

ITEM SUBJECT OF A SITE VISIT

Item No: a3

Application Ref.	22/01485/FUL
Application Type	Full Planning Permission
Site Address	Land Including Thievesdale House, Blyth Road, Worksop.
Proposal	Full Planning Application for Approval of 91 Dwellings (Phases 3 & 4) with Associated Accesses, Parking and Landscaping, Following Outline Application 15/01477/OUT
Case Officer	Jamie Elliott
Recommendation	Grant Permission subject to conditions and S106 Agreement
Web Link:	Link to Planning Documents

THE APPLICATION

SITE CONTEXT

The application site lies outside of the development boundary as defined in the Bassetlaw Local Development Framework.

The site is currently in use as a site entrance and construction compound area for the ongoing residential development that lies adjacent to the site to the south west. The site is bounded by Thievesdale Road to the south and Blyth Road (B6045) to the east.

An existing bungalow, Thievesdale house is located within the centre of the site.

The site was previously within the parish of Carlton-in-Lindrick, however following a change to the boundaries, it now falls within the Worksop Town boundary.

PROPOSAL

The site forms part of a larger site that received outline planning permission for mixed use development comprising of up to 182 dwellings, clean/green tech business park, innovative data centre and ancillary storage use, in June 2018. (15/01477/OUT)

Reserved matters were approved for the access, appearance, landscaping, layout and scale for 45 x dwellings (Phase 1) in June 2019. (18/00862/RES)

Reserved matters were approved for the access, appearance, landscaping, layout and scale for 40 x dwellings (Phase 2) in April 2020. (20/00178/RES).

Reserved matters were approved for the erection of commercial units in December 2021. (21/00867/RES)

The application seeks full planning permission for the erection of 91 dwellings, which would constitute phases 3 and 4 of the development site outlined above.

Access to the site would be achieved from the existing access road serving phases 1 and 2, located on Thievesdale Road.

The application has been amended from its originally submitted form in order to address design, highways and layout issues.

The applicant's agents have submitted a number of supporting documents which include:

Design and Access Statement
Transport Assessment
Phase 1 and 2 Geotechnical Site Investigation
Tree Survey
Landscape and Visual Appraisal
Noise Assessment
Flood Risk Assessment

All these documents are available for inspection on-line or within the Council's offices.

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 proposed⁶; 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 paragraphs of the framework are applicable to this development:

Para 7 – Achieving sustainable development

Para 8 – Three strands to sustainable development

Para 10 – Presumption in favour of sustainable development

Para 11 – Decision making

Para 12 – Development plan as the starting point for decision making

Para 33 – Strategic policies in development plans should be reviewed every 5 years.

Para 38 – Decision making should be done in a positive way.

Para 55 – Planning conditions to be kept to a minimum and to meet the tests.

Para 56 – Planning obligations

Para 59 – Councils to boost housing supply

Para 61 – Meeting housing need

Para 73 & 74 – All Councils to have a minimum 5 year supply of housing to meet demand.

Para 91 – Planning to achieve healthy, safe and inclusive communities.

Para 94 – Provision of sufficient school places

Para 96 – provision of high quality open space and opportunities for sport and physical activity.

Para 108 – 110 – Highway safety

Para 117 – Making effective use of land

Para 124 – Good design is a key aspect of sustainable development.

Para 127 – Development should reflect local characteristics.

Para 130 – Poor design should be refused permission.

Para 155 – Inappropriate development at risk of flooding should be avoided by directing development to parcels of land at less risk of flooding.

Para 163 – New development must not increase the risk of flooding elsewhere.

Para 170 - Decisions should contribute to protecting and enhancing the natural and local environment.

Para 178 – Planning and pollution

Para 180 - Development and its effect on health.

