

**Item No:** 6d

<b>Application Ref.</b>	23/00329/FUL
<b>Application Type</b>	Full Planning Permission
<b>Site Address</b>	Land Next To Lound Low Road, Sutton Cum Lound, Retford.
<b>Proposal</b>	Erect 9 Dwellings and Construct New Access, Landscaping, Infrastructure and Associated Works
<b>Case Officer</b>	Jamie Elliott
<b>Recommendation</b>	GTD - Grant
<b>Web Link:</b>	<a href="#">Link to Planning Documents</a>

**THE APPLICATION****SITE CONTEXT**

The site is located outside of the development boundary as defined in the Bassetlaw Local Development Framework, but within the development boundary shown in the Neighbourhood Plan.

The site currently forms part of a larger agricultural field located on the north eastern edge of Sutton cum Lound and lies to the south of Lound Low Road; it covers an area of approximately 0.5 hectares.

The northern boundary of the site largely comprises a mature hedgerow and a public footpath runs along the western boundary.

The site is identified in Policy 4 of the Sutton-cum-Lound Neighbourhood Plan as a housing allocation.

**PROPOSAL**

The application seeks full planning permission for the erection of 9 dwellings, consisting of 1 two bedroom bungalow, 2 three bedroom bungalows, 3 four bedroom dwellings and 3 five bedroom dwellings.

The dwellings would be laid out in a linear manner to front Lound Low Road and would be of a traditional design and would feature detailing such as chimneys, brick arches, dentil courses to eaves and gables and stone cills.

It is proposed to access the site from a single priority access on to Lound Low Road with a private drive extending along the front of the dwellings. The access would also provide access to the remaining field to the rear of the proposed dwellings. The public footpath to the west remains unaffected.

The application has been amended from its originally submitted form, re-siting the access, adding chimney stacks to the proposed dwellings and re-locating roof lights from the road frontage elevations onto the rear.

## **DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town & Country Planning Act 1990 provides that the local planning authority shall have regard to the provision of the development plan, as far as material to the application, and to any other material considerations.

Other material planning considerations include the National Planning Policy Framework and guidance within the National Planning Policy Guidance.

## **NATIONAL PLANNING POLICY FRAMEWORK**

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up to date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission shall be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The following parts of the framework are applicable to this development:

Part 4. Decision-making

Part 5. Delivering a sufficient supply of homes

Part 8. Promoting healthy and safe communities

Part 9. Promoting sustainable transport.

Part 12. Achieving well-designed places

Part 14. Meeting the challenge of climate change, flooding and coastal change.

Part 15. Conserving and enhancing the natural environment.

Part 16. Conserving and enhancing the historic environment.

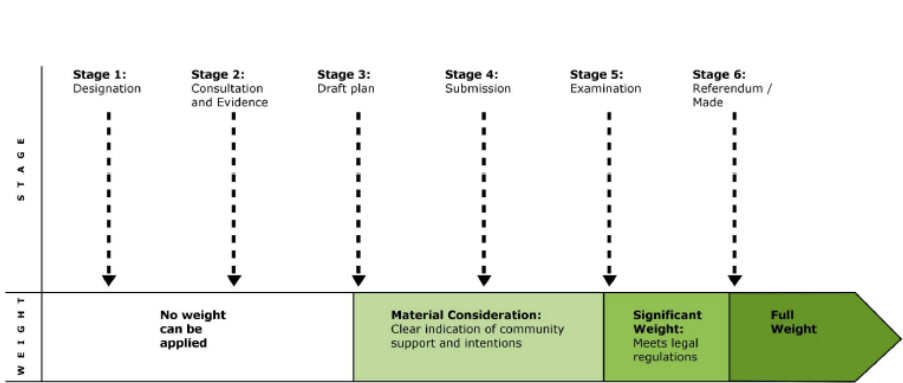
## **BASSETLAW DISTRICT COUNCIL – LOCAL DEVELOPMENT FRAMEWORK**

**Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):**

- CS1 - Settlement hierarchy
- CS8 - Rural Service Centres
- DM4 - Design & character
- DM5 – Housing Mix and Density
- DM8 – The Historic Environment
- DM9 - Delivering open space and sports facilities
- DM12 - Flood risk, sewage and drainage

**Sutton cum Lound Neighbourhood Plan**

The Sutton cum Lound Neighbourhood Plan was made in March 2021. The chart below shows the weight to be given to the Neighbourhood Plan set against the stage of the plan-making process. It can therefore be accorded full weight.



The relevant polices are as follows:  
 Policy 1 - Design of residential development  
 Policy 2 – A mix of housing types  
 Policy 4 – Land south of Lound Low Road.  
 Policy 6 - Infill and redevelopment in Sutton–cum-Lound village  
 Policy 8 – Improving green infrastructure  
 Policy 9 – Highway safety

**RELEVANT PLANNING HISTORY**

There is no relevant planning history.

**SUMMARY OF CONSULTATION RESPONSES**

**Nottinghamshire County Council Highways**

No objections.

**Bassetlaw District Council Environmental Health**

No objections.

### **Bassetlaw District Council Conservation**

No objections.

### **Isle of Axholme Internal Drainage Board**

Surface water run-off rates should not be increased as a result of the development.

