



MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

REF: APP/B3030/W/20/3265876

NEWARK AND SHERWOOD DISTRICT COUNCIL REF: 20/00873/FULM

TOWN AND COUNTRY PLANNING ACT 1990 (AMENDED)

SECTION 78

APPEAL

By Keepmoat Homes Ltd

AGAINST

the decision of the Local Planning Authority (LPA) Newark and Sherwood District Council to refuse
permission for

“Residential development of 103 dwellings and associated access and infrastructure”

at

Field Reference Number 7108, Eakring Road, Bilsthorpe

STATEMENT OF CASE

by Newark and Sherwood District Council

<u>Contents</u>	Page No.
Chapter 1	
Introduction	3
Chapter 2	
Appeal Site and Surroundings	5
The Appeal Site	5
Planning History of the Appeal Site	5
Chapter 3	
Development Plan	7
The Development Plan for Newark and Sherwood	7
Amended Core Strategy DPD	7
Allocations and Development Management DPD	8
Other Material Planning Considerations	9
NPPF (2019) and NPPG	9
National Design Guide	10
Building for Life 12 and Building for a Healthy Life 2020	11
Residential Cycle and Car Parking Standards & Design Guide SPD Final Draft 2021	12
Nottinghamshire County Council Highway Design Guide	12
Newark and Sherwood Landscape Character Assessment SPD	13
Newark and Sherwood District Wide Housing Needs Assessment 2020	14
Technical housing standards – nationally described space standard 2015	16
Five Year Housing Land Supply position	17
Chapter 4	
The Case for the Local Planning Authority	18
Introduction	18
Reason for Refusal	18

Accordance with the Development Plan	18
Fallback Position	19
Quantum of residential development	19
Design, density and transition to the open countryside	20
Housing Mix	29
Housing Size	30
Triple tandem parking	32
Chapter 5	
Planning Balance and Conclusion	35
Chapter 6	
List of Documents	36
Appendix A	
Decision Notice	
Appendix B	
Correspondence from Chris Dwan on 30th October 2020	
Appendix C	
Newark and Sherwood Residential Cycle and Car Parking Standards & Design Guide SPD Final Draft 2021	
Appendix D	
Nottinghamshire County Council Highway Design Guide (updated January 2021): Residential Parking	
Appendix E	
Chapter 3 of the Newark and Sherwood Landscape Character Assessment SPD: The Mid-Nottinghamshire Farmlands Regional Character Area	

Appendix F

Newark and Sherwood District Wide Housing Needs Assessment 2020

Appendix G

Viability Report

Appendix H

Committee Report 20/00642/FULM

Appendix I

Illustrative masterplan 17/01139/OUTM DRWG: P17-0010_002 RevG

Appendix J

Consultee Comments Rights of Way Officer and Site photos

Appendix K

Building for a Healthy Life Assessment

Concept Plan Options

Appendix L

Comparative analysis: Farnsfield Road, Bilsthorpe

Chapter 1: Introduction

1.0 Introduction

1.1 This Statement is provided by Newark & Sherwood District Council in relation to the appeal against the refusal to grant full planning permission for 103 dwellings and associated access and infrastructure at land at Eakring Road, Bilsthorpe.

1.2 The application was refused by Members contrary to officer recommendation at the Planning Committee of Newark and Sherwood District Council on 3rd November 2020. The reason for refusal states:

The application site forms part of the site allocation detailed by Policy Bi/MU/1 of the Allocations and Development Management DPD. In respect to the residential element, the policy envisages around 75 dwellings to come forward with one of the requirements of the allocation being for development to demonstrate an appropriate design which addresses the site's gateway location and manages the transition into the main built up area.

The proposal for 103 units would, by virtue of its density, fail to secure an appropriate transition to the open countryside with parking and turning areas being proposed close to the northern boundary with little opportunity for landscaped screening. In addition to this, there are significant design compromises whereby the skew towards larger units (in terms of number of bedrooms) not only fails to represent the preferences of the latest District wide housing needs evidence but also leads to a significant proportion of the proposed four bed units being served by three parking spaces in tandem. The Local Planning Authority consider that this will lead to parking on street rather than in plot which consequently will detrimentally affect the efficiency of the internal highways network. Moreover, the size of a number of the proposed units are modest in their floor space again as a result of the overall number of dwellings far exceeding the number anticipated on a site of this size in this location.

These design compromises would cumulatively lead to an unsustainable design contrary to Spatial Policy 7 (Sustainable Transport); Core Policy 3 (Housing Mix, Type and Density); and Core Policy 9 (Sustainable Design) of the Core Strategy as well as Policy Bi/MU/1 (Bilsthorpe - Mixed Use Site 1) and Policy DM5 (Design) of the Allocations and Development Management DPD as well as the national design stance promoted by the NPPF and its associated guidance.

The benefits of the scheme, namely housing delivery in a sustainable settlement are not considered sufficient to outweigh the harm through the elements of poor design identified.

- 1.3 A copy of the Decision Notice can be found at Appendix A.
- 1.4 The Appellant has split the reason for refusal into a number of distinct considerations and considers that the evidence should be tested as follows:
1. Design, Landscaping and Density; round table discussion.
 2. Housing Mix; formal cross-examination
 3. Viability; round table discussion
 4. Highways; cross-examination
 5. Planning Balance; cross-examination

It is the view of the Council that all of the evidence can be examined through round table discussions.

Chapter 2: Appeal Site and Surroundings

2.0 Appeal Site and Surroundings

- 2.1 The appeal 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.
- 2.2 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 is now informally used as a footpath/track. This footpath/track links to the 7km leisure route called the Bilsthorpe Leisure Trail (part of Sustrans Route 645), which connects Vicar Water Country Park, Clipstone and Sherwood Pines. The formal access point is gained from the west side of Eakring Road, however access is also achieved from the Appeal Site. The footpath to the north of the site also gives access to the woodlands on the eastern boundary and a well-used walking route. The site is well used with well-trodden paths running around the perimeter of the site and a path cutting diagonally across the site.
- 2.3 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 established woodland along the east elevation. The woodland to the east is used for walking and access is gained from the disused railway line/footpath to the north as well as through the site via a break in the hedgerow on Eakring Road.

Planning History of the Appeal Site

- 2.4 The appeal site is allocated for residential and retail development in the Allocations & Development Management DPD (July 2013) under Policy Bi/MU/1: Bilsthorpe Mixed Use Site

1. The site has been allocated for mixed use development providing around 75 dwellings and retail development.

- 2.5 Outline planning permission for residential development of up to 85 dwellings (Class C3), up to 3,000 sqft (280 sqm) of retail development (Class A1), and associated access works including details of a new access junction into the site from Eakring Road was approved at the Planning Committee on 3rd April 2018 (17/01139/OUTM). 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.

