

Date: Monday, 29 January 2018

Dear Sir/Madam,

COUNCIL MEETING – TUESDAY, 6 FEBRUARY 2018

Notice is hereby given that a meeting of the Planning Committee will be held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 6th February, 2018 at 4.00 pm.

Yours faithfully



A.W. Muter
Chief Executive

AGENDA

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NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 16 January 2018 at 4.00 pm.

PRESENT: Councillor D Payne (Chairman)
Councillor P Handley (Vice-Chairman)

Councillor Mrs K Arnold, Councillor R Blaney, Councillor Mrs C Brooks, Councillor J Lee, Councillor B Wells, Councillor Mrs M Dobson, Councillor Mrs P Rainbow, Councillor Mrs S Saddington, Councillor Mrs L Tift and Councillor I Walker

APOLOGIES FOR ABSENCE: Councillor Mrs Y Woodhead and Councillor B Crowe

171 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting.

172 MINUTES OF THE PREVIOUS MEETING

Minute No. 153 – Trent Farmhouse, Norwell Road, Norwell Woodhouse (17/01888/FUL) The third paragraph of the minute be amended to read 'would triple the size of the original property'.

AGREED that subject to the above amendment the minutes of the meeting held on 5 December 2017 be approved as a correct record and signed by the Chairman.

173 PLATTS ORCHARD, 39 CHURCH STREET, SOUTHWELL (17/01688/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for a two bedroom dwelling, a three bedroom dwelling and two four bedroom dwellings.

Members considered the application and it was commented that the application put before Committee was acceptable given that the footprint was the same as the planning permission granted on appeal. The height of the properties had been reduced and there was a mix of properties. It was commented that a scheme containing three dwellings would have been even better. Flood mitigation was raised as the granted planning permission which was granted on appeal in 2008 had no reference to any flood mitigation. On balance the scheme was considered better than that allowed on appeal. A Member asked that adequate off street parking would be made available for all plots, especially plot 1 as the plan appeared tight for two cars to be parked in tandem on the drive. It was further commented that on looking at the plan the developer could do a mix and match from the granted planning permission and could build two large houses and two small properties. It was proposed through the planning permission conditions the extinguishment of the right of extant consent, to prevent this from happening.

The Senior Planning Officer confirmed that a Section 106 legal agreement could be sought from the applicant to prevent the mix and match approach. The Chairman requested that this should be undertaken and if the applicant was not willing to sign the Section 106 agreement a further report be submitted to the Planning Committee.

AGREED (unanimously) that full planning permission be approved subject to the following:

- (i) conditions contained within the report;
- (ii) the signing of a Section 106 Legal Agreement to extinguish the right to mix/part implement the two permissions; and
- (iii) that adequate off street car parking be made available to plot

174 BECHERS COTTAGE, BECHERS WALK, BURGAGE LANE, SOUTHWELL (17/01787/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for the householder application for a single storey pitched roof extension to the north of Bechers Cottage with flat roof and glazed roof.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Planning Case Officer, informing the Committee of a typographical error within the report. Reference was made to the immediately adjacent dwelling to the north of the site being North Lodge, this should read Garden Lodge.

The Senior Planning Officer presented this application (17/01787/FUL) and the following application as minuted below (17/02137/LBC) together. Members also considered both applications together and took a separate vote on each application and a combined recorded vote as follows.

Members considered the application and it was commented that the proposal was too close in proximity to Garden Lodge and would enclose their limited patio area. The extension would also detract from the setting and aspect of the listed building (Hill House), would result in an excessive adverse impact on Garden Lodge and was a development too far.

AGREED (with 10 votes for and 3 votes against) that contrary to Officer recommendation planning permission be refused on the following grounds:

- (i) Loss of Amenity for Garden Lodge;
- (ii) Impact on the character and appearance of the listed building.

175 BECHERS COTTAGE, BECHERS WALK, BURGAGE LANE, SOUTHWELL (17/02137/LBC)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought a single storey pitched roof extension to the north of Bechers Cottage with flat roof and glazed link.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Planning Case Officer, informing the Committee of a typographical error within the report. Reference was made to the immediately adjacent dwelling to the north of the site being North Lodge, this should read Garden Lodge.