### **Sutton cum Lound Parish Council**

Object to the development on the following grounds:

*Whilst the Parish Council and community would normally favourably consider development within the location, given the current rate of development within the village and lack of supporting infrastructure whether that be local hospitals, transport or amenities, and the design of the application in relation to the road layout which suggests that the site would be further targeted for future development outside of the NHP, and current speeding issues prevalent within the village, and possible development of the area in relation to planning application ES/4518 The extraction, processing and export of pulverised fuel ash from former ash disposal lagoons and their progressive restoration, and associated development including earthworks, dewatering and soil storage, ponds and excavations, hard and soft surfacing and landscaping and boundary treatment, buildings and structures, plant, conveyors, utility connections, roadways, parking, drainage, and ancillary development the Parish Council cannot support this application.*

*The SHMA identifies a likely need 'to support demand for bungalows .... based on the evidence we would expect the focus of new market housing provision to be on 2 or 3 bedroom properties.' Future development should reflect this local and district requirement for some smaller dwellings.*

*Statement 58 of the Neighbourhood Plan details the key concerns of the village. It is expected that any planning applications proposed meet some of these requirements in order to enhance the local environment. This application does not demonstrate any contribution towards these requirements.*

*As per the latest iteration of the Draft Bassetlaw Plan, Sutton cum Lound has exceeded its quota of new builds and it is not perceived that this application would enhance the local environment or provide any other benefits to the area.*

*The Parish Council express concern over the current drainage system /sewer connection in place which is not sufficient and likely at current capacity and ask that as condition of full approval of the application that sewer modelling study be required to determine the impact this development will have on the existing system and as to whether flows can be accommodated.*

*Furthermore as the application lays within close proximity to SSSI careful consideration should be given to the damage that the application could cause to biodiversity and ask that Natural England are consulted for permission prior to planning authority consideration.*

### **SUMMARY OF PUBLICITY**

This application was advertised by neighbour letter and site notice and **25 letters** have been received from **Local Residents** objecting to the development on the following grounds:

1. 2.5 storey dwellings would be out of character with the area;
2. The access onto Lound Low Rd, would be dangerous;
3. The development would create an access to serve further development to the south;
4. The development would be outside the development boundary;
5. The village already has a considerable number of new dwellings (56 already built);
6. It would only benefit the landowner and the developer;
7. The increase in vehicular movements would be detrimental to pedestrian safety;
8. The village is already over developed;
9. Too much development is taking place on the village edge;
10. The village has already exceeded the number of new dwellings required by BDC;
11. No further new houses are required in the village;
12. The development would extend the village boundary into the countryside;
13. A significant number of new houses with the village, remain unsold;
14. The development does not reflect the housing mix requirements of the village;
15. The speed limit should be extend to limit to 30mph;
16. Bungalows located on the village edge, would not be suitable for older people as they would be located furthest from village amenities;
17. The village already has sufficient numbers of 4 and 5 bed properties;
18. The village is without services and amenities;
19. All the open green space is being built upon;
20. Just because the site is identified in the Neighbourhood Plan (NP) as a site for housing, does not mean that it should be allowed;
21. The developer has failed to engage with the community;
22. As BDC can demonstrate that is no shortage of housing land supply, this application should be refused;
23. Would set a precedent for housing on the northern side of Lound Low Road;
24. Access to the site should be achieved from the western edge of the site;
25. The development is clearly maintaining access for further development to the south;
26. The turning head is poorly designed;
27. There are insufficient places in local schools;
28. Insufficient off street parking would lead to road side parking and congestion;
29. May adversely impact on the village sewage and drainage systems;
30. Adverse impacts on wildlife;
31. The field has previously been utilised by dog walkers;
32. The large monolithic houses would be an eyesore;
33. Would increase light pollution;
34. The number of dwellings allowed on Nights Gate site, should cancel out the need for other residential allocations in the village;
35. The NP requires that dwellings should front onto Lound Low Road.

Following re-consultations on the amended scheme a further **5 Letters of objection** have been received re-iteration the comments above:

1. The amended scheme would not overcome the previous objections outlined above;
2. The development fails to address the need for affordable starter homes;
3. Bassetlaw planning dept. must respect the process the community have engaged in, and responsibly work with the community to ensure the collaborative work and results are honoured if it wishes to continue to engage the community on future and maintain any credibility going forward;
4. Access to the land to the south should be precluded;
5. Increase in traffic would be detrimental to highway safety;
6. The service has insufficient services and facilities to accommodate the new dwellings;
7. Bassetlaw DC must have exceeded its quota for new housing;
8. Just because the site is allocated, the land owner should not take advantage of this;
9. Sutton has received its fair share of new housing;
10. The developer has not engaged with the local community;
11. The question should be asked, does the village need more housing?;
12. The gap between plots 4 and 5 is unacceptable;
13. Consideration should be given to providing a park or allotments behind the application site;
14. No details of swept path analysis have been provided to show how refuse vehicles will service the site;
15. The bungalows should be sited on the other end of the site to enable the retention of view across the site by existing residents;
16. The development fails to address the need for affordable starter homes;
17. Loss of green space and wildlife.