BASSETLAW DISTRICT COUNCIL – LOCAL DEVELOPMENT FRAMEWORK

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

- CS1 - Settlement hierarchy
- CS2 - Worksop
- DM4 - Design & character
- DM5 – Housing Mix and Density
- DM8 – The Historic Environment
- DM9 - Delivering open space and sports facilities
- DM11 - Developer contributions and infrastructure provision
- DM12 - Flood risk, sewage and drainage
- DM13 - Sustainable transport

RELEVANT PLANNING HISTORY

15/01477/OUT Outline planning permission granted for mixed use development comprising of up to 182 dwellings, clean/green tech business park, innovative data centre and ancillary storage use, access and junction improvements, landscaping and sustainable urban drainage infrastructure. June 2018.

18/00862/RES Reserved matters approved for the access, appearance, landscaping, layout and scale for 45 x dwellings (Phase 1). June 2019

21/00867/RES. Reserved matters approved for the appearance, landscaping, layout and scale to erect commercial units following outline application 15/01477/OUT. December 2021.

21/00867/RES Reserved matters approved for the erection of commercial units. December 2021.

SUMMARY OF CONSULTATION RESPONSES

Nottinghamshire County Council Planning Policy

Minerals

The proposed site area is not within a defined 'Minerals Safeguarding Area', as such the County Council raises no objection to this proposal.

Waste

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities.

Planning Obligations

Transport and Travel Services

This application represents Phase 3&4 of a previous approval and therefore at this time it is not envisaged that contributions towards local bus service provision will be sought.

School Transport The closest schools to the site include Outwood Academy Portland (catchment), Kingston Park Academy, Ramsden Primary School and at this time it is not envisaged that contributions towards school transport provision will be sought.

Bus stop Infrastructure

We note the "Potential connection to adjacent land" on the Phase 3 & 4 Layout Plan and the inclusion of a bus stop location within the site situated within the Phase 1 & 2 boundary. There's no developer funding for bus service support and no current plans for a bus service to access the site. However, the provision of safeguarded stop locations should be included to provide for any future connection to the adjacent land and should accommodate bidirectional operation. Therefore, a second safeguarded bus stop location should be identified on the plan, staggered with the above stop to the side of Plot 146, with a recessed footway at the location to accommodate the bus shelter, raised boarding kerbs and low voltage power to the bus stop pole.

Education

The proposed development of 91 dwellings on the above site would yield an additional 19 primary, 15 secondary and 3 post 16 aged pupils.

Based on the current pupil projections data shown in the table above, there is a forecast surplus of 16 places in the pupil planning area. However, as set out in the Council's Developer Contributions Strategy, the Department for Education anticipates that Local Authorities will maintain a margin of 1.2% in school capacity in order to allow for in-year movement between schools, which does not include new families moving into an area as a result of them occupying newly built houses. Applying an operating margin of 1.2% to the planning area capacity reduces the overall surplus to 5 places

The County Council therefore seeks a primary education contribution of £359,233 (based on 19 pupils x £18,907 per place) to be used towards improving, remodelling, enhancing, or expanding facilities to provide additional permanent capacity within the Langold Planning Area to accommodate pupil growth from the development.

Based on current pupil projection data there is forecasted to be insufficient places in the planning area to accommodate the additional pupils that would be generated by this proposal. The delivery of additional secondary education provision within Worksop will be funded through the District Council's Community Infrastructure Levy (CIL)

Libraries

A developer contribution for additional library stock would be required to meet the needs of the increase in population.

This is costed as follows: 209 (population) x 1.532 (items) x £10.00 (cost per item) = £3,202

Nottinghamshire County Council Highways

No objections subject to conditions securing the following:

1. Management and maintenance of streets;
2. Wheel washing facilities;
3. Development to be carried out in accordance with the travel plan;
4. Provision of footways;
5. Provision of pedestrian/emergency link.

Nottinghamshire County Council Rights of Way (Via East Midlands)

No objection.

