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## Appeal Decision

Hearing Held on 16 October 2019

Site visit made on 16 October 2019

**by Thomas Hatfield BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30<sup>th</sup> January 2020**

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**Appeal Ref: APP/A3010/W/19/3223548**

**Land off Longholme Road, Retford**

- 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 MLN (Land and Properties) Ltd against the decision of Bassetlaw District Council.
  - The application Ref 18/00069/OUT, dated 19 January 2018, was refused by notice dated 30 August 2018.
  - The development proposed is described as *"outline planning application, with all matters reserved except for access, for up to 60 dwellings and other associated works"*.
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### Decision

1. The appeal is allowed, and outline planning permission is granted for up to 60 dwellings and other associated works at Land off Longholme Road, Retford in accordance with the terms of the application, Ref 18/00069/OUT, dated 19 January 2018, subject to the conditions set out in the attached schedule.

### Application for Costs

2. At the hearing an application for costs was made by MLN (Land and Properties) Ltd against Bassetlaw District Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The application is in outline with all matters reserved for future consideration except for the means of access. Drawings showing an indicative layout of the development were submitted with the application, and I have had regard to these in determining this appeal.
4. The description of development given in my formal decision omits some of the text from the description provided on the planning application form. The omitted text simply states that the proposal is in outline with some matters reserved, and as such it does not describe acts of development.
5. In September 2019, the Council published an updated Five Year Housing Land Supply Statement base-dated to 1 April 2019. This identified a deliverable housing supply of 10.1 years against the annual requirement. Whilst the appellant has queried a number of the assumptions in this document, it considers that the Council is able to demonstrate a deliverable housing supply

of around 7.9 years. In either case, the Council has a very healthy 5 year supply position.

### **Main Issues**

6. The main issues are whether the development would, firstly, prejudice highway safety, and secondly, be safe from flooding without increasing flood risk elsewhere.

### **Reasons**

7. The appeal site is located outside of the Retford Development Boundary and is in the countryside for planning policy purposes. In this regard, Policy CS1 of the Bassetlaw Core Strategy & Development Management Policies DPD (2011) seeks to restrict new development to inside the defined Development Boundaries unless it would meet one of a number of exceptions. The development would not meet any of these exceptions and would be contrary to the development plan in this regard. I return to this matter in my Overall Balance and Conclusion, below.

#### *Highway safety*

8. The development would be accessed via Longholme Road, which is a quiet residential estate road. There is an approximately 90 degree bend in the road shortly before the site entrance that is flanked by a tall hedge along the boundary to the corner property.
9. Existing houses are positioned around the turning area next to the bend, which clearly indicates to oncoming vehicles that the road does not continue ahead. The bend itself occupies a wider stretch of carriageway which allows ample space for vehicles to pass one another. This is illustrated in the swept path analysis submitted by the appellant which demonstrates that two 3.5t panel vans can comfortably pass one another on the bend itself. In addition, centre line and edge of carriageway markings could be painted to clearly indicate the presence of the bend and the lanes that vehicles should stay in. This could be secured by condition prior to the occupation of any of the new dwellings.
10. The bend itself would also act to reduce the speed of motorists as they negotiate it. Whilst visibility around the bend is restricted by the existing hedge, motorists would still have an adequate view of oncoming traffic, particularly given the low speeds at which they would be travelling. Similarly, adequate visibility would be available to any vehicles manoeuvring into or out of existing dwellings close to the bend given the low traffic speed. I further note that the Highway Authority did not object to the development on highway safety grounds.
11. It is asserted that parked vehicles regularly create an obstacle along Longholme Road. However, most of the properties have off street parking, and in any case, the width of Longholme Road up to the bend is generous. Any vehicles parked beyond the vehicular entrance to No 34 would be sufficiently distant from the bend to not be a significant hazard in my view.
12. Refuse collection vehicles would need to cross the central point of the carriageway in order to round the bend. However, that is not uncommon on residential estate roads, and the height and noise of these vehicles would alert