## **CONSIDERATION OF PLANNING ISSUES**

### **PRINCIPLE OF THE DEVELOPMENT**

Paragraph 12 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision making.

Policy CS1 of the Core Strategy states that until the adoption of the site allocations DPD, development in the settlements identified in the hierarchy will be restricted to the area inside defined settlement boundaries. However, additional permission may be granted where the development proposal would address a shortfall in the District's five-year housing supply.

Policy CS8 of the council's Core Strategy identifies Sutton-cum-Lound as a Rural Service Centre, a settlement that offers a range of services and facilities, and access to public transport, that makes it a suitable location for limited rural growth.

Paragraph 33 of the NPPF states that policies in development plans should be reviewed and where necessary updated every 5 years. The Bassetlaw Core Strategy dates from 2011 and its policies have not been reviewed in the last 5 years as the Council is working on a new local plan to replace it. In this situation, paragraph 219 of the NPPF states that policies in an adopted development plan do not become automatically out of date because they were published before the framework; policies must be considered having regards to their consistency with the framework.

The Core Strategy was prepared using a settlement hierarchy which included development limits to control development and does not have any new site allocations.

As such it restricts the delivery of new development which is out of step with the growth that is expected to be delivered as identified in the NPPF. As such, the weight given to policy CS1 has to be reduced.

In relation to the supply of housing, the NPPF requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraphs 74 & 75). For sites to be considered deliverable: they have to be available; suitable; achievable and viable. Under the requirements of the NPPF, the Council can demonstrate 13.5 years' worth of housing (as published in November 2021 in the 5 year supply statement) and as such, a deliverable 5 years supply of housing can be achieved.

Sutton-cum-Lound Neighbourhood Plan is made and therefore forms the most up-to-date development plan for the settlement. Whilst the Core Strategy is considered to be out of date and carry limited weight it is considered the titled balance test is not engaged in this instance as full weight can be afforded to the Neighbourhood Plan.

The site lies within the Development Boundary identified within the Neighbourhood Plan and is allocated for residential development by Policy 4: Land South of Lound Low Road.

Policy 4 of the neighbourhood plan states:

*1. Residential development on land south of Lound Low Road as allocated on the policies map will be supported where the applicant can demonstrate the following:*

- a) the design and layout reflects its rural setting and is in accordance with Policy 1; and*
- b) the layout safeguards the public right of way on the western boundary.*

The Sutton-cum-Lound Neighbourhood Plan is considered to carry full weight in the determination of this application and is considered to have a positive approach to development, allocating sites for residential development and allowing infill development within the defined development subject to certain criteria being met.

Therefore subject to complying with the policies outlined above and other material considerations, residential development of this site is clearly acceptable in principle having regard to Policy 4 of the made Neighbourhood Plan.

## **SUSTAINABILITY OF THE DEVELOPMENT**

Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

**“an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

**a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

**an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land,

helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In reaching a decision on this case, the NPPF at paragraph 9 makes it clear that the objectives referred to above should play an active role in guiding development towards sustainable solutions and are not criteria against which every planning application should be judged against.

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Sutton-cum-Lound is defined as a Rural Service Centre, a settlement that offers a range of services and facilities, and access to public transport that makes it a suitable location for limited rural growth

The erection of 9 dwellings on this site will make a small but positive contribution to building a strong, responsive and competitive economy through the creation of temporary construction related jobs on site and the on-going contribution to the local economy both in terms of employment, spending and service usage from the creation of additional households in the area.

It is considered therefore that Sutton-cum-Lound is a sustainable location for housing growth and therefore, it is considered as outlined above that the scheme does meet the social objectives of the NPPF.

## **HERITAGE MATTERS**

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 state that special regard should be given to the desirability of preserving listed buildings or their settings.

Policy DM8 of the Bassetlaw Local Development Framework is generally consistent with the NPPF and states that the historic environment shall be protected and enhanced to secure its long term future and that any development that would be detrimental to the significance of the heritage asset or its setting, will not be supported. This is reiterated in paragraph 200 of Part 16 of the National Planning Policy Framework, which states that any harm to or loss of the significance of heritage assets should require clear and convincing justification.

Paragraph 203 of the National Planning Policy Framework, also states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

The application site is on the edge of Sutton cum Lound and is within the setting of several non-designated heritage assets to the west. The site is also within the wider setting of St Bartholomew's Church (grade I listed). The site itself contains no heritage assets so this is, from a Conservation point of view, purely a matter of setting.

As there are no designated heritage assets on the site and immediate vicinity, the principle of development on the site is considered acceptable in Conservation terms, subject to an acceptable design, scale, layout and materials. With regard to the submitted details, these show standard suburban house types which are commonplace in this part of the village, including those recently built opposite. The scale of the buildings is limited to one and two storeys, limiting their impact on the wider setting.



The general design is considered to be acceptable, but the proposed roof materials (labelled as 'grey tiles' on the drawings) will not be acceptable. Clay pantiles are the predominant roofing material in the area so would be required here in order to help preserve the setting of nearby heritage assets.

Therefore subject to a suitably worded condition to secure appropriate facing and roofing materials, it is considered that the development would comply with the provisions of the policies and guidance outlined above.

