

PLANNING COMMITTEE – 30 JUNE 2020

Application No:	20/00642/FULM
Proposal:	Residential development of 120 no. 2, 3 and 4 bed dwellings and ancillary works (Re-submission of 19/01858/FULM)
Location:	Land Off Oldbridge Way Bilsthorpe
Applicant:	Mr Matt Jackson - Gleeson Regeneration Ltd
Registered:	27.04.2020 Target Date: 27.07.2020
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q98XUTLBGYQ00

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the development represents a significant departure from the statutory development plan.

The Site

The application site is a large, broadly linear plot approximately 7.9 hectares in extent abutting the southern edge of the village envelope of Bilsthorpe towards the west of the village. Owing to the positioning of the site adjacent to the village envelope, three of the four boundaries are shared with residential curtilages of existing properties. Land to the south is open countryside. The red line site location plan wraps around the edge of the village envelope with the exception of the exclusion of an existing playing field to the north east corner of the site. The site slopes gradually from north to south with an existing agricultural land use.

The site is within Flood Zone 1 according to the Environment Agency maps although land outside the site, to the southern boundary, falls within Flood Zone 3. There are no designated heritage assets within the site. There are no formal rights of way within the site itself albeit it is understood from anecdotal evidence (and indeed as witnessed on site) that the site is used informally by the public for dog walking etc.

Relevant Planning History

Outline planning permission was granted on the 28th April 2017 for the residential development of up to 113 dwellings and associated infrastructure (16/01618/OUTM) following a resolution to grant at the January 10th 2017 Planning Committee. The application was granted at a time where the Local Planning Authority (LPA) were uncertain of their position in respect to demonstrating a five year land supply and therefore were taking a pragmatic approach. Nevertheless, a shorter timeframe for the submission of a reserved matters application was imposed by condition (18 months). There was a subsequent Section 73 application to amend a condition in respect to the highways access which was approved on 1st March 2018 (17/01910/OUTM) albeit reserved matters submission was required by 28th October 2018 in order to meet the original 18 month timeframe. The reserved matters submission was received within the prescribed timeframe and

granted permission on the 7th June 2019 (18/01971/RMAM). The permission remains extant until 7th December 2020.

More recently, the applicant submitted an application for 120 dwellings under reference 19/01858/FULM. Despite an Officer recommendation of approval, the application was refused by Planning Committee on February 4th for the reason below. The LPA have been notified of an appeal to the refusal (4th June 2020) which is awaiting validation from the Planning Inspectorate.

Spatial Policy 6 (Infrastructure for Growth) and Policy DM3 (Developer Contributions and Planning Obligations) set out the approach for delivering the infrastructure necessary to support growth. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Council's adopted Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure. In the opinion of the Local Planning Authority the proposal does not provide for the necessary affordable housing contributions in a form promoted by the Development Plan. Alternately, low costs homes are proposed. In addition to being contrary to the policies already mentioned the scheme does not comply with the requirements of Core Policy 1 (Affordable Housing) or Core Policy 2 (Rural Affordable Housing).

In addition, the proposed development would result in additional dwellings within the open countryside outside of the main built up area of Bilsthorpe, above and beyond a current fall-back position which currently exists up to December 2020. Policy DM8 (Development in the Open Countryside) strictly controls and limits the types of development in the countryside. This policy is signposted by Spatial Policy 3 (Rural Areas) and is consistent with the National Planning Policy Framework (NPPF). The additional dwellings proposed do not accord with any of the exceptions listed.

The proposal is therefore contrary to the aim of promoting a sustainable pattern of development within the District and is therefore considered to represent unsustainable development. The harm identified would not be outweighed by any benefits of the scheme contrary to Spatial Policy 3 and 6 and Core Policies 1 and 2 of the Amended Core Strategy (2019) and Policies DM3 and DM8 of the Allocations and Development Management Development Plan Document (2013) as well as being contrary to the National Planning Policy Framework (NPPF) and Planning Practice Guidance which are material planning considerations.

The Proposal

The current application seeks full planning permission for the residential development of the site for 120 two storey dwellings. The schedule of accommodation sought is as follows:

No. of beds	No. of units	% of total (120 units)
2	25	21
3	73	61
4	22	18

The proposed dwellings would be a mixture of semi-detached and detached delivered through 13 different property types. Each property would be afforded at least two car parking spaces (some including garage spaces).

The site would be developed in two distinct areas separated by a wide expanse of open space (as

was the case through the extant permission). 97 of the units would be served by Oldbridge Way to the eastern end of the site with the remaining 23 served by Allendale and The Crescent in the North West.

The proposal is very similar in form to the previously refused scheme. The principle differences between the schemes is that Plot 104 in the north western corner of the site is now proposed to be a four bed dwelling rather than a three bed. The other notable change is that the applicant now proposes to deliver the affordable offer of 30% affordable housing (36 dwellings) through 60% affordable rental units and 40% intermediate units.

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

- Planning Statement Addendum by Peacock and Smith Ltd. dated April 2020;
- Design and Access Statement dated October 2019;
- Addendum Transport Assessment – 107 v2 dated September 2019;
- Affordable Housing Statement received 23rd April 2020;
- Archaeological Geophysical Survey by pre-construct geophysics dated July 2017;
- Ecological Impact Assessment (EclA) including Extended Phase I Habitat Survey & Appraisal of Likely Impact upon the possible Sherwood Forest pSPA – 424.03044.00109 Version No: 4 dated October 2019;
- Economic Benefits Report Version 001 dated April 2020;
- Flood Risk Assessment – 18/035.01 Revision 02 dated 23rd September 2019;
- Phase 2 Geotechnical and Geo-Environmental Site Investigation – 41552-003 dated 12th November 2018;
- S106 Heads of Terms received 23rd April 2020;
- Travel Plan – P0404ZJ dated September 2019;
- Site Location Plan – 1047-2/6- dated 20th January 2020;
- 2D Topographical Survey – 18120-J dated 24/09/18 (Sheets 1 and 2);
- 201 Dwelling Type – 201/1G dated July.10;
- 212 Dwelling Type – 212/1- dated Feb 16;
- Detailed Landscaping Proposals – 1 of 4 – 2971/1 Rev. L received 15th May 2020;
- Detailed Landscaping Proposals – 2 of 4 – 2971/2 Rev. K received 21st January 2020;
- Detailed Landscaping Proposals – 3 of 4 – 2971/3 Rev. K received 21st January 2020;
- Detailed Landscaping Proposals – 4 of 4 – 2971/4 Rev. K received 22nd January 2020;
- Landscape Management Specification – Rosetta Landscape Design dated 2019;
- Existing Trees on Site – 1 of 2 – 2971/5 dated 6th September 2019;
- Existing Trees on Site – 2 of 2 – 2971/6 dated 6th September 2019;
- 301 Dwelling Type – 301/1H dated July.10;
- 303 Dwelling Type – 303/1E dated July.10;
- 304 Dwelling Type – 304/1E dated July.10;
- 309 Dwelling Type – 309/1E dated Jun.11;
- 311 Dwelling Type – 311/1B dated Dec.13;
- 313 Dwelling Type – 313/1- dated Feb 2016;
- 314 Dwelling Type – 314/1- dated Feb 2016;
- 315 Dwelling Type – 315/1A dated May.18;
- 410 Dwelling Type – 401/1G dated July.10;
- 403 Dwelling Type – 403/1J dated July.10;
- 405 Dwelling Type – 405/1E dated July.10;
- 1800mm High Close Boarded Timber Fence – 0282 SD-100 Rev. F dated 13.04.11;

- 1800mm High Timber Fence with 300mm Trellis – 0282 NSD104 Rev C dated 16.05.19;
- 1200mm High Timber Fence – 0282 Rec. C NSD105 dated 16.05.19;
- Detached Single Garage Details – 0282 SD 700 Rev. C dated 22.08.12;
- Detached Double Garage Details – 0282 SD 701 rev. D dated 22.08.12;
- Materials Plan – 3100-02 dated 18.05.20;
- Planning Layout – Sheet 1 of 2 – 1047-2/3K;
- Planning Layout – Sheet 2 of 2 – 1047-2/4J;
- Planning Layout – 1047-2/5K.

Departure/Public Advertisement Procedure

Occupiers of 101 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
 Spatial Policy 2 - Spatial Distribution of Growth
 Spatial Policy 3 – Rural Areas
 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
 ShAP1 - Sherwood Area and Sherwood Forest Regional Park

Allocations & Development Management DPD

DM3 – Developer Contributions and Planning Obligations
 DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM8 – Development in the Open Countryside
 DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2019;
 Planning Practice Guidance (online resource);
 National Design Guide – Planning practice guidance for beautiful, enduring and successful places
 September 2019;
 Technical housing standards – nationally described space standard (March 2015),

Consultations

Bilsthorpe Parish Council – Voted to support.

Eakring Parish Council – No comments received.

Rufford Parish Council – Rufford Parish Council considered this application at its meeting today, 18 May 2020. The councillors unanimously decided that they had no objection to the proposal.