- motorists to their presence. Moreover, any use of this route by refuse vehicles would be for a short duration only and on a weekly basis.
13. At the hearing, a video of traffic emerging from the junction between Park Lane and Longholme Road was presented by an interested party. This showed a regular flow of traffic emerging from this junction at peak times, and a number of local residents described incidents that have occurred in its vicinity. However, the most recent 5 years' worth of available road traffic records indicate that no accidents occurred at this junction during that period. Moreover, it has good visibility in both directions, and the relatively modest levels of additional traffic that the development would generate would not place unacceptable strain upon it.
  14. Nottinghamshire County Council's 6Cs Design Guide advises that residential access roads that serve between 50 and 400 dwellings should be at least 5.5 metres in width. In this regard, the carriageway along Longholme Road is around 6.7 metres wide along most of its length, although it narrows to around 5.4 metres towards the site entrance, after the bend. Whilst this section of the road would be below the County Council's usual requirements, this is a minor shortfall that is not sufficient to withhold permission in my view.
  15. There are existing footways on either side of the stub section of Longholme Road leading up to the appeal site. Whilst these footways are below 2 metres in width, as stipulated in the 6Cs Design Guide, they are sufficient to safely accommodate pedestrians. In this regard, I note that Manual for Streets indicates that a footway width of 1.5 metres is sufficient to allow a pushchair and a pedestrian to pass one another. Given that these footways are unlikely to be heavily used, I do not consider that this arrangement would be unsafe or inappropriate in this case.
  16. Trip generation estimates from the TRICS database<sup>1</sup> indicate that the development has the potential to generate up to 39 two way trips during the morning peak hour, and 35 during the evening peak hour. This level of traffic is modest and would not result in severe residual cumulative impacts on the road network. Whilst concerns were raised at the hearing in relation to the Tiln Lane junction with the A620, a far more direct route to the A620 is available via Longholme Road. I further note that the Highway Authority is seeking to improve that junction as part of a proposed residential development to the West of Tiln Lane to help mitigate this existing issue. Moreover, the Highway Authority do not object to the appeal proposal on network capacity grounds.
  17. For the above reasons, I conclude that the development would not prejudice highway safety. It would therefore accord with guidance in the Framework relating to sustainable transport, which seeks to ensure that development is served by a safe and suitable access.

#### *Flood risk*

18. A Flood Risk Assessment and Surface Water Drainage Strategy has been submitted in support of the development<sup>2</sup>. This identifies that the appeal site is in Flood Zone 1 (low probability of river flooding) and at 'very low risk' of surface water flooding according to the Environment Agency's flood mapping. The site is also identified as being at low risk of groundwater flooding. In

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<sup>1</sup> A database of trip rates for developments used in the United Kingdom for transport planning purposes

<sup>2</sup> Flood Risk Assessment and Surface Water Drainage Strategy (Mayer Brown, December 2017)

addition, the Nottinghamshire County Council historic flood map (up to 2010) does not have any records of sewer/drainage flood incidents at the site. Moreover, the Recent Flood Records map indicates that there were no reported flooding incidents at the site between 2012 and February 2015.

19. At the hearing, a number of local residents stated that recent flooding events have occurred which may fall outside of the timeframe covered by the Nottinghamshire County Council data or the Recent Flood Records map. It was suggested that this flooding may have related to mechanical failings in a nearby pumping station. However, if that is the case, then it would be a management and maintenance issue. I further note that neither the Environment Agency, Severn Trent, nor the Lead Local Flood Authority have objected to the development on flood risk or drainage grounds. The Council has also indicated that it no longer wished to defend this reason for refusal.
20. The development is accompanied by a detailed Drainage Strategy which would ensure that the development would not increase the risk of surface water flooding. This has been supported by the Lead Local Flood Authority, and based on the information before me, I see no reason to depart from that view.
21. For the above reasons, I conclude that the development would be safe from flooding without increasing flood risk elsewhere. It would therefore accord with guidance in the Framework relating to flood risk, which seeks to direct development away from areas at highest risk.

## **Other Matters**

### *Planning obligation*

22. A signed and dated planning agreement has been submitted that relates to onsite affordable housing provision, sustainable urban drainage, an offsite public open space contribution, a primary education contribution, and a Council management fee. With regard to affordable housing, this is clearly necessary in order to meet local need and to comply with Policy CS3 of the Core Strategy & Development Management Policies DPD. Similarly, the provision of an appropriate sustainable urban drainage system is necessary in order to adequately manage surface water within the site and to comply with Policy DM12 of the Core Strategy & Development Management Policies DPD.
23. The financial contribution towards education provision would fund the expansion of primary school places in Retford, which are projected to be at capacity in the immediate years ahead. There is also detailed evidence before me that this sum directly relates to the impact of the development on local school provision. Separately, the occupiers of the development would place additional pressure on open space within the town. The contribution towards public open space is therefore directly related to the development, reasonable in scale, and would be spent within Retford. The management fee is also fairly and reasonably related in scale to the development and would contribute towards the monitoring and implementation of the obligation's provisions. I consider that these contributions are clearly necessary to make the development acceptable in planning terms.