## **VISUAL AMENITY**

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 126 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 130 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state that permission should be refused for development of poor design (para 134).

Policy DM4 of the Bassetlaw Core Strategy is consistent with the NPPF and provides general design principles which should be applied to all schemes. The policy states that all development proposals will need to be in keeping with the character and appearance of the wider area and when they are in historic locations, they should respect existing development patterns. All schemes must respect their context and not create a pastiche development which would be incorrect in their context.

Policy 1 of the Neighbourhood Plan states that:

Proposals for residential development should demonstrate a high design quality that enhances the distinctiveness and quality of the village by contributing to its historic rural character. In order to achieve this development should;

- a) use a locally inspired range of materials to ensure a narrow colour palette is utilized in keeping with the character of the surrounding properties; and
- b) use low walls made from local materials and hedges as boundary treatments, to delineate public and private space; and
- c) Be of a scale and mass that retains openness in the built form and retains views out to surrounding countryside; and
- d) demonstrates a layout that maximises opportunities to integrate new development with the existing settlement pattern; and
- e) protects and where possible enhances heritage assets (including their setting).

Within the immediate setting of the application site, there are a range of older and very recently completed dwellings. Whilst the character of this part of the village is somewhat mixed, the new dwellings use of red facing bricks and clay pantiles has help assimilate the development into the village setting.

The dwellings would be laid out in a linear manner to front Lound Low Road. It is considered that the layout would respect the linear character of the roads at the edge of Sutton cum Lound and the development frontage would be softened by the retention of the existing mature hedgerow which forms the northern boundary to Lound Low Road.

The application has been amended from its originally submitted form, reducing the number of roof lights in the elevations facing the road and introducing chimney stacks into the design of the houses. The dwellings would be of a traditional design and would feature detailing such as chimneys, brick arches, dentil courses to eaves and gables and stone cills. The scale and design of the dwellings proposed is considered to respect the existing character of this area of the village.

Following the submission of the amended scheme, it is considered that the development would be in-keeping with the traditional form of building in the village.

It is considered therefore that subject to conditions securing the use of appropriate facing and roofing materials, the development would be sympathetic to and in keeping with the character and appearance of the village.

Accordingly it is considered that the development would comply with the aims and provisions of the policies outlined above.

## **RESIDENTIAL AMENITY**

Policy DM4 of the Core Strategy is consistent with the NPPF and requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This is also reflected in paragraph 130 criterion f) of the NPPF which states that development should create a high standard of amenity for existing and future users.

Paragraph 185 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes an assessment of noise and light impact.

The District Council's 'Successful Places' Supplementary Planning Document also states that new dwellings should normally have a minimum single area of private amenity space of; 50m<sup>2</sup> for 2 bed dwellings, 70m<sup>2</sup> for 3 bed dwellings and 90m<sup>2</sup> for 4 bed dwellings.

As the occupiers of the new dwellings would be provided with private garden areas in excess of this minimum requirement, the development would comply with the requirements of the SPD.

The proposed dwellings have been designed and orientated in order to ensure that the dwellings would not result in any undue overlooking, overshadowing or domination of neighbouring dwellings.

It is also considered that there is sufficient distance between the proposed dwellings and the existing dwellings to the north of Lound Low Road, to ensure that there would be no significant adverse impacts in terms of overlooking and loss of privacy.

The District Environmental Health Officer has recommended that a noise and odour survey be undertaken in respect to the existing pump house, in order to assess whether mitigation would be needed for occupiers of the dwellings on plots 1 and 2.

It is recommended therefore, that should permission be granted, a condition be imposed requiring that a noise and odour survey be undertaken in respect of plots 1 and 2, and the implementation of any necessary mitigation.

Accordingly it is considered that the development outlined above would comply with the provisions of the policies and guidance outlined above.

## **HOUSING MIX**

Policy 2 of the Neighbourhood Plan states that:

1. Planning applications for housing schemes are required to deliver a housing mix that reflects the demonstrable need for smaller market dwellings.
2. Developers are required to demonstrate how this has been taken into account in the different house types and bedroom numbers proposed.

The Bassetlaw Housing and Economic Needs Assessment (HEDNA) published in November 2020 states "it is expected that the focus of new market housing provision will be on 2- and 3-bed properties". It is acknowledged that the study covers the whole District, rather than just Sutton-cum-Lound. However, the authors have clarified that although there were some differences noted between sub-areas, they are not substantial enough to suggest a need for a different mix.

It is clear that, whilst not specifying a particular proportion of smaller dwellings that should be delivered, Policy 2 does seek to ensure that the housing mix within residential does deliver a higher proportion of smaller dwellings. On balance it is considered that the application for the erection of, 1 two bed bungalow, 2 three bed bungalows, 3 four bed dwellings and 3 five bed dwellings is not fully in accordance with policy 2.

However there is to a degree a conflict in planning policy in regards to the issue of smaller dwellings for this site and density / character of the area policies. Furthermore the specific allocations policy 4 requires a design and a layout that reflects its rural setting. Policy 1 also requires new development to be consistent with the character of the area. The development as proposed does fulfil the policies relating to the character of the area and there are some smaller dwellings proposed.

On this basis it is considered that this would not form reasonable reason for refusal.

