

## PLANNING COMMITTEE – 5 JUNE 2018

<b>Application No:</b>	<b>17/02051/RMAM</b>	
<b>Proposal:</b>	<b>Submission of Reserved Matters pursuant to Conditions 1 and 2 of outline planning permission 13/00458/OUTM for the erection of 100 dwellings (Renewal of extant planning permission 09/01136/OUTM - for the erection of up to 100 Residential Units, Structural Landscaping, Open Space Provision and Access Roads)</b>	
<b>Location:</b>	<b>Land West Of Waterfield Way, Clipstone</b>	
<b>Applicant:</b>	<b>Lorna Rider - Avant Homes</b>	
<b>Registered:</b>	<b>17 November 2017</b>	<b>Target Date: 16 February 2018 Extension of Time: 6 June 2018</b>

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation because the recommendation differs from the Parish Council's views.**

### The Site

The 5.4 Ha application site forms an area allocated as a 'Housing Site with Planning Permission (Ho PP)' in the Allocations and Development Plan Document (DPD). It comprises a rectangular shaped field to the south west of the roundabout that currently forms the western termination to Cavendish Way.

An unused section of Cavendish Way bounds the north edge of the site. Existing houses are located adjacent the east and south boundaries of the site with the existing estate roads of Hilcote Drive and Waterfield Way also terminating at the edge of the application site.

It slopes gradually upwards in a south to north direction. Mature trees and hedges bound the west boundary of the site. Mixed boundary treatments to adjacent dwellings form the east and south boundary.

### Relevant Planning History

18/00509/FULM Erection of 72 dwellings, structural landscaping, open space provision and access roads (on Phase 2 land within the south section of the application site) – pending determination.

13/00458/OUTM Renewal of extant planning permission 09/01136/OUTM - for the erection of up to 100 Residential Units, Structural Landscaping, Open Space Provision and Access Roads (Extant Permission) Please see Documents saved under 09/01136/OUTM (replacement planning permission) – permission 11.12.2014

09/01136/OUTM Erection of up to 100 residential units, structural landscaping, open space provision and access roads – permission 09.08.2010

04/00733/OUTM Housing development together with associated infrastructure – refused 11.06.2004

02/02292/OUTM Variation of condition 1 from permission OUT/980066 relating to the time limit for submission of reserved matters application – permission 07.03.2003

98/50350/OUT Residential development (340 dwellings) industrial development and access – permission 29.12.1999

93/50350/OUT Residential development (340 dwellings), industrial development and access – permission 19.01.1995

### The Proposal

The application seeks reserved matters consent for the erection of 100 dwellings and associated open space, landscaping and infrastructure. The reserved matters for consideration include details of the appearance, access, landscaping, layout and scale.

The proposed development of 100 dwellings would occupy the north part of the site and represent approximately 3 Ha of the overall 5.4 Ha site area (Phase 1). Phase 2 would occupy the south part of the site with a separate full application for 72 dwellings currently pending determination.

The application has been amended during the lifetime of the application. The first amendment occurred in March 2018 when Avant Homes became the Applicant and a full set of plans were submitted and consulted upon. The second amendment occurred in May 2018 in response to concerns raised by the Officer (in relation to layout and amenity impacts). Each amendment has been fully consulted upon and this report relates to the most recent set of amended plans received.

Proposed house types include a mix of styles and design including detached, semi-detached and terraced. A mix of 2-bed, 3-bed and 4-bed dwellings are proposed. All of the proposed dwellings would be 2-storey apart from eight 3-bed units which would be 2.5 storey and eight 3-bed units which would be 3-storey.

A road would be provided through the site connecting to the existing estate roads of Hilcote Drive and Waterfield Way. Two access points onto the unused road which connects to the roundabout at the end of Cavendish Way would also be provided (NB this section of road is currently unadopted and falls outside the red line boundary of the application site).

The application is accompanied with the following:

- Design and Access Statement
- House Type Pack
- Street Scenes
- Detailed Layout
- Flood Risk Assessment and Sustainable Drainage Statement
- Phase 1 and Phase 2 Geotechnical and Geo-Environmental Site Investigation
- Ecology Appraisal
- Arboricultural Survey Report

### Departure/Public Advertisement Procedure

Occupiers of 46 properties have been individually notified by letter. A site notice was displayed near to the site and an advert was 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 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
- MFAP 1 Mansfield Fringe Area

#### **Allocations & Development Management DPD**

- Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 – Development on Allocated Sites
- Policy DM3 - Developer Contributions
- Policy DM5 – Design
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM10 Pollution and Hazardous Materials
- Policy DM12 – Presumption in Favour of Sustainable Development

#### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- Newark and Sherwood Amended Core Strategy DPD 2017

### Consultations

#### **Clipstone Parish Council –**

*Comments received 10.04.2018:*

Clipstone Parish Council has previously objected to this proposal. Whilst the amended proposals address some of the objections it is noted that these have not been sufficiently addressed to warrant support for the application. The Council has reiterated the following objections:

- The roads in the new development appear to be too narrow and of unsuitable layout (90° bends) to allow for safe access of emergency services and utilities
- No bus stops are planned. The nearest bus stop on First Avenue is a ten minute walk away and requires crossing the busy Cavendish Road.
- The whole of Cavendish Estate still only has one access route. Emergency services may not be able to reach the estate.
- Still no amenities such as shops, schools etc. have been added to the plans

- The open space with play park needs better access. The access should face the direction of the main anticipated traffic flow of potential users. There should be four exits in total to keep children safe and allow safe exit routes in case of bullying incidents or similar. A pavement all around the open space should allow for safe access to the park.

*Comments received 22.12.2017:*

Clipstone Parish Council resolved to object to the proposed planning application. The design does not allow for access routes wide enough for a bus route to service the new houses. Currently the nearest bus stop is at least a ten minute walk away and requires crossing Cavendish Way. Dropped curbs on all strategic crossings are required to allow for barrier free access. No provision has been made for schools, shops or any other amenities to serve the additional houses. Some driveways as laid out in the plans encroach on the historic spinney. The spinney should remain intact in all parts to preserve wildlife and the historic nature of the spinney. Two historic oak trees are very close to the proposed new buildings. The oak trees should be protected and the houses moved where they would not endanger the trees in years to come. The trees would also be in danger of damage during the building process.

#### **Natural England –**

*Comments received 18.05.2018:*

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

*Comments received 13.04.2018:*

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We note that this consultation considers information submitted by the applicant concerning the revised planning layout of this site and information on house types. We refer to our previous letter of 08 January 2018 regarding the reserved matters on this site and can confirm that we have no additional comments further to this response.

*Comments received 10.01.2018:*

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. The application (13/00458/OUTM) has granted planning permission for 100 new homes on the edge of Clipstone which is within approximately 1.2 km of Sherwood Forest Golf Course and Clipstone Heath SSSIs. Both SSSIs are identified as sensitive to the impacts of increased residential development (as identified by Natural England's SSSI Impact Risk Zones (IRZs)). We have reviewed the information provided in respect of conditions 1 and 2 of the planning permission. We are generally satisfied that the landscape plan provides sufficient information to meet the terms of condition 2. We note that the proposed trees listed in the planting scheme are of native species and these should be of local provenance where possible. We also note that the landscape plan shows an open space to the

south-west of the site for which no details of vegetation or habitat management have been included. We are aware of several other new developments planned in the surrounding area. We recommend this area of open space could provide a valuable contribution to the GI on this site and the surrounding area and should ideally link up coherently with that on the neighbouring sites to improve the functionality of areas of green space and ecological value. This would be in line with your authority's GI strategy, which requires sufficient provision of areas of green space, which residents can access for recreation purposes, in order to alleviate pressure on the surrounding sensitive ecological habitats, such as the SSSIs mentioned above.

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

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

**Nottinghamshire Wildlife Trust** – We are no longer able to provide the level of free ecological planning advice as we have previously.

**NCC Highways Authority** –

*Comments received 18.05.2018:*

Further to comments dated 17 April 2018, additional information has come forward that clarifies the position regarding access and a new layout drawing has been submitted (1768.PH.01J).

The new drawing shows two potential road connections to the existing yet-to-be adopted road that leads to the roundabout at Cavendish Way/Ward Road. This existing road is not included in the outline application/permission, but is seen to be an advantage should it be made available. Notwithstanding the above, road links to Hilcote Drive and Waterfield Way are proposed, and these are acceptable in principle. All of these should offer a 5.5m carriageway which means a **slight widening should be made to the road outside plots 136-151, since this may become a main route into the development in time.**

In line with the outline permission, the development **should be restricted to 100 dwellings in total (not just phase 1)** unless additional legal and adoptable connection is made to the roundabout at Cavendish Way/Ward Road.

It is preferred to see 2 car spaces for each of the two-bedroom dwellings to avoid onstreet parking and neighbour disputes, and further amendment may be sought. It is likely that garage doors will be 'up and over', in which case the minimum acceptable driveway length is 6.1m. If driveways are less than this, cars are likely to overhang the footway.