Nottinghamshire County Council Lead Local Flood Authority

No objection

Bassetlaw District Council Environmental Health

No objections subject to conditions securing:

1. Electric Vehicle (EV) charging points;
2. Investigation into site contamination.

In response to the submitted Noise Assessment, further information would be required in respect to the proposed noise attenuation measures outlined in the report, in particular the glazing and ventilation specifications, and details and specifications of acoustic fencing.

Bassetlaw District Council Strategic Housing

No comments had been received at the time of drafting this report

Bassetlaw District Council Parks and Open Space

91 dwellings would require a contribution of £54,964 for off-site leisure provision.

Nottinghamshire Wildlife Trust

An up to date survey should be carried out to determine whether there are bats present in the existing dwelling.

Environment Agency.

No comments.

Health and Safety Executive (HSE)

No comments.

Carlton-in-Lindrick Parish Council

1. The plan defines access for emergency vehicles, however other access and exit points could not be defined and no doubt highway observations by the County Council will accommodate the described bus routes within the plan.

2. There are areas described as 'potential connection to adjacent land'. Whilst it is understood that there are no outline planning proposals for development of that land, the Parish Council would remind the District Council that this land forms a buffer zone between the urban environment of Worksop and the Rural Environment of Carlton in Lindrick Parish. Whilst it may not be considered a 'planning' consideration, the site subject to the current detailed proposal is subject to a boundary change to relocate the site from within the Parish into Worksop and the Parish Council has no intention of supporting any further boundary change proposals to its existing south western boundary to 'accommodate' further development proposals. Our own Neighbourhood Plan provides for no further erosion of the rural environment at or around this location.

SUMMARY OF PUBLICITY

This application was advertised by neighbour letter, site notice and press notice and no comments were received in response.

CONSIDERATION OF PLANNING ISSUES

PRINCIPLE OF THE DEVELOPMENT

The principle of developing the site has been established by the granting of outline planning permission reference 15/01477/OUT for the erection of up to 182 dwellings in 2018.

Notwithstanding this, the proposal must be considered having regard to the current planning policy position. Policy CS1 of the Bassetlaw Local Development Framework states that development will be restricted to areas within defined Development Boundaries.

Paragraph 33 of the NPPF states however that policies in development plans should be reviewed and where necessary updated every 5 years. The Bassetlaw Core Strategy was adopted in 2011 and its policies have not been reviewed in the last 5 years. In this situation, paragraph 213 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 also prepared using a settlement hierarchy which included development limits to control development and does not have any new site allocations within it. The Core Strategy was written on the basis that it would be followed by a Site Allocations DPD which would allocate sites for development outside of the defined Development Boundaries. To that end policy CS1 clearly states that the restriction of development outside the Development Boundaries would be applied “until the adoption of the Site allocations DPD” whilst Footnote 1 states with regard to the Development Boundaries defined on the Proposals Map that “these are interim boundaries and will be revised during the development of the Site Allocations DPD”. As the Site Allocations DPD was never adopted there is no growth strategy for the District as there is no evidence that the required housing can be accommodated with the defined Development Boundaries, contrary to the continuous growth requirement of the NPPF.

As policy CS1 of the Core Strategy is considered to be out of date and carries limited weight in the decision making process, part d) of paragraph 11 of the NPPF should therefore provide the basis for determining the application.

The application should therefore be considered under the planning balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole. Consideration of whether this proposal constitutes sustainable development will be assessed in relation to the matters outlined below and a balanced decision will be reached in the conclusion to the report.

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.

The settlement of Worksop is defined as a Sub-Regional Centre in the Core Strategy where the settlement is expected to be a focus for major housing, employment and town centre retail growth which is commensurate with its status as the primary town in the district. The erection of up to 91 new dwellings would make a significant and 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 91 additional households in the area.

DESIGN, LAYOUT & 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 it is “proper to seek to promote or reinforce local distinctiveness” (para 130) and permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” (para 134).

Policy DM4 of the Bassetlaw Core Strategy 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.