## **HIGHWAYS MATTERS**

Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council's Core Strategy. Paragraph 111 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 92 of the NPPF states that all development should aim to achieve healthy, inclusive and safe places which encourage social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 110 of the NPPF requires schemes to provide safe and suitable access for all users as well as looking at appropriate opportunities to promote sustainable transport modes.

Paragraph 112b of the NPPF requires schemes to address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

Paragraph 112e of the NPPF requires schemes to be designed to enable charging of plug-in electric vehicles (EV) and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. As with mobility vehicles, there are currently no County standards on what provision developers must provide as part of their schemes, but this is to change soon as the County is working on such a policy and has considered it to be appropriate to request provision here in line with the requirements of paragraph 112e of the NPPF.

The originally submitted scheme proposed two separate vehicular access points onto Lound Low Road. At the request of the highways authority the scheme has been reduce to a single point of access in the centre of the road frontage. The scheme has been amended in accordance with the recommendations of the Highways Authority with vehicular access to the site being from a single priority access on to Lound Low Road with a private drive extending along the front of the dwellings. The access would also provide access to the remaining field to the rear of the proposed dwellings. A pedestrian access is proposed to the west of the site and this would provide a link through to the footway on Lound Low Road.

The proposed access would be 5.5m in width with 2m footways either side and the width would allow a vehicle to enter the site whilst another is egressing. The applicant has provided a speed survey of vehicles travelling along Lound Low Road in both directions and it has been demonstrated that suitable visibility splays can be achieved to ensure vehicles can safely egress the site.

Consequently the Highways Authority have indicated that proposed layout as amended would have no adverse implications for highway safety either through vehicular movements or parking and would therefore provide a safe and suitable means of access to the development proposed. It is therefore considered that the proposal is compliant with the policies and guidance outlined above.

## **ECOLOGY/TREES**

The Environment Act 2021 has introduced a requirement for development to deliver a 10% net gain to biodiversity. Opportunities to achieve 10% net gain in planning decisions are welcomed, however this will not become mandatory until November 2023 for large sites and April 2024 in the case of small sites. In the interim, with the absence of an up-to-date Local Plan, the Authority will approach biodiversity in accordance with paragraph 180 of the NPPF which makes clear that there should be no net loss to biodiversity as a result of development.

The content of paragraph 180 of the NPPF states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. It states that the following principles should be applied (in summary):

- If significant harm cannot be avoided adequately mitigated or compensated for permission should be refused.
- Development within or outside a SSSI which is likely to have an adverse impact on it should not normally be permitted. The only exception is where the benefits of location outweigh its impact.
- Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are exceptional reasons or compensation.
- Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy DM9 of the Core Strategy is consistent with the above and adds that development proposals will be expected to take opportunities to restore or enhance habitats and species'

populations and to demonstrate that they will not adversely affect or result in the loss of features of recognised importance.

The Government's Consultation response on Biodiversity Net Gain has been published in February 2023 and makes clear that exemptions for the assessment and delivery of Biodiversity Net Gain will be made in the following instances:

- Development impacting habitat of an area below a 'de minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows
- Householder applications
- Biodiversity gain sites (where habitats are being enhanced for wildlife)
- Small scale self-build and custom housing

This is subject to change should any secondary legislation or further supplementary guidance be published by the Government.

A preliminary Ecological Appraisal has been submitted in support of the application and concludes that the majority of the habitat within the site were species poor and of low quality. This is typical of land within agricultural use.

The hedges on the boundaries of the application site were however considered to be 'Habitats of Principal Importance'. As a result the appraisal therefore recommends that these hedges are retained and enhanced where possible.

The applicants have also submitted an Ecological Enhancement Strategy (EES), which seeks to maintain and protect existing conservation value of retained features and to create new habitats to enhance ecological connectivity across the site.

In terms of maintaining and protecting retained features of value it recommends that the hedge on the site frontage be retained and suitably protected throughout the construction phase of development.

With regard to the creation of new habitats, the EES proposes the following enhancement measures:

- i.) Flowering sward mix planted on open space on frontage;
- ii.) Tree planting on open space;
- iii.) Hedgerow on northern boundary enhanced by additional planting;
- iv.) Provision of integral bird and bat boxes;
- v.) Hedgehog accessible boundary treatments;
- vi. After care and maintenance carried out by Management Company.

The requirement to deliver 10% biodiversity net gain is not mandatory until November and therefore cannot be insisted upon within applications being determined prior to this date. However, the applicant has demonstrated that the Ecological Enhancement Strategy will provide biodiversity enhancement within the scheme and this is welcomed.

Concern has been raised that the development may result in harm to the Sutton and Lound Gravel Pits SSSI which lies around 900m to the south east of the site. Natural England is required to be consulted in respect of developments of certain scales within identified risk zones around the SSSI. This development does not trigger a consultation to Natural England who would not respond should a consultation be sent. It is considered that the evidence provided by the applicant demonstrates that the ecological impacts of the development would be acceptable.

Therefore subject to securing the outlined ecological mitigation and enhancements measures it is considered that the development would comply with the policies outlined above.