NSDC Parks and Amenities – No comments received.

NSDC Conservation – We do not wish to offer any comments on this proposal. As we understand it, the proposal seeks to address reasons for refusal concerning affordable housing but is otherwise similar to the scheme previously considered in terms of the quantum and scale of development. I therefore refer you to our previous comments.

NSDC Strategic Housing – No comments received.

NSDC Environmental Health – I refer to the above application and would reiterate the comments made by my colleagues Jon Ozimek regarding the proposals on 19/01858/FULM (repeated as follows for clarity):

A Construction Method Statement for the site should be provided before any works commence, outlining measures to limit noise emissions from the site and from plant machinery, hours of operation, dust suppression etc.

The following should be contained in the Construction Method Statement:

No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of oils, fuels, chemicals, plant and materials used in constructing the development
- The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing
- Wheel-wash washing facilities and road-cleaning arrangements
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from site preparation and construction works
- Measures for the protection of the natural environment
- Hours of work on site, including deliveries and removal of materials
- Full details of any piling technique to be employed, if relevant
- Location of temporary buildings and associated generators, compounds, structures and enclosures, and
- Routeing of construction traffic.
- Measures to limit noise emissions from the site and from plant machinery

I would request the following conditions, some of which will be incorporated into the Construction Method Statement requested:

Restriction on hours of operation:

The hours of operation on site should be limited to Monday to Friday 08:00 to 18.00hrs, 08:00 to 13.00hrs Saturday and no works on site on Sundays/Bank Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working.

Hours of delivery:

No deliveries shall be received or dispatched from the site outside the hours of Monday to Friday 08:00 to 18.00hrs, Saturday 08.00 to 13.00 hrs nor at any time on Sundays and Bank Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working.

Limit hours of operation of machinery:

No piling to be undertaken or vibrating rollers to be used on site Saturday, no works Sundays or Bank Holidays. The local Authority should be notified of any Piling technique to be employed on site in advance.

Reason: To protect the amenity of the locality, especially for people living and/or working.

Dust:

The development shall not be commenced until a scheme specifying the provisions to be made to control dust emanating from the site and all access and egress roads has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full before the proposed development is started, including demolition and site clearance.

Reason: To protect the amenity of the locality, especially for people living and/or working.

A BS4142:2014 assessment assessing sound at the site of the proposed new dwellings should be undertaken due to the close proximity of Industrial/commercial premises.

Within BS4142 industrial and commercial sources are specified as being Sound from:

1. Industrial/manufacturing processes.
2. Fixed mechanical/electrical plant and equipment.
3. The loading and unloading of materials at industrial and/or commercial premises.
4. Mobile plant and vehicles specific to a premises activities or process around a given industrial/commercial site.

Reference should also be made to BS8233:2014 so appropriate internal and external noise levels can be achieved to guarantee the amenity of the future occupants. BS8233:2014 set's out appropriate internal and external noise levels for Bedrooms, Living Rooms, Dining Rooms and Gardens for the day time (07:00 to 23:00) and night time (23:00 to 07:00).

NSDC Environmental Health (contaminated land) – With reference to the above development, I have received a Phase 1 Geotechnical And GeoEnvironmental Site Investigation report submitted by Eastwood and Partners on behalf of the developer in respect of the earlier (19/01858/FULM) planning application. This includes an environmental screening report, an assessment of potential

contaminant sources, a brief history of the sites previous uses and a description of the site walkover. Following this preliminary desk study, a Phase 2 Geotechnical And Geo-Environmental Site Investigation report has also been submitted by the same consultant. This documents confirms that of the intrusive sampling carried out, there were no exceedances of the relevant screening criteria for the proposed use. 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.

NSDC Communities and Arts Manager –If this application is approved then I would request a full community facility contribution in accordance with the current SPD Developer Contributions Policy. Such contribution to be used for improving infrastructure for the benefit of the residents of Bilsthorpe.

NSDC Archeology Advisor - Thank you for consulting me on this application. I note that advice was provided for the earlier application for this site (19/01858/FULM) which remains relevant and was as follows:

The geophysical survey identified a limited number of potential archaeological features, including part of a semi-circular anomaly which is clearly incomplete. I note that the survey results show signs of “staggering”, which tends to reflect rough ground conditions, or the surveyor walking at varying speeds. Whatever the source of the issue, the results have the potential to obscure anomalies, and it is therefore feasible that there is more archaeology present than the survey has indicated.

I therefore recommend that if the planning application is granted consent this should be conditional upon the successful implementation of a programme of archaeological work. I envisage this would take the form of a strip map and record exercise over the 2/3 areas identified as containing potential archaeological features, but allowing for these areas to be extended should additional archaeological remains be revealed – this is particularly relevant for the area around the semi-circular feature.

Recommendation

Given all the above, if permission is granted I recommend there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will initially include, but may not be limited to, a strip map and record exercise as note above and will aim to record any surviving archaeological deposits. Further archaeological mitigation work may be required if significant additional archaeological remains are identified during the work.

This should be secured by appropriate condition to enable any remaining archaeology which currently survives on this site to be properly excavated and record prior to development taking place. The following condition wording is based on current guidance from the Association of Local Government Archaeological Officers and the Lincolnshire Handbook (2019):

Part 1

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:

- 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).*
- 2. A methodology and timetable of site investigation and recording*
- 3. Provision for site analysis*
- 4. Provision for publication and dissemination of analysis and records*
- 5. Provision for archive deposition*
- 6. Nomination of a competent person/organisation to undertake the work*

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

Part 2

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

Part 3

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This Condition is imposed in accordance with the National Planning Policy Framework.

NPPF states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible' (para 199).

If planning permission is granted with an archaeological condition, please ask the developer to contact this office and we will prepare a brief for the works.

NCC Highways Authority – Notwithstanding the planning application refusal, it would appear that comments made in relation to application 19/01858/FULM on 29 January 2020 have not been addressed by the new submission and drawings 1047-2/3J and 1047-2/4J.

So, to reiterate:

The future maintenance responsibilities for the various footpath connections throughout the site should be confirmed and agreed. It may also be appropriate for the LPA to consider trigger points for the delivery of each footpath connection in the interests of the residents' amenity and to promote sustainable travel. Perhaps a delivery schedule would be helpful.

Parking provision across the site has been reviewed. The following 4-bedroom dwellings have insufficient provision and should have 3 car spaces each, and in a layout that avoids all the spaces lying in tandem:

Plots 8, 15, 22, 28, 40, 54, 68, 74, 92, 95, 99, 105, 109, 114.

Unless revision is made there is a likelihood that on-street parking will occur to the detriment of other road users.

I repeat that, in some instances, parking spaces have been placed at the rear of properties and slightly remote from being overlooked or having easy access to the front door. This makes them less attractive to use and can lead to on-street parking. Plots 3, 13, 21, 44, 69, 79, 108, 111, 118, 119 are examples of this.

The visibility splay relating to the vehicle access to plot 92 is now shown but needs protecting due to the access being on the inside of a significant bend. Either land within the splay should form part of the public highway, or protecting by way of condition and/or covenant such that no obstruction (planting, wall, fence, etc) above 0.6m lies within these splays.

It is considered that layout revision is required. However, should the LPA be minded to grant this application, the following conditions are suggested:

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

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

The integral garages to the dwellings hereby permitted shall be kept available for the parking of motor vehicle(s) at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

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

Reason: To enable vehicles to stand clear of the highway whilst garage doors are opened/closed.

No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 1047-2/3J outside plot 92 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, planting, structures or erections exceeding 0.6 metres in height.

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

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

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

No development hereby permitted shall commence until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the LPA. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road during the construction period.

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

Notes to Applicant:

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, 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.

NCC Planning Policy –Additional comments received 2nd June 2020:

I am contacting you as a follow up to the County Council's strategic planning response, submitted to you on 21st May in respect of the above application, with regard to the education contributions which would be sought. Following discussions with my colleagues I can confirm the following:

The proposed development of 120 dwellings on the above site, would yield an additional 25 primary and 19 secondary aged pupils.

Primary

Based on current data there is projected to be sufficient capacity to accommodate the additional primary aged pupils projected to arise from the proposed development.

Secondary

The current projection is as follows:

Planning area	DfE no	School	District	Net Capacity	Pupil projection	Housing commitments, 10 yrs	Surplus or Deficit Places
Rainworth	4408	Joseph Whitaker Academy	NEWARK	1269	1396	28	-155
Rainworth	0013	PLANNING AREA TOTAL	NEWARK	1269	1396	28	-155

There is projected to be insufficient places, so the County Council would seek a CIL education contribution based on formula: no. places **19 x £23,875= £453,625** to provide additional secondary provision at Joseph Whittaker Academy.

The above figures are correct at the time of enquiry but may be subject to change.

Original comments received:

Thank you for your letter dated 29th April 2020 requesting strategic planning observations on the above application. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

In terms of the County Council’s responsibilities a number of elements of national planning policy and guidance are of particular relevance in the assessment of planning applications and these include Minerals and Waste, Education, Transport and Public Health.