Subject to the above, no objections are raised subject to the following conditions:

*No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary. The surfaced driveways shall then be maintained in such hard bound material for the life of the development.*

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

*Any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller shutter doors, or 6.1 metres for up and over doors. Details of the garage doors shall be first submitted to and agreed in writing with the LPA.*

*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.*

*No part of the development hereby permitted shall be occupied until the access roads have been designed and thereafter completed to a standard that provides a minimum carriageway width of 5.5m.*

*Reason: In the interests of highway safety and capacity.*

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

*The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.*

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

*Comments received 17.04.2018:*

Additional information has come forward that clarifies the position regarding access. Previous comments made by this Authority suggested that access connection should be made via the existing yet-to-be-adopted road that leads to the roundabout at Cavendish Way/Ward Road. Whilst this would be an advantage, this road was not included in the outline application/permission and so cannot be considered further. However, this affects the view on how many dwellings can be served from Hilcote Drive and Waterfield Way.

In line with the outline permission, the development **should be restricted to 100 dwellings in total (not just phase 1)**. According to the 6C's Highway Guide, no more than 400 dwellings should be served from the existing road system with 5.5m carriageways. This extra 100 would take this figure to about 420 which, under the current circumstances, would be compromisingly accepted.

Whilst this application is for 100 dwellings the planning layout drawing 1768.PH1.01.B shows 113 plots on phase 1, and a separate full application (18/00509/FULM) seeks a further 72 plots on phase 2, making a total of 185 dwellings. **Any amount above 100 is unacceptable given the current road access arrangements.** *Note: this could be increased if access were to be made available via the existing yet-to-be-adopted road that leads to the roundabout at Cavendish Way/Ward Road.*

For the sake of completeness, I reiterate the following comments made previously.

Clarification is sought of the adoption/maintenance intentions of the access to plots 26-47. As it currently appears, this access is not appropriate for adoption, but may still require drainage and lighting details to be agreed.

It is likely that garage doors will be 'up and over', in which case the minimum acceptable driveway length is 6.1m. If driveways are less than this, cars are likely to overhang the footway. The applicant should confirm that adequate distances have been applied. In addition the applicant should be asked to clarify the widths of **shared** private drives. These should meet the dimensions within the 6C's highway design guidance i.e. to serve up to 5 dwellings; 4.25m wide plus 0.5m if bounded by a wall, fence or hedge on one side, or plus 1.0m if bordered on both sides. A plan showing dimensions would assist.

The private driveways will require bin collection points located as near as practicably possible to the back edge of footway.

There are long lengths of dropped kerb crossings at plots 100-103 and 109-113. These should be avoided and broken up.

Traffic calming features have been shown and it is considered that these may not be necessary and may be deleted or amended when it comes to the Section 38 Highway Adoption Agreement.

There appears to be a grass service margin around the LEAP. It may be that, as part of the road adoption agreement, this will need to be tarmacked. In any case, it is suggested that the footways extend along the eastern and western perimeter of this grassed area to meet potential walking desire lines for residents of plots 83-98. In addition, perhaps a hard –paved link to the LEAP should be made from the northern edge of the grassed area. The intended maintenance liability for the footpaths across the grassed area should be clarified and agreed.

These matters should be addressed before further advice is given by this Authority.

**Severn Trent Water** – no comments received.

**Environment Agency** – It doesn't appear that the EA were consulted on the original application and as such I have no comments on the RMAM. The LLFA should be consulted regarding sustainable surface water drainage from the site.

**NCC Lead Local Flood Risk Authority** –

*Comments received 10.05.2018:*

No objections to the proposals following submission of the Sustainable Drainage Statement ref. CPC-BWB-HDG-XX-RP-CD-0001-S2-P1\_SDS.

*Comments received 27.11.2017 and 23.03.2018:*

The information provided is insufficient for us to comment on the reserved matters as gives no clear indication of the surface water strategy and without this we cannot determine whether the layout or scale allow for adequate surface water drainage.

## **NSDC Parks and Amenities Officer –**

*Comments received 18.05.2018:*

No objection in relation to Phase 1 provision within the reserved matters boundary which complies with the S.106 requirements.

*Comments received 04.12.2017:*

I would like to see the central open space area increased in size on the back of the 80 dwelling application. Assuming that it's extended to take in the land associated with the 7 dwellings adjacent to it then this would result in an additional c2,000m<sup>2</sup>. This would create a good sized central open space which could cover the 2 developments. Together with the areas of amenity open space on either side of the central area the SPD requirement would be fulfilled, albeit that there would be an over provision for the 100house development and under provision for the 80 house development. Perhaps the SANGS and NSNGS contributions could be partly met on the central open space and the amenity open spaces by the incorporation of features to encourage wildlife such as meadow planting and appropriate tree and shrub planting.