## **FLOODING/DRAINAGE**

Policy DM12 states that all new development will be required to incorporate Sustainable Drainage Systems (SuDS) and provide details of ongoing and maintenance and management. Similar advice is contained in paragraph 167 of the NPPF.

The site lies within Flood Zone 1, land that has the lowest risk of flooding. It is therefore considered that the site can be developed in a way that ensures that flood risk won't be increased elsewhere and that the development is safe for its lifetime.

If permitted, the appropriate means of foul and surface water disposal from the site shall be secured by condition, ensuring compliance with the above policies.

## **CONTAMINATED LAND**

Paragraph 183 of the NPPF requires that in making decisions on schemes consideration is taken account of the ground conditions and any risks arising from contamination.

As there may have been previously contaminative uses on the site, the district Environmental Health Officer has requested a condition be imposed on any subsequent permission requiring an investigation into site contamination.

Subject to securing the above investigation and mitigation measures it is considered that the development would comply with the provisions of the policies and guidance outlined above.

## **OTHER MATTERS**

A number of objectors have raised concerns relating to a range of other issues. These are discussed below.

### *Over development within the village*

A number of concerns have been expressed in relation to the number of new dwellings already being built in the village, arguing that the settlement of Sutton Cum Lound does not require any further increase in properties.

It is important to note that the site in question is allocated within the Neighbourhood Plan for residential development.

This Plan was prepared by Sutton cum Lound Neighbourhood Plan Steering Group on behalf of Sutton cum Lound Parish Council. It covers the whole of the Parish of Sutton cum Lound and sets out planning policies for the Neighbourhood Plan Area from 2016-2031.

The Neighbourhood Plan was formally 'made' by Bassetlaw District Council on 4 March 2021. The Neighbourhood Plan therefore forms part of the statutory Local Development Plan for Bassetlaw and should be used when either applying for planning permission or determining planning applications within the Neighbourhood Plan Area.

Therefore as the application site is allocated within the Neighbourhood Plan for residential development, the principal of the current development is clearly acceptable in principle.

*Lack of facilities and services within the village.*

Objections have been received on the basis that the village has insufficient services and facilities to accommodate any further increase in housing number. Sutton cum Lound is however identified in the Bassetlaw Local Plan as a Rural Service Centre, settlements that offer a range of services and facilities, and the access to public transport, that makes them suitable locations for limited rural growth.

Although Rural Service centres do not meet all of the day-to-day needs of their communities, they provide a level of service provision above that of other rural settlements. It is considered therefore that the creation of new households would help improve the viability of existing services and help sustain the local community.

*Precedent for further development.*

Concerns have been expressed with regard the precedent that the development would set for further residential development in the village. In addition objects have been raised in respect to the retained land in the middle of the site providing future access to the rear of the site.

In response to the above, any further development would be require the submission o further planning applications and would be determined under the current national and local planning policies, and policies contained in the neighbourhood plan. The granting of planning permission for residential development on a site allocated for housing within the Neighbourhood Plan would therefore not set an undesirable precedent for any further development within the village.

*Community Benefits.*

It has been argued that the allotments should be provided on the land to the rear of the site for the benefit of the local community. As there are no specific polices within the Local Development Framework or the Neighbourhood Plan in respect to providing allotments in this location, the would be no justification in planning terms to request such a community facility.

## **CONCLUSION**

As indicated previously Sutton-cum-Lound Neighbourhood Plan is 'Made' and therefore forms the most up-to-date development plan for the settlement and can be afforded full weight.

The site lies within the Development Boundary identified within the Neighbourhood Plan and forms the area of land allocated for residential development by Policy 4: Land South of Lound Low Road.

The principle of residential development of this site has therefore clearly been accepted, subject to addressing other material considerations.

It is must be acknowledged that the housing mix proposed does not strictly comply with Policy 2 of the Neighbourhood Plan; however this also has to be considered alongside the other policies in the plan, particularly Policy 1 (Design of Residential Development) and Policy 4 (land South of Lound Low Road) and it also has to be considered against national and local design policies.

This application site is an edge of settlement site which lies adjacent to the open countryside. In this location a lower density of development would be expected to provide a transition in to the countryside, it should be well designed and prominent enough to form a gateway / entrance to the village without being over dominant. If a higher density development of smaller dwellings were to be provided, in accordance with Policy 2, it would not be in keeping with the character of this part of the village and would be unlikely to respect the semi-rural nature of the site. Therefore on balance assessing planning policy in the round it is considered that the proposed development is acceptable in terms of layout and appearance and housing mix.

The proposal by virtue of the scale, design and appearance, is considered to have an acceptable impact upon the amenity of the occupiers nearby dwellings and would provide a good standard of residential amenity for future occupiers. It is also considered that the proposal would not result in a detriment to highway safety and would also have a positive impact upon the natural environment through the delivery of ecological enhancements within the development.

It is considered therefore that the for the reasons discussed above, the development as amended would comply with policies DM4, DM8, DM9 and DM12 and parts 12, 14, 15 and 16 of the National Planning Policy Framework and the overall aims of the Sutton cum Lound Neighbourhood Plan.