- 2.6 A full planning application (20/01965/FUL) submitted by Lincolnshire Co-operative Ltd on 9th October 2020 for the retail element of site allocation Bi/MU/1, is currently pending consideration by the Council. The Appellant attests at 3.3 that without the residential development, the retail scheme could not be delivered and at 5.11 refers to the Appeal Scheme as 'enabling development'. However, the Council has had confirmation that the Lincolnshire Co-operative now has legal permission to build the road and drainage infrastructure and the retail scheme is not dependent on delivery of the Appeal Scheme. It is understood from correspondence with Chris Dwan on 30th October 2020 (Appendix B) that the delivery of the two elements are financially independent.

Chapter 3: The Development Plan

3.0 The Development Plan for Newark and Sherwood

3.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) and section 70(2) of the Town and Country Planning Act 1990, as amended, sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. At the time of the preparation of this Statement, the Development Plan for Newark & Sherwood comprises:

Amended Core Strategy DPD

3.2 The Amended Core Strategy was adopted in March 2019. The original Core Strategy was adopted in March 2011. The Plan review was carried out to ensure that the Core Strategy was in compliance with the NPPF and that the allocations, policies and targets continue to be up to date and relevant. The amended Core Strategy also amended the plan period to 2013 - 2033.

3.3 The Amended Core Strategy sets the development framework for the whole of Newark & Sherwood. Whilst the document must be read as a whole, the following policies are considered most relevant to the appeal:

- Spatial Policy 1: Settlement Hierarchy
- Spatial Policy 2: Spatial Distribution of Growth
- Spatial Policy 5: Delivering Strategic Sites
- 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 12: Biodiversity and Green Infrastructure

- Core Policy 13: Landscape Character

Allocations and Development Management DPD

- 3.4 The Allocations & Development Management DPD was adopted in July 2013. It should be read in conjunction with the Amended Core Strategy. It sets out a number of allocations to meet the housing and employment needs of the District. It also includes a suite of Development Management policies to provide greater direction, help deliver specific allocations and assist in the day-to-day assessment of planning applications.
- 3.5 Whilst the document must be read as a whole, the following policies are considered most relevant to the appeal:
- Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
 - DM2: Development on Allocated Sites
 - DM3: Developer Contributions and Planning Obligations
 - DM5: Design
 - DM7: Biodiversity and Green Infrastructure
 - DM12: Presumption in Favour of Sustainable Development
 - Policy Bi/MU/1: Bilsthorpe - Mixed Use Site 1
- 3.6 The Council is currently progressing a review of the Allocations & Development Management DPD. An issues paper was published for consultation between 8th July – 19th August 2019. Due to the measures introduced to tackle the Covid-19 pandemic the work on the review has been delayed. Any updates in the progress of this document will be put in the Council's evidence and brought to the attention of parties at the Inquiry.

Other Material Planning Considerations

NPPF (2019) and NPPG

3.7 Section 12 of the NPPF concerns itself with achieving well-designed places and states that good design is a key aspect of sustainable development. Paragraph 127 states that planning decisions should (amongst other things) ensure developments:

- will function well and add to the overall quality of an area,
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character, including landscape setting;
- establish or maintain a strong sense of place using the spaces to create attractive, welcoming and distinctive places to live;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development including green and other public space; and
- create places which promote health and well-being with a high standard of amenity.

3.8 Paragraph 129 states that local authorities should ensure they make use of tools for assessing and improving the design of development which includes assessment frameworks such as Building for Life. The Draft NPPF replaces this with Building for a Healthy Life, which is the update of Building for Life. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

3.9 The NPPG states that planning policies can set out the design outcomes that development should pursue. Non-strategic policies can be used to establish more local design principles, including design requirements for site specific allocations (ID:26-003-20191001). The role of a Design and Access Statements (in part) is to set out concisely how the proposal is a suitable response to the site and its setting (ID:26-012-20191001).

**National Design Guide - Planning practice guidance for beautiful, enduring and successful places
September 2019**

- 3.10 The NDG is to be read alongside guidance in the NPPG. At paragraph 16 it states that well-designed places come about when there is a clearly expressed 'story' for the design concept and how it influences the layout, form, appearance and details of the proposed development. It may draw its inspiration from its surroundings or wider context. This 'story' is set out in the Design and Access Statement. At paragraph 21 it states that a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings, rather it comes about through making the right choices at all levels including the layout and landscape. With regards to landscape this is defined (para 29) as the treatment of land for the purpose of enhancing or protecting the amenities of the site, the area in which it is situated and the natural environment. Landscape includes landform and drainage, hard landscape such as surfacing, boundary treatments. It also includes soft landscape – trees, shrubs and other planting.
- 3.11 The NDG sets out good design principles under the ten characteristics identified in paragraph 37. They are: Context, Identity, Built form, Movement, Nature, Public Spaces, Uses, Homes and buildings, Resources and Lifespan. A number of these are explored in more detail below:
- Context – covers landscape character, access, movement, landscape and visual impact, views inwards and outwards, how it functions. Well-designed new development is integrated into its wider surroundings including the landscape character and how natural features are retained and incorporated into it (43).
 - Built form – is the three-dimensional pattern or arrangement of development blocks, streets, buildings and open spaces. Well-designed development makes efficient use of land with an amount and mix of development and open space that optimises density. It also relates well to and enhances the existing character and context (65). Built form is determined by good urban design principles that combine layout form and scale in a way that responds positively to the context (66).
 - Movement - patterns of movement for people are integral to well-designed places and successful development depends on a movement network that makes connections to

destinations and places both within the site and beyond its boundaries (75, 76). Public rights of way are protected, enhanced and well-linked into the wider network of pedestrian and cycle routes (82). Parking – how parking is arranged has a fundamental effect on the quality of a place or development (84) and well-designed parking is conveniently sited so that it is well used (85).

- Nature – well-designed places integrate existing and incorporate new natural features that support quality of place, biodiversity and water management, and addresses climate change mitigation and resilience (91). Well-designed places take into account existing landscape, how spaces are connected and their potential to water management (92). In well-designed places water features form part of an integrated system of landscape, biodiversity and drainage. This includes new water features that manage drainage. Swales, rain gardens and rain capture create multi-functional ‘green’ sustainable drainage systems. They also enhance the attractiveness of open spaces and provide opportunities for play, interaction and relaxation (96).
- Lifespan –well-designed places enable their users to develop a sense of ownership and belonging over time (159).

