
Appeal Decision

Inquiry held between 10 and 12 March 2015

Site visit made on 13 March 2015

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 May 2015

Appeal Ref: APP/X3025/A/14/2222981

Park Hall Farm, Park Hall Road, Mansfield Woodhouse, Mansfield, Nottinghamshire, NG19 8QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Barratt Homes North Midlands against the decision of Mansfield District Council.
 - The application Ref: 2013/0593/NT, dated 5 December 2013, was refused by notice dated 2 June 2014.
 - The development proposed is an outline planning application for up to 130 dwellings, including affordable homes, together with site access, open space, landscaping and associated site infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 130 dwellings, including affordable homes, together with site access, open space, landscaping and associated site infrastructure on land adjoining Park Hall Farm, Park Hall Road, Mansfield Woodhouse, Mansfield, Nottinghamshire, NG19 8QX in accordance with the terms of the application, Ref: 2013/0593/NT, dated 5 December 2013 and subject to the attached Schedule of Conditions.

Application for costs

2. At the Inquiry an application for costs was made by Barratt Homes North Midlands against Mansfield District Council. This application is the subject of a separate Decision.

Procedural matters

3. The planning application was submitted in outline with all matters reserved. The description of development on the submitted planning application form refers to 'up to 150 dwellings'. However this was reduced to 130 during the course of the determination of the planning application the subject of this appeal. The Council determined the planning application on the basis of the scheme for 130 dwellings. I shall deal with the appeal on this basis and the banner heading above reflects the reduction in number.
4. An executed Unilateral Undertaking (UU) was submitted at the Inquiry. This secures affordable housing, an education contribution, a highways contribution, an open space maintenance contribution and a monitoring fee.

5. The transitional period under Community Infrastructure Levy (CIL) Regulation 123(3) (as amended), after which s106 planning obligations designed to collect pooled contributions may not lawfully be used to fund infrastructure which could be funded from CIL, ended nationally on 6 April 2015.
6. Consequently only limited pooled contributions (in respect of up to 5 separate planning obligations that relate to planning permissions granted for development within the area of the charging authority) will subsequently be permitted towards infrastructure which could be funded from CIL. Following the closure of the inquiry, additional information in this regard was sought from the Council and the views of both main parties in this regard taken into account in my decision. I shall deal with the matter of the UU, including the change in legislation, in more detail below.
7. At the end of February the Government published the 2012 based live tables on household projections. However, it was agreed at the Inquiry that the changes from the 2011 based live tables, which were used to underpin some of the evidence provided to the Inquiry, were negligible and I agree.

Main Issues

8. The main issues are:
 - i) the effect of the proposal on the character and appearance of the local landscape;
 - ii) whether the Council has a 5 year supply of housing land; and
 - iii) whether any identified benefits of the proposal are significantly and demonstrably outweighed by any harm, such that the presumption in paragraph 14 of the National Planning Policy Framework (the Framework) to consider favourably applications for sustainable development is outweighed.

Reasons

Planning Policy

9. The Mansfield District Local Plan (LP) was adopted in November 1998 and identified the level of housing need and sites to meet that need for the period up to 2006. A number of policies were saved by a saving direction in 2007.
10. Those saved policies of particular relevance to this appeal are DPS1 (Scale of development); DPS2 (Focus for development); NE1 (Development outside urban boundary); H3 (Housing outside the urban area); and NE8(C) (Mature landscape areas).
11. Policy DPS1 sets out the plan period i.e. 1996-2006 and says that provision will be made within this period for the scale of development necessary to meet the needs of the district. Although this policy was saved a year after the 'end-date' of the LP, 9 years have passed since then.
12. The saving direction makes it clear that the 'exercise of saved policies is not an opportunity to delay DPD production' and that 'policies have been extended in the expectation that they will be replaced promptly...'. Policy H1 sets the total number of dwellings to be provided in the LP up to 2006 (3,200), and was not saved. Both of these policies (DPS1 & H1) are clearly housing supply policies.