**RECOMMENDATION:** Grant subject to conditions

**CONDITIONS:**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be in accordance with details and specifications included on the submitted application form and shown on the following approved plans:

- Planning Layout Drawing No. FO32-01-01 Rev. D, received 18 May 2023;
- Streetscene Drawing No. FO32-01-02 Rev. B, received 18 May 2023;
- Westbury Plot 5 Drawing No. 2215-P07 Rev. A, received 18 May 2023;
- Westbury Plot 4 and 6 Drawing No. 2215-P08 Rev. A, received 18 May 2023;
- Claydon Plot 7 Drawing No. 2215-P09, received 18 May 2023;
- Subury Plot 8 Drawing No. 2215-P10, received 18 May 2023;
- Salisbury Plot 9 Drawing No. 2215-P11, received 18 May 2023;
- Winsters Plots 1 and 3 Drawing No. 2215-P12 Rev. A, received 18 May 2023;
- Winsters Plots 1 and 3 Plans, Drawing No. 2215-P13 Rev. A, received 18 May 2023;
- Winsters Plot 2 Drawing No. 2215-P14 Rev. A, received 18 May 2023;
- Winsters Plot 2 Plans, Drawing No. 2215-P15 Rev. A, received 18 May 2023;
- Garages, Drawing No. 2215-P12, received 10 March 2023.
- Visibility Splays, Drawing No. 600735-HEX-00-00-DR-TP-0300 Rev. P02, received 9 May 2023
- Preliminary Ecological Appraisal by Brindle and Green, received 10 March 2023
- Ecological Enhancement Strategy by Brindle and Green Ref: BG22.216, received 24 July 2023

Reason: To ensure the development takes the agreed form envisaged by the Local Planning Authority when determining the application and for the avoidance of doubt.



3. Notwithstanding the submitted details, the roofs of the buildings hereby approved shall be covered only with clay pantiles, the specifications of which shall be submitted to and agreed in writing by the Local Planning Authority before the roofs are installed. The completed roofs shall only be in accordance with the agreed details.

Reason: To ensure the roofs of the new development preserve the setting of nearby heritage assets.

4. The facing materials to be used in the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority before any development occurs above damp proof course level (DPC).

Reason: To ensure the satisfactory appearance of the completed development.

5. Prior to plots 1 to 4 and 5 to 9 respectively being occupied the respective communal bin stores detailed on plan reference F032-01-01 Rev D shall be provided in a hard bound material.

Reason: To ensure bins do not obstruct the footway and visibility splays from accesses in the interest of highway safety.

6. Prior to the dwellings being occupied the footway on Lound Low Road shall be widened to 2.0m from a point east of the site access junction in a westerly direction to a point west of the site's western boundary and the Lound Low Road streetlighting and 30mph speed-limit shall be extended to a point east of the site access junction.

Reason: In the interest of highway safety and to promote sustainable travel.

7. Prior to the dwellings being occupied the visibility splays detailed on plan reference 600735-HEX-OO-OO-DR-TP-0300 Rev P02 shall be provided from the site access junction and, except for streetlighting and speed-limit signage, all street furniture shall be set back behind the visibility splays.

Reason: In the interest of highway safety.

8. No development shall take place until a Construction Method Statement (CMS) has been submitted to and has been approved in writing by the Local Planning Authority including a works programme. For each part of the works programme (i.e., site clearance, foundations, structures, roofing, plumbing, electrics, carpentry, plastering, etc.) the CMS shall include:

- a quantitative assessment of site operatives and visitors,
- a quantitative assessment of the size and number of daily deliveries,
- a quantitative assessment of the size, number, and type of plant,
- a plan identifying any temporary access arrangements,
- a plan of parking for site operatives and visitors,
- a plan of loading and unloading areas for vans, lorries, and plant,
- a plan of areas for the siting and storage of plant, materials, and waste, and
- the surface treatment of temporary access, parking and loading and unloading areas.

The first action on commencement of development, and prior to any further action (including site clearance, site stripping or site establishment) shall be the formation of; any temporary access arrangements; parking areas; and loading, unloading, and storage areas in accordance with the approved CMS and thereafter any temporary access, parking, load and unloading, and storage areas shall be set out and utilised in

accordance with the approved CMS and programme. The designated parking, loading, and unloading, and storage areas shall be used for no other purpose during the respective part of the programme.

Reason: To minimise the impact of the development on the public highway during construction in the interest of highway safety.

9. The development shall not commence until details of the proposed arrangements for the management and maintenance of the streets (prior to an agreement being entered into under Section 38 of the Highways Act 1980) including associated streetlighting and drainage have been submitted to and approved by the Local Planning Authority. The streets including streetlighting and drainage shall for the lifetime of the development be maintained in accordance with the approved private management and maintenance details unless an agreement has been entered into under Section 38 of the Highways Act 1980 at which point those streets covered by the agreement will not be subject to the approved management and maintenance details.

Reason: To ensure that the street infrastructure is maintained to an appropriate standard prior to being adopted as public highway.

10. No dwellings within the development shall be occupied until the streets and footways affording access to those dwellings have been completed up to binder course level and are street lit and which shall be surface coursed prior to the last occupation.

Reasons: To ensure that the streets serving the development are sufficiently completed and are available for use by the occupants and other users of the development in the interest of highway safety.