Building for Life 12 and Building for a Healthy Life

3.12 Building for Life 12 is identified in the NPPF and NPPG as an assessment framework against which a design can be assessed (ID:26-018-20191001). Building for a Healthy Life is new design guidance which was commissioned by NHS England and NHS Improvement to update the widely used Building for Life 12 which Homes England requires developers to commit to using as part of its tender process for purchasing land. The new guidelines use the same 12-point structure as its predecessor and are consistent with the NPPF. The framework provides a useful tool for the appraisal of residential schemes and utilises a traffic light system which identifies which elements of a scheme are working well (green light) and which are not (red light). An amber light indicates elements which could be improved. For the purposes of the appeal, the framework would provide an indication as to how well the scheme performs against accepted principles of good urban design.

Newark and Sherwood Residential Cycle and Car Parking Standards & Design Guide SPD Final Draft 2021 (Appendix C)

3.13 The Council has prepared a final draft SPD which provides applicants and developers with information about the Council's parking requirements for new residential development. The Council previously consulted on the first draft from 17th September to 11th November 2020 and the final draft is currently being consulted on until 10th March 2021. The primary aim of the SPD is to supplement existing Development Plan policies which seek to improve design in the District and the principal objectives of the SPD include:

- Providing high quality, attractive, well-designed places to live with safe, convenient and useable parking provision; and
- Reducing the risk of anti-social behaviour and displaced car parking that can compromise the visual qualities of a street and frustrate the ability of pedestrians to navigate places safely and easily.

Nottinghamshire County Council Highway Design Guide (updated January 2021)

3.14 The purpose of this document is to promote good street design through development in order to assist with the Council's wider goals of good place-making. Part 4.1 (Appendix D) deals with residential parking standards. The guide states that residential developments will not be supported should they result in excessive on street parking that would:

- Impair road safety;
- Obstruct access for vehicles, including for service vehicles, the emergency services and busses; and
- Obstruct the footways and be a hazard to cyclists and pedestrians, including those with mobility or visual impairments.

At 4.1.4 the guide states *"Where driveway lengths are extended to provide tandem parking, driveway lengths should be extended by 5.0m (a full car length) to avoid vehicles overhanging the highway and obstructing footways (see para.4.1.5 Long driveways)."* At 4.1.5 the guide

states “Long driveways intended to provide parking for multiple cars may only be counted as 2 spaces if vehicles would be blocked from exiting by other vehicles.”

Newark and Sherwood Landscape Character Assessment SPD (Appendix E)

3.15 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 appeal site is within the Mid-Nottinghamshire Estates Farmlands with Plantations specifically Policy Zone MN24: Rufford Park Estate Farmlands with Plantations and Policy Zone MN27: Kirklington Village Farmlands. The landscape to the south of Policy Zone MN24 which incorporates the appeal site comprises predominantly arable farming with cattle and sheep grazing on restored mine areas and deciduous woodland planting on reclaimed pit slopes. Vegetation throughout the zone includes some internal hedgerows that are generally well-maintained, although many are lost. There is some deciduous planting on the disused pit and scrubby woodland in association with the dismantled railway line. Threats to the area include poor management or removal of internal and roadside hedgerows and the lack of long-term management of the pit plantings. The landscape condition within this Policy Zone is defined by the guidance as poor. It has an incoherent pattern composed of industrial and agricultural elements which give an overall visually interrupted area. The landscape sensitivity is defined as very low. The landscape action for this Policy Zone is ‘Create’ and includes the creation of new and restoration of existing hedgerows, re-creation of the historic field pattern and enhancement of landscape planting generally. Policy Zone MN27 has a landscape condition which is defined as very poor with many detracting features including the former coal workings. Landscape sensitivity is moderate. The landform is apparent with open areas of woodland giving a generally high visibility value. The landscape action for this policy zone is also ‘Create’.

Newark and Sherwood District Wide Housing Needs Assessment 2020 (HNA) (Appendix F)

- 3.16 The Council has recently published its Housing Needs Assessment for the District which is accompanied by a series of Sub-Area Reports. The key strategic messages of this report are that new development needs to reflect the needs of an ageing population whilst continuing to develop housing for younger age groups and a range of income groups. There is a need to improve the delivery of affordable housing. Bilsthorpe is located within the Sherwood Sub-Area of Newark and Sherwood District. Stakeholder views on market dynamics identify that one of the main weaknesses is too much reliance on national housebuilders who all build to a similar housetype with a lack of innovative design and the cramming of more houses into too small a space (para 2.47 of the HNA).
- 3.17 Table 4.20 of the HNA provides an insight into the current range of dwellings occupied by younger people (age 16-34). The majority of younger households live in 2-3 bed houses (70.7%) and although there is an aspiration towards 4-bedroom dwellings (45.2%) households are realistically expecting to move to a 3-bedroom house (45.9%). Most first-time buyers moved to 2 and 3 bedroom houses.
- 3.18 The Sub-Area dwelling mix and development priority analysis focuses the aspirations/expectations of market housing for households planning to move at the sub-area level, the need for affordable rented housing and the need for affordable home ownership. The dwelling mix and future development priorities for Sherwood is set out in Table 5.12 of the HNA and is reproduced in table 1 below. The analysis concludes that there is an ongoing need for a range of types and sizes of dwelling across the district. Overall dwelling mix analysis which informs future development priorities indicates a particular need for 3 bedroom houses (45.2%) with demand also for 4 bedroom houses (27.9%) and 2 or more bedroom bungalows (21.5%). The demand for very small houses of 1 or 2 bedrooms is within the affordable tenure only.