AGREED (with 10 votes for and 3 votes against) that contrary to Officer recommendation Listed Building Consent be refused on the grounds of the impact on the listed building.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against recommendation, a recorded vote was taken.

Councillor	Vote
Mrs K. Arnold	For
R.V. Blaney	For
Mrs A.C. Brooks	Against
R.A. Crowe	Absent
Mrs M. Dobson	For
G.P. Handley	For
J. Lee	For
N. Mison	For
D.R. Payne	Against
Mrs P. Rainbow	For
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	Against
Mrs Y. Woodhead	Absent

176 SOUTHWELL METHODIST CHAPEL, PREBEND PASSAGE, WESTGATE, SOUTHWELL (17/02143/FUL)

The application was withdrawn from the agenda due to the Town Council's objection being removed and was granted under the Officer scheme of delegation.

177 THE BYRE, BATHLEY LANE, LITTLE CARLTON (17/01751/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought a householder application for the extension to the existing bungalow, to comprise new master bedroom, en-suite bathroom and study.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the following: South Muskham Parish Council; Neighbour; Local Ward Member; and the Applicant.

Members considered the application and felt that the proposal was acceptable.

AGREED (with 10 votes for, 2 votes against and 1 abstention) that full planning permission be approved subject to the conditions contained within the report.

178 GARAGE HOUSE, GREAT NORTH ROAD, SOUTH MUSKHAM (17/02016/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for the construction of a large detached four bedroom dwelling of contemporary design with integral garage.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Agent.

Councillor H. Clack, representing South Muskhams Parish Council spoke in support of the application in accordance with the views of South Muskhams Parish Council as contained within the report.

Members considered the application and felt that the design was not sympathetic with the fact that it would sit in a rural area, outside of the village envelope. It was also commented that there was no doubt that the land was in the open countryside, the Great North Road being the boundary line. It was felt that a development of this size was wrong in the position of open countryside.

AGREED (with 12 votes for and 1 abstention) that:

- (i) full planning permission be refused for the reasons contained within the report; and
- (ii) an investigation to take place regarding whether there has been a breach of planning control (change of use and erection of structures without the necessary planning permission).

179 22 HIGH STREET, SUTTON ON TRENT (17/01300/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought demolition of the prefabricated concrete garage and the division of the existing residential property to form an additional dwelling in the existing footprint.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Agent. The Agent confirmed that the fence had been erected for the single property, should approval be granted and the works be completed to form two dwellings, the fence would be moved back to form three car parking spaces.

The Planning Case Officer had revised Condition three to read as follows: Prior to the first occupation of the dwellings hereby approved, the existing fencing that has been erected to the rear of the property immediately adjacent to the shared driveway shall be removed and the three new parking spaces shall be provided as shown on the

approved plan. Ref. 302 P 02 Rev A. The parking spaces shall thereafter be retained for the lifetime of the development.

Members considered the application and felt that the proposal was acceptable subject to the three car parking spaces being made available.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and the revised condition three as contained in the schedule of communication regarding the three car parking spaces.

180 ROSE COTTAGE , WASHTUB LANE, SOUTH SCARLE (17/01987/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for the demolition of the existing rear porch and the construction of a two-storey side and part-storey front extension; refurbishment of the existing dormer windows; replacement of external doors and windows throughout; replacement of the existing 4ft fence on the southern boundary with 6ft fence and removal of the existing gated access.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Agent and South Scarle Parish Meeting.

Councillor D. Clarke representing South Scarle Parish Meeting spoke against the application on the grounds of not enough adequate car parking for the proposed five bedroom house and the narrow access/egress onto Washtub Lane. The proposed development would create highway issues in the village with the increase in vehicles. South Scarle Parish Meeting had taken a vote at their meeting with 10 votes for and 17 votes against planning permission, therefore by a majority vote the proposed planning permission was objected to.