13. Policy NE1 sets out the types of development that will be permitted outside of the urban boundary, none of which include residential development akin to that before me. Policy H3 deals with permanent housing outside of the urban boundary and seeks to restrict it to essential agricultural or forestry workers dwellings. These policies aim to focus most new residential development inside defined settlement limits.
14. The settlement limits were drawn up with development needs up to 2006 in mind. These policies are relevant to the supply of housing and paragraph 49 of the Framework provides that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. I shall come on to consider this matter later in my decision along with the weight to be ascribed to these policies.
15. Finally, policy NE8(C) is accepted by the Council to be out of date since it does not accord with paragraph 113 of the Framework which says that 'local planning authorities should set criteria based policies against which proposals for any development on or affecting....landscape areas will be judged'. Policy NE8 precludes any developments that detract from the landscape or environmental quality of mature landscape areas within certain areas including NE8(C) Nettleworth Manor, Mansfield Woodhouse.
16. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
17. Paragraph 47 of the Framework sets out the steps that local planning authorities should take to boost significantly the supply of housing and paragraph 48 states that the housing applications should be considered in the context of the presumption in favour of sustainable development.

The effect of the proposal on the character and appearance of the local landscape

18. The appeal site is a large field that has at the centre of it a derelict farmstead. This is outside of the appeal side, but planning permission has been granted in the past for the renovation and conversion of the buildings to dwellings. The appeal site is outside of the settlement limits defined in the LP and so it is in open countryside for planning policy purposes. Nevertheless it is located on the edge of a large urban area, close to a wide range of services and public transport links.
19. To the south east and south west of the appeal site is existing residential estate type development. To the north east lies more sporadic individual houses set within large plots. They are accessed from a lane which is a no-through road leading to a number of individual dwellings and a veterinary clinic. This road originally led to Park Hall, but that is no longer standing, just some of the associated outbuildings. To the north west of the site there are open fields with tree copses. The fields are bounded by hedgerows.

20. The Mansfield District Landscape Character Assessment 2010 (MDLCA) is the relevant Landscape Character Assessment (LCA) here. The northern part of the site falls within Landscape Policy Zone (LPZ) ML25 – Sookholme Limestone Farmlands. The relevant key characteristics of this LPZ are its rural character with frequent farmsteads and large village fringes; field patterns are generally large and irregular; and fields bounded by hedgerows in variable condition. Hedgerows and trees are evenly spaced throughout the area although more frequent close to farmsteads and villages.
21. The landscape features include woodland comprising small copses and covert. The approach to Park Hall is described as distinctive with a walled garden and wooded lane. In terms of the built form, villages and urban fringes are visible within the landscape often set on low ground. There is often limited vegetation along village fringes where linear rows of housing are visible dispersed slightly by individual or clumps of trees. Overall the LPZ is found to have a moderate/good character. It recognises that the frequent influence of urban fringes dilutes the generally rural character.
22. The whole of the appeal site falls within Nettleworth Manor Mature Landscape Area (MLA). MLAs were identified by Nottinghamshire County Council in 1992 and reviewed in 1997 and are considered to be amongst the most precious landscapes within Nottinghamshire which have remained relatively unchanged since the mid 19th century. The methodology for Nottinghamshire Landscape Character Assessment acknowledges changes in legislation since the MLAs were established and reviewed and that the assessment of the MLA development “needs to be a more transparent process...which does not unduly restrict development”. The report also suggests that a review of the existing guidelines is carried out, but that does not appear to have been carried out.
23. NE8(C) describes this area as a “landscape centred around an area of mature parkland comprising permanent pasture, improved grassland and broad-leaved woodland. A number of watercourses, lakes and established hedgerows are also contained in the area. The area has considerable potential for informal recreational uses and has been identified by the District Council as a possible extension to the adjacent Manor Park for a country park use”. The Council have confirmed that there are no existing proposals for recreational activities in relation to the appeal site, with regard to the extension of Manor Park. The appeal site lies outside the former defined parks and ornamental ground landscape of Park Hall and Nettleworth Manor. Indeed, it is not clear why the MLA extends as far as the appeal site.
24. There is no permanent pasture, improved grassland or broad leaved woodland within the appeal site. There are some small areas of semi-improved neutral grassland that were assessed in the submitted ecology report as being species poor. The number of trees within the site would increase as a result of the development. The majority of the existing hedgerows would be retained and/or enhanced.
25. The appeal site appears different in both character and appearance to the open countryside beyond it to the north-west since it is surrounded on 2 sides by estate type residential development. The third side also contains some built development albeit it is less intensive. As acknowledged by the LPZ, the urban fringes have diluted the generally rural character of this site.