The analysis in the table is based on:

- the dwelling type and size aspirations and expectations of households planning to move

- the findings of the affordable needs analysis (affordable rented) for each sub-area
- the findings of the intermediate tenure analysis (based on district-wide need applied to each sub-area)

Table 1: Development mix and future development priorities: Sherwood				
Dwelling type and number of bedrooms	Current stock profile (%)	Market need profile (%)	Affordable rented need profile (%)	Intermediate need profile (%)
1 to 2 bedroom house	3.4	0	42.5	6
3 bedroom house	46.3	45.2	17.3	35.8
4 or more bedroom house	17.2	27.9	0	35.8
1 bedroom flat	4.6	4.3	6.5	0
2 or more bedroom flat	1.4	1.1	0	0.4
1 bedroom bungalow	3.2	0	8.9	2.4
2 bedroom bungalow	12.6	15.3	17.9	7.9
3 or more bedroom bungalow	9.7	6.2	6.8	11.7
Other	1.5	0	0	0
Total	100	100	100	100

3.19 In terms of affordability for the Sherwood Sub-Area, in 2019 lower quartile house prices were £110,000 (England £152,000) and median prices were £171,864 (table 3.4). The lower quartile income was £15,000 and the median income £25,000 (CAMEO UK data). If buying a property this should cost no more than 3.5x household income with a 10% deposit available. For open market purchase, the ratio of lower quartile income to price was 7.3 and for median income to median price it was 6.8. Both ratios are above the benchmark 3.5 and without substantial deposits the ability to buy is a challenge to many households. Table 2.12 of the HNA sets out gross household income by sub-area using data from the 2020 household survey. In the Sherwood Sub-Area, 24.8% of households had an income of at least £39,000 with 14.3% earning £59,800 or more. Table 2.13 of the HNA sets out gross household income by sub-area

using CAMEO UK data. In the Sherwood Sub-Area 13.6% of households had an income of at least £40,000 with 2% earning £75,000 or over. The household survey also considered the extent to which households could afford higher priced properties. As part of the household survey data analysis, an 'affordability threshold' was calculated for each household. This takes into account household income and access to savings/equity to help fund the purchase of a home. The proportion of households who can afford open market prices based on this analysis is set out below:

Table 2: Affordability of higher priced properties in Sherwood Sub-Area

Price that could be afforded*	% of households who could afford
£250,000	10.9
£300,000	7.1
£350,000	3.3
Base	10,457 households

Source: supplementary analysis from the 2020 household survey provided by arc4.

*annual household income x 3.5 plus any savings/equity available

3.20 Table 6.1 of the HNA sets out recommended future development priorities for the District by tenure, property type and number of bedrooms. Overall dwelling analysis which informs future development priorities indicates a particular need for 3 bedroom houses and 2 or more bed bungalows. There also remains a need for 4 bedroom houses (although more 2 bedroom bungalows are needed than 4 bedroom houses) and 1-2 bedroom flats. Within the affordable/social rented sector modelling indicates a particular need for 1 to 3 bedroom houses and 1 and two bedroom bungalows. Affordable home ownership need is mainly 2, 3 and 4 bedroom houses or 2 or more bedroom bungalows.

Technical housing standards – nationally described space standard 2015

3.21 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 is 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 onto 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. Indeed, Core Policy 3 and Core Policy 9 expect a high standard of sustainable design and it is considered that space is an aspect of good sustainable design which allows some adaptation to changing needs over time.

Five Year Housing Land Supply position

- 3.22 The Council’s most up to date five-year housing land supply position is set out in the Statement of Five Year Housing Land supply 1st April 2020 published in August 2020.
- 3.23 The District currently has an annual requirement of 460 dwellings per annum. It currently has a total deliverable supply of 2,918 homes, resulting in a 6.34 year land supply.

Chapter 4: the Case for the Local Planning Authority

Introduction

- 4.1 In its evidence the Council will describe the site and relevant planning history, the character of the surrounding area and the background to the appeal including consultation responses and representations received.
- 4.2 The Council will describe the relevant planning policies that relate to the site and Appeal Scheme as set out in the development plan. References will be made to the NPPF and NPPG.

Reason for Refusal

- 4.3 When Members considered this scheme at planning committee, they weighed the matters differently to the case officer and refused the application. Members are entitled to form their own opinions on the merits of the application before them, with no obligation to follow the recommendations of planning officers advising them. They are entitled and obliged to view the evidence presented to them and draw their own conclusions on the weight to be applied to different matters in the planning balance.
- 4.4 The Council will present an assessment of all matters that weigh in the planning balance.

Accordance with the Development Plan

- 4.5 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 this Appeal must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.6 The Council's case is that the proposed development does not accord with the Development Plan as set out in the reason for refusal. The Council does not consider that material considerations overcome that failure to accord with the Development Plan.

Fallback Position

4.7 At para 6.6 the appellant states that the extant outline permission for 85 dwellings (17/01139/OUTM) is an important fallback position and material consideration of significant weight. However, at 6.11 the Appellant states *“it was apparent to the appellant that a viable scheme could not be achieved via an 85 dwelling reserved matters submission, resulting in the need for submission of a full application....”*. The Council, therefore, does not accept this fallback position.

Quantum of residential dwellings

4.8 The site’s allocation is for a mixed-use development which would provide around 75 dwellings, however, with an offer of the type proposed by the developer, comprising smaller homes which are reflected in the market price, the Council’s viability testing suggests that a quantum of 103 dwellings is required. Although the Council is not challenging the quantum of development in viability terms, it is challenging whether the quantum is appropriate and desirable for the site in respect of the Keepmoat product and mix and whether it can meet the design requirements of Policy Bi/MU/1 and the requirements of Core Policy 3.

4.9 The Council is aware that a development which is aimed at first time buyers has already been permitted on the Gleeson site in Bilsthorpe. Permission for 120 dwellings was granted on 1st July 2020 at land off Oldbridge Way (20/00643/FULM). Gleeson is a national housebuilder which relies on specific product delivery, one of the key characteristics of which is that house types are modest in size. The Committee Report for 20/00643/FULM (Appendix H) made the case that a Gleeson 3 bedroom dwelling would still be suited (and affordable) to someone in the market for an average 2 bedroom dwelling, such as first time buyers and smaller families. This is a very similar case to that which has been made by the Appellant, which states that the Keepmoat 3 bedroom house is marketed at a price which is comparable to the asking price for a 2 bedroom house sought by the more aspirational housebuilders (correspondence from Chris Dwan at Appendix B). The Council is of the view that it does not wish to see a similar product delivered at the Appeal Site, partly because it will already be delivered at Oldbridge Way by Gleeson, but also because of the requirements of Policy Bi/MU/1 relating to its

gateway location. [It should be noted that Gleeson had a fallback position comprising an outline consent which was granted at a time when the Council could not confidently demonstrate a five year housing land supply].