County Planning Context

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications.

Should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Minerals and Waste

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the Waste Local Plan (adopted 2002), along with the saved policies of the Nottinghamshire Minerals Local Plan (adopted 2005), form part of the development plan for the area. As such, relevant policies in these plans need to be considered. In addition, Minerals Safeguarding and Consultation Areas (MSA/MCA) have been identified in Nottinghamshire and in accordance with Policy SP7 of the emerging Publication Version of the Minerals Local Plan (July 2019). These should be taken into account where proposals for nonminerals development fall within them.

Minerals

The eastern part of the proposed development site at Oldbridge Way lies within the MSA/MCA for brick clay. In accordance with the National Planning Policy Framework (para. 204), the emerging Publication Version Minerals Local Plan contains a policy (SP7) concerning safeguarding and consultation areas. Although the plan is not yet adopted, its provisions should be given some weight as a material consideration. Policy SP7 requires a development within a minerals safeguarding area to demonstrate that it will not needlessly sterilise minerals and where this cannot be demonstrated, and there is a clear need for non-mineral development, prior extraction will be sought where practical. In some cases, large scale prior extraction might not be practical, however consideration should also be given to the potential use of minerals extracted as a result of on-site ground works rather than simply treating them as a waste material.

In terms of this proposal, the applicant should address policy SP7 and consider if prior extraction is feasible and could form part of the land preparation for the development. This would prevent the unnecessary sterilisation of the mineral resource and also reduce the waste generated from the construction stage of the development. The applicant should be able to demonstrate that the feasibility of extracting brick clay prior to development has been considered and if found to be not practical nor viable, the applicant should be able to demonstrate why this is the case.

Overall, considering the proposal is surrounded by residential development, the County Council would not consider the development to be inappropriate in this location, however it should be demonstrated there is a sound argument that identifies a clear and demonstrable need for the nonmineral development and that the practicality of prior extraction has been fully considered.

Waste

In terms of the Waste Core Strategy, the proposed development site, at its closest point, is approximately 206m to the west of the active waste management facility, 'Oakwood Waste Oil'.

Considering the distance and that the proposed development does not bring housing closer to the waste management facility, it is unlikely that housing at the proposed development location would present a significant additional sterilisation risk to the permitted waste management site in terms of

Nottinghamshire and Nottingham Waste Core Strategy Policy WCS10.

As set out in Policy WCS2 'Waste awareness, prevention and reuse' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Strategic Transport

The County Council does not have any strategic transport planning observations to make on this proposal.

Transport & Travel Services

General Observations

The proposed access point will be from an improved entrance onto Oldbridge Way. The access to the main housing area to the south east part of the site will be from an extension to the existing Oldbridge Way and will serve 97 dwellings. The remaining 23 houses in the northern area will be served by extending the existing roads - Allendale and The Crescent.

There will also potentially be pedestrian access onto Scarborough Road. The nearest bus stops which are frequently served are approximately 400 metres from the centre of the site on Eakring Road, Cross Street and Church Street.

Bus Service Support

The County Council has conducted an initial assessment of this site in the context of the local public transport network. Bilsthorpe is served by two commercial services operated by Stagecoach. Service 28b operates between Mansfield and Eakring, whilst the Sherwood Arrow service links

Bilsthorpe with Nottingham and Ollerton. This service also operates to Worksop and Retford on alternate hours. Both services operate to an hourly frequency.

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

Bus Stop Infrastructure

The current infrastructure observations from photographic records are as follows:

NS0032 Church Street – Polycarbonate bus shelter and raised boarding kerbs.

NS0595 Cross Street – Polycarbonate both ways bus shelter and raised boarding kerbs.

NS0596 Crompton Road – Both ways bus stop pole.

NS0599 Church Street – Layby, bus stop pole and raised boarding kerbs.

The County Council seeks a Planning Obligation as follows:

A Bus Stop Infrastructure contribution of £32,000 is paid to provide improvements to the bus stops

NS0032, NS0595, NS0596 and NS0599, and shall include:

NS0032 Church Street – Install real time bus stop pole & displays including associated electrical connections.

NS0595 Cross Street – Install real time bus stop pole & displays including associated electrical connections.

NS0596 Crompton Road – Install real time bus stop pole & displays including associated electrical connections and raised boarding kerbs (subject to minor relocation).

NS0599 Church Street – Install real time bus stop pole & displays including associated electrical connections.

Justification

The current level of facilities at the specified bus stops are not at the standard set out in the Appendix to the Council's Public Transport Planning Obligations Funding Guidance for Prospective Developers. Improvements are necessary to achieve an acceptable standard to promote sustainable travel and make the development acceptable in planning terms.

The site is served by bus service offering connections to key facilities including work, education and shopping and is estimated to generate 25 passenger trips per day (50 return trips) from the stops identified for improvement. This will encourage sustainable public transport access to and from the site for staff, visitors and residents, and therefore assist in achieving the Travel Plan targets.

Research conducted by Transport Focus has highlighted that at-stop Real time information is seen as an important factor for non-bus users and is therefore a major factor in inducing modal change. The real-time displays also provide other network information, including details of current and future disruptions, roadworks and special events, including community information which is not otherwise readily obtainable in a concise format. The displays can therefore help users make informed decisions about their current and future journeys. The overall impact of providing real time and disruption information to customers is positive with additional patronage and increased confidence.

The Campaign for Better Transport state that real time information, particularly physical displays, provide an important reassurance that a bus is going to arrive and also comment that provision of stop displays has a positive impact on all population segments, but particularly for the more disadvantaged groups, where it assists in reducing the social inequality of transport.

The provision of a raised boarding kerb at stop ref. NS0596 will provide level access boarding for people with buggies, wheelchairs and those with reduced mobility.

The improvements are at the closest bus stops serving the site entrances, so are directly related to the development, fair and reasonably related in scale and kind to the development and necessary to make the development acceptable in planning terms (120 dwellings).

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

Transport & Travel Services, Nottinghamshire County Council, County Hall, West Bridgford, Nottingham, NG2 7QP ptdc@nottsc.gov.uk Tel. 0115 977 4520

Archaeology

A previous geophysical survey of the site revealed signs of buried archaeological features. It is recommended that the site be subject to the form of archaeological mitigation known as strip map and sample, with monitoring of the topsoil strip by professional archaeologists across the site.

Should planning permission be granted for this proposal, it should be conditional upon the submission, agreement and subsequent implementation of a programme of archaeological mitigation.

Planning Obligations

The planning obligations being sought by Nottinghamshire County Council in order to mitigate the impact of the proposed development are set out below.

Transport & Travel Services

A developer contribution of £32,000 is requested, as detailed above, to provide bus stop infrastructure improvements.

Education

Information regarding the education provision contributions that may be sought to mitigate the impact of this development is currently awaited. This will be provided to the District Council as soon as possible.

Further information about the County Council's approach to planning obligations can be found in its

Planning Obligations Strategy which can be viewed at <https://www.nottinghamshire.gov.uk/planningand-environment/general-planning/planning-obligations-strategy>

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

Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants.

These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.

NCC Ecology – No comments received.

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

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

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

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority

to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

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

Nottinghamshire Wildlife Trust –Thank you for consulting Nottinghamshire Wildlife Trust on the above application.

Our main concern around this site historically has been regarding the landscaping and open space. We note that we previously accepted Landscaping Plans 2971 Rev F.

Please can you ask the applicant to confirm in detail the revisions which have led to the current submission of 2971 Rev K? At present, we are only able to view plans on screen and therefore it is extremely difficult to thoroughly compare the different versions.

Clarification has been provided that the changes reflect additional landscaping and clarification on the mown paths. Additional comments have been received from Nottinghamshire Wildlife Trust confirming no comments to make.

Trent Valley Internal Drainage Board – No comments received.

Severn Trent Water - No comments received.

Environment Agency –We were consulted on the previous submission and our position remains the same for the new proposals. The site lies fully within flood zone 1 and therefore we have fluvial flood risk concerns associated with the site. There are also no other environmental constraints associated with the site and therefore we have no further comment to make.

NCC Flood Team – No comments received.

NCC Rights of Way - I have checked the definitive map for the area and confirm that there are no recorded rights of way over the proposed development site, however Bilsthorpe Footpath 1 runs adjacent to the site along the Northern border. I attach a plan showing the definitive route of the footpath to make the applicant aware of the legal line. There is also evidence of use on site that suggests there are routes on the ground that are very well used. In not accommodating public access on these routes the applicants face the potential risk of a claim for public rights to be acquired through usage which could result in the routes being legally recorded subsequent to development work commencing or being completed. In order to mitigate this risk applicants are advised to seek to formally divert or extinguish all routes across the proposed development site under the provisions of Section 257 of the Town and Country Planning Act 1990.

In general terms The Rights of Way team would like the applicant to be advised as follows:

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times.
- Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.
- The safety of the public using the path should be observed at all times.
- A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
- The existing boundary hedge/tree line directly bordering the development and the right of way is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council, in its capacity as Highway Authority, through Via's continuing role of providing operational services on behalf of the County Council'

Ramblers - Our previous OBJECTION to this development stands. (19/01858) It represents an unacceptable loss of green space and loss of informal footpaths.