26. While that is not a valid reason to encroach into the countryside with residential development, also set within this particular site is an extensive range of buildings that comprise a disused farm house and a wide range of traditionally designed associated buildings.
27. There is no dispute between the parties that these disused buildings will be brought into residential use and I agree. This would further change the character and appearance of the appeal site as there would be residential development, along with associated gardens and domestic paraphernalia, set within it.
28. The indicative masterplan shows that the site could accommodate up to 130 dwellings whilst also providing a green buffer around the Park Hall Farm buildings and a green area close to the entrance to the site. Moreover trees and hedgerows are shown retained along the boundaries of the site. This would help the development settle into its surroundings.
29. The proposal would 'round-off' development here while causing little harm to the characteristics of the LPZ on land beyond the appeal site. Nevertheless, a modest amount of harm would occur because of the greater presence of housing adjacent to land that contains a number of the landscape features set out in the MDLCA. That would be tempered to a degree by the fact that very few of the proposed dwellings would be positioned close to this boundary and landscaping along this boundary would be retained. In reaching this conclusion I am mindful that Nottinghamshire County Council's landscape officer has raised no objections to the scheme before me.
30. There is no doubt that the introduction of housing onto this currently open, greenfield site would alter both its character and appearance. However, for the reasons I have set out, namely the close presence of other housing development both around the site and on separate land within it, the level of harm would be greatly reduced. As such the degree of harm to the character and appearance would at most be moderate. It would nevertheless conflict with the Framework in so far as it recognises the importance of the intrinsic character and beauty of the countryside. Conflict with LP policy NE8(C) would also occur, but for the reasons I have set out above this policy is now out of date and carries little weight.

Whether the Council has a 5 year supply of housing land

31. A key objective of the Framework is 'to boost significantly the supply of housing....'. Accordingly, paragraph 47 of the Framework advises that local planning authorities 'should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against the housing requirement with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a persistent record of under-delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land'.

Housing requirement

32. Paragraph 47 of the Framework requires that local planning authorities use their evidence base to ensure that their Local Plan meets the full, objectively

- assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.
33. The judgement in the case of Gallagher Homes and Lioncourt Homes and Solihull Metropolitan Borough Council (the Solihull judgement) confirms that where there is no Local Plan, then the housing requirement for a local authority for the purposes of paragraph 47 of the Framework is the full objectively assessed need.
34. Planning Practice Guidance (planning guidance) advises that 'the assessment of development needs is an objective assessment of need based on facts and unbiased evidence. Plan makers should not apply constraints to the overall assessment of need, such as limitations imposed by the supply of land for new development, historic under performance, viability, infrastructure or environmental constraints'¹. Therefore it is a 'policy-neutral' estimate of housing need.
35. Nevertheless The Planning Advisory Service (PAS) in a technical advice note entitled, 'Objectively Assessed Need and Housing Targets' advise that the CLG Household projections are used as a starting point but that these should be subject to adjustment to reflect an 'area profile' in respect of factors such as the demographic inputs, past delivery/market signals, future employment, affordable housing need, and other 'local circumstances not captured by past trends'.
36. In 2011 the Council published a document for consultation entitled 'Making plans for Mansfield – Core Strategy Setting a Long-term Dwelling Requirement'. The aim of this document was to provide a housing target for the emerging local plan.
37. It pre-dates the Framework and advice in planning guidance in relation to identifying objectively assessed need and therefore was never intended to be an 'objectively assessed need figure'. It is based on modelling work which used the 2008 based live tables household projections. It provides 4 different housing targets based on different scenarios. These range from 221 dpa to 555 dpa, over the 20 year plan period.
38. The lowest figure of 221 dpa is derived from a natural change/net nil migration scenario and the highest figure of 555 dpa is based on a scenario of an increasing population, particularly within the working age range of 16-64. This latter scenario would grow the economy and was the Council's favoured approach. Nevertheless, the stakeholder consultation led to the Council adopting the figure of 391 dpa. This would be aspirational compared to housing completions over the preceding 10 years, but it would not enable employment growth in line with the aspirations set out within Mansfield Sustainable Community Strategy 2010-2020, the overarching strategic plan for the district of Mansfield.
39. Importantly, none of these are the objectively assessed need figures since they are all constrained figures that took into account, among other things, previous build rates; deliverability; and the amount of Greenfield sites that would be

¹ ID: 2a-005-20140306

required to meet the high level option. Also, while the figures took account of constraints they failed to take account of the significant shortage of affordable housing in the district. To meet the identified level of affordable housing need over 1000 new homes would need to be built each year. While this is clearly not realistic, building around 391 dpa would just scratch at the surface of this identified element of need.

