



For and on behalf of

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
APPEAL BY Keepmoat Homes Ltd**

**SUMMARY
PROOF OF EVIDENCE (PLANNING)**

Address: Field Reference Number 7108, Eakring Road, Bilsthorpe

Appeal Reference: APP/B3030/W/20/326587

Date of Inquiry: 11-14 May 2021


Local Planning Authority: Newark and Sherwood District Council

**Prepared by
Jim Lomas
DLP Planning Ltd
Sheffield**

April 2021



dynamic development solutions TM

Prepared by:	Jim Lomas BA (Hons) MRTPI Regional Director, DLP Planning Ltd
Signature:	
Date:	18 April 2021

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1.0 SUMMARY

- 1.1 My proof of evidence has been provided on behalf of the Appellant, Keepmoat Homes Limited who are National House Builder and who are appealing the decision of Newark and Sherwood District Council to refuse a Full Planning application for 103 dwellinghouses on land to the East of Eakring Road, Bilsthorpe.
- 1.2 My proof has provided details of the appeal site, the immediate surrounding and a planning history associated with the land.
- 1.3 The planning application which is the subject of this appeal was submitted to the Local Planning Authority in May 2020 with a wide range of supporting documentation, including a detailed viability assessment.
- 1.4 As part of the planning application process, only 1 letter of representation from a local resident was received, neither of which made any formal objection to the proposal.
- 1.5 Following extensive consultation with the Local Planning Authority, the application was presented to the Planning Committee in November 2020 with a recommendation for Approval from the Head of Planning.
- 1.6 Despite the positive officer recommendation to Members, the application was refused planning permission for the reasons set out in the Statement of Common Ground.
- 1.7 The primary areas of concern to the elected Members related to:
 - A) Overall husing mix
 - B) Urban design issues –tandem car parking and treatment to norther site boundary
- 1.8 Consequently,, the appellant considered it appropriate to undertake an appeal to challenge and test the position taken by the Council.
- 1.9 A number of supporting proofs of evidence have been supplied on behalf of the appellant to address matters raised by the council. These include and report relating to urban design matter, lamdscape issues, highways, housing mix and viability of alternbatuve proposal presented in support of the Council's case.
- 1.10 In my proof, I address the planning policy position, all other material considerations, third

party comments before coming to a balanced assessment of merits of the proposal.

- 1.11 As is the case with all planning applications, Section 38 (6) of the Town and Country Planning Act 2004 requires all planning applications to be assessment against policies contained within the development plans as the starting point, following which, all other material considerations can be considered.
- 1.12 Planning applications which accord to the development plans should be approved without delay, unless material considerations dictate otherwise.
- 1.13 The Development Plan, insofar as relevant to this appeal comprises the Amended Core Strategy DPD (March 2019) and the Allocations & Development Management DPD (July 2013). This principle of developing the appeal site has previously been established through the development plan allocation and the granting of an outline planning permission for 85 dwellings.
- 1.14 It is evident to me that the appeal submission is entirely accordance with the policies of the development plan in this case. In particular, the appeal site is located on an identified and allocated Housing site, where the preference is for the land to be used for housing purposes.
- 1.15 The principle of developing housing at his site is established in both the Development Plan and given the outline planning permission granted for housing on the land.
- 1.16 The appeal proposal includes a mix and density of housing which adheres to the Council policy
- 1.17 The Design and Layout meet the policy on terms of visual impact and overall layout.
- 1.18 An affordable housing contribution is being made which accords to policy as a viability assessment has been carried out and quantum of affordable housing agreed with the Section 106 obligation accompanying this appeal. Policy allows for the viability of development to be taken into consideration.
- 1.19 The site is located with a sustainable settlement identified for housing growth and regeneration in the adopted Development Plan.
- 1.20 Following an extensive assessment of the Development Plan policies which relate to the appeal site, it is considered that the appeal would accord with the statutory development

taken as a whole.

- 1.21 I have also reference the Framework together with a broad range of material considerations in my proof.
- 1.22 It is evident that the appellant's proposal has addressed a significant number of material consideration following a detailed assessment of the Development Plan policies.
- 1.23 It is evident that the appeal proposal complies with the requirement of the Framework and represents a sustainable housing development opportunity by complying with the three strands of sustainably, namely social economic and environmental factors.
- 1.24 The appeal proposal has addressed and fully complied with the Development Plan as stated. It is also clear that the development proposal addresses a wide range of the objectives contained within the Framework, Supplementary Planning Policy and National Planning Guidance notes.
- 1.25 A wide range of further material considerations are addressed and again, taking these factirs into account, I cannot find evidence of significant harm arising from the proposal before Inspector.
- 1.26 I have also addressed the comments made by the third-party representatives, but notably those made by the Councillors. The points and issues raised have all been addressed in the proof and again I find no substantial material harm to warrant a refusal of this appeal given the clear compliance with the development plan.
- 1.27 I have finally addressed the planning balance whereby I have confirmed that the proposal is entirely compliant with the Development plans as a starting point and would ask the Inspector to concur with my findings. However, should the Inspector disagree with my findings, the appeal schemes compliance with Framework and a wide range of other material planning considerations and the failures to prove significant harm, would also lead me to conclude that there are robust arguments to justify allowing this appeal on other grounds if necessary.
- 1.28 There are no insurmountable technical issues or barriers to development that would inhibit immediate delivery of the site by the Appellant. It is therefore requested that this appeal be allowed as it fully complies with Development Plan policy, thre Framwoek and a host of material planning considerations.

- 1.29 It is therefore requested that this appeal be allowed as it fully complies with Development Plan policy, the Framework and a wide range of other material considerations. I find no evidence of harm from the appeals scheme.