NHS Newark and Sherwood CCG –

Impact of new development on GP practice	The development is proposing 120 (A) dwellings which based on the average household size (in the Newark & Sherwood Council area) of 2.3 per dwelling, primary care health provision would result in an increased patient population of approx 276(B) (2.3 x A).
GP practice most likely to be affected by growth and therefore directly related to the housing development	It is unlikely that NHS England or Mid Notts CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The practice that it is expected this development to be closest too is: <ul style="list-style-type: none"> • Bilsthorpe Surgery • Farnsfield Surgery • Hill View Surgery
Necessary to make the development acceptable in planning terms	All practices in the area are working at capacity and therefore in order to make this development acceptable from a health perspective the infrastructure will need to be developed to accommodate the increased population. Infrastructure financing in the form of S106 will therefore be required to ensure that there is adequate primary care health facilities in the area
Plans to address capacity issues	The practices are currently reviewing their options as to how they may accommodate the increased number of patients due to this housing

	development. It is likely that the plans will include either reconfiguration or extension of existing premises or a new build that this S106 contribution will contribute towards
Fairly and reasonably related in scale and kind to the development.	As a consequence we would ask for £920 per dwelling for costs of health provision as set out in the Newark and Sherwood Developer Contributions and Planning Obligations. Details of this could be provided to the developer upon planning consent being granted and the development starting and any uncommitted funding could be returned within an agreed expiry period
Financial contribution requested	£110,400 (120 x £920 per dwelling)

Representations have been received from 8 local residents/interested parties which can be summarised as follows:

- Until Bilsthorpe has a Neighbourhood Plan, larger planning applications should be put on hold;
- There are already a number of housing schemes currently being built or have recently been built;
- The 2014 Needs Assessment showed the requirements for Bilsthorpe were minimal;
- A Neighbourhood plan is needed to take account for infrastructure and amenities;
- It is not possible to make views known to the Parish Council at the current time;
- There is a lack of infrastructure in the village to support a possible 200 to 400 extra residents;
- The roads are poorly maintained;
- There would be a loss to wildlife and recreation for local people;
- The bottom of the land has flooded in the past;
- There is only 1 doctors surgery; school and chemist;
- There would be increased pollution due to increase in vehicles;
- Road safety is already a concern as the village is used by heavy lorries;
- Increased carbon emissions will increase the pollution levels;
- There will be a burden on the rural character of the area;
- The homes would impact the landscape and trees as the site is close to the Southwell Trail;
- The additional traffic on Eakring Road at peak times will have a negative impact on already busy roads;
- It is already difficult to get onto the A614 and A617;
- The whole village should have received consultation letters;
- The area has been used for recreation for a number of years;
- The extra 7 units are pure greed;
- The traffic assessment over compensates for sustainable modes of transport;
- Plots 5-8 imposes on the privacy of Forest Link when there is a large area of the site not being built on;
- There are valuable areas of wildlife where plots 5-8 would be built;
- NSDC portal has been down and many residents don't know about the development;
- The pressure on Old Bridge Way would be too much;
- The school uses the field for science activities;
- The extra 7 dwellings will have no benefit to the village;
- The homes look like they have been shoehorned in;

- The proposal was refused in February – what has changed since that would make it acceptable;
- Additional facilities such as creches need to be considered for the influx of new families;
- House prices will go down.

Comments of the Business Manager

Planning History

As is referenced by the planning history section above, the site has an extant planning permission (through an outline and subsequent reserved matters approval) for the residential development of 113 units. This remains extant until December 2020 and must therefore be considered as a reasonable fallback position for development on the site.

It is also material to the current application that a *very* similar application for the same number of units has been recently refused on the site as detailed by the single reason above.

The main differences between the current submission and the **extant** scheme are as follows:

- Delivery of an additional 7 no. units;
- Change to housing mix insofar as the extant scheme is broken down as follows:

No. of beds	No. of units	% of total (113 units)
1	6	5
2	46	41
3	49	43
4	12	11

Whilst provided above the current application proposes the following:

No. of beds	No. of units	% of total (120 units)
2	25	21
3	73	61
4	22	18

- Changes to the proposed layout to accommodate the additional units / differing house types.

The key difference when compared to the recently **refused** scheme is that the current application seeks to deliver the 30% on site affordable housing provision in line with the split of the Development Plan (i.e. 60% affordable rental units and 40% intermediate units) rather than Gleeson’s usual low cost home product which was considered as part of the 19/01858/FULM application.

The fallback position will be referenced where appropriate in the following appraisal but for the avoidance of doubt, the current application has been submitted as a standalone application for full planning permission and therefore all material planning considerations require assessment against the Development Plan.

There will be elements of the appraisal below which will be the same as the previous application consideration given that the built form proposed remains largely unchanged (with the exception of one substituted house type at Plot 104).

Principle of Development

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

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services.

The village of Bilsthorpe is classed as a Principle Village within the settlement hierarchy with a defined village envelope. However, the application site borders but falls outside of this envelope and therefore is within the open countryside. Development within the open countryside is considered against Policy DM8 which aims to strictly control development and limit it to certain development types.

Policy DM8 states that, *“planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.”*

Whilst there is an extant permission which has accepted the residential delivery of 113 units, the current proposal seeks for an additional 7 no. units. The scheme as a whole does not meet the requirements of Policy DM8 and therefore the principle of development is not accepted.

Clearly this is a different stance to the one which was taken in April 2017 when the original outline permission for 113 was granted. This is reflective of a change in material circumstances in regards to the Council's ability to demonstrate a five year housing land supply. At the time of the original April 2017 permission, the LPA were not confident in robustly demonstrating a sufficient five year land supply and therefore were taking a pragmatic approach to housing delivery (albeit conditioning reduced timescales for implementation in an attempt to boost housing supply in the short term).

The Council has a detailed strategy to deliver the development needed to meet its objectively assessed housing need (a residual 6,248 dwellings at 1st April 2019). The Council has published a Five Year Land Supply Statement (April 2019) which shows that the residual requirement is more than satisfied by the dwellings forecast to come forward within the Plan Period from land which currently benefits from extant consent (some 6,343 dwellings), with this representing 101.52% of the requirement. In addition to this there is a further 3,146 dwellings forecast to come forward within the Plan Period from allocated land which is yet to be subject to extant consent (50.35% of the residual requirement). This reflects a level of planned provision of 151.87% when considered against the residual requirement, exceeding it by some 3,241 dwellings. On this basis, the Statement concludes that the Council has a 6 year housing land supply as of 1st April 2019. In this

context, to allow further residential development in the open countryside would be contrary to the intentions of the Development Plan.

Indeed this was referenced in the reason for refusal for the previous application.

Housing Mix and Type

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

The red line site location plan demonstrates a site area of approximately 7.9 hectares. A development of 120 dwellings would deliver a site density of just 15 dwellings per hectare. This is significantly below the aspirations of Core Policy 3. However, in the site circumstances (notably its open countryside location) it would be wholly inappropriate to seek a higher density scheme. The design of the current application follows the principles of the extant permission in that it includes swathes of open space which would allow the development to be interpreted as a transitional development between the open countryside and the village envelope.

The District Council have commissioned a Housing Market and Needs Assessment (HMNA) in 2014 dividing the District into survey areas. Bilsthorpe is within the Sherwood sub-area where the greatest need in the market sector is for three bed dwellings. The following table outlines a comparison of the market sector demand by bed size against the proposed development as currently presented (and subsequently excluding the affordable housing units):

No. of bed	% preference of market demand according to HMNA 2014	% of beds of total proposal as submitted	% of beds in market delivery of proposal as submitted (as a % of 84 units)
1 bedroom	0	0	0
2 bedrooms	36.1	21	2.4
3 bedrooms	50.5	61	71.4
4 bedrooms	13.4	18	26.2

Given that the majority of the two bed units are intended to form part of the affordable provision, the market provision would be significantly deficient in two bed provision and subsequently over-reliant on three and four bed units (this assessment is marginally different from that presented as part of the recently refused scheme given that Plot 104 would now be a four bed rather than a 3 bed). However, the greatest demand in the social sector is for two bed units and therefore this element at least is supported.

It is difficult to be overly prescriptive to the 2014 survey given that this is now almost 6 years old and due to be updated imminently. However, of more relevance to the current assessment is the type of product that would be delivered. Gleeson are a national housebuilder who rely on specific product delivery (which continues to be successful in the market). One of the key characteristics of their product is house types which are modest in size (as discussed further below). There is therefore a case to be made that a Gleeson 3 bed dwelling would still be suited (and affordable) to someone in the market for an average 2 bed dwelling. In this respect, an apparent over-reliance

on 3 bed units as identified above is not considered fatal to the scheme to a degree that it would justify refusal.

