

## The Planning Inspectorate

### COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

**Appeal Reference: APP/B3030/W/20/3265876**

#### DETAILS OF THE CASE

Appeal Reference

Appeal By

Site Address

#### SENDER DETAILS

Name

Address

Company/Group/Organisation Name

#### ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement

- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

## YOUR COMMENTS ON THE CASE

### 1. INTRODUCTION

1.1 I am Cllr Roger Blaney and I am the Chairman of the Planning Committee at Newark & Sherwood District Council. However, I am making this representation as Chairman of the Council's Local Development Task Group rather than on behalf of its Planning Committee and I would wish to attend the Inquiry and make a statement.

1.2 Newark & Sherwood DC was the first Local Planning Authority in the country to have both an Adopted Core Strategy and Community Infrastructure Levy Charging Schedule and, since 2003, I have been the lead member overseeing the development, adoption and revision of these.

1.3 As preparation for this representation, I have re-read the committee report and the various documents on the Council's website, viewed the on-line recording of the officer's presentation and the subsequent member debate at the committee and read the Appellant's Statement.

1.4 I acknowledge that the planning officer's report recommended approval of this application. However, the Inspector is readily aware that, whilst this was a recommendation, members of the committee were entitled to – and in this case did, unanimously – take a different view on the basis of all the information laid before them – as, indeed, an equally professional planning officer would be similarly entitled when considering the matter afresh.

1.5 The planning officer's report concludes that the balance was 'tipped towards approval' by attaching SIGNIFICANT weight (my emphasis) to housing delivery in a sustainable settlement. I beg to differ and will seek to demonstrate that, if allowed, this will be a flawed and inadequate development in this prominent location and one that will not manage the transition from the surrounding countryside into the urban area as was envisaged and clearly specified when the site was allocated.

### 2 THE LOCAL PLAN CONTEXT

2.1 The NSDC Core Strategy, adopted in March 2011, identified a requirement for 10,614 new homes by 2026 after taking into account extant consents and new homes built since 2006.

2.2 Bilsthorpe was identified as a Principal Village and was allocated 2.5% of the gross district-wide requirement (25% of Principal Village growth which collectively amounted to 10% of overall growth). After completions and committed developments this resulted in a need to allocate land capable of delivering 147 new homes.

2.3 For the Strategic Housing Land Availability Assessment, 22 sites in Bilsthorpe Parish underwent the full Assessment process. 6 sites were considered suitable for development with a combined indicative yield of 345 dwelling units. An additional 12 sites with a combined indicative yield of an additional 1258 dwelling units were deemed worthy of further consideration.

2.4 In combination, therefore, these sites had the potential to deliver more than ten times the quantum of new housing in Bilsthorpe that was required by the Core Strategy. After further consideration, consultation and an EIP, 3 sites were allocated for an indicative 20, 55 and 75 new homes respectively of which the current Appeal site was the largest. All 3 sites were edge of settlement and, in allocating them, it was considered essential that all 3 delivered an "appropriate design which addresses the site's important gateway location and manages the transition into the main built-up area". That is a requirement that was clearly specified for the avoidance of doubt, both to inform applicants and to reassure residents.

2.5 In 2015, NSDC began a Plan Review leading to the adoption, in March 2019, of an Amended Core Strategy. This set out the Council's spatial policy framework through to 2033 and required delivery of a minimum 9080 dwellings between 2013 and 2033 (para 4.17). After allowing for completions and commitments (up to April 2016) in settlements outside the defined Hierarchy, this is reduced to 8806 dwellings (para 4.18). However, after taking into account houses already built and permissions for new dwellings in those settlements within the Hierarchy (as at March 2017 and likely to be delivered during the Plan Period), this is further reduced to just 3453 dwellings.

2.6 Within the Amended Core Strategy, Bilsthorpe is, again, designated a Principal Village. Of the

overall housing growth, 10% is allocated to the 6 Principal Villages within the district and of this 30% is allocated to Bilsthorpe (i.e. 3% of the overall housing growth).

