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## Appeal Decision

Inquiry held on 23, 24, 25, 26 & 30 June and 1 July 2015

Site visit made on 1 July 2015

by **C J Anstey** BA (Hons) DipTP DipLA MRTPI

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

Decision date: 25 August 2015

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**Appeal Ref: APP/P1615/A/14/2228822**

**Land north of Ross Road, Newent, GL18 1BE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Gladman Developments Ltd. against Forest of Dean District Council.
  - The application Ref P0969/14/OUT is dated 12 June 2014.
  - The development proposed is residential development of up to 85 dwellings, associated access, parking, landscaping, public open space and associated works.
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### Decision

1. The appeal is allowed and outline planning permission is granted for up to 85 dwellings, associated access, parking, landscaping, public open space and associated works on land north of Ross Road, Newent, GL18 1BE, in accordance with the terms of the application, Ref P0969/14/OUT, dated 12 June 2014, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

### Preliminary matters

2. In February 2015 the Council confirmed its opposition to the proposed development on a number of grounds. Since then a number of these reasons, namely those relating to the unacceptable impact on protected species, failure to make provision for affordable housing and other requirements arising from the development, and harm to archaeological remains, have been addressed to the satisfaction of the Council. Given the material submitted I have no reason to come to a different view on these matters.
3. The Council remains opposed to the development on the grounds that it would cause landscape harm, detract from the setting of nearby heritage assets, and involve the loss of the best and most versatile agricultural land. There is also dispute between the two main parties as to whether there is currently a 5-year supply of deliverable housing sites and consequently whether relevant policies for the supply of housing are up-to-date. These issues are dealt with below.
4. It is accepted that the need to upgrade the local sewage treatment works may have implications for the commencement of the appeal development if permission were to be granted. However given the statutory requirements of the provider and the lack of substantive evidence to the contrary I do not

consider that this would be likely to mean that development on the site would be unduly delayed.

5. An Illustrative Masterplan (Ref: 5739-L-04) was submitted as part of the appeal application. I have taken this into account in my consideration of the appeal proposal.
6. A signed and dated planning obligation was submitted during the Inquiry, relating to open space, libraries, travel planning and air quality monitoring. I consider that this planning obligation is compliant with *paragraph 204* of the *National Planning Policy Framework (the Framework)* and *Regulation 122* of the *CIL Regulations 2010*.

### **Main Issues**

7. Taking account of all the material before me I consider that there are four main issues in this appeal. These are:
  - whether relevant policies for the supply of housing in the District are up-to-date, having regard to the 5-year supply of housing land;
  - the effect on the rural setting of Newent and the character and appearance of the local area;
  - the effect on the special architectural and historic interest of nearby heritage assets; and
  - whether there would be a significant loss of the best and most versatile agricultural land around Newent.

### **Reasons**

#### **Description**

8. Newent is a small market town with a population of about 5,200 and is the fourth largest settlement within the Forest of Dean District. It is the main service centre in the north of the District with a wide range of facilities, including shops, banks and schools, and accommodates a modest range of employment uses.
9. The appeal site is about 5ha in area and comprises two fields currently used for grazing and the production of hay and silage. It lies on the north-western edge of Newent and is situated between Ross Road (B4221) to the south and Horsefair Lane to the north. The eastern part of the site slopes predominantly downwards from Ross Road to Horsefair Lane, whilst the western part of the site comprises a raised plateau separated from the eastern area by a fence and low hedge. Adjoining the eastern boundary of the site and on the other side of Ross Road there is existing residential development. Along the northern side of Horsefair Lane there are a few houses and a travellers' site. Next to the western boundary of the site is the Grade II listed Mantley House farm complex, whilst on the other side of Ross Road there is Picklenash Court, a non-designated heritage asset.
10. The appeal scheme seeks permission for the construction of up to 85 dwellings, including 34 affordable housing units. About 2.82 ha of the site would be given over to built development, whilst the remaining land would be laid out as public open space, sports and play areas, landscaping and an attenuation pond.

Vehicular access would be provided onto Ross Road, whilst new footpath and cycle links would be provided through the site.

