appraisal:

"A 10% affordable housing scheme is unviable with S106 against benchmark viability targets unless the Applicant takes a view on the land value and/or the Open Market profit return."

On this basis, Officers do not consider that there is further room for negotiation to the offer presented. Whilst the scheme would not be policy compliant, on the basis of the expert advice received from the Council's Independent Consultant, Officers are minded to reluctantly accept the offer presented and do not consider it reasonable to resist the application solely on the basis of a lack of full contributions.

As above, the applicant has confirmed that it would be appropriate for Members to decide where the monetary contributions could be spent towards. Officers understand through discussions with

the Local member that the Parish Council are keen to secure money towards improvements at the village hall and also local play parks.

It is notable that there was a recent approval for 120 dwellings in Bilsthorpe (20/00642/FULM) which has a strong likelihood of coming forward (all conditions have now been discharged). The legal agreement associated with this application secured a number of monetary contributions including towards health (£110,400); libraries (£4,288); children and young people (£111,271.20); and outdoor sports (£35,000). The agreement did not however secure any contributions towards the village hall.

In accepting that the development proposed here would not be able to cover all contributions, it is Officer's submission that the £258k should be attributed to £18,500 for bus stop improvements (given this is a site specific request), 20% of the remainder (£47,900) to play parks in the area and the remaining £191,600 for the improvements to Bilsthorpe Village Hall. These should make a meaningful contribution to the aspirations of the Parish Council improvements and would mean that the village hall works could be largely delivered by this application. Clearly if Members are minded to approve then the exact split of contributions falls to their discretion.

Other Matters

Officers in Environmental Health have commented specifically on the land contamination risks of the site noting the proximity of the former colliery sludge lagoons off site and infilling of land on site. The assessment has been made on the basis of former supporting documentation for the 2017 application for the residential delivery of the site but no objection is raised to this in principle subject to the imposition of a full phased contamination condition.

Overall Balance and Conclusion

The proposal relates to the residential delivery of an allocated site in a sustainable settlement. There would therefore be clear benefits of the scheme to the Districts housing delivery.

However, the site allocation envisaged that the residential delivery would come forward in a phased manner which relates to the retail provision to serve the community noting that the existing provision is inadequate for a community of this size. In dividing the site allocation and focusing solely on the residential element of the site allocation, the applicant would have no control over how and when the retail element of the envisaged site allocation came forward. The applicant cannot therefore deliver appropriate phasing of the uses as required by Policy Bi/MU/1.

On careful consideration of other circumstances (namely a pending application for a retail unit by a different provider), Officers do not consider that there is a strong enough case to resist the application for this reason alone. It is also of significant relevance that the policy does not indicate when timing of the phasing should occur.

The detail of the scheme demonstrates design compromises including a housing mix skewed towards larger units but on balance noting the viability position this is not considered fatal in itself.

The applicant has worked with Officers during the life of the application to make minor changes to the scheme such that matters of landscape; ecology and impact on the wider highways network are now considered acceptable. There do however remain issues with the parking provision for a number of the 4 bed units (i.e. 3 spaces in tandem).

The proposal would make a meaningful contribution to the housing delivery on an allocated site. Although it would not be able to provide a full suite of contributions as required for a scheme of this size, the viability case presented has been accepted by the Council's independent consultant and therefore is not a matter at dispute.

In attaching significant weight to housing delivery in a sustainable settlement, Officers are satisfied that the balance is tipped towards approval subject to the conditions outlined below and an associated Section 106 agreement.