### *Other considerations*

24. The appeal site adjoins the existing built up area to the south and east and is in close proximity to The Drive to the west. In this regard, it is largely

surrounded by existing built form on 3 sides and is visually well contained. A submitted Landscape and Visual Appraisal<sup>3</sup> concludes that the development would result in moderate adverse visual impacts in near views from the north and west. However, these impacts would be viewed in the context of the existing properties that surround the site and would diminish over time as the landscaping matured. Whilst the undeveloped character of the site would be lost, that is true for almost any greenfield development site. In this case, any harm to the character and appearance of the countryside would be very modest, and I further note that the Council has not objected to the development on these grounds.

25. Retford is identified in Policy CS1 of the Core Strategy & Development Management Policies DPD as a 'Core Service Centre', to which 26% of the Borough's housing growth will be directed. However, an analysis of the major sites within the Council's 5 year supply has identified that only 15% are in Retford. This may indicate an imbalance in the Council's supply position.
26. The appeal site is in a relatively accessible location on the edge of Retford. It is in a reasonable walking distances of services and facilities in the town centre and is within 300 metres of bus stops on Welham Road. In addition, there are 2 schools within 2 km of the site.
27. The development is supported by a Phase 1 Habitat Survey<sup>4</sup>. This concludes that the appeal site consists of semi-improved grassland and tall ruderal vegetation that are species-poor and offer limited ecological value. I further note that neither Nottinghamshire Wildlife Trust nor Natural England have objected to the development on ecological grounds. Moreover, the development would offer a series of ecological enhancement measures.
28. The appeal is in outline, and the precise layout and appearance of the development are not before me. It is asserted that the indicative layout would result in a loss of privacy and outlook to neighbouring properties and overshadowing to garden areas and habitable room windows. However, those matters would be assessed in detail in any subsequent reserved matters application. In this regard, the Council stated that it has guidance in place relating to separation distances and overlooking, against which any subsequent proposal would be assessed.
29. The Council state that the proposed density would be around 22 dwellings per hectare (gross), which is relatively low. Whilst the illustrative layout is denser than the neighbouring detached properties, I am satisfied that a development of up to 60 dwellings can be achieved without harming the character of the area.
30. Interested parties assert that additional open space or a children's play area should be provided within the development. However, the appeal site is on the edge of Retford, and a financial contribution is proposed towards improving an existing open space that is likely to be in a more central location.
31. The appeal site is not within the Green Belt.

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<sup>3</sup> Landscape and Visual Appraisal (PGLA Landscape Architects, November 2017)

<sup>4</sup> Extended Phase 1 Habitat Survey (Rachel Hacking Ecology, October 2017)

## Conditions

32. In addition to the standard outline conditions, I have imposed a condition that requires a drainage strategy and programme to be submitted and approved. This is necessary in order to ensure that the site is appropriately drained and does not increase flood risk elsewhere. I have also imposed conditions relating to contamination, a Biodiversity Management Plan, and a Construction Method Statement. These are necessary in order to ensure that any contamination is identified and remediated, to secure the ecological enhancement of the site, and to protect the living conditions of residents during the construction phase. These conditions are pre-commencement in nature as all site works will be informed by the proposed drainage arrangements, biodiversity measures, the Construction Method Statement, and the presence of any contamination.
33. In addition, I have attached a condition that requires various works to be undertaken to Longholme Road. This is necessary in the interests of highway safety. A further condition restricting clearance work during the bird breeding season is necessary to protect nesting birds.
34. Separately, suggested conditions relating to the layout, materials, and landscaping are unnecessary as these are reserved matters. A further condition that would have required a noise impact assessment to be submitted and approved is also unnecessary as there are no obvious sources of significant noise and disturbance in the area.