### **Development plan**

11. The development plan for the area includes the saved policies from the *Forest of Dean Local Plan (2005)* and the *Forest of Dean Core Strategy (February 2012)*.
12. There are a number of policies in the *Core Strategy (CS)* that are considered to be relevant to the determination of this appeal. These are outlined below. The amount of weight to be attached to these policies is dealt with under the various issues set out below, having regard to the government's *National Planning Policy Framework (the Framework)* and *Planning Policy Guidance (the Guidance)*.
13. The CS specifies that there is a requirement to provide for 6,200 dwellings in the Forest of Dean District in the period to 2026. The CS's settlement policy is designed to concentrate new housing development at the District's four main towns, namely Cinderford, Coleford, Lydney and Newent. *Policies CSP.5: Housing* and *CSP.15: Newent Settlement Policy* make provision for some 350 dwellings in Newent in the period to 2026 to provide for local needs and is designed to avoid an increase of out-commuting to work. Additional housing beyond this level is only to be permitted on small unidentified sites and suitable previously developed land within the town. To facilitate this approach *Policy CSP.4: Development in Settlements* defines a settlement boundary for Newent beyond which is open countryside and where most forms of new housing development will be resisted. The appeal site lies outside the defined settlement boundary and within the open countryside for local planning purposes.
14. *Policy CSP.1: Design and Environmental Protection* seeks to conserve, preserve or otherwise respect the important characteristics of the area.

### **Emerging local plan**

15. The Council's Pre-Examination version of the *Forest of Dean Allocations DPD (ADPD)* was published for comment on 25 March 2015. As well as identifying housing sites the *ADPD* also endeavours to update the housing requirement for the District. The Council is currently in the process of considering the representations received on the *ADPD*, with the intention of submitting the plan to the Secretary of State for public examination later this year.
16. It is apparent that the Council has received representations on the *ADPD* objecting to the overall housing requirement and to various site allocations, and requesting the inclusion of omission sites. Given this it would not be appropriate to attach significant weight to the policies in the *ADPD* in the determination of the current appeal.

### **Issue 1: Housing land supply**

17. The Council considers that on the basis of its assessment of objectively assessed housing need (OAN) there is a need to provide for 320 dwellings per annum. This is the figure currently provided for in the emerging *ADPD*. In my opinion the 320 dwellings per annum is a constrained figure that does not take account of the detailed evidence available on likely job growth in the area. In

contrast the OAN figure of 365 dwellings per year recommended in the recent NMSS study commissioned by the Council does take account of employment growth and factors in extra homes for jobs. Given the evidence available, therefore, I consider that of these two figures the higher one is to be preferred. On the basis of the 365 figure, and adding in the accumulated shortfall in recent housing delivery and the agreed requirement for a 20% buffer, some 488 dwellings per year need to be provided, or 2440 over the next 5 year period.

18. The Council anticipate that over the next 5 years with a high estimate 2407 dwellings are likely to be developed on sites within the District or with a low estimate in the order of 2219. As the lower figure may prove to be correct it is reasonable to use this as the basis for the 5 year supply calculations. With this figure, and given the requirement for 488 dwellings per year, there is currently only about 4.55 years of housing land supply available.
19. Taking account of the information submitted for the appellant on the likely level of employment growth and the acute affordable housing need in the District I consider that there may be grounds for increasing the annual requirement figure above 365 dwellings. I also believe that the Council's forecast as regards housing supply over the next 5 years may prove to be over-optimistic. In reaching this view I am mindful that some of the sites included have been available for a considerable amount of time and yet have not been developed, whilst others are allocations in an emerging plan that has not yet been examined. If the OAN figure is increased beyond 365 and/or housing sites are not developed as anticipated the supply in years would fall below 4.55 years and may approach the forecast of 3.89 years supply favoured by the appellant.
20. As the Council cannot demonstrate a 5-year supply of deliverable housing sites paragraph 49 of the *Framework* makes it clear that relevant policies for the supply of housing should not be considered up to date. It is evident that certain of the adopted development plan policies are concerned with the supply of housing. These include *Policies CSP.5: Housing* and *CSP.15: Newent Settlement Policy*, as well as *Policy CSP.4: Development in Settlements*. Although these policies remain part of the development plan they attract very little weight in view of the shortfall of housing land in the District. Applying *paragraph 215 of the Framework* it is considered that the local policies referred to above are inconsistent with the housing supply policies contained in *paragraph 47 of the Framework*.
21. I conclude, therefore, on the first main issue that since the Council is unable to demonstrate a 5-year supply of deliverable housing sites, all relevant policies for the supply of housing have to be regarded as out of date. This means that in determining this appeal very little weight can be attributed to housing supply policies related to the amount and distribution of housing development across the District, the release of previously developed sites in preference to the use of green field sites, and resisting housing outside settlement boundaries.