Impact of Layout on Character including Landscaping and Trees

Given the extant approval for residential development, it has already been accepted in principle that the character of the site will fundamentally change. However, there are some marginal layout changes compared to the extant application layout owing to the increased no. of units. The landscape impacts of the proposal therefore warrant a full and thorough assessment in their own right.

The site is bounded on three sides by residential development, the school, public footpath and associated trees, recreational area and to the south by an arable field currently occupied by free range pigs. The southern field boundary is an established hedge with some gaps. The boundaries on the other three sides are varied and include; garden boundaries with varying degrees of tree cover allowing views across the site from neighbouring housing, un-vegetated wooden fencing around the recreation ground, a substantial retaining wall, and amenity tree planting.

The Southwell Trail recreational route terminates immediately to the west of the site at Forest Link and a public footpath, Bilsthorpe FP1, borders the site, affording views across the site to the southern boundary. The established amenity tree planting associated with part of the public footpath, gives views across the site filtered through tree trunks. Further along the route the views across the site are more open.

The site is not crossed by existing rights of way but the site is intensively used informally by local residents for dog walking and to access the playing field and Southwell Trail. The recreation ground, which effectively juts into the development site, will become bounded on nearly all sides by built development rather than looking out into open countryside.

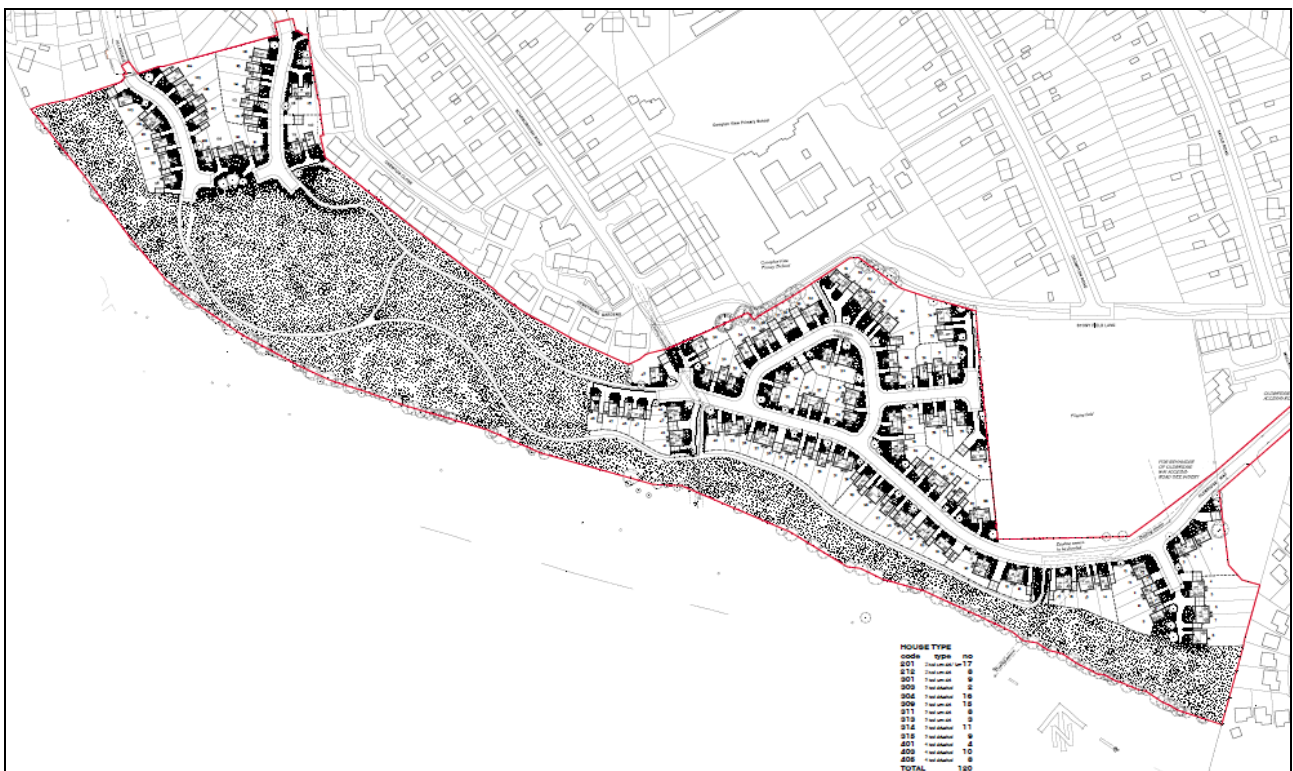
The District Council has undertaken a Landscape Character Assessment (LCA) to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The application site is within Policy Zone 7 Oxton Village Farmlands. The zone has been assessed as having a moderate condition and moderate sensitivity resulting in a 'Conserve and Create' recommendation. Identified key characteristics of this landscape zone include a gently undulating topography, intensive arable farming and small patches of deciduous and coniferous woodland.

Previous applications on the site were subject to a landscape and visual impact assessment (LVIA) which was subsequently reviewed by an independent landscape consultant. It is notable that the same has not been done through the current submission. However, in terms of landscape impacts in the context of the LCA undertaken by the District Council, it is not considered that the development now proposed (despite the increase in units) would be perceptively different in comparison to the extant permission.



Approved Layout by application reference 18/01971/RMAM



Proposed Layout by current submission reference 20/00642/FULM

The current application has been accompanied by detailed landscaping plans which follow the principles of the reserved matters submission (albeit actually demonstrate additional landscaping particularly on the southern boundary). The plans include the retention of a tree specimen on the eastern boundary of the site which was raised as a cause for concern in the previous determination. In the context of the comments of Nottinghamshire Wildlife Trust above, the agent has confirmed that the later landscape revisions have been to address comments in respect to mown paths and additional hedging (and in fact the previous application was determined on the

basis of Revision K in any case so the landscaping hasn't changed since the recently considered application with the exception of Plot 104).

Noting the fall back position, it is not considered reasonable to insist upon the submission of an LVIA for the current application nor to resist the application purely on the basis of landscape impacts.

Impact of Dwelling Design

Policy DM5 confirms an expectation for new development to reflect the rich local distinctiveness of the Districts landscape and character through its scale; form; mass; layout; design; materials; and detailing.

Despite the significant size of the site at approximately 7.9 hectares the proposal details that the majority of the site would remain undeveloped. As is referenced above, this has been deliberately incorporated into the design of the scheme in order to address matters of landscape character owing to the positioning of the site outside of the defined village envelope (and indeed is a continuation of the principles of the extant permission).

The detailed design intends to deliver the 120 properties through two discrete pockets of development separated from one another by open space. At the north western corner of the site, it is intended for there to be 23 plots. The remainder of the plots would be delivered towards the north eastern boundary of the site. This is notably different from the extant permission where there was a gap between development in this section amounting to three separate parcels (as shown in the layout extracts above).

The properties represent 13 different house types ranging from 2 bed to 4 beds. It is fully appreciated that the large expanses of proposed open space have been designed as a deliberate attempt to reduce the overall build footprint. However, in taking this approach, the result in respect of dwelling design is that a number of the properties are extremely modest in their overall footprint size.

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

The following table is lifted from the March 2015 document:

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

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

Table 2 – Assessment of submitted development

House Type	No. of beds	Floor space (m ²)	Space standard requirement (m ²)	Compliance against (m)
201	2	60.48	70	(-9.52)
212	2	62.37	70	(-7.63)
301	3	70.56	84	(-13.44)
303	3	71.71	84	(-12.29)
304	3	75.00	93	(-18)
309	3	73.24	93	(-19.76)
311	3	70.56	84	(-13.44)
313	3	75.31	84	(-8.69)
314	3	75.31	84	(-8.69)
315	3	75.85	84	(-8.15)
401	4	99.00	106	(-7.00)
403	4	97.36	106	(-8.64)
405	4	108.89	115	(-6.11)

Every single one of the house types would fall short of the national space standards (again for clarity which have not been adopted by NSDC), some by as much as nearly 20m².

However, the houses are specific product types of a national housebuilder who have built in our District previously. Officers are mindful that these are product types which are known to sell and that there is an argument to say that the smaller units present the opportunity for being more affordable even at the market rate which may be appealing to first time buyers and smaller families. Without evidence outlining a specific required space standard for the District or indeed any evidence to the contrary in respect to national housebuilder product sales, it would be extremely difficult to resist the applications solely on this basis. The applicant would have a case to make that any proposed occupiers would be well aware of the size of the units prior to purchase

and this must be weighted in the overall planning balance. This is a position which was also accepted through the reserved matters approval (the majority based on the same house types).

The overall aspirational character of the site appears to be modern in nature with a varied use of materials. The use of 13 different house types adds visual interest both in individual plots and for the site as a whole. The varying house types are dispersed around the site. The application has been accompanied by a materials plan which details facing brickwork with red tiles. There is some variation in colour and contrast within individual plots such that there is no objection to the materials schedule presented in principle.