*Comments received 04.12.2017:*

I have not had sight of any detailed plans showing the layout of the proposed children's play area(s), amenity open spaces or landscaped/wildlife areas. I would wish to see these before any Reserved Matters permission is granted.

**NSDC Environmental Health Contaminated Land** – With reference to the above development, I have received a Phase 1 And Phase 2 Geotechnical And Geo-Environmental Site Investigation report submitted by Eastwood and Partners Consulting Engineers acting on behalf of the developer.

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

Following intrusive sampling the report concludes that there are no exceedances of the relevant screening criteria for the proposed use. In addition no asbestos or pesticides were identified from the sampling carried out.

Given this evidence, I am in agreement that the on-site soils do not present a potential risk to human health for the proposed residential use. I am now therefore in a position to be able to recommend that the contamination condition for the above application references can be discharged.

**10 local residents/interested parties have made representations** (and in some instances on multiple occasions due to the reconsultation that has occurred) which can be summarised as follows:

Principle of development:

- Loss of green space used by dog walkers;
- Cavendish Park estate is flooded with new homes without consideration of available services;
- The houses are not affordable;



- No thought has been given to the sustainability of each phase of the development over the years with no facilities and high reliance of the car.

#### Highways:

- Road congestion;
- Roadside parking would create a safety hazard for motorists;
- Mansfield Road is in need of repair.

#### Residential amenity:

- Overlooking;
- Loss of privacy;
- Impact on peaceful enjoyment of homes and gardens;
- Overbearing;
- Land is raised above the ground level of properties on Primrose Way and Portland Way;
- Multiple properties along boundary line with minimal planting – developer at the time of the outline upheld a comment to ensure planting would form part of any future plans;
- Restriction to views.

#### Impact on visual amenity/ecology:

- Impact on rare birds and wildlife.

#### Flooding/drainage:

- Risk of flooding over retaining walls into existing properties/gardens with damage to the retaining walls and fences;
- Insufficient drainage due to gradient of land;
- Drainage system in Clipstone has collapsed and needs fixing.

#### Other

- Impact on property values;
- Water pressure too low;
- Ability of power, gas and sewage infrastructure to cope;
- Schools are already struggling to cope with the additional children in schools;
- No provision for doctors – the nearest doctors is Forest Town with difficulty getting appointments;
- The plans do not match the indicative plans submitted at outline stage;
- No transport or shops in the area;
- Noise/disturbance during construction;
- Local woodland should be protected and looked after;
- Impact on health.

#### Comments of the Business Manager

#### **The Principle of Development**

Outline planning consent for up to 100 dwellings was approved in August 2010 (09/01136/OUTM) with a subsequent extension of time limit for implementing the permission approved by Planning Committee in December 2014 (13/00458/OUTM).

Following the submission of a viability appraisal and its independent review, the outline planning permission was accompanied by a Section 106 Agreement which secured contributions towards a number of developer contributions as summarised in the table below:

	<b>CURRENT APPLICATION 13/00458/OUTM CONTRIBUTIONS PROPOSED BY APPLICANT</b>
Affordable Housing	<b>£133,218 off site contribution.</b> This equates to a 4.2% off site provision at £32,000 / dwelling.
On Site Open Space (2250m <sup>2</sup> ) / Children's Play Area (LEAP)	<b>Provision &amp; maintenance of amenity green spaces and provision for children and young people:</b> On site physical provision of amenity open space (2250m <sup>2</sup> ) + 20m <sup>2</sup> x 100 (400m <sup>2</sup> to be equipped) LEAP and overall maintenance company. <b>Total area required= 4250m<sup>2</sup></b>
Highways/Integrated Transport	<b>£86,400</b> + indexation for the provision of bus stop and shelter.
Education	<b>£120,278</b> + indexation
Community Facilities	<b>£120,275</b> + indexation
<b>Total S.106 Contributions</b>	<b>£460,171 overall (for off-site affordable housing contribution and all other obligations)</b>

As such the principle of the development is now established through the granting of the outline consent. The principle of the use including overall number of dwellings proposed need not be considered further in any detail, nor do any of the infrastructure requirements or commuted payments already secured.

Only reserved matters including access, appearance, landscaping, layout and scale of the development proposed is open for consideration.

An assessment of the reserved matters against relevant policy and other site specific policies is set out below.

#### Housing Numbers, Density and Mix

It was accepted at outline stage that the 5.4 Ha could provide up to 100 dwellings. Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. It goes on to say that development densities below this will need to be justified, taking into account individual site circumstances. The development of 100 dwellings on the whole outline area would equate to a density of 21 dwellings per hectare which is below the policy requirement. Whilst it is acknowledged that outline planning permission was approved on this basis, it is not considered that the individual site circumstances would warrant the insistence on the retention of a lower density development through the reserved matters application provided all sites specific consideration can be complied with.