### **Issue 2: Rural setting & local character**

22. *Policy CSP.1; Design and Environmental Protection* seeks to conserve, preserve or otherwise respect the important characteristics of the area. In my view this policy is broadly in line with the objectives of *the Framework* and therefore should be accorded some weight. However this policy needs to be read in conjunction with the more recent guidance in *the Framework*, including the

- presumption in favour of sustainable development and the need to apply an overall balancing exercise.
23. The appeal site is not within a landscape designated for its quality. There are no landscape features of any particular note on the site, or footpaths across it or on the fields to the west. Notwithstanding this it is part of the attractive, rolling countryside to the west of Newent and is visible in long distance views from the west and north-west. Consequently in its present state the site positively contributes to the rural setting of the town. It is clear, however, from the Illustrative Masterplan that the proposed development would be set within about 2ha of green infrastructure, including substantial areas of planted open space. In my view this green infrastructure as it matures over the next 10-15 years, coupled with the use of appropriate materials and control over building heights, would successfully mitigate the impact of the development from long distance viewpoints and ensure that the rural setting of the town is not changed to an unacceptable degree. Indeed the proposed open space and associated planting would ensure a softer and greener appearance to this edge of Newent than currently exists.
24. The Council consider that the areas of proposed open space would separate the development from the town and make the new housing estate appear isolated. In my experience it is not unusual to have green corridors running through residential areas and in this particular case I am confident that the development will be enhanced as a result of their inclusion.
25. I did not find the appeal site to be particularly noticeable from the Ross Road frontage because of the difference in levels and the sloping landform. Consequently I do not consider that the appeal site makes a significant contribution to the character and appearance of this part of Ross Road. As the proposed built development on the appeal site would be set back a considerable distance from Ross Road behind extensive areas of landscaped open space I do not believe that the proposed dwellings would be prominent from the Ross Road frontage. Although the new access road and cycle/pedestrian link from Ross Road would be visible they would not appear unduly prominent provided they are suitably landscaped.
26. I believe, however, that the appeal development would cause visual harm to Horsefair Lane. The appeal site is prominent in views from the lane as the land rises up towards Ross Road and to the west. In their present state the two fields that form the appeal site make a significant contribution to the rural character and appearance of Horsefair Lane. The Illustrative Masterplan indicates that built development would be located fairly close to Horsefair Lane and spread over the higher land to the south and west. As a result views from Horsefair Lane would be dominated by a new housing estate and the rural character of this part of the lane would be substantially eroded. Notwithstanding this the visual harm would be fairly localised and confined to a particular part of the lane.
27. I conclude, therefore, on the second main issue that the development would detract from the rural character and appearance of Horsefair Lane. This brings the scheme into conflict with *Policy CSP.1; Design and Environmental Protection*. My findings as regards setting and local character are based on my observations on site, having regard to the evidence presented including the landscape assessments.