I am satisfied that the parking provision is the most convenient off-street parking available to the occupiers of most plots and will be legible to the occupiers and thus it will be used rather than vehicles being parked on the street. Whilst there are some plots where occupiers would have to walk a short distance to the front door (e.g. some of the Plots addressing corners in the internal road network), this is not the norm in terms of the overall parking delivery. On a development of this nature in terms of scale, Officers consider that there is scope for small areas of compromise in the overall balance and thus this in itself is not considered fatal to the design of the overall scheme. It is noted that the Highways Officer raised this issue as a cause for concern but I am conscious that this arrangement of parking has already been accepted through the reserved matters submission and it would therefore be difficult to resist the current application on this basis.

Officers negotiated appropriate boundary treatments during the life of the previous application consideration and it is these negotiated arrangements which have been presented as part of the current application. These include a fence with trellising on the top of the plots to the southern boundary to soften the landscape impact of the proposal. The plans show majority of in plot division to be 1.2 timber fences which is considered acceptable. A slight amendment has been sought during the life of the application to ensure that where the plots abut the play area the fence is timber rather than a knee rail fence (as is the case with the rest of the play area).

Impact on Amenity

A consideration of amenity impacts relates both to the relationship with existing neighbouring dwellings as well as the amenity provision for the prospective occupiers. Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Given that the site extends beyond the established existing village envelope, the number of existing neighbouring properties adjacent to, and thereby directly affected by the development would be limited. Nevertheless, there are amenity relationships which require careful consideration, notably the existing dwellings along Forest Link to the east of the site; Armstrong Gardens to the north of the site; Chewton Close to the north east; and The Crescent and Allendale to the north.

Beginning with the relationship with the existing properties along Forest Link the proposed dwellings (plots 4-8) would be at least 22m away from the site boundary. The back to back distances between the proposed dwellings to the rear of the properties on Forest Link would be 33m at a minimum. This would be a two storey to two storey relationship but given the aforementioned distance Officers do not consider that the properties along Forest Link would

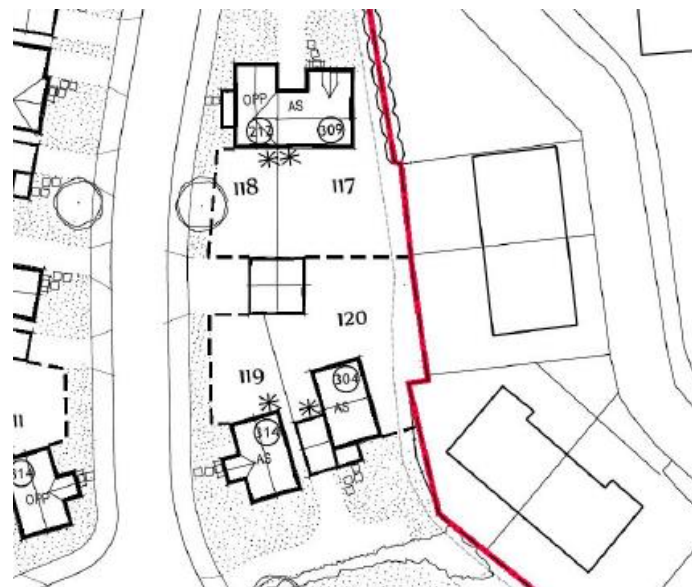
suffer detrimental amenity impacts in terms of overlooking or overbearing. This position was notably accepted through the extant permission.

There is a plot of land outside of the application site and the curtilages of the Forest Link properties which sits between the two. At the moment this area acts as a further buffer to the development proposed. However, there is an extant planning permission on this land (07/00595/FULM) which includes the provision of housing in this area. Given that this is a live application which could be implemented at any time (notwithstanding that there is a recently approved application to make some changes to the dwelling designs – 19/00491/FUL) the dwellings as approved must be afforded weight in the overall amenity balance.

The dwellings as approved would be between 10 and 11m away from their rear boundaries (i.e. the boundary of the application site). They would extend southwards from Oldbridge Way by approximately 36m and thereby solely be adjacent to the curtilage of Plot 1. The plan submitted shows that Plot 1 would be around 8m from the site boundary with a side gable facing the shared boundary. The side gable would feature a small secondary window at ground floor serving the porch but also notably would be adjacent to a large attractive tree which is shown on the landscaping plans for retention. On this basis, the amenity relationship with the extant scheme is considered to be acceptable.

Plot 49 would have a shared neighbouring boundary with no.1 Armstrong Gardens which is a single storey semi-detached bungalow. Plot 49 is a two storey dwelling but at a perpendicular orientation to the neighbouring plot such that it would be a blank two storey gable facing the neighbouring site. The rear elevation of Plot 49 is roughly in line with the side eastern gable of no.1 Armstrong Gardens some 12m away. Whilst there would potentially be some opportunity for the first floor rear windows of Plot 49 to overlook the rear garden of no. 1 Armstrong Gardens (and indeed to a lesser extent the attached no.2) this would be at an oblique line of sight with the primary outlook westwards towards the areas of open space within the site. On this basis it is not considered that this relationship would be sufficiently harmful to warrant resisting the proposal.

As with the properties on Armstrong Gardens, the properties on the western side of Chewton Close are single storey semi-detached bungalows with modest rear amenity gardens. The scheme differs at this point of the site in comparison to the extant approval in that the proposed plots would now not be immediately to the rear of the Chewton Close bungalows (i.e. the built form would be in the separation gaps between the semi-detached neighbouring units). There would still be a single storey to two storey side gable relationship albeit any outlook from the neighbouring plots would be at an oblique line of sight as demonstrated by the extract of the proposed layout plan below:



Plot 116 would be set to the south of no.5 The Crescent. The rear elevation would be set broadly in line with the rear elevation of the neighbouring plot. Although the orientation would differ slightly, the arrangement is considered acceptable in ensuring that any overlooking would be limited to an oblique angle.

Plot 104 would be positioned to the south of no.39 Allendale with the principle elevation broadly in line with the rear elevation of the neighbouring plot. There is therefore a consideration as to whether the rear windows of no. 39 Allendale would suffer an overbearing impact on account of the two storey neighbouring side elevation proposed. However, I am mindful that there is a separation distance of around 14m between the respective side elevations and that the plot orientations are broadly aligned such that the majority of the rear outlook from no. 39 Allendale will be unaffected. There would be a small first floor window on the side elevation of Plot 104 but this would serve an en-suite bathroom and therefore can be reasonably conditioned to be obscurely glazed.

Moving then to assess the amenity provision for the proposed occupiers, it is notable that the overall size of the site allows for significant flexibility such that distances between proposed dwellings are appropriate. This is partially aided by the separation of built form into distinct areas of the site which increases the number of Plots which would have their rear outlook towards the areas of proposed open space within the site and the open countryside beyond.

The overall layout follows the principles of the extant reserved matters application such that Officers are satisfied that the scheme delivers appropriate amenity provision for both proposed occupiers and adjacent existing neighbouring properties. The proposal would therefore comply with the relevant elements of Policy DM5.

Impact on Highways

SP7 seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems.

The proposed access for the development has already been agreed by the previous applications which exist on the site. The Section 106 relating to the outline approval did however include works to the access from Oldbridge Way in terms of ensuring that the road was built to base course level to an adoptable standard in accordance with the details of a 2008 Section 38 agreement. It is notable that since the time of the outline approval, there has been further development on the adjacent Pevril site. The plans includes a revised red line site location plan including the length of extended Oldbridge Way as requested by the Highways Authority on the previous application.

NCC as the Highways Authority have assessed the application in the context of the proposed internal road network. Their comments are listed in full above which, whilst not objecting to the highways impacts of the proposal in principle, do raise issues in respect to finer details such as footpaths (discussed below) and parking provision (already discussed in brief above in the 'Impact of Dwelling Design' section).

In terms of the number of spaces, there are instances where four bed dwellings would only have two spaces (where NCC advise they should have 3). From an Officer perspective the parking provision largely mirrors that accepted through the fallback position of the reserved matters application. On this basis, it is not considered that it would be reasonable to resist the current application purely on the basis of the proposed parking arrangements which on the whole show spaces to the side of dwellings.

Notwithstanding the concerns raised, the comments go on to suggest a number of conditions which should be imposed if permission is granted. In the most part these have been included in the recommendation below with the exception of the condition requiring wheel washing facilities (which would be covered by the required construction management plan). On the basis of conditions included in the recommendation below, it is not considered that there are justifiable grounds to resist the application on matters of highways safety.

Impact on Footpath Network

Comments were received from NCC Rights of Way Team as listed in full above. The reference to claims for public rights of way is noted albeit equally is the confirmation that there are no public rights of way which cross the site. This matter also forms the basis of an objection from the Ramblers Association.

The submitted layout plan (and indeed corresponding landscaping plans) demonstrates linkages throughout the whole site which would formalize the public ability to cross the site.