RECOMMENDATION

Approve full planning permission subject to;

- 1) the conditions outlined below and**
- 2) the completion of a signed Section 106 agreement securing off site contributions of £258,000 attributed to:**
 - a. £18,500 towards bus stop infrastructure;**
 - b. £47,900 towards play parks in the vicinity of the site;**
 - c. £191,600 towards Village Hall improvements;**
 - d. 10% affordable housing on site;**
 - e. Highways improvements to dropped kerbs and pedestrian footways outside of the site.**

Conditions

01

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

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

02

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

- Planning Layout – P-01 Rev. P;
- Tenure Plan – A 871 Drg No. 004 Rev. C;
- Enclosures Plan – A 871 Drg No. 005 Rev. C;
- Site Location Plan – A 871 Drg No. 08;
- External Finishes Plan – A 871 Drg No. 009 Rev. C;
- Material Plan – A 871 Drg No. 010 Rev. C;
- House Type Booklet received 28th May 2020;

Reason: So as to define this permission.

03

No part of the development, other than site clearance hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Travis Baker Flood Risk Assessment (FRA) and Drainage Strategy Addendum Report has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

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

04

No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with drawing SK01-B. 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.

05

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive/parking area is surfaced in a hard-bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drive/parking area shall then be maintained in such hard-bound material for the life of the development.

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

06

Any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres.

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

07

No dwelling forming part of the development hereby permitted shall be occupied until its associated access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

08

No part of the development hereby permitted shall be occupied until an updated Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.

Reason: To promote sustainable travel.

09

No development shall take place, other than site clearance until a Construction Methodology and Management Plan (CMMP) has been submitted to and approved in writing by, the Local Planning Authority. The approved CMMP shall be adhered to throughout the construction period. The CMMP shall comprise the following:

- The details of temporary fencing to be erected and retained during the construction period;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- any measures to control the emission of noise, dust and dirt during construction;
- hours/days of proposed construction.

Reason: To protect the amenity of the surrounding area.

10

Prior to any occupation of the dwellings hereby approved, the boundary treatments applicable to each of those dwelling's plots shown on the approved plan: Enclosures Plan – A 871 Drg No. 005 Rev. B shall be implemented on site unless otherwise agreed in writing by the local planning authority through a non material amendment application. The boundary treatments within plots shall be retained for a minimum period of five years.

Reason: In the interests of residential and visual amenity.

11

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

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

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

Reason: To protect the existing trees/hedgerows to be retained.

12

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

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

- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To protect the existing trees/hedgerows to be retained.

13

Prior to the development being first brought into use, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

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

Reason: Insufficient details have been provided and the condition is necessary in the interests of visual amenity and biodiversity, in order to fulfil the policy objectives contained within Core Policies 12 and 13 of the Amended Core Strategy.

14

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

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

15

The development hereby permitted shall be carried out in accordance with the required façade sound insulation details at Table 11 (Section 10.1.2.) of the document Environmental Noise Assessment by noise.co.uk ltd prepared 25th August 2020 – 21122-1.

Reason: To protect the amenity of proposed occupiers.

16

Unless otherwise agreed by the Local Planning Authority, development other than that required for site clearance and / or to be carried out as part of an approved scheme of remediation must

not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

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

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

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the

remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

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

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

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

17

The development hereby approved shall be carried out in accordance with the ecological mitigation measures detailed within the document Ecological Appraisal by fpcr dated May 2020, specifically:

- Recommendations made by the ecologist in paragraph 4.26-4.30 (page 18), in particular the good practice measures with regards to lighting.
- Hedgehog holes (13cm by 13cm) should be made in garden fences to allow for hedgehog passage shown on Figure 5;
- Any areas seen as suitable for breeding birds such as scrub, hedgerows, mature trees, and ground vegetation should be removed outside of the bird breeding season (March to August inclusive);
- The installation of bat and bird boxes at the locations shown on Figure 5.

Where the measures relate to physical interventions such as the hedgehog holes and the bat and bird boxes, these shall be in place prior to the occupation of each of the dwellings the measures relate to.

Reason: To preserve the ecological value of the site.

Notes to Applicant

01

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

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

02

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

03

The applicant should note that, notwithstanding any planning permission, 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.

04

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

BACKGROUND PAPERS

Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development