**Issue 3: Setting of heritage assets**

28. The Council accepts that the proposed development would not have an adverse effect on the setting of the Newent Conservation Area. Given the distance to the Conservation Area and the intervening topography I have no reason to disagree with this view. Consequently the heritage assets involved in this case are the Grade II listed buildings that form the Mantley House farm complex and the non-designated heritage asset, Picklenash Court. As there would be no impact on the fabric of these buildings the Council's concerns relate to the effect of the appeal development on their setting.
29. Current planning legislation requires the decision maker to have special regard to the setting of a listed building. *Paragraph 132 of the Framework* makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. It goes on to note that significance can be harmed or lost through development within the asset's setting.
30. Mantley's Farm was first recorded in 1615 but dates back earlier. The farmhouse (listed as Mantley House) was remodelled and re-fronted in the 1770s. The separately listed 16<sup>th</sup> century barn and the 18<sup>th</sup> century cow-house and stable, together with the later single store range defining the east side of the farmyard, form a group. The list descriptions make it clear that the significance of these buildings is increased as they have group value. With the exception of the store the buildings are now used as dwellings.
31. In my view the two fields that make up the appeal site contribute to the significance of the listed Mantley House farm complex. In their current undeveloped state these fields provide an appropriate rural and tranquil setting for the farm house and the associated former farm buildings. In previous times there may well also have been a functional and historical link between the two as it is likely the fields would have been farmed as part of the extensive Mantley Farm estate. Consequently the appeal proposal would damage the rural setting of the Mantley Farm complex and erode the likely functional and historical relationship that existed between the farm and nearby fields. The effect would be particularly evident from Horsefair Lane as the views of the Mantley Farm complex sitting within a rural landscape would be lost.
32. It is clear from the Illustrative Masterplan for the appeal site that a real effort has been made to reduce the impact of built development and disturbance on the farm complex's immediate setting. To this end the south-western part of the site next to the Mantley House farm complex would remain undeveloped and be given over to public open space, whilst the main access road off Ross Road would be located away from the western boundary. Furthermore extensive areas of planting are planned along the edge of the proposed private drives nearest to the farm buildings to provide a green edge to the open space and soften the impact of the new dwellings. I consider that the provision of such a sizeable open area on that part of the site next to the Mantley House farm complex, together with the associated landscaping, would lessen the impact of the development on the immediate setting of this group of listed buildings. However it would not produce a setting of the same quality and characteristics as currently exists.
33. Having regard to the effects of the appeal scheme, the proposed mitigation and the high threshold required for 'substantial harm' I consider that the proposed

development would cause 'less than substantial harm' to the Mantley House farm complex in terms of *the Framework*.

34. *Paragraph 135* of the *Framework* makes it clear that in determining applications the effect on the significance of a non-designated heritage asset should be taken into account. This paragraph also indicates that in weighing such applications a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
35. Picklenash Court is a large old former school building now converted to residential use. In 1884 it had a largely rural and undeveloped setting which would have emphasised its function as a school serving a rural catchment area. Much has changed since then and the former school now sits amidst existing built development south of Ross Road, with a large modern school building to the east. However the appeal site still provides a rural and open setting to the north of this former school. This would be lost as a result of the appeal development and consequently the significance of this non-designated heritage asset would be harmed. The proposed open space next to Ross Road would provide some mitigation by ensuring that built development is set well away to the north of the former school although it would not overcome the wider loss of setting.
36. I conclude, therefore, on the third main issue that the proposed development by causing 'less than substantial harm' would fail to preserve the special architectural and historic interest of the Grade II listed Mantley Farm complex and would harm the significance of Picklenash Court, a non-designated heritage asset. In view of these findings it is evident that I believe that sufficient information is available to assess the impact on heritage assets.

**Issue 4: Agricultural land quality**

37. *Paragraph 112* of the *Framework* advocates the use of poorer quality land in preference to that of a higher quality where significant development of agricultural land is demonstrated to be necessary. The *Framework* does not, therefore, rule out the development of the best and most versatile land as a matter of principle.
38. There is no dispute that the appeal site includes grade 2 and grade 3 agricultural land. In my view the proposal does not involve a significant loss of the best and most versatile agricultural land. At 5 ha in area the site is small in comparison to the amount of agricultural land around Newent, a considerable amount of which is of a comparable quality. I also note that the Council has recently identified other good quality agricultural land around Newent as being suitable for new development. I have no evidence before me to suggest that the loss of these fields would prejudice the continued operation of any farming business.
39. I conclude, therefore, on the fourth main issue that the proposal would not involve a significant loss of the best and most versatile agricultural land around Newent.