The application site is currently partially developed, forming part of a larger site granted outline planning permission in June 2018. The site is largely contained by Blyth Road and Thievesdale Lane to the east and south, and by residential development to the west.

It is considered that the proposed development would be viewed in the context of the existing residential development on the edge of Worksop. The site relates well to the existing settlement edge and would not therefore appear unduly discordant in terms of landscape character.

In addition, it is considered that the imposition of conditions requiring the retention and hedgerows and implementation of additional landscaping and planting on the site boundaries would help assimilate the new development into its surroundings and maintain the rural character of this entrance into the town.

Policy DM9 also states that that new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting and expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated.

The site in question is identified in the Bassetlaw Landscape Character Assessment as Sherwood Policy Zone 37: Hodsock Estate lands with plantations, which seeks to protect the sparsely settled and undeveloped character of the landscape by screening existing development on B6045

As the proposal would be largely contained within an enclosed parcel of and the boundary hedge of the roadside boundary of the site would be retained, it is considered that the development as proposed would offer some level of screening from the B6045 and would help assimilate the development into its rural setting. As such it is considered that the development would comply with the recommendations of the Landscape Character Assessment.

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

RESIDENTIAL AMENITY

Policy DM4 of the Core Strategy 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; 50m² for 2 bed dwellings, 70m² for 3 bed dwellings and 90m² 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.

Immediately to the north of the site is an agricultural field, beyond which approximately 117m-150m away is the site that received outline planning permission for commercial use in June 2018. (15/01477/OUT).

Reserved Matters were subsequently approved in December 2021, for the erection of commercial units. (21/00867/RES).

As part of the supporting information provided with the above application, was an Environmental Noise Assessment, which concluded that, based on the proposed layout, construction specification, and expected usage of the commercial units, no adverse effects were predicted for the adjacent residential site. The conclusions of the report were accepted by the district council, when determining the above application.

A Noise Assessment has been submitted in support of the current application, in order to assess the potential impacts on future residents of the application site and put forward the appropriate mitigation measures. It identifies that traffic noise from the Blyth Road (B6045) would be the principle source of potential impacts in this instance. It therefore recommends acoustic glazing and fencing on be provided on the dwellings located adjacent to the B6045.

In response to the Noise Assessment, the District Environmental Health Officer has indicated that further information is required in relation to the noise mitigation measures outlined, including the specification of acoustic glazing and fencing.

It is recommended therefore, that should permission be granted, a condition be imposed requiring that the details of the specific noise mitigation measures be submitted to and agreed with the Local Planning Authority, before development commences on the properties affected.

Accordingly subject to the implementation of appropriate noise mitigation measures, it is considered that the development would comply with the provisions of the policies and guidance outlined above.

HIGHWAYS MATTERS

Paragraph 108 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 109 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 91 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 108 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 110b of the NPPF requires schemes to address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

Paragraph 110e 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 110e of the NPPF.

The application has been amended from its originally submitted form following recommendations from the highways authority in respect to the layout, parking provision and EV charging points. 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 be compliant with the policies and guidance outlined above.

OPEN SPACE

The Bassetlaw Local Development Framework contains policy DM9, which states that new development proposals will be expected to provide functional on-site open space and/or sports facilities, or to provide contributions towards new or improved facilities elsewhere locally, as well as contributions for on-going maintenance, to meet any deficiencies in local provision that will be caused by the development. Similar advice is contained in paragraph 92 of the NPPF which states that planning decisions should enable and support healthy lifestyles, through the provision of safe and accessible green infrastructure and sports facilities.

The monies to upgrade existing play infrastructure would be secured by S106 agreement, in accordance with the policies outlined above.

FLOODING/DRAINAGE

The NPPF at paragraph 155 and policy DM12 of the Core Strategy makes it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk.

Paragraph 163 of the NPPF requires that proposals do not increase flood risk elsewhere and should be developed in line with a site specific flood risk assessment which incorporates a Sustainable Urban Drainage solution.