4.10 Evidence from the household survey which was carried out to inform the Newark and Sherwood District Wide Housing Needs Assessment 2020 (HNA) (Table 2) was used to calculate an affordability threshold for each household. Of the 10,457 households who took part in the survey, 11% could afford a property of £250,000, 7% a property of £300,000 and 3.3% a property of £350,000. The Appellant assumed sales values of £250,400 and £259,400 for the larger 4 bedroom house types (Eaton and Burton) and a sales value of £207,400 for the largest 3 bedroom house type (Staveley) (Section 3.2 of the Viability Report at Appendix G). Evidence from the household survey therefore suggests that the highest value 4 and 3 bedroom properties in the Appeal Scheme, which make up 21% of the offer, are affordable in the Sherwood Sub-Area. Indeed market comparable data in Bilsthorpe (Appendix L) indicates that the market is currently offering higher value properties ranging from £280,000 for a 2 bedroom dormer bungalow to £335,000 for a 4 bedroom house. Although it is accepted that this is a small development of 7 dwellings, this demonstrates that there is the market for a higher value product in Bilsthorpe. The Council would wish to see a far greater proportion of the offer comprising higher value properties.

4.11 The way in which the quantum of development affects the ability of the Appeal Scheme to meet the requirements of Policy Bi/MU/1 and Core Policy 3 is explored in the sections below.

Design, density and transition to the open countryside

4.12 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 site's 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. The outline application (17/01139/OUTM) was not appraised on detail and the layout is indicative only, however, it acknowledged the importance of the policy requirements of Policy Bi/MU/1 through the identification of a 'Gateway Landscaping Area' (DRWG: P17-0010_002 RevG at

Appendix I) at the northern end of the site, an area which ranges in width from approx. 17m at the eastern and western sections to approx. 7.5m at the central section.

- 4.13 Condition 03 to planning permission 17/01139/OUTM clearly states that in relation to reserved matters, landscaping shall be designed to enhance the nature conservation value of the site and specific mention is made of *new native hedgerows along the site frontage and that native grass and seed mixes should be seeded in the 'Gateway Landscaping Area'*. The condition states:

Any details submitted in relation to reserved matters for landscaping within any phase or sub phase pursuant to Condition 2 shall include a schedule (including planting plans and written specifications, cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall include details of a management plan. In particular, new hedgerows along the site frontage and around areas of public open space should be native, hawthorn dominated hedgerows to mitigate for the loss of hedgerow at the site access, trees should include pedunculated oak, silver birch, rowan and field maple. The 'Gateway Landscaping Area' should be shown to be seeded with a native wildflower mix (e.g. Naturescape N1 mix or Emorsgate Seeds EM2), and 'The Green' area should be shown to be seeded with a native grass mix which can tolerate a higher rate of mowing (e.g. Naturescape N14 or Emorsgate Seeds EL1). The Attenuation Area should be shown to be seeded with a wet grassland mix (e.g. Naturescape NV7 or Emorsgate Seeds EM8). Reason: In order to ensure the landscaping of the site promotes biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

- 4.14 Unlike the indicative scheme for the outline consent, 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 no adequate acknowledgement of the policy requirement to integrate the development into its surroundings. This was addressed partly during the life of the application through a revised layout plan which included some small areas of landscaping at the northern boundary. However, this was not along the entire length and therefore the appeal scheme still proposes a vehicular turning head abutting the site boundary.

- 4.15 The appeal site is within the Mid-Nottinghamshire Estates Farmlands with Plantations specifically Policy Zone MN24: Rufford Park Estate Farmlands with Plantations identified in the Council's Landscape Character Assessment SPD (Appendix E). The landscape action for this policy zone is 'Create' and includes the creation of new and restoration of existing hedgerows, re-creation of the historic field pattern and enhancement of landscape planting generally. The submitted LVIA concludes that for the site itself, the landscape impacts of the appeal scheme are deemed minor adverse at year 15, once the associated green infrastructure has been able to establish. During the consideration of the planning application Officers sought an independent review of the submitted document. The appointed consultant, Via East Midlands, considered that given the site is visually contained, that the landscape impacts will not extend a great distance from the site, but that detailed landscape proposals should be secured by condition. The Appellant has submitted a drawing for detailed landscape proposals (c-1704-05RevD) which illustrates a narrow strip of landscaping to the north of the site along the boundary with the disused railway line/footpath. At its most narrow, where it relates to the turning heads, this strip is between 1.7m and 2.2m in depth and semi-mature conifer planting is proposed here. Elsewhere along this edge, the strip has a depth of between approx. 2.5m and 4m. Although the conclusion of the LVIA that impacts on landscape character would be minor adverse, the Council considers that the scheme does not adequately meet the policy zone requirement which is to 'Create' and that a narrow strip of conifer planting would be at odds with the native species found in

the existing hedgerow adjacent to the disused railway line and the deciduous trees in the woodland to the east of the site. The Council does not consider that this satisfactorily addresses the policy requirement of Bi/MU/1 to manage the transition into the main built-up area. Hedgerow species identified within the LCA for this policy zone are Hawthorn, Hazel, Elder, Rosa species and Suckering Ash and deciduous trees identified on the disused pit are Willow, Poplar and Horse Chestnut. Within a narrow strip, there would be very limited scope to plant native species which would reach maturity. The strip beyond the proposed turning circles of between 2.5m – 4m is identified for extra heavy standard tree planting on the submitted landscape plan. However, the Council has concerns about the ability for trees to reach maturity due to the close proximity of driveways which would interfere with developing roots. The Council's tree officer was consulted on the ability of this strip to provide screening at 15 years. He states that:

“After reviewing the layout and proposed species it is quite clear that all the species proposed are small tree types that will never create any substantial form of site screening even when mature. The proposed layout leaves very little room for large species trees and the north boundary will not allow any planting in depth that could screen the site. Native species were included on the landscape plan submitted but the 157 trees proposed were dominated by hawthorn (92) with a height of 50cm. Larger species trees of Tilia cordata and Carpinus betulus (20 in all) were not standard types but replaced with smaller narrow street form trees. Remaining species of acer, alnus, betulus, malus and prunus will never make a large tree and even if they were larger species site constraints would limit any root/canopy development. Proposed leylandii (13) are small pot grown specimens with no value for either screening or biodiversity gain”.

- 4.16 Consequently, the Council does not accept that impacts would be minor adverse given that the narrow strip of space available for landscaping would hamper the ability of trees to establish to any sufficient degree. As such the Council does not consider that the landscaping is able to achieve its intended purpose of mitigating landscape impacts and as such fails to satisfactorily address the policy requirement of Bi/MU/1 to manage the transition into the main built up area.