The current proposal reduces the site area within which the 100 dwellings are proposed (Phase 1) to approximately 3 Ha. A separate Phase 2 planning application for 72 dwellings on the remaining 2.4 Ha is currently pending consideration (application number 18/00509/FULM). This means that a density of 38 dwellings per hectare is now proposed on the Phase 1 reserved matters site. The density of development is considered to be similar to the density of surrounding housing developments and would also make more efficient use of land.

Paragraph 50 of the NPPF states that “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning 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 (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand...”

The Development Plan reflects this and is compliant with the NPPF. The Council has sought to plan for a mix for communities and has identified the size, type and range of housing that is required taking into account local demand as is reflected in the following policies.

CP3 also states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need. Such a mix will be dependent on the local circumstances of the site, the viability of the development and any local housing need information.

The Detailed Layout proposed the following housing mix:

	<b>No. of Market Dwellings</b>
2 Bed	17
3 Bed	58
4 Bed	25
<b>Total</b>	<b>100</b>

In terms of what the local demand is, evidence of this is contained within the Newark and Sherwood Housing Needs Survey Sub Area Report 2014 by DCA. Clipstone falls within the Mansfield Fringe Sub-Area from the perspective of our Housing Market & Needs Assessment (2014), with the Sub-Area Report showing demand within the market sector to be predominantly focussed on 32% 2-bed, 25% 3-bed and 14% 4-bed unit types, with lesser demand shown for 1 bed (17.0%) and 5-bed (12%).

I consider the mix proposed to broadly reflect the needs of the Mansfield Sub Area. In addition, the proposal would contribute to the family size market housing that is required in this district as acknowledged by CP3. The proposed housing mix also reflects the character of the adjacent residential development. I would therefore conclude that the density and mix of housing units proposed would comply with the aims of the NPPF and Core Policy 3.

#### Impact on Visual Amenity including the Character of the Area

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District’s landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

Core Policy 13 in the NSDC LDF states that 'The District Council will expect development proposals to positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting Landscape Conservation and Enhancement Aims for the area'. The site lies within the Sherwood Landscape Character Area, in landscape Policy Zone S PZ 12 Cavendish Wooded Estatelands and Wooded Farmlands. The landscape policy for this policy zone is to restore and create because of the poor landscape condition and moderate sensitivity. Suggested policy actions of relevance to this application include restoring historic field patterns including hedgerows and creating woodland.

The Detailed Layout submitted with the application differs to the indicative layout submitted at outline stage given the increased density of development. However, it still complies with the requirements of the outline planning permission including its associated S.106 Agreement in relation to the provision of open space. The S.106 Agreement requires 2,000 m<sup>2</sup> of children's play space and 2,250 m<sup>2</sup> amenity space. This is provided through a central green space totaling providing 2,000 m<sup>2</sup> of play space including a LEAP. The balance of this area would be amenity space along with land on the site frontage – providing a total of 2,436 m<sup>2</sup>, slightly above the requirement. This would equate to an overall requirement of 4,436 m<sup>2</sup>.

The development would inevitably have an impact on the landscape and the character of the surrounding area by virtue of the fact that a greenfield site would become a housing site. However, the site benefits from a good deal of concealment offered by existing dwellings on three sides and existing landscaping. A landscape strip providing a buffer between the application site and the open countryside to the west is located along the west boundary of the site and contains a number of trees, shrubs and hedgerow (albeit this falls outside of the red line boundary of the application). This buffer would still provide an appropriate soft edge to the development and assist in assimilating the development into the surrounding countryside although it is appreciated this could only be secured under the separate application ref.18/00509/FULM as it does not sit within the application site for application no.17/02051/RMAM.

The oak trees identified as Category B (moderate quality) within the submitted Arboricultural Survey and referred to in the Parish Council comments are located in the south part of the site and their retention will be considered in relation to application no. 18/00509/FULM as again the trees do not fall within the application site for 17/02051/RMAM. The proposal is not considered to encroach on a historic spinney as also referred to be the Parish Council albeit there are some areas where special attention will need to be given to new planting including the protection of overhanging trees and hedgerow along the rear boundaries of gardens along the west boundary of the site with the further details/protection measures recommended by planning condition. It is however noted that all other trees and hedgerow within or immediately adjacent to the application site are identified as Category C (low quality) within the submitted Arboricultural Survey.