The Lead Local Flood Authority has confirmed that the subject to the development being carried out in accordance with the submitted Drainage Strategy, the proposed development would have no adverse impact on flood risk. The management and maintenance of a Sustainable Urban Drainage System (SuDs) would be secured through conditions.

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

CONTAMINATED LAND

Paragraph 178 of the NPPF requires that in making decisions on schemes consideration is taken account of the ground conditions and any risks arising from contamination.

An investigation into site contamination together with any necessary mitigation would be secured by condition on any subsequent permission, therefore ensuring compliance with the above guidance.

ECOLOGY

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.

The application is supported by a Preliminary Ecological Appraisal dated 2015, that was originally submitted in support of outline planning application ref: 15/01477/OUT. It concluded that this section of the site consisting of arable land and a dwelling, had low ecological value and low to moderate value to support a range of wildlife such as reptiles and birds.

Whilst the submitted ecological appraisal is over 7 years old, it is important to note that the current application site has been used as a construction site entrance and general works compound and office. As such any ecological value has been further reduced by the construction activities.

Notwithstanding the above, an updated bat survey submitted with the application confirmed that no evidence of roosting bats was identified on the building exterior (such as droppings, staining or scratch marks), although several potential access points were identified.

Consequently, the building was assessed as having 'moderate' potential to support roosting bats. As such it recommends that two nocturnal surveys are recommended to be undertaken within the bat active season (May-September inclusive) to determine the presence / likely absence of bats to inform any mitigation pursuant to the buildings demolition. The additional survey and mitigation would be secured by condition.

In terms of maintaining and protecting retained features of value the application seeks to retain the boundary hedges and trees on the site frontage. These will be retained and suitably protected throughout the construction phase of development.

In addition to the above in order to ensure that no protected species are adversely impacted, by further site clearance, and construction activities, it is recommended that a condition be imposed requiring the submission, approval and implementation of an Ecological Method Statement.

With regard to the creation of new habitats, the application proposes the following:

1. Create an area of amenity value as an integral part of the residential development;
2. Preserve and maximise the ecological value of the retained semi natural habitat within the site;
3. Protect and enhance habitats for their wildlife interest and species diversity;
4. Connect people with the natural environmental and wildlife;
5. The provision of hedgehog homes, bird boxes, butterfly houses, bug & bee biome, and mammals runs.

Whilst the submitted drawings show free standing bird boxes with no bat box provision in the scheme, it is considered that a condition should be applied to any subsequent permission ensuring that integral bird and bat boxes are provided within the development.

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

TREES

The Bassetlaw Local Development Framework contains policy DM9, which states that new development proposals will be expected to demonstrate that they will not adversely affect or result in the loss of features of recognised importance such as protected trees, hedgerows

The arboricultural report submitted with the application identifies that the trees located mainly in the vicinity of the Thievesdale House, range from moderate quality and value to those that would be likely to be dead and dying within 10 years. Whilst the proposed scheme would result in the loss of the trees around the existing dwelling, the report does conclude that 'importantly', the hedges around the outside boundary are to be retained and reinforced by significant additional planting.

It is considered that a replacement tree planting scheme focussing on the northern and eastern boundaries of the site would ensure the loss of the existing trees within the site are adequately mitigated and provide a green buffer on the development edge.

On balance therefore it is considered that subject to securing replacement tree planting, the development would comply with the provisions of the policies and guidance outlined above.

INFRASTRUCTURE/CONTRIBUTIONS

Paragraph 56 of the NPPF makes it clear that contributions can be sourced from schemes where they make the scheme acceptable in planning terms. Paragraph 61 requires that Council's plan to deliver a wide choice of housing to meet local needs and this includes the provision of affordable housing. Paragraph 94 of the NPPF makes it clear that it is important that there are sufficient school places to meet the needs of existing and new communities and that council's should proactively work with school providers to resolve key planning issues relating to development. Paragraph 96 emphasises that access to high quality open space and opportunities for sport and physical activity is important and this is a consideration in determining planning applications.