### **Other matters**

40. Local people have raised a number of other concerns including the impact on highway safety, flood risk, drainage, biodiversity, and the capacity of local services and facilities. However, having considered all the material before me, including the views of statutory authorities and the various reports submitted, none of these matters individually or cumulatively would be likely to cause overriding harm, and they are not, therefore grounds for dismissing the appeal. In particular I note that the Highway Authority accepts that the proposed junction on Ross Road is acceptable in terms of junction layout and visibility and there would be no unacceptable impacts to the safe and free flow of traffic.

### **Overall planning balance**

41. It is evident from my consideration of the main issues that I believe that the rural setting of the town would be maintained once the green infrastructure associated with the proposed development has matured and provided appropriate building materials are used and building heights controlled. It is also my view that the impact on the character and appearance of Ross Road would not be significant. I have also concluded that the proposal would not involve a significant loss of the best and most versatile agricultural land. These considerations are neutral and do not weigh in favour or against the scheme.
42. The Council cannot demonstrate a 5-year supply of deliverable housing sites and it would appear that the shortfall may be significant. Consequently all relevant policies for the supply of housing have to be regarded as out of date and accorded very limited weight. *Paragraph 14 of the Framework* makes it clear that in such cases planning permission should be granted, where relevant policies in the development plan are out-of-date, 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.
43. I have identified adverse impacts of the appeal scheme. In particular I have concluded that the proposal would detract from the rural character and appearance of Horsefair Lane. I have also found that by causing 'less than substantial harm' the development would fail to preserve the special architectural and historic interest of the Grade II listed Mantley Farm complex and would harm the significance of Picklenash Court, a non-designated heritage asset. These findings bring the scheme into conflict with elements of local and national planning policy.
44. I now turn to the weight that should be attached to these adverse impacts in the overall planning balance. As regards the adverse impact on the character and appearance of Horsefair Lane I believe that the visual harm would be fairly localised and confined to a particular part of Horsefair Lane. Consequently I attach only moderate weight to this consideration.
45. Given the statutory duty as regards listed buildings I am obliged to give considerable weight to the desirability of preserving the setting of the Mantley House farm complex in carrying out the balancing exercise, even though I have found that the harm would be 'less than substantial.' In my view, however, it is also necessary to take account of the fact that the appeal scheme provides for a substantial area of open space on the part of the appeal site next to the Mantley House farm complex. Although this would not replicate the current rural setting of this former farm it would ensure that the listed buildings



- continue to sit within an undeveloped area and away from other built development. Consequently whilst attaching considerable weight to the failure of the scheme to preserve the special architectural and historic interest of the Grade II listed Mantley House farm I believe that this needs to be tempered with my finding that the new setting created would allow the continued appreciation of these heritage assets within an undeveloped area.
46. Similarly the public open space to be created north of Ross Road would ensure that the non-designated heritage asset, Picklenash Court, retains an open setting to the front albeit of a different nature and extent than currently exists. As a result, taking account of the scale of this harm and the nature of the asset and its surroundings, only limited weight should be attached to the harm to the significance of Picklenash Court.
47. There are considerable public benefits associated with the appeal scheme and these need to be given substantial weight. *Paragraph 14 of the Framework* makes it clear that sustainable development has three dimensions: economic, social and environmental. In my judgement the proposal would fulfil the economic role of sustainable development and would contribute to building a strong, responsive and competitive economy, by helping to ensure that sufficient land is available to support growth. There would also be associated economic benefits in terms of construction jobs, increased spending in the area, additional Council tax revenues, and the New Homes bonus. With reference to the social dimension the scheme would contribute to boosting housing supply, by providing a range of sizes and types of housing for the community, including a sizeable number of acutely-needed affordable housing units.
48. As regards environmental considerations Newent is recognised as a sustainable settlement and considered to be an acceptable location for accommodating new development. The appeal site is well located in terms of accessibility to the various facilities and services in the town and the development would help to support them. For longer trips alternatives to the private car are available with bus services available in the town. The proposed land to be given over to public open space would be of recreational benefit and footpath/cycleway links would be created across the site. There would be increased opportunities for ecological enhancement and habitat creation that would not arise if the land were to continue in its existing use. In due course a softer edge to the town would be created than currently exists. The site is available and it is likely that it could be developed within the next five years.
49. It is evident that I have identified adverse environmental impacts of the appeal scheme. The essential test in cases such as this is not confined to the assessment of harm in isolation but rather whether the adverse impacts identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this regard I have also identified a considerable number of economic, social and environmental benefits that would arise as a result of the appeal that need to be given substantial weight. In my judgement the limited number of adverse impacts identified in this case, and their localised nature, even when added together, would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I therefore find that there are insufficient grounds for finding against the development and that when taken as a whole the appeal scheme would constitute sustainable

development. Consequently the *Framework's* presumption in favour of sustainable development applies.