The linkages throughout the site have also been referenced by the latest comments of the Highways Authority with the suggestion that the LPA should consider trigger points for their delivery. The landscaping plans show that the footpaths will be mown to grass which in my view mirrors the existing situation on site with the informal footpaths. There is a balance to be struck and in my view the weighting should be towards the softer landscaped finish of the footpaths. In terms of securing the exact delivery timeframe for the footpaths, I also do not consider this reasonably necessary to the development. The level of open space within the site would mean that even during times of construction, the centre of the site would be void of built form and thus there would presumably remain the ability to cross the site on an informal basis as existing. Given that the paths are not formal rights of way I consider it would be unreasonable to control trigger points for delivery. It should be noted that this was the approach taken in the extant reserved

matters approval and therefore to insist on additional details through this application would be overly onerous.

The comments of the Rights of Way Officer can largely be included as an informative to any forthcoming decision. It is however considered relevant to make explicit reference to the retention of the intended linkages in the landscaping implementation condition if permission is forthcoming.

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. Policy DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.

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

The application has been accompanied by an Ecological Impact Assessment dated October 2019. This report acknowledges the presence of the site within the buffer zone for the possible Sherwood Forests potential Special Protection Area (pSPA). The report also acknowledges that the site has been recently designated a local site of nature conservation as Bilsthorpe Grassland on account of the assemblage of butterflies it is reported to supported.

Local Wildlife Sites are afforded protection due to their substantive nature conservation value. Their selection takes into consideration the most important, distinctive and threatened species and habitats within a national, regional and local context, making them some of our most valuable urban and rural wildlife areas.

Ordinarily this would potentially amount to a factor to resist the development of the site in principle. However, as is rehearsed through the reserved matters submission application which remains extant, it appears that the LWS was designated just after the original outline application was approved. On that basis, Officers at the time did not consider it reasonable to resist the reserved matters application on ecological grounds subject to consideration of the potentially present species in the landscaping proposed. Given the extant permission for development, it follows for this application that the designation of the LWS should not result in a refusal of the application in its own right. The large areas of open landscaped space allow for measures to enhance the wildlife value of the undeveloped areas of the site where possible. These measures could be secured by suitably worded condition if permission were to be otherwise forthcoming.

Officers have considered the requirements of a Habitat Regulations Assessment (HRA) under Regulation 61 & 62 of the Conservation of Habitats and Species Regulations 2017.

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

Officers considered that it was beneficial to undertake a 'shadow' HRA as a precautionary approach. Following a screening exercise, it has been determined that there are no likely significant effects to any European sites which would arise from the development. It is therefore not necessary to continue to undertake an AA.

Moreover, the agent is agreeable to including a clause in the Section 106 for the submission of a leaflet regarding the protection of nightjar and woodlark.

The ecological position is not considered to have materially changed since the time of the reserved matters approval and therefore there is no justification to resist the application against Core Policy 12 of Policy DM7.

Impact on Flood Risk and Drainage

The site is within Flood Zone 1 in its entirety according to the Environment Agency maps. There is an area within Flood Zone 3 to the south of the site but this is outside of the application boundary. NCC Flood whilst not commenting on the current application, did comment on the previous application and raised no objection subject to the exact surface water drainage details being agreed through condition which has been agreed by the agent.

Developer Contributions

It is referenced throughout the report that the extant approvals on the site arose purely from a time where the LPA were taking a pragmatic approach to development outside of settlement boundaries. This approach was only adopted where the development was otherwise policy compliant (i.e. could deliver the full suite of developer contributions envisaged / required by the Developer Contributions Supplementary Planning Document).

The current submission includes a draft heads of terms which details the contributions which the developer is now promoting as follows:

ITEM	CONTRIBUTION
Affordable Housing	<ul style="list-style-type: none"> • To provide 36no. affordable homes (2 bed and 3 bed) on the development as defined in Core Policy 1 of the Core Strategy. Units to comprise; • 17no. 201's (2 bed semi) – affordable rent • 5no. 212's (2 bed semi) – affordable rent • 1no. 212 (2 bed semi) – intermediate units • 9no. 301's (3 bed semi) – intermediate units • 4no. 311's (3 bed semi) – intermediate units • This equates to a total of 36no. dwellings – 30% of all plots on site • 60% affordable rental units and 40% intermediate units
Library contribution	£5,704 to be paid towards additional stock at Bilsthorpe Library
Outdoor sports facilities	£35,000 to be paid towards the improvement of existing sports facilities in Bilsthorpe
Health contribution	£117,914 towards Bilsthorpe Doctors surgery
Children and Young Peoples space contribution	£111,271 towards upgrading existing play equipment adjacent to the site.

The above figures align with the requirements of the Developer Contributions SPD (albeit would need to be subject to additional monitoring fees) and associated consultation responses above.

This is a notable and significant change since the previously refused scheme which was refused partly on the basis of the suggested affordable offer to provide solely 'low cost homes.' The current application now reflects the split of affordable housing provision sought by Core Policy 1 of the Core Strategy in providing 60% affordable rented units and 40% intermediate units.

The proposal would therefore satisfy the requirements of Spatial Policy 6 and Policy DM3 and overcome this element of the previous reason for refusal.

Any approval would be accompanied by a Section 106 which secures the contributions as outlined in **Appendix 1**. As with the extant approval, following review of the Playing Pitches Strategy, the Western area of the District has spare capacity for playing pitches even in the context of future demand with the expectation of youth pitches 11v11 where there is currently spare capacity but future demand would leave a shortfall of 0.5 pitches. Based on Sports England costs the contribution for 0.5 of a youth pitch would be £35,000. The remainder of the pitch could be built out with contributions from other allocated sites which are coming forward. Given that this cost is

based on actual costs rather than projected costs per person, there is no requirement to uplift from the existing S106.

Other Matters

The application submission includes an Economic Benefits Report dated April 2020. This document includes a number of figures stated as being accountable to the development including £10.2 million spent on labour and services in construction; £200,951 additional annual Council Tax; and 126 sustained or created direct jobs. These figures have not been explicitly verified but there is no dispute that residential development makes a significant contribution to all tiers of the economy. To clarify the benefits of the scheme as detailed are considered to weigh positively in the overall planning balance undertaken below.

The previous applications on the site have been subjected to conditions requiring the completion of archeological works. The current submission has submitted the same report (by pre-construct geophysics dated July 2017) which was submitted to discharge the condition in October 2017. Nevertheless, at time of the discharge of condition application, further details were negotiated in respect to the archeological methodology. Notwithstanding this, comments received from our archeological advisor for the current application have suggested further archeological works are necessary. The agent has agreed that they would be amenable to a condition to submit these works at a later date.

The consultation section above details the request for numerous conditions by Environmental Health Officers namely in relation to construction works. Some of these, such as the production of a construction management plan are considered reasonable. However, it is not considered reasonable to separately condition dust measures as this could fall within the management plan. Equally, the request for noise surveys on the basis of the operations of the Strawsons site which is over 200m away from the site boundary is not considered reasonably necessary (and has never been requested for applications on this site in the past).

NCC Comments include a request for a contribution to be made towards the upgrade of four bus stops in the vicinity of the site. In the previous applications this was dealt with by condition. However, on reflection it is considered that the request would better align to the Section 106 agreement as indicated by Appendix 1.

The plans include a star annotation within each plot to show a potential positioning for bin storage either to the rear or the side of the plots. This would clearly be a preference to bins being placed forward of principle elevations albeit in a number of instances occupiers would have to walk the bins through their garages. In reality therefore, the indicated bin storage locations (which are not intended to be actual covered areas) may not be the most practical solutions. Nevertheless, they do at least demonstrate a capability for bins to be hidden from view in the most part which would also be desirable for occupiers. Given that it is not expected for the bins to be within formal structures, it is not considered necessary to seek further details of bin storages by condition.

The Planning Addendum Statement submitted with the current application acknowledges the planning history of the site namely the most recent refusal for the same number of units in broadly the same arrangement. However, the Statement also acknowledges that, since the previous refusal in February 2020, there has been a global pandemic which has potential economic impacts. The Statement is presenting that Gleeson's are committed to developing this site even in the context of the global pandemic. Whilst this is noted and indeed supported, Officers do not

consider that it should be attached significant weight in the consideration of the current application given that the commitment from Gleeson's can be carried through the reserved matters application in any case (and indeed is the indication of recent discharge of condition applications and the submission of an appeal for the previously refused scheme). The additional 7 units (6% increase) which this application proposes, whilst positively contributing towards housing delivery, are not considered to be so fundamental as to be determinative in the overall balancing exercise undertaken below.

The Addendum Statement also contends that the settlement boundary of the adopted Policies Map is no longer up to date in the context of the extant permission (and includes a copy of Gleeson's representations to that affect for the Plan Making stage). Officers disagree with this Statement, clearly the extant permission has a time limit (December this year) and in the event that it is not lawfully permitted within that timeframe, it would not be appropriate for the Policies Map to allocate a site in the open countryside given that as a District we are confident of demonstrating a five year housing land supply.

Overall Balance and Conclusion

The proposal for 120 dwellings in the open countryside represents a departure from the Development Plan. However, as is detailed above, there are material considerations which must be taken into account in this determination.