When outline planning permission was granted in June 2018, a S106 agreement was attached to securing the following:

- 15% Affordable Housing;
- £435,290 Education Contribution
- £68,705 Open Space Contribution;
- £8,368 Library Contribution.
- £8,008 Travel Plan
- £584,166 Highways Improvements
- SuDs Drainage and maintenance.

The above contributions were required in order to mitigate all phases (1, 2, 3 and 4) of the residential development.

The trigger points for when these payments are to be paid, were in the case of the highways contributions prior to the occupation of the 70 dwelling, in the case of the open space contribution prior to occupation of 50% of the dwellings and in the case of the Education Contribution, 50% prior to commencement and the remainder paid within 24 months.

15% of the dwellings on phases 1 and 2 were secured as affordable units. A further 15% would therefore be required on the remaining phases 3 and 4.

The reserved matters refs: 18/00862/RES and 20/00178/RES together consist of 85 dwellings which would not constitute 50% of the total permitted units. The completion of these two phases would not therefore necessarily trigger the required payments.

Therefore as the current application is a separate full application, it is recommended that any S106 agreement should ensure that the full balance of payments is secured.

It is therefore recommended that the following requirements are secured through a S106 agreement in line with the NPPF requirements outlined above, unless the balance has been paid in full:

- i.) 15% Affordable Housing; (Phases 3 and 4)
- ii.) £359,233 Primary school contribution; (Phases 3 and 4)
- iii.) Library Contribution £3,202; (Phases 3 and 4)
- iv.) Open space contribution. £68,705 (Phases 1, 2, 3 and 4)
- v.) Offsite highways contribution £584,166. (Phases 1, 2, 3 and 4)

CONCLUSION/PLANNING BALANCE

As indicated previously the principle of residential development on the site has clearly been established for a wider mixed use development by the previous granting of outline planning permission in June 2018.

Whilst the Council can demonstrate in excess of a 5 year supply of housing, case law has determined that strategic policies such as that contained in the Council's Core Strategies that have not been reviewed within 5 years of their adoption are now out of date, so therefore the weight to be apportioned to the Core Strategy policies is considered to be limited in decision making.

As the Core Strategy is deemed to be out of date having regards to the contents of paragraph 33 of the NPPF, paragraph 11 of the NPPF makes it clear that the scheme should be considered under the planning balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

As outlined above it is considered that the development would have no significant detrimental impacts in terms of highway safety, flood risk/drainage, landscape character, visual amenity, ecology or residential amenity. It is considered therefore that for the reasons discussed above, the development as amended, would comply with policies DM4, DM9, DM11 and DM12 of the Bassetlaw Local Development Framework and parts 12, 14 and 15 of the National Planning Policy Framework.

Therefore, having regards to benefits of the delivery of both market and affordable housing, and the scale and form of the development, it is considered that these when considered cumulatively outweigh any identified harm and as such, the proposal would constitute sustainable development as defined in paragraph 11 of the NPPF and accordingly the scheme should be granted planning permission.

RECOMMENDATION:

Grant subject to conditions and S106 agreement

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:

Location Plan Drawing No. 1527-07, received 31 October 2022;
Phases 3 and 4 Site Layout, Drawing No. 1527-08 Rev. J received 26 June 2023;
Phase 3 and 4 Site Sections, Drawing No. 1527-13 Rev. B, received 2 March 2023;
House Type Portfolio February 2023, received 2 March 2023;
Materials Layout Drawing No. 1527-09 Rev. D received 2 March 2023;
Boundary Treatments Drawing No. 1527-10 Rev. C, received 2 March 2023;
Garage single- Gable Front Rev. A, received 31 October 2022;
Garage Pair-Eave Front Rev. A, received 31 October 2022;
Travel Plan 955/September 2015.

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. 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.

4. 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.