Members sought clarification regarding car parking for this property. The Planning Officer confirmed that there was land at the front of the property in ownership of Rose Cottage which could be used to park around five vehicles.

It was commented that as Nottinghamshire Highways had no grounds for refusal it was felt that this was a substantial plot and considered acceptable. Other Members had concerns regarding parking on Washtub Lane and the extra traffic this property would bring to a very small road network in the village.

AGREED (with 10 votes for and 3 votes against) that planning permission be approved subject to the conditions contained within the report.

Having declared interests on the following Minute Councillors Mrs A.C. Brooks and D.R. Payne (Chairman) left the meeting and took no part in the discussion or vote. Councillor G.P. Handley took the Chair.

181 23 HAYWOOD OAKS LANE, BLIDWORTH (17/02145/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought the installation of a dropped kerb and driveway plus provision of ramped/sloped access to rear door.

Members considered the application and a felt that the proposal was acceptable.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report.

Councillors Mrs A.C. Brooks and D.R. Payne (Chairman) returned to the meeting. Councillor D.R. Payne resumed Chairman.

182 LAND AT OLDBRIDGE WAY, BILSTHORPE (17/01910/OUTM)

The Committee considered the report of the Deputy Chief Executive, which sought the variation of condition 14 attached to planning permission 16/01618/OUTM to allow an increase of the number of dwellings being accessed off each access from 10 to 12 in each case.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Planning Case Officer which proposed an amendment to the recommendation, that planning permission be granted subject to conditions and the signing of a Section 106 agreement.

Members considered the application and felt that the proposal was acceptable.

AGREED (unanimously) that the variation of condition 14 be approved, subject to the conditions contained within the report and the signing of a Section 106 agreement.

(Councillor Mrs A.C. Brooks left the meeting at this point).

183 SHANNON FALLS, TOLNEY LANE, NEWARK (16/01884/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought the views of Members to additional information received in connection with an appeal against a previous committee decision to refuse the change of use of scrubland for the siting of eight static mobile homes for gypsy travellers and reduce ground levels to 10.5m AOD at the site.

This application was considered by the Planning Committee on 25 January 2017 when Members resolved to refuse planning permission on the grounds of flood risk. The applicant had appealed against the refusal of planning permission and an Informal Hearing was due to take place on 27 February 2018. Within the appeal submission, additional information had been submitted in relation to the proposed occupiers of the site that was not before Members when they came to their decision, which represented further material evidence that could have been weighed in the balance in the consideration process. The additional personal circumstances detail set out within their appeal documentation was included within the report.

The Committee was informed that had this information been presented with the original application, officers would have likely recommended a personal permission be granted for a temporary period of three years. In the light of this additional material information that had been received, Members were asked to consider whether this would be likely to affect their resolution on this proposal if the matter were to come before them again, for determination. Members were also informed that the flood evacuation plan was robust and was as up to date as it could be, bearing in mind constraints of the length of the Tolney Lane access, the flooding issues (including parts of the access flooding first) and level of warning offered depending on the severity of an event. A vote was taken to continue to defend the appeal on the basis that any consent, even temporary, would be unacceptable. This was lost by a vote of four votes for and eight votes against.

Members considered the report and resolved that if the additional information had been before them previously they would have been minded to have approved the application subject to a personal and temporary consent for a period of three years. The appeal therefore should be fought on the basis that any permission granted on appeal should be both temporary and personal. It should be made clear that this decision had been taken as soon as it reasonably could have been with Members following its receipt as part of the appellants appeal proposals.

The Environment Agency should also be advised that the Council's position at the hearing was that there is significant flood risk, but that a temporary permission was acceptable currently, subject to robust planning conditions and flood warden responsibilities. If the Environment Agency wanted to argue that permission should be resisted on any basis, including temporary, it would be for them to promote and would not form part of this authority's case.