The application has been submitted as a re-submission of a previously refused scheme for the same number of units in broadly the same arrangement (one plot substitution). The previous reason for refusal is a formal decision of the Local Planning Authority and must be material to the current determination. The reason, albeit singular, was split into two main elements namely, the lack of compliance with the Development Plans affordable housing split, but also the principle of developing additional properties in the open countryside.

The scheme now for determination has changed in its entirety the affordable housing offer such that the proposal would now deliver a policy compliant 30% on site affordable housing in line with the split expected by the Development Plan. There can be no dispute therefore that this element of the reason for refusal has been overcome.

It therefore remains whether the fact that the proposal would amount to an additional 7 dwellings in the open countryside would be enough to tip the balance to a refusal in its own right. This judgement must be taken in the context of the extant approval for 113 dwellings which exists until December 2020 (and appears likely to be capable of being implemented in time noting current discharge of condition applications).

The actual perceivable impact of these additional units would be limited in the context of the overall site. In order to refuse the application solely on this basis, the LPA would have to demonstrate and defend what harm the additional 7 units would create. Whilst it is not lost on Officers that the additional development does not follow the intentions of the Development Plan in these site specific circumstances, a refusal solely on matter of principle is not considered to be robust enough despite this forming part of the combined reason for refusal on the previous scheme.

In order to realise the intentions of the original approval, which was given at a time when the LPA could not confidently demonstrate a five year housing land supply, any subsequent approval would have to be conditioned to allow commencement no later than December 2020.

All other matters remain broadly the same as the extant approval on the site. Taking all matters into account, and attaching significant weight to the meaningful contribution towards the Districts housing supply in the short term, the balance is tipped towards approval. As with the extant approval, this rests on the basis of a Section 106 to secure appropriate contributions as outlined at Appendix 1.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below and subject to the applicant entering in to a legal agreement to secure the contributions outlined in Appendix 1.

Conditions

01

The development hereby approved shall be commenced no later than 7th December 2020.

Reason: In acknowledgement of the fall-back position which exists and to expedite the contribution towards the Districts housing supply.

02

The development hereby approved shall be carried out in accordance with the following plans and details:

- Site Location Plan – 1047-2/6- dated 20th January 2020;
- 201 Dwelling Type – 201/1G dated July.10;
- 212 Dwelling Type – 212/1- dated Feb 16;
- Detailed Landscaping Proposals – 1 of 4 – 2971/1 Rev. L received 15th May 2020;
- Detailed Landscaping Proposals – 2 of 4 – 2971/2 Rev. K received 21st January 2020;
- Detailed Landscaping Proposals – 3 of 4 – 2971/3 Rev. K received 21st January 2020;
- Detailed Landscaping Proposals – 4 of 4 – 2971/4 Rev. K received 22nd January 2020;
- Landscape Management Specification – Rosetta Landscape Design dated 2019;
- 301 Dwelling Type – 301/1H dated July.10;
- 303 Dwelling Type – 303/1E dated July.10;
- 304 Dwelling Type – 304/1E dated July.10;
- 309 Dwelling Type – 309/1E dated Jun.11;
- 311 Dwelling Type – 311/1B dated Dec.13;
- 313 Dwelling Type – 313/1- dated Feb 2016;
- 314 Dwelling Type – 314/1- dated Feb 2016;
- 315 Dwelling Type – 315/1A dated May.18;
- 410 Dwelling Type – 401/1G dated July.10;
- 403 Dwelling Type – 403/1J dated July.10;
- 405 Dwelling Type – 405/1E dated July.10;

- 1800mm High Close Boarded Timber Fence – 0282 SD-100 Rev. F dated 13.04.11;
- 1800mm High Timber Fence with 300mm Trellis – 0282 NSD104 Rev C dated 16.05.19;
- 1200mm High Timber Fence – 0282 Rec. C NSD105 dated 16.05.19;
- Detached Single Garage Details – 0282 SD 700 Rev. C dated 22.08.12;
- Detached Double Garage Details – 0282 SD 701 rev. D dated 22.08.12;
- Planning Layout – Sheet 1 of 2 – 1047-2/3K;
- Planning Layout – Sheet 2 of 2 – 1047-2/4J;
- Planning Layout – 1047-2/5K.

Reason: To define the permission.

03

The development hereby permitted shall be carried out in accordance with the Materials Plan – 3100-02 dated 18.05.20.

Reason: In the interests of visual amenity.

04

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved JOC Consultants Flood Risk Assessment (FRA) 18/035.01 Rev 02 dated 23 September 2019, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

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

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major

developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

05

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

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

06

No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of oils, fuels, chemicals, plant and materials used in constructing the development
- The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing
- Wheel-wash washing facilities and road-cleaning arrangements
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from site preparation and construction works
- Measures for the protection of the natural environment
- Hours of work on site, including deliveries and removal of materials
- Full details of any piling technique to be employed, if relevant
- Location of temporary buildings and associated generators, compounds, structures and enclosures, and
- Routing of construction traffic.
- Measures to limit noise emissions from the site and from plant machinery

For the avoidance of doubt, the CEMP details should demonstrate that:

- The hours of operation on site will be limited to Monday to Friday 08:00 to 18.00hrs, 08:00 to 13.00hrs Saturday and no works on site on Sundays/Bank Holidays.
- No deliveries shall be received or dispatched from the site outside the hours of Monday to Friday 08:00 to 18.00hrs, Saturday 08.00 to 13.00 hrs nor at any time on Sundays and Bank Holidays.
- No piling to be undertaken or vibrating rollers to be used on site Saturday, no works Sundays or Bank Holidays. The local Authority should be notified of any Piling technique to be employed on site in advance.

Reason: To protect the amenity of the locality, especially for people living and/or working.

07

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

08

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

09

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This Condition is imposed in accordance with the National Planning Policy Framework.

10

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

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

11

Any access taken from Allandale and/or The Crescent shall serve no more than 12 dwellings in each case.

Reason: To restrict further development being served from a standard of existing access that would not support a significant increase in traffic; in the interests of safety.

12

Prior to the occupation of any plot hereby approved, the boundary treatments for that plot, as shown on plan references Planning Layout – Sheet 1 of 2 – 1047-2/3K and Planning Layout – Sheet 2 of 2 – 1047-2/4J (with associated details on plan references 1800mm High Close Boarded Timber Fence – 0282 SD-100 Rev. F dated 13.04.11; 1800mm High Timber Fence with 300mm Trellis – 0282 NSD104 Rev C dated 16.05.19; and 1200mm High Timber Fence – 0282 Rec. C NSD105 dated 16.05.19) shall be implemented on site in full. The approved boundary treatments to the southern boundaries (i.e. the 1.8m fences with trellis on top) shall thereafter be retained for a minimum period of 10 years.

Reason: In the interests of residential and visual amenity, particularly in respect to softening the landscape impacts of the built form from the open countryside to the south.

13

The landscaping details shown on the following plan references:

- Detailed Landscaping Proposals – 1 of 4 – 2971/1 Rev. L received 15th May 2020;
- Detailed Landscaping Proposals – 2 of 4 – 2971/2 Rev. K received 21st January 2020;
- Detailed Landscaping Proposals – 3 of 4 – 2971/3 Rev. K received 21st January 2020;
- Detailed Landscaping Proposals – 4 of 4 – 2971/4 Rev. K received 22nd January 2020;

shall be carried out in full within 36 months of the first occupation or by 80% of the dwellings being occupied, whichever is sooner, or a period agreed subsequently in writing by the Local Planning Authority. The landscaping shall be maintained in accordance of the details within the 'Landscape Management Specification – Rosetta Landscape Design dated 2019'. For the avoidance of doubt, the mown paths shall be retained for the lifetime of the development. Any trees shown to be retained shall for a minimum of five years unless they become otherwise diseased or damaged and their removal is agreed in writing by the Local Planning Authority.

Reason: To enhance and protect the landscape value and biodiversity of the site.

14

Prior to any development above damp proof course level, details of bat boxes and bird nest boxes to be placed on either retained trees or new housing on the perimeters near to hedge/tree lines and a timetable of implementation shall be submitted to and approved in writing by the District Council Local Planning Authority. Once approved the bat boxes and bird nest boxes shall be erected in accordance with the approved details.

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

15

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

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

16

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

Reason: To enable vehicles to stand clear of the highway whilst garage doors are opened/closed.

17

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

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

18

Plot 92 shall not be brought into use until the visibility splays shown on drawing no. 1047-2/3J outside plot 92 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, planting, structures or erections exceeding 0.6 metres in height.

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

19

The integral garages to the dwellings hereby permitted shall be kept available for the parking of motor vehicle(s) at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

The first floor window opening on the north elevation of Plot 104 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties

Notes to Applicant

01

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

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

02

The Rights of Way (RoW) team would like the applicant to be advised as follows:

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
- The existing boundary hedge/tree line directly bordering the development and the right of way is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council, in its capacity as Highway Authority, through Via's continuing role of providing operational services on behalf of the County Council'

03

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

04

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. They may obtain copies of our current guidance notes and application forms for diversions from either our website (www.stwater.co.uk).

05

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

06

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

BACKGROUND PAPERS

Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 20/00642/FULM