2.7 Appendix C, Housing and Employment Figures, Table 1 Housing Requirements 2013-2033 on p137 of the Amended Core Strategy indicates a 'Plan Review Residual Requirement as at 1st April 2017' for Bilsthorpe of 176 dwellings, after completions and commitments.

2.8 In January 2016, a highly controversial Appeal decision gave outline consent for 48 dwellings on an unallocated site at Southwell Road, Farnsfield (14/01469/OUTM). Key to the Inspector's decision was her assertion that NSDC could not demonstrate a 5-year housing land supply. Whilst this was just one appeal decision, it had significant implications for NSDC and meant that, until the council could produce a robust evidence base to satisfactorily address the matter, it was obliged to adopt a pragmatic approach in determining subsequent planning applications.

2.9 In October 2016, an outline application for 113 dwellings on an 8.25ha edge-of-settlement site at Oldbridge Way, Bilsthorpe (16/01618/OUTM) was submitted. This was fully policy compliant, providing 30% affordable housing and a full range of developer contributions. The site had been fully assessed through the SHLAA process and considered suitable for development but had not been allocated because of the relatively modest need for identified housing delivery in Bilsthorpe; however, the EIP Inspector's report identified it as an 'alternative site'. Given the Farnsfield decision and NSDC's concern that full weight could not, at that time, be attached to the Council's Objectively Assessed Need and five year land supply, the planning officer's recommendation and the Planning Committee's decision was to grant consent. The Decision Notice was issued on 28th April 2017. This, however, was after the cut-off date before which the information in Appendix C 2.7 above had been produced.

2.10 As at 1st April 2020, actual commitments in Bilsthorpe totalled some 218 net. This includes 85 dwellings on the current Appeal site granted at outline stage, with an additional 55 dwellings yet to come forward on an allocated site (Bi/Ho/2). Factoring in net completions since 1st April 2013 of 82, the table below updates p137 of the Amended Core Strategy and shows that 91 dwellings in excess of the Plan requirement through to 2033 have already been provided for in Bilsthorpe:

Update for Appendix C Table 1 (Bilsthorpe Only) Pg 137 of Amended Core Strategy  
Settlement % Distribution Plan Review Preferred Approach Requirement (2013-2033) Net Completions 01/04/2013 to 21/03/2020 Net Commitments as at 01/04/2020 Allocations remaining at 01/04/2020 Residual Requirement as at April 2020  
Bilsthorpe 30% of Principal Villages 264 82 218 55 -91

Therefore 91 dwellings in excess of the requirement are already provided for at 01/04/2020

2.11 Clearly, in the planning balance, some weight has to be given to housing delivery in a sustainable settlement, not least on an allocated site. However, I would contend that it should not be accorded SIGNIFICANT weight in the case of this application, tipping the balance of the planning officer's recommendation towards approval as the report to the Planning Committee made clear, when:-

- current commitments and allocations are already sufficient to meet the housing requirement in Bilsthorpe for the Plan period to 2033 – and probably for several years beyond;
- the application is seeking consent for significantly more than the indicative quantum for the site in the adopted Allocations and Development Management DPD or the outline consent;
- the application fails to comply with both national and local policy and guidance in respect of affordable housing or developer contributions; and
- it fails to respect the additional requirements set down for this Mixed Use site (Bi/MU/1) when it was allocated.

2.12 In consequence and by according SOME weight – rather than SIGNIFICANT weight – to housing delivery in a sustainable settlement, I will seek to show that the balance is now tipped towards refusal for this application.

### 3 THE CURRENT APPLICATION, 20/00873/FULM

3.1 The appeal site was allocated for an indicative 75 dwellings. The Appellant's Statement asserts (para 5.3 and passim) that eventual capacity on an allocated site will be subject to much more detailed developer assessment. Indeed it will but, equally, a developer's proposals will be rigorously tested by the Local Planning Authority.

3.2 The need for efficient use of land is recognised, but this cannot mean dwelling sizes getting smaller to accommodate ever higher densities or creating developments that are not well-designed and do not have a range of house types and sizes to meet the needs of present and future generations. Design will, I am aware, be covered in detail in the Council's Statement, so I will not dwell on it here.