AGREED (unanimously) that:

If the additional information had been before the Planning Committee previously Members would have been minded to approve the application subject to a personal and temporary consent for a period of three years, and subject to robust flood evacuation and warden requirements, similar to those previously accepted, such as at Green Park. The appeal therefore should be fought on the basis that any permission granted on appeal should be temporary and personal. It should be made clear that this decision had been taken as soon as it reasonably could have been with Members following its receipt as part of the appellants appeal proposals.

The Environment Agency should also be advised that the Council's position at the hearing was that there is flood risk, but until alternative sites were found, a temporary permission, with appropriate safeguards secured by condition, was acceptable. If the Environment Agency wanted to argue that any permission should be resisted it would be for them to argue that at the hearing.

(Councillor J. Lee left the meeting at this point).

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought planning permission for the conversion and extension of an existing detached barn on the site to form an independent dwelling.

Members considered the application and a Member commented on the vote that had taken place at South Scarle Parish meeting with twelve votes for, nineteen votes against and seven letters of objection. It was commented that the barn was attached to another barn which was being used as a hobby workshop. A compressor and a lifting machine was used which generated noise. Concerns had been raised by the owner of that barn that any future neighbour may submit a formal noise complaint to the district council. The Architect however had confirmed that the barn would be sound proofed.

The Chairman requested that a strongly worded letter be forwarded to the Environmental Health Business Unit advising them that any noise being emitted from the neighbouring barn to that of the application site was well known to the applicant. A note to the applicant was also suggested.

AGREED (with 10 votes for and 1 vote against) that full planning permission be approved subject to the following:

- (i) the conditions contained within the report;
- (ii) a strongly worded letter be forwarded to the Environmental Health Business Unit advising them that any noise being emitted from the neighbouring barn to that of the application was well known to the applicant; and
- (iii) a note to the applicant regarding noise issue from existing workshop used as a hobby workshop that the occupiers should be aware of this from the outset and that a condition to secure noise mitigation has been imposed.

185 APPEALS DETERMINED

AGREED that the report be noted

186 ENFORCEMENT ACTIVITY UPDATE

The Committee considered the report of the Deputy Chief Executive, which updated Members on planning enforcement matters.

The report followed on from the information presented to the 5 December 2017 Planning Committee, which highlighted planning enforcement performance and cases of note during the final quarter until 22 November 2017. The report provided enforcement information up to the end of the quarter, 31 December 2017 and provided a complete picture for the quarter.

The Committee was informed that a report would be submitted on a quarterly basis, providing performance information and an update on cases where formal action had

been taken. The report would also include case studies which would show how the breaches of planning control had been resolved through negotiation.

The report presented a snap shot on the general volumes of cases received and dealt with:

- Schedule A outlined the enforcement activity during the quarter (October to December 2017);
- Schedule B sets this (on a pro-rata basis) against the activity over previous quarters). The cases closed may have exceeded on occasion, cases received as a case received in an earlier quarter may have been closed;
- Schedule C detailed a summary of formal action taken since the last report was compiled, 22 November to 31 December 2017; and
- Schedule D provided a selection of cases where breaches had been resolved without formal action having been taken.

AGREED that the report be noted

Meeting closed at 6.40 pm.

Chairman

Agenda Item 5

PLANNING COMMITTEE – 6 FEBRUARY 2018

AGENDA ITEM NO. 5

Application No:	17/00954/FUL	
Proposal:	Removal of part of Condition 1 attached to planning permission 12/00562/FUL (change of use from paddock to gypsy and traveller residential caravan site) to allow the site to be permanent	
Location:	Land Off Sandhills Sconce, Tolney Lane, Newark	
Applicant:	Messr's Coates, Gray, Knowles, Calladine, Biddle, Jones	
Registered:	14 December 2017	Target Date: 8 February 2018

This application is being referred to the Planning Committee for determination in line with the Council's Scheme of Delegation as Newark Town Council object to the application which differs from the professional officer recommendation.

The Site

The application site is situated west of the Newark Urban Area, within the Rural Area as defined by the Newark and Sherwood Allocations and Development Management DPD and within the open countryside. Located at the south-westernmost end of Tolney Lane which runs from the Great North Road, the site is on the north-west side of the River Trent and to the south-east of the A46.