40. In the Hunston case² it was held that the local plan process should come up with a constrained figure and until such time this had been done the objectively assessed need figure should be used in determining individual planning applications.
41. As background, the revoked East Midlands Regional Plan (EMRP) which was in force from 2006 to April 2013 set a requirement for this district of 530 dpa. Of significance is that the EMRP identified Mansfield as falling within the Nottingham Outer Housing Market Area, along with the local authority areas of Ashfield and Newark and Sherwood. A recent scoping paper setting out the approach to an updated 2014 Strategic Housing Market Assessment defines a Nottingham Framework Housing Market Area including Ashfield, Mansfield and the majority of Newark and Sherwood local authority areas. This closely aligns with the Housing Market Area used to inform the EMRP.
42. Planning guidance advises that 'household projections published by the Department for Communities and Local Government should provide the starting point estimate of overall housing need'³. These have formed the basis of work carried out by the appellant to formulate the OAN for Mansfield District. The 2011 based live tables project an increase in households in the District from 45,831 in 2014 to 47,706 in 2021, giving an increase of just over 4%. This is lower than across Nottinghamshire as a whole, which is projected to increase by 5.7% during the same period.
43. The appellant undertook bespoke housing requirements modelling which led them to conclude that the objective level of housing need for the district falls in the range of 489-548 dpa. The lower end of this range would meet demographic trend requirements (including migration) whilst the upper end would meet the required change in labour force indicated in the Experian economic forecast.
44. The Experian report uses pre-recession data and I accept that such levels of growth may not be seen again for some time. Nevertheless the Framework advocates an optimistic approach to such matters. At paragraph 19 it says that 'planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'
45. What is striking is that the upper end of the appellant's range is very close to both the figure in the revoked EMRP (530 dpa) and the Council's favoured scenario in 'Making plans for Mansfield – Core Strategy Setting a Long-term Dwelling requirement' of 555 dpa, although I realise that the EMRP figure is a 'policy-on' figure.

² [2013] EWCA Civ 1610: City and District of St Albans and The Queen (on the application of) Hunston Properties Limited

³ ID: 2a-016-20150227

46. The PAS guidance says that if both a job-led projection and a trend-led demographic projection have been prepared, the higher of the two resulting housing numbers is the objectively assessed need.
47. Taking into account all of the above the best estimate of OAN is around 550 dpa. While I realise that this is much higher than the level of house building seen in most years in Mansfield District this is not a factor to be taken account of in determining the OAN, as I have set out above.

Housing Supply

48. There was a great deal of discussion at the Inquiry about the supply of housing sites within the district. There is no need to consider each site in dispute between the parties as it is clear that even taking the Council's position in relation to housing land supply there is insufficient supply to meet an OAN figure of around 550.
49. The table submitted during the Inquiry by the Council to show housing land supply on the basis of 555 dpa clearly demonstrates this. With the necessary 20% buffer for under performance the figure would fall below 5 years. In another recent appeal case⁴ in this district the Inspector found that the Council did not have a 5 year supply of housing land, based on the evidence before him. In that case the appellant did not submit an alternative 'need' figure and the degree of shortfall in housing land supply was found to be significantly less than I have identified.

Other planning matters

50. In addition to my main issues, the local residents have additional concerns about the proposal and I shall deal with those now. In terms of living conditions, part of the site is bounded by existing dwellings with gardens abutting the appeal site. This is an outline application with details to follow should the appeal be allowed.
51. Such details would have to be formally approved by the Council and it is at this point that matters such as overlooking and loss of privacy would be assessed. Clearly the outlook for existing residents would change from that of an open field to a housing estate. However, this is not a valid planning reason to withhold planning permission. Also, while any building works would inevitably result in some noise and disturbance for existing residents this could be controlled by planning conditions to ensure that it does not occur during unsociable hours.
52. One of the major local concerns relates to the increase in traffic on local roads that are already considered to be very busy. The nearby roads are used as a rat run to avoid traffic lights and congestion on the main road. I saw when I visited the area that traffic calming measures have been introduced to roads in the surrounding area already to reduce traffic speeds.
53. The planning application was accompanied by a detailed transport assessment and this has been considered by the local highways authority who have raised no objections to the scheme, subject to the provision of further traffic calming measures and I agree. The provision of the recommended traffic calming measures would be secured by the submitted Unilateral Undertaking.