- 4.17 At 6.23 the Appellant states that the two turning heads at the northern edge of the site would not be evident from views looking south due to the intervening landscape. However, the visual amenity currently enjoyed by walkers along the [public] footpath to the north has not been assessed in the LVIA. Viewpoint 5 was taken from the pavement on Eakring Road adjacent to the railway bridge, looking down onto the site and the disused railway line, however the LVIA did not include a viewpoint taken from the disused railway line itself. The Council is of the opinion that this is an omission and has concerns about visual impact along a very well used and enjoyed amenity route.
- 4.18 It is accepted that the density of dwellings to the north of site (P1 Rural Fringe on the Density Plan Drwg. ER-DP-01 in Appendix G of the Appellant's Statement of Case) is an attempt to address the transition to the open countryside. However, it is the view of the Council that this has failed, due to inadequate long-term landscape screening for the driveways and turning heads which would form the edge of the development.
- 4.19 The Council considers that if the transition to the open countryside cannot be managed through the delivery of a '*Gateway Landscaping Area*' as was indicated in the outline application, then an alternative design solution is required. This has not been explored or presented by the Appeal Scheme and the Council does not agree with the Appellant's statement at 6.22 that the layout design offers an entirely appropriate urban design solution. The Council is disappointed that the design concept has not taken cues from the strong character and identity of the former mining settlement that was developed on Garden City/Corporation Suburb ideals. The Council is also very concerned that the application failed to respond to existing usage patterns across the site and fails to explore how best to relate development to its eastern boundary (see Paragraph 4.20 and 4.21). The Design and Access Statement includes a character analysis of Bilsthorpe, supported by photographs that appear to be obtained solely from Google Street View, but there is no coherent 'story' which clearly sets out how the character assessment has led to the design choices made for the Appeal Scheme, except with a nod to material choices. The submitted house types are standard house types that are generic in character and appear to be neither contemporary nor

traditional. No local references have been drawn into the buildings and whilst references are made to materials, the degree of thought afforded to this is limited. This is contrary to the guidance contained in the National Design Guide. Although it is accepted that the generous footprint and plot sizes of these dwellings could not be replicated with today's density requirements, the Council is disappointed that the existing housing has not provided design hooks for the handling of the edge of the development at the northern end. At 6.23 the Appellant states that in terms of the build line followed and the suggested lack of a buffer that this is notably consistent with the approach followed by the established development to the west of the site. The Council considers that the inter-war miner's housing on Eakring Road has a very strong character and building typology with distinctive semi-detached pairs facing the road and a strong building line which is not consistent with the 'wandering' build line and varying house types of the proposed northern edge of the development.

4.20 It is also important to consider the visual impact of the proposal when viewed from the wooded raised embankment. Whilst houses will be screened to some degree when trees are in leaf, when walking along the embankment you will see rear garden boundary fences and by virtue of the level difference, there will be views into rear gardens. Apart from the fact that it is well known that informal fly tipping takes place where rear garden boundaries sit adjacent to areas of undeveloped land, it is considered that this element of the design also fails to manage the transition into the main built up area.

4.21 In addition, it is noted that the revised illustrative layout (DRWG: P17-0010_002 RevG at Appendix I) for the outline permission identifies 'Potential Future Pedestrian Links' across the 'Gateway Landscaping Area' onto the disused railway line/footpath to the north of the site. Spatial Policy 7 states "*High quality, safe, cycle, footpath and bridleway networks will be safeguarded and extended to provide opportunities for ... walking and ... for recreation in the countryside. Disused railway lines will be protected from other forms of development, to safeguard their potential to be reinstated to their former use for commercial or leisure purposes, or to extend the cycling or footpath networks*".

- 4.22 The Council notes several desire lines across the site which have been confirmed by the Ward Councillor and the Rights of Way Officer (Appendix J) as representing very well used walking routes.
- 4.23 These routes have been observed at a site visit (Appendix J) and mapped on Concept Plan Options at Appendix K. These routes cut across the site from a gap in the hedgerow at a midway point on the western boundary to points north on the disused railway line/footpath as well as around the perimeter of the entire site.
- 4.24 To support the Council’s case on design Dr. Stefan Kruczkowski, a Recognised Practitioner in Urban Design and co-author of Building for Life 12 and Building for a Healthy Life has undertaken a critique of the proposals using the Building for a Healthy Life methodology that considers the design of the proposals against 12 considerations. The headline conclusions are as follows and signal significant concerns with both the design quality of the proposals and the design approach that was adopted by the appellant. The detailed appraisal is contained in Appendix K, however the headline findings are set out in the table 3 below:

Table 3: Summary of Building for a Healthy Life Assessment	
Consideration	‘Traffic light’
Natural connections	Red
Walking, cycling and public transport	Red
Facilities and services	Amber
Homes for everyone	Red
Making the most of what’s there	Red
A memorable character	Red
Well defined streets and spaces	Amber
Easy to find your way around	Amber
Healthy streets	Amber
Cycle and car parking	Amber

Green and blue infrastructure	Red
Back of pavement, front of home	Amber

- 4.25 The critique identifies key weaknesses in the proposals that, whilst identifying concerns with the proposed architecture of the buildings with respect to their response to the locality, are primarily focused on the structural elements of the proposed development. These include the (weak) movement network, front/back relationships and the response of the development to its immediate and wider context. Building for a Healthy Life (2020) states that, “the more green lights a proposed scheme secures, the better it will be. The objective is to minimise the number of amber lights and avoid reds. A red light suggests that one or more aspects of a scheme need to be reconsidered” (p.8).
- 4.26 The six red traffic lights are indicators of substantial weaknesses in the design approach. Building for a Healthy Life is consistent with policies established in the NPPF and the National Design Guide. Therefore, the use of Building for a Healthy Life allows an objective method of critique of the design merits and weaknesses of the proposals; clearly demonstrating that a good standard of design, as defined by the NPPF and NDG, would not be achieved.
- 4.27 The Council is disappointed that the Appeal Scheme has not sought opportunities to respect and connect the development to the well-used walking routes within and around the site. Spatial Policy 7 states that development proposals should contribute to the implementation of the Nottinghamshire Local Transport Plan and should provide links to the existing network of footways, bridleways and cycleways, so as to maximise opportunities for their use. The Council disagrees with the Appellant’s statement at 6.71 that the scheme links to footpath and cycleways. This omission represents an additional element of the proposal’s failure to address the site’s transition into the open countryside and its gateway location in functional terms. The Council is disappointed that the design has not sought to make better use of the woodland setting in its design response and disagrees with the statement at 6.71 that the design has created an attractive setting. Rather the site already has an attractive landscape setting which the design has failed to respond to and capitalise on. This represents another missed opportunity in managing the transition into the open countryside.