The site measures 1.35 hectares in area, is roughly rectangular in shape and provides 10 pitches for gypsy and travellers, on a temporary basis. The pitches are located either side of a central track formed by compacted ground, and are bounded by stone walls. Hedges define the north-west and south-east boundaries and the Old Trent Dyke forms the south-western boundary beyond which are open fields. The site uses an existing access road that runs through a site known as Hirrams Paddock which has been extended to the south-west to serve Green Park, which terminates development along Tolney Lane.

Approximately 90% of the site is within Flood Zone 3b of the Environment Agency's Flood Map, which includes the access road serving the site from Tolney Lane, the remaining 10% at the north-eastern end is located within Flood Zone 2. Parts of Tolney Lane itself are located within Flood Zone 3.

Tolney Lane accommodates a large Gypsy and Traveller community providing in excess of 200 pitches.

Relevant Planning History

12/00562/FUL - An application for the retrospective change of use from paddock to gypsy and traveller residential caravan site was refused in October 2012 on the grounds of flooding, developmental creep into the open countryside and prematurity.

Following an extensive Public Inquiry (APP/B3030/A/12/2186071), the Inspector resolved to grant temporary permission for 5 years (until 30 Sept 2018) and a personal permission for the named occupiers. Other conditions imposed included the land levels on Pitch 8 to be reduced and removal of stone walls, together with strict emergency evacuation procedures.

14/01640/FULM - Remove/vary conditions 5 and 6 attached to the planning permission granted on appeal at Plots 1 – 10 Green Park, Tolney Lane. These conditions related to the removal of the unauthorized raising of land on Pitch 8 and removal of stone walls and close boarded timber fences and replacement with post and rail fencing. This was refused in December 2015 on a basis of a failure to demonstrate that it would result in no increased flood risk.

The Proposal

Planning permission is sought to remove part of Condition 1 attached to planning permission 12/00562/FUL for the change of use to the gypsy and traveller residential caravan site, to allow the use to be permanent.

Condition 1 states:

“The use hereby permitted shall be carried on only by the following and their resident dependents:

- Steven and/or Cherylanne Coates;
- Adam and/or Florence Gray
- Zadie Wilson (soon to be Knowles) and/or Joe Knowles
- Danny and/or Marie Knowles
- Richard and/or Theresa Calladine
- Edward and/or Margaret Biddle
- Steven and/or Toni Coates and Peter Jones
- Amos and/or Jaqueline Smith
- John and/or Kathy Hearne
- Susie and/or Billy Wiltshire

And shall be for a limited period being the period up to 30 September 2018, or the period during which the land is occupied by them, whichever is the shorter. When the land ceases to be occupied by those named in this condition 1, or on 30 September 2018, whichever shall first occur, the use hereby permitted shall cease and all caravans, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place in accordance with a scheme approved under condition 7 hereof.”

The only supporting information submitted with the application is a copy of the Inspector’s appeal decision dated 5 April 2017 for the site at Newark Road, Wellow, which was up-held and planning permission granted. The agent points out that the Inspector at that appeal rejected the argument that there were suitable alternative gypsy and traveller sites available.

The Inspector gave the then suggested allocation of a site at Quibbells Lane within the Core

Strategy Review very limited weight, given the substantial number of objections to the Council's preferred approach given that even if it were progressed, it was unlikely to be available in the near future. The Inspector went on to state that notwithstanding the very limited weight they gave the consultation document and whatever the precise need figures were (at least 20 at that time), the evidence before them suggested a significant and urgent need for pitches in the district and the Council continued to accept that it is not yet in a position to demonstrate a 5 year supply of pitches and that this carried significant weight in favour of the proposal.