There would be a mix of style, design and size of dwellings with a mixture of render and brick dwellings proposed. All dwellings would be 2, 2.5 or 3 storey in appearance with a mix of detached, semi-detached and terraced dwellings proposed. Details of materials have not yet been submitted and it is recommended that a condition be imposed requiring the submission and approval of these details.

Concern has been expressed during the lifetime of the application in relation to the number of car dominated frontages proposed within the development. The submission of amended plans has reduced the number/occurrences of these hard surfaced frontages albeit some do remain and the Applicant has declined to reduce these any further as they are necessary to meet a highways

requirement. The majority of these occurrences are not located along prominent entrances into the site. As such, it is considered that a reason for refusal on these grounds would be difficult to sustain.

There is no doubt that a scheme for residential development as proposed would alter the existing character of the site but this has already been accepted through the granting of outline consent in any case. As such, it would be difficult to conclude that the character impacts of residential built form in itself would be so harmful as to warrant a resistance of the application in their own right. I am mindful of the character of the surrounding area which has been established through a number of housing developments over recent years. It is my view that the current proposal including the house types proposed, would be in keeping with the scale, character and appearance of this area. I am satisfied that the design has been properly considered and meets an acceptable standard of design. Subject to conditions relating to external materials, finished floor levels, landscaping, tree/hedgerow protection and perimeter boundary treatments the overall design of the proposed development is considered acceptable and in compliance with Core Policies 9 and 13 of the Core Strategy and Policy DM5 of the DPD.

### Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The dwellings located adjacent to the east boundary of the site would be most affected by the proposed development due to the creation of access off Hilcote Drive and Waterfield Way and the positioning of proposed dwellings adjacent to the boundary.

There are no specific separation distances set out in the Development Plan albeit the supporting text to Policy DM5 says that where proposals involve multiple residential units they should be designed so as to avoid direct overlooking and overbearing impacts on each other. It goes on to say that where new residential development is proposed adjacent to existing dwellings, it should be designed so as to avoid either the existing or proposed development being subjected to the same impacts. In both these instances, the separation distances required to achieve an adequate standard of amenity will be determined by the individual site characteristics including levels and intervening boundary treatments.

In light of concerns raised by the Officer and residents, amendments have occurred during the lifetime of the application in order to address overlooking and loss of privacy concerns raised. The separation distances now provided in relation to the proposed plots and the existing dwellings of 2 Ward Road, No.s 4, 6, 10 and 12 Waterfield Way and No.s 20 (containing a main habitable room window in the 2<sup>nd</sup> floor of its side elevation), 22 and 29 Hilcote Drive meet or exceed the distances usually sought between main elevations.

However, notwithstanding the above, I still consider there are elements of the proposal which demonstrate amenity relationships are on the cusp of acceptability. There are a number of dwellings proposed that would back onto the existing dwellings listed in the paragraph above. This means that there are a significant number of windows within their rear elevations that would result in a perception of being overlooked by the future occupiers of the dwellings on both their dwelling and private amenity space. Improvements have been made during the lifetime of the application through the submission of amended plans to reduce the number of proposed

dwellings with rear elevations backing onto the east boundary with the addition of rear courtyard parking arrangements to also increase the separation distances proposed. The Applicant has confirmed that they would also be willing to introduce hedge/shrub planting in front of any fences defining the rear courtyard areas to increase separation to rear garden areas of proposed dwellings still further and to improve outlook for these dwellings (albeit please note that this offer is not necessary to make the scheme acceptable in terms). Even so, I do consider that there would still be increased perception of overlooking towards the rear garden areas of most of the properties listed above. Albeit, I consider the degree of overlooking to be slight due to the separation distances proposed.

It should be noted that 29 Hilcote Drive benefits from a single storey side and rear extension which includes ground floor windows overlooking the site. The plans have been amended to include car parking adjacent to this window with close boarded fencing proposed to the rear of plots to screen views between ground floor windows and into private garden areas which is considered acceptable from an amenity perspective.

The existing dwellings to the north of the site would not be adversely affected by the proposed development due to the separation distances present. It is also considered that an acceptable level amenity for future residents would also be achieved.

Having carefully assessed the scheme I am satisfied that the proposal would have no significant detrimental impacts upon the amenity of future occupiers of the proposed dwelling or committed dwellings adjacent to the application site in accordance with Policy DM5 of the DPD.

#### Impact on Flood Risk and 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 application is accompanied by a Sustainable Drainage Statement (SDS). This states that residential drainage utilises, as far as possible, individual soakaways per dwelling along with porous block paving to shared driveways. The highway drainage is directed to the Public Open Space areas so that Traditional Manhole soakaways can be utilised. Foul water sewage from the residential dwelling plots connect to two existing foul water stub connections along the eastern border of the site. The Lead Local Flood Authority raise no objection to the methods proposed in the SDS.