### **Conditions**

50. I have considered the planning conditions put forward and discussed at the Inquiry in the light of the advice in *the Guidance*. Details of the reserved matters need to be submitted, and the development commenced, within a reasonable time-scale (*Conditions 1, 2 & 3*). As my assessment of the scheme has taken account of the Illustrative Masterplan, which is based on the Development Framework (Ref: 5739-I-01 Rev F), there is a need to make sure that the detailed plans generally accord with the latter (*Condition 4*).
51. The provision of appropriate sewerage and drainage works to serve the site are necessary (*Condition 5 & 6*). In the interests of traffic safety the roads and associated elements need to be laid out in a satisfactory and timely manner (*Conditions 7, 8 and 9*). During the construction period various matters, including the type and number of construction vehicles, parking of vehicles and plant, hours of operation, condition of roadways and dust emissions and the School Safety Zone, need to be considered in detail to protect highway safety and/or residential amenity (*Condition 10*). Landscaping and open space details are required to ensure that the impact of the development is minimised and a high quality environment is created (*Conditions 11 & 12*). To mitigate the impact on the surrounding area, it is necessary to control the height of the new dwellings (*Condition 13*).
52. In order to minimise the amount of waste produced during the construction period details need to be submitted for approval (*Condition 14*). In the interests of highway safety details of the relocation of the signs and marking associated with the School Safety Zone need to be approved (*Condition 15*). To provide good living conditions for future occupiers noise levels in and around the proposed dwellings need to be submitted (*Condition 16*). In the interests of biodiversity an Ecological Conservation and Enhancement Plan and lighting strategy are required (*Conditions 17 & 18*) and the removal of vegetation needs to be controlled (*Condition 19*).
53. To secure the required affordable housing a condition to this end is required (*Condition 20*). This condition is in line with the Planning Inspectorate's model condition relating to affordable housing, covers all relevant matters, and is not overly-prescriptive.

### **Overall Conclusion**

54. My overall conclusion, therefore, is that the adverse impacts of the appeal scheme would not significantly and demonstrably outweigh the benefits, when assessed against the policies in *the Framework* taken as a whole. Consequently there are compelling grounds for allowing the appeal subject to appropriate planning conditions. None of the other matters raised outweigh the considerations that have led to my decision.

*Christopher Anstey*

Inspector

## SCHEDULE OF CONDITIONS

- 1) The development for which permission is hereby granted shall not be commenced before detailed plans showing the access within the site, layout, scale, appearance and landscaping of the site (referred to as "the reserved matters") have been submitted to and approved in writing by the local planning authority.
- 2) Application for the approval of the reserved matters shall be made not later than the expiration of two years beginning with the date of this permission.
- 3) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or before the expiry of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.
- 4) The details to be submitted under Condition (1) shall accord generally with the parameters of the development as set out on the Development Framework Plan 5739-L-02 Rev F and shall include street scenes, existing site levels and sections and proposed site and slab levels and sections through the site at a scale of not less than 1:500.
- 5) No development shall commence until full foul water drainage proposals have been submitted and approved in writing by the local planning authority. The approved proposals shall be implemented prior to any of the dwellings hereby approved being occupied. Any surface water shall be drained separately from foul water.
- 6) No development shall commence until surface water drainage details, including a SUDS/drainage management plan have been submitted and approved in writing by the local planning authority. These details should fully incorporate the principles of biodiversity enhancement, sustainable drainage and improvement in water quality, along with a robust assessment of the hydrological influences of the detailed drainage plan, including allowances for climate change. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and the dwellings served by such a scheme being occupied and shall be subsequently maintained in accordance with the approved details.
- 7) No development shall commence until details of properly consolidated and surfaced vehicle parking and manoeuvring facilities (including provision for the disabled) have been submitted to and approved in writing by the local planning authority. Such facilities shall be provided in accordance with the approved plans and prior to the dwelling(s) served by them being occupied and shall be kept permanently available for such use with the vehicle parking spaces retained for parking only and the manoeuvring facilities for manoeuvring.
- 8) No works shall commence on site (other than those required by this condition) on the development hereby permitted until the approved site access as shown on drawing A083614-P002 Rev D and associated visibility splays, has been completed in accordance with the approved details and with the carriageway and footways constructed to at least binder course level.