Departure/Public Advertisement Procedure

Occupiers of 8 properties have been individually notified by letter. A site notice has also been displayed near to the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 : Settlement Hierarchy

Spatial Policy 3 : Rural Areas

Spatial Policy 7 : Sustainable Transport

Core Policy 4 : Gypsies & Travellers and Travelling Showpeople – New Pitch Provision

Core Policy 5 : Criteria for Considering Sites for Gypsy & Travellers and Travelling Showpeople

Core Policy 9 : Sustainable Design

Core Policy 10 : Climate Change

Core Policy 13 : Landscape Character

Allocations & Development Management DPD (adopted July 2013)

Policy DM5 – Design

Policy DM8 – Development in the Open Countryside

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- **Publication Amended Core Strategy (July 2017)**

The Publication Amended Core Strategy was submitted to the Secretary of State in its amended form on 29th September 2017, with the hearings scheduled to take place on the 1st and 2nd of February 2018. As per paragraph 216 of the NPPF weight can be given to relevant policies within an emerging plan, subject to three tests. These tests concern the plans stage of preparation, the extent of unresolved objection and the degree of consistency with national planning policy.

Both Core Policy 4 and 5 are proposed for amendment through the Plan Review. As amended Core Policy 4 sets out how the District Council will work with partners to address future gypsy and traveller pitch provision in line with the most up-to-date Gypsy & Traveller Accommodation Assessment (GTAA) and seeks to focus future pitch provision in line with the Spatial Strategy, with a particular emphasis on securing additional provision in and around the Newark Urban Area. Notwithstanding this Tolney Lane is underlined as being subject to significant flood risk and so to

justify additional pitch provision (usually of a temporary nature) proposals would need to demonstrate material considerations which outweigh flood risk.

With respect to Core Policy 5 the amendments provide further guidance over future development at Tolney Lane. This again emphasises the need for application of the sequential and exceptions tests, and indicates that where satisfied this will normally be through the granting of temporary planning permission.

In terms of the weight which can be attached to CP4 and CP5, as amended, the Publication Amended Core Strategy represents the version of the document which the District Council would wish to submit for examination and ultimately adopt, and so can be taken to be fairly well advanced in terms of its preparation. In respect of the approach to development on Tolney Lane the main response came from the Environment Agency who have welcomed the consideration of flood risk and introduction of the requirements over the sequential and exceptions tests. Nevertheless the Body has underlined that the location of caravan sites within Zones 3a and 3b is not appropriate from a flood risk perspective. Consequently were there to be a continuation in the permitting of temporary planning permissions then there must be a commitment that this would be as a last resort, with a more proactive approach to finding sites at lesser flood risk and a clear timetable for progression away from new provision in the Tolney Lane area. This approach reflects the position adopted by the Authority in the determination of recent proposals on Tolney Lane, such as the former Abbatoir site. Given the purpose of making amendments through the Plan Review the Authority is comfortable that those in respect of CP4 and CP5 are consistent with the content of national planning policy. On this basis it would appear reasonable to afford some weight to the emerging policy position.

- **National Planning Policy Framework 2012**
- **Planning Practice Guidance (on-line facility)**
- **Planning Policy for Traveller sites – August 2015**

When determining planning applications for traveller sites, this policy states that planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community.

Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies within the NPPF and this document (Planning policy for traveller sites).

This document states that the following issues should be considered, amongst other relevant matters:

- Existing level of local provision and need for sites;
- The availability (or lack) of alternative accommodation for the applicants;
- Other personal circumstances of the applicant;
- Locally specific criteria used to guide allocation of sites in plans should be used to assess applications that come forward on unallocated sites;
- Applications should be determined for sites from any travellers and not just those with

local connections.

The document goes on to state that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan and sites in rural areas should respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on local infrastructure.

- **Emergency Planning Guidance produced by the Nottingham and Nottinghamshire Local Resilience Forum (August 2017)**

This document states: “New developments in flood risk areas must not increase the burden on emergency services. The Emergency Services are in heavy demand during flood incidents. The Fire and Safety Regulations state that “people should be able to evacuate by their own means” without support and aid from the emergency services. The emergency services and local authority emergency planners may object to proposals that increase the burden on emergency services.”

“New development must have access and egress routes that allow residents to exit their property during flood conditions. This includes vehicular access to allow emergency services to safely exit their property during flood conditions.....The emergency services are unlikely to regard developments that increase the scale of any rescue as being safe.”

