

# **HUTCHINSONS**

**Appeal by Keepmoat Homes Ltd**

**Land at Eakring Road, Bilsthorpe,  
Nottinghamshire, NG22 8PZ**

**SUMMARY PROOF OF EVIDENCE OF**

**ALISON HUTCHINSON**

**MRTPI**

**ON BEHALF OF  
NEWARK & SHERWOOD DISTRICT COUNCIL**

**LPA Ref: 20/00873/FULM  
PINs Ref: APP/B3030/W/20/3265876**

**APRIL 2021**

**HUTCHINSONS**  
15 Castle Gardens, Kimbolton, Cambridgeshire. PE28 0JE

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## 1 SUMMARY PROOF OF EVIDENCE

- 1.1 This appeal seeks detailed planning permission for 103 dwellings in Bilsthorpe together with a new access onto Eakring Road.
- 1.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.3 The principle of development is already established on this site due to its allocation in the Allocations & Development Management DPD 2013 (Policy Bi/MU/1) and it is the subject of an extant outline planning permission for 85 dwellings (Ref: 17/01139/OUT). The issues at this appeal therefore relate to matters of design and detailing which the Council considers are unacceptable and result in a development that is contrary to the relevant policies of the development plan and the NPPF.
- 1.4 The Council is able to demonstrate a 6.34 year housing land supply and is unchallenged on this. As a consequence, the tilted balance is not engaged and the most important policies for the determination of this appeal which are Spatial Policy 7, Core Policies 3 and 9 of the Amended Core Strategy and Policy Bi/MU/1 and DM5 of the Allocations and Development Management DPD are not deemed to be out of date (by virtue of Paragraph 11 Footnote 7) and can be given full weight at this appeal.
- 1.5 In section 4 of my evidence I consider if there are material considerations, including those advanced by the Appellant, that justify the grant of planning permission other than in accordance with the Plan and address the issues identified by the Inspector in her Case Management Note under the headings below.

### Quantum of Development

- 1.1 I consider that the proposal for 103 dwellings is not, in itself, an unreasonable quantum of development but the dominance of 3 and 4 bedroom dwellings (90%), all detached or semi-detached, have resulted in the proposed layout appearing cramped and overdeveloped.
- 1.2 I attribute this to the nature of the dwellings being proposed. The appeal proposal predominantly comprises 3 and 4 bedroom dwellings all of which are detached and

semi-detached. Indeed, 90% of the housing are 3 or 4 bed units

- 1.3 The Appellant seeks to justify this mix on marketing and viability grounds and claims that the development cannot provide policy compliant affordable housing of 30% or the required S106 contributions. Mr White confirms that there is no contention in respect of the viability figures submitted by the Appellant but considers that the high volume, higher density, lower typology of scheme as put forward by the Appellant is not the only option for the development of sites in this local market. The form of the development is very much a commercial decision by the Appellant and, whilst accepting there are viability issues, I do not consider that this means that the Council should have to accept a poorly designed scheme.

Whether the proposed housing mix will meet the housing needs of the area

- 1.4 The Council published its most up to date Housing Needs Assessment (HNA) in December 2020 (CD6.20) and this is reviewed by Dr Bullock in his evidence. Dr Bullock considers that the appeal scheme does not address identified local needs in several ways: it has a lack of bungalows, it focuses on 1- and 2-bedroom affordable rented dwellings compared with a broader range of need and on 1- and 2-bedroom intermediate tenure dwellings again compared with a broader range of need. The appeal proposals also make no references to how it would meet the needs of the elderly or people with disabilities. Core Policy 3 and the NPPF seek to ensure that developments meet local identified needs. The appeal scheme fails in this respect and is contrary to those policies.

Effect on the Character and Appearance of the Area

- 1.5 The Inspector's pre-conference note identifies one of the main issues of this appeal is the effect on the character and appearance of the area with specific reference to density, design and the proposed landscaping scheme.
- 1.6 Density: I accept that the overall density on this site is not particularly high but consider that the requirement of Policy Bi/MU/1 for development to recognise the site's gateway location and to manage the transition into the main built up area suggests that this is a site where a lower density should be applied at least on the northern part of the site. The outline planning permission would provide a density of 23dph. Core Policy 3 does not preclude densities lower than 30dph but requires

them to be justified. I consider the requirements of Policy Bi/MU/1 provide this justification. However, as submitted, the plans show that the proposed density is too high for the northern part of the site and contributes to the overdevelopment of the site, contrary to Core Policy 3.

- 1.7 Design: Both the Core Strategy (Policy 9) and the Allocations and Development Management DPD (Policy DM5) promote a high standard of design and reflect government policy on this matter and Dr Kruczkowski explains how the Government is increasingly placing more emphasis on design matters. He assesses how the Appellant arrived at the design of the scheme and concludes that there was a lack of proper evaluation of the constraints and opportunities of this site. He identifies a significant number of design principles which have been missed/ignored which would have resulted in a significantly better designed scheme.
- 1.8 In my view, the design of the site has been made to 'fit' the Appellant's housing mix and density requirements, rather than the scheme fitting/recognising the constraints and opportunities of the site. The scheme includes a significant proportion of dwellings that fall below the Government's minimal floor standards in its 2015 Technical Housing Standards, most of which are intended to be family housing. The limited ground floor areas of these houses also result in limited garden size with 4 bedroom units having some of the smallest gardens in the development and no outside storage provided. I do not consider that a nationally sub-standard housing scheme can realistically be considered to be good design and cannot be compliant with local or Government policy.
- 1.9 The cramped nature of the scheme also gives rise to issues of triple tandem parking for nearly half of the 4 bedroom properties. In these cases, the garage, which represents the third space, is effectively discounted by the Highway Authority's Highway Design Guide (2021). I agree with the Council that tandem parking is a poor design feature that tends to result in on street car parking and pavement parking. From a practical and safety point of view, this level of tandem parking on a scheme of this size and the likely level of on-street parking generated is not considered to be a desirable design approach.