However, I will highlight just some of the specifics that, I contend, combine to tip the planning balance in favour of refusal.

3.3 Over 60% of the proposed dwellings fail to meet the Government's nationally described space standards, with the majority failing by 12-18%. It is acknowledged that these standards have not been adopted by NSDC, but the standards do exist and they must surely carry some weight.

3.4 Of the 103 units, 67 have no garage or other space in which to store bicycles, lawnmowers etc. 75 of the 103 units have tandem parking whilst, for 20 of the 35 four-bedroom homes, this becomes triple parking. This fails to comply with the emerging NSDC Parking Standards SPD which, given its current status, is now considered to carry more weight than it did at the time of the Committee's decision and raises serious concerns about the level of on-street parking that will result.

3.5 The lack of provision for bin storage is likely to lead to them being left at the front of properties, especially for the terraced properties, or in the adjacent parking spaces.

3.6 The above are illustrative of the many design compromises that have been needed to squeeze a total of 103 units onto this site.

3.7 The bare minimum open space (1854sq m) has been provided to meet the Developer Contributions SPD but, regrettably, there is no provision for outdoor sports facilities which would be required and expected for a scheme of this size.

3.8 NSDC seeks to secure 30% Affordable Housing on qualifying sites. This was achieved on the Oldbridge Way, Bilsthorpe site (16/01618/OUTM) referred to at 2.9 above. It is, though, accepted that this may not always be viable. However, para 64 of the NPPF (Feb 2019) makes clear that, at least 10% of homes on major developments should be for affordable home ownership. The current application is for 103 homes of which just 10 would be affordable, that is 9.7%. Ten is a double-digit figure, nine is not. Even 9.7% cannot be promoted as being 'at least 10%'. Therefore, the application as submitted does not comply with the NPPF. I accept that this is a small point that is easily addressed by making just one more affordable home available, but it needs to be addressed before this application can comply with a key national policy requirement.

3.9 The site specific requirement is for an appropriate design which addresses its important gateway location and which manages the transition into the main built up area. The officer's Committee report observes that there was seemingly no acknowledgement of this policy requirement in the originally submitted Design and Access Statement. That is self-evident. The northern boundary would see principal elevations, including 2½ storey properties, fronted by driveways, parked cars and turning heads such that the edge of the development would be primarily areas of hardstanding. The ability for this impact to be softened by landscaping is clearly limited and the provisional landscaping proposals referred to in para 6.27 of the Appellant's Statement highlights the difficulty of softening the northern edge of the built form when it extends so close to the site boundary whilst landscaping proposed for the western edge is, at best, cursory.

3.10 Within the site, the opportunity for planting to soften the proposed maze of 1.8m close boarded fencing is equally limited by the comparative smallness of rear gardens whilst frontage planting is largely precluded by the predominance – and prominence - of parking spaces.

3.11 Pedestrian links to and from the site are limited to just the single entrance adjacent to the planned retail unit, thus restricting future residents ease of access to the informal paths to both the north and the east.

#### 4 CONCLUSION

4.1 Whilst there may be a housing supply crisis nationally, there is not one in Newark & Sherwood and certainly not in Bilsthorpe where current commitments comfortably exceed the settlement's defined housing delivery requirement for the rest of the Plan period and beyond.

4.2 The substantial increase in the number of dwellings proposed for this site should not be achieved by compromising the design of the development or the quality of life of its residents.

4.3 The application fails to respect and fulfill the site specific requirements set down for the site when it was allocated.

4.4 The application fails to comply with both national and local policy and guidance in important respects.

4.5 The viability appraisal suggests that the proposed product is incapable of delivering a policy compliant development. However, the viability of other options, such as a scheme for a much smaller number of higher quality and hence higher priced dwellings, ought to be encouraged and considered rather than approval being granted for the current flawed and inadequate scheme.

4.6 I respectfully urge that this Appeal is dismissed.

Roger Blaney (Cllr)  
Newark & Sherwood DC  
2nd March 2021