Subject to a condition requiring implementation in accordance with the SDS, I am satisfied that the proposed development would not result in any increased flood risk and would pro-actively manage surface water in accordance with the requirements of Core Policy 9.

#### Highways Impacts

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.

The principle of 100 dwellings has already been accepted on the site through the outline consent. Although details of access were reserved for subsequent approval, the outline consent assumes that the development of up to 100 dwellings could be achieved through the existing estate roads of

Hilcote Drive and Waterfield Way. An adequate amount of parking has been provided for each dwelling to the side or front of properties, in garages or within parking courtyards. The Highways Officer raises no objection to the detailed design of the access shown on this basis subject to planning conditions relating to surfacing, drainage and garage doors. Whilst it is acknowledged that this proposal for 100 dwellings would take place on a condensed area of the site considered under the outline application, the ability for access to cater for any additional dwellings that might be provided on the remaining portion of the site is being considered separately under planning application no. 18/00509/FULM.

It is not therefore considered that the proposed development would result in any parking or traffic problems subject to the planning conditions in accordance with the requirements of Spatial policy 7.

#### Impact on 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.

The outline consent considered impacts on ecology and concluded that the existing site is unlikely to be used by protected species and the proposal would not have an adverse impact upon ecology. This conclusion also considered the effect of the proposed development on nightjar and woodlark which considered any increase in human disturbance on these species to be minimal. An updated Ecology Survey has been undertaken and this reaffirms the conclusions and recommendations of the previous survey.

Overall I am satisfied that the proposals will not unduly impact on the biodiversity of the area and opportunities to conserve and enhance biodiversity have been/can be secured through conditions (landscape strip protection and landscape scheme). The proposals therefore comply with the aims of Core Policy 12, Policy DM5 and the guidance in the NPPF.

#### Impact on Archaeology

Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment.

Condition 5 of the original 2009 consent required the submission and approval of an archaeological investigation which was undertaken and subsequently discharged in August 2011. As such, it is not considered necessary to re assess this issue and the proposal is considered unlikely to result in any adverse impact upon archaeological remains in accordance with Core Policy 14 and Policy DM9.

#### Contaminated Land

Policy DM10 of the DPD states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development

The outline consent imposed a condition requiring the submission of a contaminated land survey. This has been submitted with the reserved matters application and the Environmental Health Officer is content with its findings. As such, the site is considered suitable for its new use in accordance with the requirements of the NPPF and Policy DM10 of the DPD.

### Other Matters

Some of the representations made at this reserved matters stage relate the principle of development or other issues which relate to the impact of 100 dwellings on site. However, the principle of development of the site for 100 dwellings was set at outline stage and is not a matter which can be open for further debate.

It is noted that some concerns have been raised regarding the impacts of construction traffic and noise. It is therefore recommended that a condition be imposed to ensure no construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

The Applicant have confirmed that they have no plans to construct external lighting other than highway street lighting under the S38 of the Highways Act.

Some of the issues are not considered material to the consideration of the planning application e.g. impact on property values.

### Conclusion

The principle of residential development on this site is established through historical permission and its acknowledgement as a site with planning permission for housing within the ADMDPD. The principle of development for up to 100 houses on this site has already been accepted and this reserved matters scheme for 100 dwellings is considered an appropriate number for the site having regard to the density and mix of houses on offer. The provision of these dwellings would contribute to a need for family housing within the District and contribute to the supply of housing which I attach significant weight to in the overall planning balance.

The design and layout of the scheme is satisfactory with regards to visual amenity and landscape impacts. Some of the residential amenity issues identified are considered to be at the cusp of acceptability. However, when weighed in the overall planning balance, it is considered that a refusal on these grounds alone would be difficult to sustain given that the level of harm identified in relation to the perceived overlooking impacts are considered slight. There would no unacceptable adverse impacts in respect of trees, ecology, contaminated land, flood risk or highway matters.

Subject to the conditions below, the recommendation is for approval. The outline permission means that the developer would get two years from the date of the decision to make a lawful start and implement the scheme.