## Overall Balance and Conclusion

35. As set out above, the appeal site is located outside of the Retford Development Boundary and would be contrary to the development plan in this regard. The Council is also able to demonstrate a 5 year supply of deliverable housing sites.
36. Set against this, the development would provide a significant number of new dwellings in Retford, including 25% affordable housing. In addition, the site is well contained by existing built form and it would represent a logical rounding off of the urban area. The planning obligation would also provide contributions towards off-site public open space facilities and education provision, and the development would be well served by services, facilities, and public transport. Significant social and economic benefits would be generated through new market and affordable housing. The environmental harm would be very limited in my view.
37. Overall, there is conflict with the development plan, but no other significant harm would arise from the development. Moreover, significant benefits would be delivered. In this case, the conflict with the development plan would therefore be outweighed by other material considerations. This would be the case regardless of whether the 'tilted balance' at Paragraph 11 d) of the Framework applies.
38. For the reasons given above I conclude that the appeal should be allowed.

*Thomas Hatfield*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

|                              |                                   |
|------------------------------|-----------------------------------|
| R Walters BA (Hons) Dip TP   | Broadgrove Planning & Development |
| M Cleggett BEng (Hons) FCILT | Vectio Consulting                 |
| MCIHT                        |                                   |

### FOR THE LOCAL PLANNING AUTHORITY:

|                |                              |
|----------------|------------------------------|
| J Krowczyk     | Planning Development Manager |
| Cllr D Pidwell | Chair of Planning Committee  |

### INTERESTED PERSONS:

|             |                 |
|-------------|-----------------|
| Cllr S Shaw | Ward Councillor |
| F Norman    |                 |
| M Norman    |                 |
| J Bland     |                 |

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Swept path drawing featuring 3.5t panel vans
- 2 Part 3 of the 6Cs Design Guide (Nottinghamshire County Council)
- 3 Bassetlaw Affordable Housing Supplement Planning Document (2014)
- 4 A full copy of the Bassetlaw Core Strategy & Development Management Policies DPD (2011)
- 5 A video of traffic emerging from Park Lane onto Longholme Road

### **Schedule of Conditions**

- 1) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) Details of the 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 takes place and the development shall be carried out as approved.

#### *Pre-commencement conditions*

- 4) No development shall take place until a drainage strategy and programme have been submitted to and approved by the Local Planning Authority. The approved scheme shall include:
  - i) An assessment of (in the following order of priority): the potential for infiltration, and then; the potential for discharge to the watercourse, and then; the potential for discharge to the sewer. If infiltration is not to be used, then a justification should be provided including the results of infiltration tests;
  - ii) A maximum discharge of greenfield run-off rates;
  - iii) The site drainage system shall cater for all rainfall events up to a 100 year + 30% climate change allowance event;
  - iv) The underground drainage system shall be designed to not surcharge in a 1 year storm and not to flood in a 30 year event; and
  - v) All exceedance shall be contained within the site boundary without flooding new properties in a 100 year + 30% event.

The development shall be implemented in accordance with the approved details before it is first brought into use.

- 5) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the Local Planning Authority

within 30 days of the report being completed and approved in writing by the Local Planning Authority.

- 6) No development shall take place until a Biodiversity Management Plan is submitted to and approved in writing by the Local Planning Authority. The submitted Plan shall incorporate:
- i) The recommendations of the Extended Phase 1 Habitat Survey (Rachel Hacking Ecology, October 2017);
  - ii) A 5 metre wide wildflower grassland along the eastern, western and northern boundaries of the site. This shall be fenced off to prevent access by residents;
  - iii) Enhancement to the existing hedgerows along the eastern, northern, and part of the western site boundaries including the plugging of any gaps with appropriate native species;
  - iv) A mitigation/compensation area in the north-east corner of the site, which shall include ponds and hibernacula's;
  - v) Bat friendly lighting, and provision of bird boxes and bat roosts; and
  - vi) Management arrangement for all retained and newly created habitats.

The development shall be implemented in accordance with the approved Plan before it is first brought into use.

- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) wheel washing facilities;
  - v) measures to control the emission of dust and dirt during construction;
  - vi) delivery, demolition and construction working hours; and
  - vii) Details of measure to prevent small mammals from becoming trapped in excavations overnight.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

#### *Pre-occupation conditions*

- 8) Prior to the first occupation of any dwelling, the following works shall be completed:
- i) Installation of a centre line and edge of carriageway markings around the 90 degree bend on Longholme Road, as detailed on Drawing No. VC0114, Sheet 001, of the submitted Transport Statement (Vectio Consulting, 30 November 2017);
  - ii) Resurfacing of the footways between the site entrance and the 90 degree bend on Longholme Road; and
  - iii) Cutting back of hedgerows / foliage overhanging the public highway.

#### *Other conditions*

- 9) No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird breeding season (March-September inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the Local Planning Authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.