Consultations

Newark Town Council – “Objection was raised to this application as there was no supporting information provided to justify removing the conditions.”

NCC Highways Authority – “Planning permission 12/00562/FUL was granted at appeal. Neither the original refusal by the Planning Authority, nor the Appeal decision refer to highway related matters. Therefore no objections are raised.”

Environment Agency – “The Environment Agency made our position clear when the original planning application was submitted in 2012 and maintains that this is not a suitable site for highly vulnerable uses due to the flood risk posed to the site.

While new modelling has not been issued for this section of the River Trent new climate change guidance has been issued. Details of the changes can be accessed from the Gov.uk website.

The up-dated climate change guidance now includes a requirement for new development to consider both 30% and 50% climate change allowances. Although this is not new development we would not recommend the removal of condition 1 to allow for the temporary site to become permanent. This is due to the high likelihood of an increase in risk posed to the site in relation to the revised climate change guidance.”

Trent Valley Internal Drainage Board – Copied their previous comments on 12/00562/FUL stating the site is served by the Board maintained Old Trent Dyke, an open watercourse which is located along the southern site boundary. In order to protect the Board’s machinery access, no excavation of soil, deposition of spoil, planting of trees, structure or fencing or other such obstructions will be allowed within 9m of the edge of the above watercourse without the prior consent of the Board. The Board note that pitches 9 and 10 are located adjacent to the above watercourse. No objection to the proposal provided that no temporary or permanent structures are located within 9m of the top edge of the bank of Old Trent Dyke.

The application indicates that post and rail fencing will be erected within 9m of the above watercourse. Subject to obtaining the Board's formal consent this will be acceptable provided that the post and rail fencing does not exceed 0.9m in height and is sited between 0.5m and 1m from the top edge of the bank. Access gates with a minimum clear opening of 4.25m must also be provided at the upstream and downstream site boundary to allow the Board machinery access along the watercourse. The applicant is advised to contact the Board's Planning and Byelaw Officer, for further information.

NSDC, Environmental Health – “No observations but if approved I would be grateful if you let the applicant know that the site will require a caravan site licence.”

NSDC, Access and Equalities Officer – No observations.

Comments of the Business Manager for Growth and Regeneration

Temporary planning permission was granted for the existing use of the gypsy and traveller caravan site on 10 June 2014, following an extensive Public Inquiry. The principle of the use of the site for these purposes for a temporary period has therefore been established.

The Inspector stated within his decision following the Public Inquiry that *“...the absence of a 5 year supply of deliverable sites for gypsy and travelers must carry weight, notwithstanding paragraph 28 of PPTS. Nevertheless, principally because of the serious flood risk, I am still not persuaded that all the material considerations justify a permanent permission. However, the section of the PPG concerning the use of planning conditions indicates that temporary permission may be appropriate where it is expected that the planning circumstances may change by the end of the relevant period. There is at least a realistic prospect of safer, more suitable sites being allocated through the development plan process and delivered, with planning permission, within the next 5 years. If the risks can be effectively managed and minimized over a finite and temporary period then, in the very particular circumstance of this case, the material considerations identified as weighing in favour of the development would cumulatively indicate that permission should be granted for a temporary period, notwithstanding the national and local policy objections.”*

The Inspector concluded in adding to the reasons for a temporary permission that *“it still requires the occupiers to leave the appeal site at the end of the temporary period, but this is a proportionate response and interference with the residents' rights under Article 8 of the ECHR, give the legitimate objective on ensuring safety and avoiding undue additional burdens on the Council and emergency services.”*

The original consent was granted following the Inspector's balancing the lack of available gypsy and traveller pitches at the time of consideration against the high level of flood risk on the site. The decision was intended to cater for the applicants' immediate accommodation needs whilst allowing for the possibility of identifying other sites at lesser risk of flooding. The current temporary consent remains extant until 30 September 2018. As confirmed in the PPTS there is no presumption that a temporary grant of planning permission should be granted permanently. Accordingly there would need to have been a material change in circumstance since the determination of the current extant consent to justify any permanent permission. In this respect, the applicant has argued that following the appeal decision at Newark Road, Wellow, the argument that there is a suitable alternative site in Newark has been comprehensively rejected by the Planning Inspector.