5. The development shall be carried out in accordance with the approved travel plan reference 955 / September 2015.

Reason: In the interest of sustainable travel.

6. The provision of a 2.0m wide footway on Blyth Road between the emergency access detailed on plan reference 1527-08 Rev J and the existing footway on Thievesdale Lane to the southwest.

Reason: In interest of sustainable travel and highway safety.

7. The provision a pedestrian access and an emergency link in the position detailed on plan reference 1527-08 Rev J at the northern end of the Blyth Road frontage which shall include staggered pedestrian barriers and the removal of the redundant vehicle access arrangements.

Reason: In interest of sustainable travel and highway safety.

8. No part of the development hereby permitted shall be brought into use unless or until the installation of two new bus stops have been made to the satisfaction of the Local Planning Authority and shall include: Real time bus stop poles and displays, low voltage power to the location of the real time bus stop poles, Polycarbonate bus shelter, Solar or electrical lighting, Raised boarding kerbs, Lowered access kerbs, Enforceable bus stop clearways, footways and hardstands.

Reason: In the interests of sustainable transport

9. The screen fences/walls on plots 52, 64, 65, 70, 73, 74, 82, 85, 86, 87, 88, 95, 99, 108, 112, 116, 133, 137, 140 and 146 shall be constructed, in accordance with the details and in the positions shown on the submitted drawings, before occupation of the house to which each relates.

Reason: To ensure both the satisfactory appearance of the completed development and an adequate level of amenity for the houses in question.

10. All site clearance work shall be undertaken outside the bird-breeding season (March - September inclusive). If clearance works are to be carried out during this time, a suitably qualified ecologist shall be on site to survey for nesting birds in such manner and to such specification as may have been previously agreed in writing by the Local Planning Authority.

Reason: To ensure that birds' nests are protected from disturbance and destruction.

11. Before development commences Nocturnal Surveys shall be undertaken in accordance with the RammSanderson Preliminary Bat Roost Assessment Update 20th March 2023, and an updated report shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the recommendations and conclusions of the agreed report.

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

12. Prior to the commencement of development, an Ecological Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Method Statement shall include;

i.) A working methodology to be followed by site contractors.

ii.) Supervision of all site clearance and removal of vegetated habitats by a qualified ecologist.

iii.) Mitigation for, bats, birds newts, badgers and hedgehogs;

iv.) The implementation of suitable stand-offs with appropriate protection measures for all retained hedgerows.

v.) Measures to minimize the creation and impact of noise, dust and artificial lighting.

Once approved, the Ecological Method Statement shall be adhered to at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development is carried out in a way which safeguards protected species, hedgerows and trees.

13. 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.

14. Notwithstanding the submitted drawings, before development commences a scheme for the enhancement of the site for biodiversity purposes, in accordance with submitted RammSanderson Preliminary Ecological Appraisal Report, dated June 2015, including the creation of new hedgerow habitats with mature standard trees, provision of hedgehog access routes, bird and bat boxes, insect habitats and timescales for their implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.

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

15. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy RHL-1294-01-DS-001, April 2023, Inspire Design & Development., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
- i.) Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
 - ii.) Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
 - iii.) Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
 - o No surcharge shown in a 1 in 1 year.
 - No flooding shown in a 1 in 30 year.
 - For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
 - iv.) Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
 - v.) Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
 - vi.) Evidence of approval for drainage infrastructure crossing third party land where applicable.
 - vii.) Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
 - viii.) Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

16. No development shall commence above damp proof course level (DPC) on the dwellings on plots. 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 116, 117, 118, 119, 120 and 121, until such a time as a scheme for the acoustic glazing and ventilation where necessary, has been submitted to and agreed in writing with the local planning authority. The agreed acoustic mitigation measures shall be fully implemented before the dwellings to which they relate are first occupied.

Reason: In the interests of residential amenity.

17. A scheme for tree planting on and landscape treatment of the site shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The agreed 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 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.

18. 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.

19. Development shall not commence until a LCRM 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.