11. No dwelling shall be occupied until such time as the access and parking area to that dwelling has been provided in a bound material (not loose gravel) and which shall be drained to prevent the unregulated discharge of surface water onto adjacent roads and footways.

Reason: To ensure appropriate access and parking arrangements are available, to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc), to minimise the chance of highway flooding and severe icing, and in the interest of highway safety.

12. Prior to the commencement of development, a management plan for the highway boundary hedgerows and the proposed mix of any additional landscaping for the boundary and the flowering grassland identified in the Brindle & Green Ecological Consultants Ltd, Ecological Enhancement Strategy Ref: BG22.216, dated 21 July 2023, shall be submitted to an approved in writing by the Local Planning Authority. The boundary and flowering grassland shall be maintained in accordance with the approved management plan for the lifetime of the development.

Reason: To ensure that the boundary hedgerow is appropriately maintained in the interest of highway safety and in the interests of biodiversity.

13. All vehicles preparing to leave the site during the construction period shall have their wheels thoroughly washed should they be displaying signs of mud or debris and a mechanically propelled road sweeper shall be employed should mud or debris be transported onto the public highway immediately following each occurrence until such time as all mud and debris has been removed.

Reason: To minimise the exportation of mud and debris onto the public highway and to ensure that this is appropriately dealt with in the interest of highway safety.

14. No development shall take place until such time as it has been demonstrated that the size of the highway soakaway detailed on plan reference WHL-1642-01DR-OOI P3 is adequate, that an infiltration rate greater than 10mm/hr is achievable, and that the base of the soakaway will be located at least 1.0m above the highest recorded ground water level considering seasonal variances or until such time as alternative drainage strategy has been approved.

Reason: To ensure that the street layout can be appropriately drained.

15. No development shall commence above damp proof course level (DPC) on plots 1 and 2, until a noise and odour assessment has been submitted to and agreed in writing the Local Planning Authority. The assessment shall evaluate the impacts of the adjacent pump house on the occupiers of the new dwellings and shall include details of any necessary works or mitigation. The agreed scheme of mitigation shall be carried out prior to the occupation of the plots outlined above.

Reason: To safeguard the amenities of future residents

16. Development shall not commence until a L-CRM Stage 1 Risk Assessment has taken place and, if required a Stage 2 options appraisal has been carried out to identify the nature and extent of any contamination at the site. The site investigation report shall include a risk assessment to assess the risks to the environment and to human health resulting from any contamination present at the site.

Stage 3 remediation and verification measures identified by the investigation shall be carried out before the use of the site / the occupation of the buildings(s), hereby permitted, commences. The report shall be agreed in writing by the Local Planning Authority. In order to comply with the above condition, the proposal should comply with Land Contamination: risk management guidance found at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> and "BS 10175:2011+A2:2017 Investigation of potentially Contaminated sites - Code of practice".

Reason: To ensure that the site, when developed, is free from contamination, in the interests of safety.

17. No construction works shall take place outside 8:00am - 6:00pm Monday to Friday, 9:00am - 1:00pm on Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of dwellings located in the vicinity of the application site.

18. No development shall commence above damp proof course level (DPC) until a scheme for the provision of bird and bat boxes units within the development has been submitted to and agreed in writing with the Local Planning Authority. The approved bird and bat boxes shall be completed and available before the dwellings hereby permitted are first occupied.

Reason: To ensure that the optimal benefits of biodiversity are achieved.

19. A landscaping scheme in accordance with the Brindle & Green Ecological Consultants Ltd, Ecological Enhancement Strategy Ref: BG22.216, dated 21 July 2023, shall be submitted to and approved in writing by the Local Planning Authority before development commences above damp proof course level (DPC). The approved scheme shall be fully implemented within nine months of the date when the last dwelling on the site is first occupied. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees or shrubs of a size and species similar to those originally required to be planted.

Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.

20. The existing hedges on the northern and eastern boundaries of the application site shall be retained. No part of the hedges shall be removed unless that removal is authorised as part of this grant of planning permission or is the subject of written agreement by the Local Planning Authority.

Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.

21. Prior to the commencement of development, all hedges on the boundaries of the application site shall be protected in a manner previously agreed in writing with the Local Planning Authority. The hedgerows shall be protected in accordance with the agreed scheme for the duration of the construction activities.

Reason: To ensure the development is carried out in a way which safeguards the boundary hedgerows.

22. Development shall not commence above Damp Proof Course Level, (DPC) until a scheme for all walls and fences within the site, including hedgehog access points, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be fully implemented before the occupation of the dwellings to which each relates.

Reason: To ensure the satisfactory, overall appearance of the completed development.

23. Foul sewage and surface water shall be disposed of from the site in accordance with the Drainage Strategy dated March 2023 and received on 10 March 2023, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the site is drained in a satisfactory manner.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or and order revoking or re-enacting that order), no dormer windows, roof lights (other than those approved as part of this development) or solar panels shall be placed on roofs of the buildings hereby permitted, without the prior approval of the Local Planning Authority.

Reason: The unsympathetic extension or alteration to the approved building(s) may cause harm to the character and appearance of the area.

25. All rooflights hereby permitted shall be conservation style rooflights set as flush as practicable within the roof slope.

Reason: To ensure the satisfactory appearance of the completed development