⁴ APP/X3025/A/14/2218863

54. The assessment concluded that the proposed site access would operate with significant spare capacity for each of the flow scenarios tested. Moreover, the site is located close to bus stops which provide regular bus services. Also, within easy walking distance are a range of services, including schools and shops.
55. The residents of the dwelling opposite the proposed access shown on the indicative layout are concerned about lights shining in their windows at night as cars leave the appeal site. The access point could be subject to change if planning permission is granted for this outline scheme, since access would be a 'reserved matter' and it is common to have a site access with such a relationship to dwellings.
56. Turning to the matter of drainage, the planning application was accompanied by a flood risk assessment and drainage strategy. This makes recommendations to reduce flood risk and promote a sustainable and practicable drainage strategy at the development site. This matter could also be controlled by planning conditions. Moreover, neither Severn Trent Water nor the Environment Agency raised any objections to the proposal and I concur with their advice.
57. In terms of ecology and wildlife the planning application was accompanied by a habitat survey and ecological surveys and no objections were received from either Natural England or Nottinghamshire Wildlife Trust. Various recommendations were made in these reports and these could be controlled by a planning condition. Consequently, I am satisfied that the proposal would be acceptable in this regard.
58. In terms of local services, new houses can often make local services more sustainable. No objections have been received from local service providers to the proposal. I shall deal with the matter of schools capacity and education provision below, under the Planning Obligation section of my decision.
59. The derelict farmhouse and barns which are on land surrounded by the appeal site are of architectural merit and are intended to be renovated and converted to dwellings. The submitted masterplan shows a green buffer around that site and while I appreciate the plan is for indicative purposes only, the Council could secure a similar buffer as part of the final reserved matters scheme. I am satisfied that the scheme before me would not jeopardise the farmstead conversion scheme. Indeed the owner of that site has confirmed in writing that he has no objections to this proposal.
60. While the site is currently farmland it does not fall into the category of 'the best and most versatile agricultural land', which the Framework seeks to conserve.

Whether any identified benefits of the proposal are significantly and demonstrably outweighed by any harm, such that the presumption in paragraph 14 of the National Planning Policy Framework (the Framework) to consider favourably applications for sustainable development is outweighed

61. For the reasons set out above in relation to out of date local plan policies paragraph 14 of the Framework is engaged. Also, because on the evidence before me, I have found that the Council do not have a 5 year supply of housing land, paragraph 49 of the Framework is engaged and for this reason also the appeal proposal should be considered in the context of the

presumption in favour of sustainable development. The Framework's policies for significantly boosting the supply of housing are material considerations of great significance and weight.

62. The moderate harm to the character and appearance of the surrounding area that I have identified would not be sufficient to significantly and demonstrably outweigh the benefits of the provision of up to 130 dwellings, 20% of which would be affordable, to be delivered in a sustainable location. Moreover, this site is available now and the appellant has agreed to planning conditions that would require the approval of reserved matters and commencement of development quicker than would normally be the case such is their commitment to building houses here without delay. Overall I am satisfied that the scheme amounts to sustainable development and that planning permission should be granted.

Planning Obligation

63. A Unilateral Undertaking (UU) under S106 of the Town and Country Planning Act 1990 has been submitted relating to the provision of the contributions and matters set out above. The UU binds the owner to covenants with Mansfield District Council. The Community Infrastructure Levy (CIL) Regulations require that any planning obligation providing for contributions, such as those set out above, must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
64. Taking each matter in turn, dealing first with affordable housing, CIL Regulation 123 excludes affordable housing, and allows this type of infrastructure to be secured by planning obligation without any specific limit. In this case the UU would secure 20% affordable housing in accordance with the Council's Interim Guidance Note 7 – Affordable Housing. The UU also contains provisions in the unlikely event that the owner cannot find a registered social landlord to take a transfer of the affordable housing units within a prescribed period. This would require the appellant to pay a commuted sum of £25,000 per affordable unit. There is no doubt that there is a dire need for affordable housing in the District, as demonstrated by the latest Affordable Housing Needs Assessment (July 2014) and this benefit attracts significant weight.
65. A highway contribution of £37,674.85 would be secured for the provision of 4 pairs of precast concrete traffic calming features on Felton Avenue/The Fairways to mitigate the impact of increased vehicular traffic activity on these roads from the development. I am satisfied that this meets the CIL tests and that monies have not already been collected by the Council for this infrastructure project.
66. A sum equal to £920 per dwelling would be secured to cover the costs of future maintenance of the on-site public open space. This figure is derived from appendix A of the Council's Interim Planning Guidance Note 3 – Recreation Provision on New Residential Developments. I am satisfied that this meets the CIL tests and that monies have not already been collected by the Council for this infrastructure project.
67. An education contribution of £2,467.23 per dwelling is being sought by the Council and provision is made for this in the UU, on the basis that I find that