- 9) No dwelling on the development site shall be occupied, until the carriageways (including surface water drainage/disposal, vehicular turning heads and street lighting) providing access from the nearest public highway to that dwelling, have been completed to at least binder course level and the footways to surface course level.
- 10) No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
  - i) specify the type and number of construction vehicles;
  - ii) provide for the parking of vehicles of site operatives and visitors;
  - iii) provide for the loading and unloading of plant and materials;
  - iv) provide for the storage of plant and materials used in constructing the development;
  - v) provide for wheel washing facilities;
  - vi) specify the intended hours of construction operations;
  - vii) include measures to control the emission of dust and dirt during construction;
  - viii) include measures to observe the School Safety Zone during construction.
- 11) No works shall commence on site until the landscaping scheme submitted under condition (1) (and incorporating existing flora) has been approved in writing by the local planning authority. Such a scheme shall be carried out in accordance with a planting programme which shall be submitted to and approved in writing by the local planning authority. If at any time during the subsequent five years any tree, shrub or hedge forming part of the scheme shall for any reason die, be removed or felled it shall be replaced with another tree or shrub of the same species during the next planting season to the satisfaction of the local planning authority.
- 12) A Landscape and Open Space Works Specification and Management Plan including precise details of the Open Space, its long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, public open space and Play Area (to include a Locally Equipped Area for Play), other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development. The Play Area/Open Space shall be laid out to the written satisfaction of the local planning authority in accordance with the approved details and thereafter be retained and used for no other purpose.
- 13) No building on any part of the development hereby permitted shall exceed 8.5 metres in height to the ridgeline when measured from approved slab level.
- 14) No development shall take place until a Waste Minimisation Statement has been submitted to and approved in writing by the local planning authority. It shall include:

- Details of the types and volumes of construction waste likely to be generated including measures to minimise re-use and recycle that waste and minimise the use of raw materials.
- All construction waste to be re-used on site unless it can be demonstrated to the satisfaction of the Local Planning Authority that this is not the most sustainable, suitable or safe option.
- Where waste is generated that cannot be re-used/recycled either on or off site the Waste Minimisation Statement must set out proposed measures for the disposal of this waste in an environmentally acceptable manner.
- Provision within the residential development of 'on-site' storage receptacles for recycling a range of materials as specified by the Local Planning Authority, at identified locations.
- Suitable accessing arrangements for recycle/waste collection vehicles.

Thereafter all of these provisions shall be implemented in accordance with the agreed Waste Minimisation Statement.

- 15) Notwithstanding the approved plans and prior to development commencing, details of the relocation of the existing School Safety Zone signs, lining and markings shall be submitted to and approved in writing by the local planning authority and shall be implemented in accordance with the approved details prior to first occupation of the development.
- 16) Prior to development commencing a noise assessment shall be submitted to and approved in writing by the local planning authority which shall include details to ensure internal noise levels can be achieved in bedrooms and living rooms in the proposed dwellings post construction of 30dBLAeqT (where T is 23:00 and 07:00) and 35 dBLAeqT (where T is 07:00-23:00). Noise from individual external events typical to the area shall not exceed 45 dBLAmax when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. Noise levels in gardens, outdoor living areas and public open spaces to not exceed 55 dBLAeq 1 hours when measured at any period, unless otherwise agreed in writing by the local planning authority.
- 17) No development shall commence, including ground works and site clearance, until an Ecological Conservation and Enhancement Plan has been submitted to and approved in writing by the local planning authority. The plan should include bird, reptile, bat foraging, bat flyways, amphibian and dormice habitat management and mitigation meeting the requirements of section 11.1 of BS 42020:2013; the retention of flight lines, foraging areas, dark corridors; re-assessment of trees with identified bat potential including any necessary survey work; compensation of the loss of hedgerows; enhancement of hedgerows as well as to foraging opportunities and connectivity to off-site habitats; enhancement measures for bats and birds such as bat and bird boxes in trees and in suitable locations within or attached to the new dwellings. The content of the Plan shall also include the:
  - i) Risk assessment of potentially damaging construction activities.
  - ii) Identification of "biodiversity protection zones" (such as hedgerows).

- iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- iv) extent and location of proposed works shown on appropriate scale maps and plans;
- v) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- vi) persons responsible for implementing the works;
- vii) initial aftercare and long-term maintenance (where relevant);

The development shall be implemented in accordance with the approved Plan.

- 18) Prior to works commencing a lighting strategy with measures to reduce impacts on existing and proposed features for bat foraging and flight corridors and; maintaining light levels below 1 lux at any point when measured on the entire length of the south side of the hedgerow bounding Horsefair Lane, shall be submitted to the local planning authority for approval and shall thereafter be implemented and retained in accordance with the approved scheme.
- 19) No removal of any vegetation (including ivy) shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority for approval in writing and then implemented as approved.
- 20) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in *Annex 2 of the National Planning Policy Framework* or any future guidance that replaces it. The scheme shall include:
  - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units;
  - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no RSL involved ;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Peter Wadsley of Counsel                      Instructed by the Council's Solicitor

He called:

Peter Radmall MA BPhil                      Council's Landscape Consultant  
CMLI

David Haigh BA MA AA                      Council's Conservation Consultant  
Grad Dipl Cons FSA Scot  
IHBC

Nigel Gibbons BSc                              Forward Plan Manager  
MRTPI

Martin Hillier DipTP                              Planning Appeals Officer  
MRTPI MCMi CMS

### **FOR THE APPELLANT:**

Peter Goatley of Counsel                      Instructed by Gladman Developments Limited

He called;

Phil Rech BA BPhil (LD)                      FPCR Environment & Design Ltd.  
CMLI

Jason Clemens BA                              CgMs Consulting  
(Hons) DipUD MA MSc  
MRTPI IHBC

James Donagh BA                              Barton Wilmore  
(Hons) MCD MIED

Jason Tait BA (Hons)                              Planning Prospects  
DipTP MRTPI

### **INTERESTED PERSONS:**

David Richards	Local resident
Hazel Richards	Local resident
Mary Duncan	Newark Town Councillor
Mr Gardiner	District Councillor
George Eden	Local resident

## **DOCUMENTS SUBMITTED DURING THE INQUIRY**

1. Council's letters of notification & list of persons notified.
2. Housing Supply Sites – June 2015 – agreed consolidated list.
3. Ecology: Statement of Common Ground (16 June 2015).
4. Statement by Mary Duncan.
5. Hedgelink: Farm Environment Schemes handed in by the Council.
6. Statement of George and Freda Eden handed in by Mr Gardiner.
7. Updated Tables 1-5 – Housing land Supply handed in for the appellant company.
8. Statement relating to affordable housing provision and related appeal decisions handed in for the appellant company.
9. Schedule of draft conditions.
10. County Council letter dated 11 July 2014 relating to planning obligation requirements handed in by the Council.
11. Annual Report (1939-1940) for the Estate Service Depots handed in by Mr Gardiner.
12. Housing Supply Sites – June 2015 – agreed consolidated list. Revised following round table session held on 24 June 2015.
13. Planning obligation by deed of undertaking dated 1 July 2015, handed in for the appellant company.
14. Judgement Pugh v Secretary of State for Communities and Local Government handed in by the Council.

## **PLANS**

- A. 1:2500 scale red-line site plan submitted with outline application (drawing no. 2013-044-001).
- B. Illustrative Masterplan (Ref: 5739-L-04).
- C. Proposed site access (A083614-P002 Rev D)