### RECOMMENDATION

**That reserved matters approval is granted subject to the conditions and reasons shown below.**



## Conditions

01

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

1768.PH1.01 Rev K Planning Layout (Phase 1)  
1768.BT.01 1.8m timber screen fence  
Mainstream 1226 Rev A Ashbury  
Mainstream 1161 Rev A Avebury  
Mainstream 1026 Rev A Barton  
Mainstream 1074 Rev A Canterbury  
Mainstream 1221 Rev A Glastonbury  
Mainstream 1297 Rev A Wrenbury  
Mainstream 995 Rev A Kilmington  
Mainstream 1355 Rev A Dewsbury  
1768.KIN.02 Rev A Kilmington (Plots 19/20)  
1768.KNI.01 Knightsbridge  
1768.KNI.02 Rev A Knightsbridge (Plots 154/155)  
1768.PAN.02 Rev A Paignton  
1768.PEM.01 Pembridge  
1768.PEM.02 Pembridge  
1768.STO.01 Stourbridge  
1768.STO.02 Stourbridge (Plot 144)  
1768.WEY.02 Rev A Weybridge (Plots 127/128)  
1768.WEY.01 Weybridge  
1768.BAM.01 Bambridge  
1768.CAM.01 Cambridge  
1768.CAM.02 Rev A Cambridge (Plots 165/168)  
1768.DEY.02 Rev A Dewsbury (Plots 23/24)  
1768.BT.02 1.8m brick pier and timber panel  
1768.BT.03 Post and rail fence  
1768.BT.04 Knee rail  
1768.G.01 Single Garage  
1768.G.02 Twin Garage  
1768.02 Rev C Street Scenes  
8000-101 Rev B Site Location Plan

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this approval.

02

No development shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) 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).

03

Prior to the commencement of development, an Arboricultural Method Statement shall be submitted to and be approved in writing by the Local Planning Authority. This shall provide for the retention of hedgerows and trees along and adjacent to the west boundary of the site (which are shown on the Planning Layout as being retained) unless otherwise agreed by the Local Planning Authority. The statement shall include the method of protection for retained trees, hedging and boundary planting during the course of the development. The development shall then be carried out in accordance with the approved details. Any trees, hedging, or boundary planting which are not contained within the curtilage of any plots which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those removed, or otherwise first approved in writing by the local planning authority.

Reason: In order to protect biodiversity and visual amenity of the site in accordance with the aims of Core Policies 12 and 13 of the Newark and Sherwood Core Strategy (2011) and Policy 5 of the DPD.

04

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

05

Drainage of the development hereby permitted shall be undertaken in accordance with the methodology set out in accordance with the Sustainable Drainage Statement Feb 2018 (by AVIE Consulting Ltd.) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the requirements of Core Policy 9

06

No development shall be commenced until details of the materials for all aspects of the development identified below have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Facing materials

Bricks

Render

Roofing materials

Reason: In the interests of visual amenity in accordance with Core Policy 9 of the Core Strategy and Policy DM5 of the DPD.

07

Notwithstanding the submitted details, no development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, hedgerow, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. For the avoidance of doubt, new planting should consist of native species only and also include the provision of planting between car parking spaces along the front boundary of properties where possible;

car parking layout and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials.

Reason: In the interests of visual amenity in accordance with Core Policy 9 of the Core Strategy and Policy DM5 of the DPD.

08

Prior to the occupation of the first dwelling, a scheme for the phasing of the approved landscaping scheme as demonstrated on the plans (required by Condition 7) shall be submitted to and agreed in writing by the local planning authority. Any trees/shrubs which within a period of five years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

09

Details of the boundary treatments proposed for the west boundary of the site including types, height, design and materials, must be submitted to and approved in writing by the local planning authority prior to the commencement of development. The approved boundary treatments shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with Core Policy 9 of the Core Strategy and Policy DM5 of the DPD.

10

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

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

11

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary. The surfaced driveways 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.).

12

Any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller shutter doors, or 6.1 metres for up and over doors. Details of the garage doors shall be first submitted to and agreed in writing with the LPA.

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.

13

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

The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

14

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

Reason: To ensure that adequate provision is made for the protection of nesting birds on site in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

15

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development in relation to Plots 92, 110 - 123, 140 – 143 and 147 - 151 under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

Class B: Additions etc. to the roof of a dwellinghouse.

Class C: Any other alteration to the roof of a dwellinghouse.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: To protect neighbouring amenity in accordance with the aims of Policy DM5 of the Allocations and Development Plan Development Plan Document (DPD).

## **Note to Applicant**

01

The applicant is advised that conditions attached to the outline consent remain relevant and may require an application for formal discharge. The applicant's attention is also drawn to those conditions on the decision notice, which should also be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

02

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

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

03

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

04

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.

It is strongly recommended that the developer contact the Highway Authority at an early stage and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to [david.albans@nottsc.gov.uk](mailto:david.albans@nottsc.gov.uk)

## **Background Papers**

Application Case File

For further information, please contact Helen Marriott on ext 5793

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager - Growth & Regeneration**

Committee Plan - 17/02051/RMAM