this contribution meets the CIL tests. As background, when the planning application was submitted the local education authority stated that no education contribution was required. However at appeal stage they advised that the sum set out of £320,740 was required (based on 130 dwellings), because of a significant increase in pressure in primary school places in Mansfield Woodhouse. It also seems that the schools catchment area has changed.

68. Nottinghamshire County Council supplementary planning guidance – Planning Obligations Strategy (April 2014) advises that contributions will be sought where there is a lack of existing capacity at the local catchment schools. The submitted evidence shows that overall there is ample capacity within the closest school to the site (Northfield Primary School), for a number of years to come. However there appears to be great pressure in the early years' classes across all schools in the catchment (including at Northfield Primary School), due to an increasing birth rate. Indeed in the first 3 years demand is already outstripping supply in all schools.
69. Moreover I understand that Northfield Primary School is less popular because of its age and the need for improvements to the infrastructure there. Clearly the introduction of around 130 dwellings here would put pressure on the local schools, particularly the early years' classes that are already over-subscribed. As such, after careful consideration I am satisfied that this contribution meets the 3 CIL tests. Moreover, the Council have confirmed that even taking into account planning applications in their system awaiting determination in the Mansfield Woodhouse area, the number of separate obligations would not exceed five.
70. Regarding the monitoring fee in the UU which would be equivalent to 1% of the total contributions, this is not necessary to make the development acceptable since it is a relatively modest proposal requiring one-off payments as contributions. For the most part, monitoring is part of the Council's function.
71. I am satisfied that the provisions of the submitted UU would meet the three tests set out in Regulation 122 of the CIL Regulations 2010 and the tests in the Framework, with the exception of the monitoring fee.

Overall Conclusion

72. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

73. The appellant agreed at the inquiry that a condition requiring the submission of the approval of preserved matters within 15 months, rather than the usual 3 years would be acceptable and also a condition requiring development to commence within 1 year of the date of the approval of the last reserved matters. This demonstrates the appellant's commitment to building the proposed dwellings in a timely manner and this is important given the poor build rates in the District and the lack of a 5 year supply of housing. The other standard reserved matter condition is also required.
74. A masterplan is necessary to ensure that the part of the appeal site closest to the Park Hall Farm complex is developed in a manner that is sensitive to this area. It will also allow the design principles to be agreed between the Council

and the appellant before detailed plans are prepared. This will potentially save valuable time.

75. A condition to ensure that the development is carried out in accordance with the submitted location plan and surveys is necessary for the avoidance of doubt and in the interests of proper planning. It is important that the ground levels are controlled because of the location of the site close to existing dwellings and open fields.
76. In the interests of visual amenity and to protect living conditions details of boundary treatments are required. Also, to protect living conditions working hours need to be controlled during construction of the site as well as noise, vibration and dust emissions. Wheel washing facilities at the site during construction are necessary for highway safety reasons.
77. It is important that surface water drainage is controlled, particularly given the evidence provided by local residents at the inquiry about their concerns in this regard. It seems possible that the site may contain some below ground archaeology and so a watching brief condition is necessary to ensure its conservation.

Louise Crosby

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr J R Owen of Counsel	Ropewalk Chambers
He called	
Robert Routledge	Planner, Mansfield District Council

FOR THE APPELLANT:

Mr J Cahill QC	No 5 Chambers
He called	
Sara Howe	Landscape Architect, Influence
David Parker	Pioneer Housing and Development Consultants
Michael Downes	Antony Aspbury Associates

INTERESTED PERSONS:

Cllr Joyce Bosnjak	County Councillor
Cllr Anne Norman	District Councillor
Marie Wilson	Local resident
Andrea Garrett	As above
Roy Garrett	As above
Walter Bailey	As above
Christopher Sykes	As above