- 4.28 Alternative concept layouts have been provided by Dr Stefan Kruczkowski which address these design weaknesses (Appendix K). The layouts respect the existing desire lines both within and outside of the site and locates the public open space against the woodland on the east of the site which forms a backdrop. Rather than creating a new area of public open space in the centre of the development, it uses the existing walking routes which the housing would face. The site is integrated into its countryside setting, rather than turning its back on it, both functionally and visually. A different design solution has been employed such that the layout at the northern boundary reflects the layout of the former miner's dwellings on the west side of Eakring Road with a strong build line, semi-detached pairs and dual-aspect houses at the corners. This design solution meets the policy requirement of Policy DM5 to reflect the rich local distinctiveness and character of the built form in scale, form, mass and layout.
- 4.29 In summary, the outline permission acknowledged the importance of the policy requirement of Bi/MU/1 through an indicative 'Gateway Landscaping Area' of up to 17m in depth. By contrast, the Appeal Scheme attempts this with a narrow strip of planting against the driveways and turning heads of the edge of the development and by locating the least dense area at this northern end. However, the Council considers that the Appeal Scheme has failed to meet the policy requirement, not least because, in the opinion of the Tree Officer, the proposed landscaped strip would not mature sufficiently to mitigate landscape effects.
- 4.30 In addition, the Council is disappointed that other opportunities to address the policy requirement have not been taken, namely taking design cues from the strong typology of existing housing, respecting and linking the site to well-used walking routes and responding positively to the woodland setting. The design weaknesses of the scheme are underlined by the Building for Life critique which identified six red traffic lights. The Council's expert on urban design has provided two concept plans whose design approach meets the policy requirements of Policy Bi/MU/1. Both concepts utilise the same housing typologies of the submitted application. The first concept demonstrates that the peripheral and diagonal routes can be accommodated, although generates a scheme of 85 homes. The second concept shows how the removal of the diagonal route will increase coverage of the site to 87

homes. Whilst the Council’s Urban Design Expert advises that different housing typologies could be used to increase numbers and better reflect sources of architectural character, both concepts show that better design solutions exist if place rather than a predetermined mix and number of homes dictates the design response.

Housing Mix

4.31 Core Policy 3 states that the District Council will seek to secure an appropriate mix of housing types to reflect local housing need. The Council has recently published its Housing Needs Assessment for the District which is accompanied by a series of Sub-Area Reports (Appendix F). This supersedes the Housing Needs Assessment 2014 which is referred to in the Appellant’s Statement of Case. Table 4 compares the housing need identified in the Sherwood Sub-Area as set out in the District-Wide Housing Needs Assessment with the housing mix proposed by the appeal scheme.

Table 4: Comparison of development mix priorities for Sherwood with the Appeal Scheme housing mix						
Dwelling type and number of bedrooms	Market need profile (%)	Market mix Appeal Scheme	Affordable rented need profile (%)	Affordable rented Appeal Scheme	Intermediate need profile (%)	Intermediate Appeal Scheme
1 to 2 bedroom house	0	0	42.5	100	6	100
3 bedroom house	45.2	62.4	17.3	0	35.8	0
4 or more bedroom house	27.9	37.6	0	0	35.8	0
1 bedroom flat	4.3	0	6.5	0	0	0
2 or more bedroom flat	1.1	0	0	0	0.4	0
1 bedroom bungalow	0	0	8.9	0	2.4	0
2 bedroom bungalow	15.3	0	17.9	0	7.9	0
3 or more bedroom	6.2	0	6.8	0	11.7	0

bungalow						
Other	0	0	0	0	0	0
Total	100	100	100	100	100	100

4.32 For the Sherwood Sub-Area, notable changes from the 2014 study are a marked increase in the requirement for 4 bedroom houses, such that the mix proposed by the Appeal Scheme provides well for the local market in that respect, although it can be argued that it over-provides. However, one of the key strategic messages of this report is that new development needs to reflect the needs of an ageing population. The greatest requirement is for 2 bedroom bungalows, as well as some 3 bedroom bungalows, to meet the needs of this group. In this respect the Appeal Scheme does not reflect the housing needs of the Sub-Area as it comprises a predominance of 3 bedroom houses. It is recognised that these 3 bedroom houses deliver for younger age groups and first time buyers, with the 3 bedroom houses marketing at the lower end of the price range, however the Council is concerned that smaller dwellings for an ageing population are not part of the offer. In addition, there is a need in the Sherwood Sub-Area for market 1 bedroom flats and some market 2 bedroom flats, which the Appeal Scheme does not offer. The refusal notice states “...the skew towards larger units (in terms of number of bedrooms) fails to represent the preferences of the latest District wide housing needs evidence...”. Although this reason was informed by the 2014 Housing Needs Study, it still stands up against the latest evidence. A mix which better reflects the local housing requirements would replace some of the three bedroom houses with 2 bedroom bungalows and 1 bedroom flats.

Housing Size

4.33 House size represented an additional reason for refusal. “Moreover, the size of a number of the proposed units are modest in their floor space again as a result of the overall number of dwellings far exceeding the number anticipated on a site of this size in this location.”

Tables 5 and 6 set out the nationally described space standard and an assessment of the Appeal Scheme against this standard.

Table 5: 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 6: Assessment of Submitted Development

House Type	No. of beds	Floor space (m ²)	Space standard requirement (m ²)	Compliance against (m ²)
Halstead	2	60.5	79	-18.5
Danbury	3 (5P)	77.3	93	-15.7
Caddington	3 (5P)	79	93	-14
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
Stavely	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

- 4.34 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 two of 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.
- 4.35 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 and 65% of total units presented by the application would not achieve what the government consider to be a minimum space requirement. It is noted that three of the 3 bedroom dwelling types (Windsor, Caddington and Warwick) which do not meet the standard for a 3 bedroom dwelling, do in fact meet the standard for a 2 bedroom dwelling. However two of the 3 bedroom dwelling types (Danbury and Wentworth) do not even meet the standard for a 2 bedroom dwelling, which is very disappointing. Although the Appellant has stated that the Keepmoat 3 bedroom house is marketed at a price which is comparable to the asking price for a 2 bedroom house sought by the more aspirational housebuilders, the HNA does not support the need for market 1-2 bed houses in the Sherwood Sub-Area, and in any case this type of product is to be delivered at the Gleeson site (paragraph 4.9). Indeed 66% of the 3 bedroom dwellings fail to meet the standard and cannot be considered to represent family housing. It is recognised that the Council has not adopted the NDSS, however, Core Policy 3 and Core Policy 9 expect a high standard of sustainable design and it is considered that space is an aspect of sustainable design which allows some adaptation to changing needs over time.

