

Main Open Area (MOA) and Development in Sutton on Trent

Within the previous Local Plan (March 1999) a number of Main Open Areas were designated in settlements. To inform the production of the Current DPD a review of the Main Open Areas was undertaken in 2011 (Document EB23 - Main Open Area Review 2011 in the evidence base for the current DPD)

In that document 'Main Open Areas' were defined as:

"Predominately open land within settlements which play an important role in defining their form and structure"

In carrying out the review in 2011 consideration was given to the following:

- *"the role that the area plays in the form and structure of the settlement"*
- *level of public access or potential for people to overlook the site*
- *whether the site is protected by other policies or designations and if so does there need to be an MOA designation in addition to this."*

That review recommended that 32 Main Open Areas be designated or continue to be designated within the various settlements of the district, whilst recommended that 18 areas of land which were previously designated in the Local Plan should no longer have Main Open Area status

SUT-03 Land South of High Street in the previous Local Plan had Main Open Area designation covering the area now part of ST/MU/1 as well as the current Main Open Area. In the 2011 Review it was proposed to remove the western part of site because it was very overgrown

The Proposed Plan has had no new evidence document undertaken in relation to Main Open Areas. There is no evidence therefore to justify any changes now proposed or any update undertaken to take account of changed circumstances since 2011

Main Open Area in the Current Plan covered 3 fields and in total measures 24,365m² (2.44ha). The Main Open Area in the Proposed Plan has now lost 6,125m² (0.61ha) and now in total measures 18,240m² (1.82ha), this accounts for the loss of 25.14% of the Main Open Area

The Main Open Area in the Proposed Plan now encompasses three parcels of land, the northern two parcels are paddocks, whilst the southern parcel incorporates significant infrastructure including the Sewage Pumping Station, the LPG Gas Storage Tanks, the Surface Water Attenuation Basin and Outfall, the Children's Play Area, the Public Footpath, together with the Two Large Depressions Forming the Compensatory Flood Storage Scheme

The Area of Land Requested to be added as Main Open Area at the western end of the site is 2,780m² (0.28ha) which would equate to around 45% of the size of the land lost from the Main Open Area at the eastern end of the site

The proposed Area of Land Requested to be added as Main Open Area also contains infrastructure including the Electricity Sub Station, Fibre Optic Connections, Public Footpath and Underground Surface Water Attenuation Crates for the highway surface water. As such it is not actually developable for built development anyway

The proposed Area of Land Requested to be added as Main Open Area is centrally located in the Sutton on Trent Conservation Area and is akin to a modern village green in appearance. The village has no traditional village green. Sutton on Trent Parish Council is currently exploring with Newark & Sherwood through pre-application planning advice about siting a proposed war memorial on this western area of open space. This land is owned by the Management Company and the original Planning Obligation binds the Management Company to maintain the open space in perpetuity in accordance with the approved management plan, so it can never be developed unless the Planning Obligation is discharged or amended

The original planning permission 14/00161/FULM was allowed to extend into the reduced Main Open Area with 42 dwellings within the site allocation with the remaining 8 dwellings plus safeguarded land for the village hall falling within the Main Open Area. In judging that encroachment into the Main Open Area, the LPA Officer Report being justified and compliant with Policy ST/MU/1 was based on 3 factors:

- the delivery of a purpose-built village hall;
- the overall level of outdoor amenity space across the overall site (western, central and eastern); and
- the opening up of the Main Open Area to become useable public open space

In addition, the heritage balance applied in the original planning permission 14/00161/FULM in the LPA Officer Report found that a range of public benefits led by the level of public open space created across the site outweighed the harm to the Conservation Area from the development. As such the benefit of the western area of open space was determinative and I am just seeking that benefit is now recognised by including the western open space as Main Open Area

Under the revised planning permission 19/00971/FULM which added the infrastructure into the western open space including the addition of the electricity substation and the fibre box cabinets this was permitted because of the off-site public benefit involving the removal of approximately 200 metres of 11Kv overhead line and Pole Transformer. It has also added to the future capacity of the local area (beyond the application site) and provides an alternative 'back feed' for a nearby substation in the event of a fault

In application 19/00424/FUL for Underground Gas Storage Tanks under the proposed Area of Land Requested to be added as Main Open Area, the LPA refused consent due to the loss of open space and harm to the character and appearance of the Sutton-on-Trent Conservation Area. This emphasises the importance of this open space to the Conservation Area and the fact that in principle the LPA considers that built development on the western area of open space is unacceptable in principle

Subsequently in permitting 19/00981/FUL for Underground Gas Storage Tanks under the existing Main Open Area at the eastern end adjacent to the village hall site, the LPA required the developer to pay an off-site commuted sum towards the provision of replacement open space which was secured through a Deed of Variation. This demonstrates that the LPA has taken the view that the loss of any of the public open space across the entire site already secured is not acceptable unless it is compensated for

The proposed Area of Land Requested to be added as Main Open Area has for the last 10 years through a series of planning decisions been secured by the LPA to remain undeveloped and act as verdant public open space. This is inconsistent with the Proposed DPD still suggesting that this western area of open space be shown as being within the allocation ST/MU/1 and the local centre allocation ST/LC/1. In contrast the proposed Area of Land Requested to be added as Main Open Area is centrally located in the Sutton on Trent Conservation Area and is akin to a modern village green which is integral to the retention of the character and appearance of the Conservation Area. The role as a modern village green is demonstrated by the current pre-app proposal to site the proposed war memorial on this western area of open space

Taking into account all the site-specific factors it is considered that the failure to identify the western area of open space as Main Open Area results in the Proposed Plan being unsound in respect of Policy ST/MOA

Policy ST/MOA and the DPD Glossary defines 'Main Open Area' as "*Areas of predominantly open land within settlements that play an important role in defining their form and structure.*" The land requested meets this definition, In addition it has a high level of public access and meets the criteria established back in the original Document EB23 - Main Open Area Review 2011