DOCUMENTS

1.	Appellant's opening statement
2.	Council's opening statement
3.	Details of Brownlow Road scheme
4.	Land Registry entry for Victoria Court flats
5.	Land Registry entry for Vauxhall Dealership, Sutton Road
6.	Details of the 'Lindhurst' development
7.	Abbey Primary School plan
8.	Extract from SHLAA (Sept 2013) relating to Sandy Lane, Mansfield
9.	Plan to potentially illustrate a problem of 'double-counting'
10.	Transcript of case of Stroud District Council v Secretary of State for Communities and Local Government and Gladman Developments Limited
11.	Transcript of case of Satnam Millennium Ltd and Warrington Borough Council
12.	Briefing note on behalf of the appellant, 'Implications of the 2012 - based CLG Household Projections for Mansfield
13.	Plans showing the extent of the ML25 landscape designation

14.	Executed Unilateral Undertaking
15.	Extract of Northern sub-Regional Strategic Housing Market Assessment Sub-regional Report – Set 2007 (page 198)
16.	Costs decision in relation to appeal ref: APP/J3720/A/12/2185727
17.	Costs decision in relation to appeal ref: APP/E3715/A/12/2186128
18.	Land supply calculations assuming a 555 dpa scenario
19.	East Midlands Regional Plan March 2009
20.	Maps showing the location of primary schools in relation to the appeal site
21.	CD 8.12 – Update addendum to AAA/MDC position statement to reflect cross examination and Inspector’s questions
22.	Evidence in relation to the ‘Lindhurst’ development site
23.	E-mail in relation to Council led housing schemes
24.	Mansfield District Council Planning Committee Minutes – Monday 9 February 2015
25.	Plan and decision notices relating to sites adjacent to Sheepbridge Lane
26.	Land at Quarry Lane decision notice
27.	Site Plan for Lord Byron Housing, Mansfield
28.	Land at Brownlow Road and Bould Street decision notice
29.	Mansfield Council Committee report for Land at Brownlow Road and Bould Street
30.	Mansfield Council Committee report for Land at Brownlow Road and Bould Street (regulation 3 application)
31.	Updated Land Registry entry for Victoria Court flats
32.	Potential plan of housing on land at Sandy Lane
33.	Housing LIN – Planning Use Classes and Extra Care Housing
34.	Transcript of part of the planning committee meeting at Mansfield DC on 2 June 2014
35.	Updated list of suggested planning conditions
36.	Updated information in relation to regulation 122 of CIL guidance
37.	Council’s closing submissions
38.	Appellant’s closing submissions
39.	Costs application made by the appellant
40.	Council’s response to the costs application

Schedule of Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 15 months from the date of this permission.
- 2) The development hereby permitted shall begin not later than 1 year from the date of approval of the last of the reserved matters to be approved.
- 3) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 4) Prior to the submission of reserved matters a comprehensive masterplan shall be submitted to and approved in writing by the local planning authority. This shall indicate the location of the proposed development in relation to surrounding land uses. Particular regard will be had to the setting and amenity of the adjoining Park Hall Farm complex. The reserved matters will be progressed in accordance with the approved masterplan.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Redline site location plan, received by the local planning authority on 6 December 2013
 - Initial phase 1 Geo-Environmental assessment, received by the local planning authority on 6 December 2013
 - Extended Phase 1 Habitat Survey, received by the local planning authority on 6 December 2013
 - Further Ecological Survey Report, received by the local planning authority on 6 December 2013.
- 6) Building operations shall not be commenced until details of the existing and proposed ground levels and proposed finished floor levels of the dwellings have been submitted to and approved in writing by the local planning authority.
- 7) Building operations shall not be commenced until a plan indicating the positions, design, materials and type of walls, fences and other means of enclosure to be erected within and on the boundary of the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the dwellings are first occupied.
- 8) No development shall take place until the method of working during the construction phases, in the form of an environmental management plan, to include control of noise, vibration and dust emission, has been submitted to and approved in writing by the local planning authority. All subsequent construction shall be undertaken in accordance with the approved scheme.

- 9) Construction works and delivery of materials shall not be carried out outside the following times 0800-1800hrs Monday to Friday, 0800-1300 hrs on Saturdays and no working or deliveries shall take place on Sundays, Bank or Public Holidays.
- 10) Prior to the commencement of works on the site, details of a wheel washing facility for construction traffic shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
- 11) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework and Planning Practice Guidance, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 12) No development shall commence until details of a scheme for an archaeological watching brief have been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved watching brief.