Triple tandem parking

- 4.36 Spatial Policy 7 states that development should *provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility, and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements in line with Highways Authority best practice.*

- 4.37 The Transport Assessment which was submitted with the application states at 5.6.3. that:
The internal layout of the development would be designed to create a safe and low-speed environment that gives priority to pedestrians and encourages walking [Council's emphasis]. Footways would be provided adjacent to all internal roads
- 4.38 The Appeal Scheme makes provision for triple tandem parking in the case of 20 four-bedroom dwellings and this element of the application formed part of the reason for refusal. The decision notice states *"there are significant design compromises whereby the skew towards larger unitsleads to a significant proportion of the proposed four bed units being served by three parking spaces in tandem. The Local Planning Authority consider that this will lead to parking on the street rather than in plot which consequently will detrimentally affect the efficiency of the internal highways network."*
- 4.39 The Transport Assessment deals primarily with road accident history, sustainable travel options to local facilities, vehicle access, trip generation, traffic forecasts and capacity of junctions. At 5.8 there is a very small section devoted to vehicle parking. This states that car parking provision is to be provided at a general rate of two spaces per dwelling and makes reference to the Nottinghamshire Highway Design Guide section DG17. Reference is also made to the submission of a Residential Travel Plan. No further comment is made about triple tandem parking or its potential to promote on-street parking.
- 4.40 The greatest concern in respect to the proposed parking arrangements is that a significant proportion of the four bed plots have their three 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 level of tandem parking on a scheme of this size is not considered to be a desirable design approach and weighs negatively in the overall planning balance. Indeed, Nottinghamshire County Council in its updated Highways Design Guide at 4.1.4 states *"Where driveway lengths are extended to provide tandem parking, driveway lengths should be extended by 5.0m (a full car length) to avoid vehicles overhanging the highway and obstructing footways (see para.4.1.5 Long driveways)."* Paragraph 4.1.5 of the guide states *"Long driveways intended to provide*

parking for multiple cars may only be counted as 2 spaces if vehicles would be blocked from exiting by other vehicles.”

- 4.41 The LPA is currently out to a final round of consultation on a parking standards SPD (Appendix C) which specifically seeks to avoid such arrangements. It is considered that some weight can be given to this document and as such its design guidance relating to parking arrangements is discussed below.
- 4.42 The draft SPD recommends that as a minimum three car parking spaces should be provided for four bedroom dwellings. This is reflected in the Nottinghamshire County Council Highway Design Guide. At 4.2 the draft SPD states that displaced parking is a significant issue of concern to our communities which can be attributed to amongst other things an over-reliance on tandem parking. The SPD discourages tandem parking as the predominant design solution, however acknowledges that for smaller dwellings tandem parking may be required.
- 4.43 It is the view of the Council that the provision of triple tandem parking is not a highways safety issue, but rather an issue of poor urban design which would impact upon *efficiency*, rather than safety. However, the Council considers that the Appellant’s reference at 6.56 to Manual for Streets, that an element of on-street parking reduces vehicle speeds, is entirely irrelevant in this case, given that the position of dwellings served by triple tandem parking is such that cars would be hardly out of second gear and therefore highly unlikely to be in need of traffic calming measures. On-street parking, which is often accompanied by pavement parking, has a negative impact both in terms of visual amenity and the experience of the pedestrian. Movement around the streets is hampered by pavement parking, especially for disabled pedestrians with visual impairment, wheelchair users and parents with buggies. Pedestrians are forced to use the road, where there may not be a dropped kerb in place. Indeed, The Transport Committee (2019)¹ recommended legislative intervention to make pavement parking illegal across England (this is currently only the case in London).

¹ <https://publications.parliament.uk/pa/cm201719/cmselect/cmtrans/1982/198202.htm>

- 4.44 At 6.58 the Appellant refers to the previous outline permission and argues that the considered illustrative masterplan clearly demonstrates that around 75% of provision is made up of tandem parking. However, the masterplan was indicative only and was not subject to a detailed appraisal of parking provision. As such, this does not weigh in favour of the current proposal.
- 4.45 Parking design which promotes on-street parking is reflective of a poor layout and is contrary to good design principles. It is the failure of the appeal scheme to embody good design such that visual amenity and the experience of the pedestrian is compromised which is the reasoning behind this part of the refusal notice.

5.0 Planning Balance and Conclusion

- 5.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that this Appeal be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 The appeal proposal does not comply with the Development Plan when read as whole and with particular reference to SP7, CP3, CP9 and as well as Policy Bi/MU/1 and DM5.
- 5.3 The question, then is whether there are other material considerations of sufficient weight to indicate that the appeal ought to be determined other than in accordance with the Development Plan. The Council does not consider that there are.
- 5.4 The benefits of the scheme, namely housing delivery in a sustainable settlement are not considered sufficient to outweigh the harm through the elements of poor design identified in the reason for refusal. It is accepted that the quantum of development is necessary in viability terms for the product and mix offered by Keepmoat, however, the Council considers that this does not justify approval of a scheme which falls short of the policy requirements to satisfactorily address the site's gateway location and successfully manage the transition into the main built-up area. Indeed, the Council considers that an alternative layout could meet

the policy requirements of Bi/MU/1, although this does not deliver that quantum of development. Given the importance of the site, the Council would wish to see a scheme which not only better meets the needs of an ageing population, but which also represents a different offer to the market. The Council considers that the Keepmoat product, which delivers densely-arranged small houses at a price targeted at first time buyers and young people, is already adequately represented in recent permissions in Bilsthorpe. Evidence has not been submitted to suggest that a higher value product which delivers fewer dwellings overall would not be viable or that the market demand for this does not exist.

5.5 A list of draft conditions will be agreed with the appellant as part of the Statement of Common Ground.

Chapter 6: List of Documents

- All application documentation and additional supporting information submitted by the appellant;
- Newark & Sherwood Amended Core Strategy (2019);
- Newark & Sherwood Allocations & Development Management DPD (2013)
- The National Planning Policy Framework;
- National Planning Practice Guidance;
- National Design Guide
- Building for Life 12 and Building for a Healthy life
- Newark and Sherwood Residential Cycle and Car Parking Standards & Design Guide SPD Final Draft 2021
- Nottinghamshire County Council Highway Design Guide (updated January 2021)

- Newark and Sherwood Landscape Character Assessment SPD
- Newark and Sherwood District Wide Housing Needs Assessment 2020
- Technical housing standards – nationally described space standard 2015