#### Landscaping and Transition to the Open Countryside

- 1.10 I do not take issue with the submitted LVA in most respects but consider that it

contains some omissions which must call into question some of the findings of the LVA and therefore the Council's Consultant's assessment. These relate to the lack of consideration of the transitional requirement contained in Policy Bi/MU/1 and also the lack of any address of the LCA SPD's requirement to create improved landscapes. Apart from a central area of Public Open Space and the Attenuation Pond required for the SUDs, the site contains very limited areas that are able to be landscaped either within it or around its edges. Of particular concern is the sensitive northern boundary and the hard and unsympathetic interface presented by the development with no real possibility of softening or mitigation. I do not agree with the Appellant's argument that the scheme offers an entirely appropriate urban design approach to address the site's gateway location. It simply does not, nor can it be improved through the use of conditions.

- 1.11 I find that the overall design of this scheme is inadequate and will not provide a well designed and acceptable development which will meet local needs. It will not function well or add to the quality of the area, not just in the short term but also for the lifetime of the development. It is therefore contrary to Spatial Policy 7, Core Policies 3 and 9 of the Amended Core Strategy and Policy Bi/MU/1 and DM5 of the Allocations and Development Management DPD as well as the policies of the NPPF.

#### Planning Balance

- 1.12 I carry out my planning balance in Section 5 of my evidence.
- 1.13 The Council's case is that the normal planning balance applies and the admitted conflict with the development plan means that planning permission should be refused, unless material considerations indicate otherwise.
- 1.14 I have demonstrated that the most important policies for determining the application are not out of date and therefore the presumption contained in NPPF Paragraph 11 d) cannot apply. The Council can demonstrate a 6.34 year supply of housing and there is no requirement under Footnote 7 to reduce the weight of the policies in such circumstances.
- 1.15 The plan-led system manages change in a sustainable way, directing development to where it can provide a boost to housing while protecting and enhancing our

natural and historic environment. I consider that significant planning harm flows from development being built which is in conflict with this plan-led system but accept that the benefits of the proposed development must be weighed against this significant harm in order to determine whether planning permission should nevertheless be granted.

#### Benefits of the Proposals

- 1.16 Housing Supply: The appeal proposal would provide a total of 103 dwellings to the housing supply and would assist the Council in meeting the NPPFs objective in paragraph 59 to significantly boost the supply of homes. As a consequence, the delivery of market housing weighs in favour of the proposal. However, the Council can currently demonstrate that it has a 6.34 year housing land supply. Furthermore, the mix of dwellings in this case do not reflect the needs for the district as a whole or for the sub area in which the site is located as identified in the most up to date Housing Needs Assessment. Therefore I attach only moderate weight to the provision of housing in this instance.
- 1.17 Affordable Housing: The Appellant has confirmed that the proposal would include the provision of 10% affordable housing on the basis of limited viability of the development. Core Policy 1 seeks to secure 30% provision on new housing developments and the current proposals therefore represent a significant shortfall on the policy requirement. Whilst I fully accept that there is a viability issue on this site, I consider that the provision of only 10 affordable dwellings instead of a policy compliant 30 must attract significantly less weight as it will provide limited assistance in the delivery of the Council's aims in securing additional affordable housing. I therefore attach only moderate weight to its provision.
- 1.18 Other benefits: It is recognised that the building of houses generates economic benefits both through the construction process and also from the spending power of the residents who occupy them. I also accept that the proposals have the potential to provide some temporary employment opportunities during construction. I afford these benefits moderate weight.
- 1.19 The development will also provide open space. The provision of open space can be considered a benefit although I consider in this case it is more to provide an acceptable level of amenity for future residents. It is not designed to provide any

additional play facilities or linkages to the village generally and is therefore unlikely to cater for the wider population in Bilsthorpe. However, it will allow part of the site to remain open and will be provided as public open space and I therefore attach moderate weight to its provision.

- 1.20 The proposals also provide the opportunity to secure a number of ecological enhancement measures, including new native landscape planting and additional faunal opportunities. However, the proposed landscaping is limited and I attach limited weight to its provision.

#### Overall Conclusions on Planning Balance

- 1.21 From my assessment of the benefits that would flow from this development, I do not consider that they provide a justification for a departure from the plan-led outcome, or that they are of such a scale and significance that they outweigh the harm to the plan-led system, to the character and appearance of the area and that the poor design of the scheme can or should be ignored.
- 1.22 The appeal scheme conflicts with the development plan taken as a whole and causes demonstrable harm. For the reasons I have given, I do not consider the NPPF, or any other material consideration provides a basis to determine the appeal scheme otherwise than in accordance with the development plan in this instance. I therefore consider that the planning balance favours withholding permission and dismissing the appeal.
- 1.23 I therefore request that the appeal is dismissed and planning permission refused.