In reaching the decision on that appeal, the Inspector attached limited weight to the suggested allocation of a site at Quibell's Lane, Newark, to meet gypsy and traveller need over the plan period. Concluding that it is unlikely that the site, were it to become an adopted allocation, would be available in the near future. Furthermore in considering the evidence put before them, the Inspector came to the view that there was a 'significant and urgent' need for pitches in the District and the Council was not yet in a position to demonstrate a five year supply – which carried significant weight in favour of the proposal. Since this appeal decision, the proposed allocation at Quibell's Lane has been dropped, with the site no longer being considered deliverable. This has led to the review of the Core Strategy and Allocations & Development Management DPDs being 'decoupled' from one another, with the review of the Core Strategy being advanced ahead of the of that of the A&DMPDP. This will allow for further site identification work to be undertaken to provide for gypsy and traveller needs within, or close to, the Newark Urban Area. An Amended A&DMPDP is anticipated to be adopted by the end of 2018.

Gypsy and Traveller Pitch Requirements

Paragraph 24 of the PPTS states that the existing level of local provision and need for sites, and the availability (or lack) of alternative accommodation for the applicants continue to be relevant matters in the determination of this proposal. During public inquiry on this site, the Council's case was that there was a need for 21 pitches at that time, although this figure was disputed by the applicants who contended the figure was much higher. Both parties agreed and the Inspector concluded that the unmet need was significant and that there was no five year land supply.

Pitch requirements for the period 2013-2028 are provided by the June 2016 Gypsy and Traveller Accommodation Assessment (GTAA). The pitch requirements below follow the five year tranches of the GTAA:

Time period	Precise Pitch Requirement	Rounded Pitch requirement
2013 – 2018	13.8 pitches	14 pitches
2018 – 2023	14.3 pitches	15 pitches
2023 – 2028	10.9 pitches	11 pitches
Total Required		40 pitches

It should be noted that for the purposes of the GTAA the 10 temporary pitches contribute towards the 'forecasts of 'pitch need' post 31st March 2018. This effectively means that the assessment has projected their lapsing forwards, and so they influence the generation of pitch requirements for the 2018-2023 period.

Supply

Following the appeal decision at Wellow, which yielded 8 pitches, 12 of the 14 pitches required for the first five year tranche period (2013 – 2018) of the GTAA have now been permitted, leaving a residual requirement of 2 pitches within this period. This is not considered a significant shortfall or to represent a substantial level of need. The Council is however required to identify, on an annual rolling basis, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against the locally set target, with five year period we are currently in being the 1st April 2017 to 31st March 2022. Under this measure the Authority is presently unable to demonstrate sufficient

supply at 1.81 years, which equates to an unmet requirement of 14 pitches for the period 2017 – 2022. With respect to the temporary consent, it should be noted that these 10 pitches do not form part of the five year supply, which only counts permanent pitches. Notwithstanding the above I would draw Member's attention to a recent appeal decision against the refusal of one traveller pitch (comprising one mobile home, one touring caravan, one mobile utility unit and hardstanding) at Land east of Beck Lane, Blidworth, whereby taking account of the appeal approved at Wellow, the Inspector found that the need could now not be identified as so significant.

However, paragraph 27 of the PPTS states that the inability to demonstrate an up-to-date five year supply of deliverable sites should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary (Officer emphasis) planning permission. However, the absence of a five year supply should not, in itself, necessarily outweigh all other relevant material planning considerations, but rather should be afforded a proportionate level of weight within the planning balance, which is always a matter of planning judgement.

It is clear therefore, that just as the Inspector gave considerable weight to the lack of a five year supply in 2014, this remains to be the case currently and therefore weighs in favour of the proposal. In terms of need, the worst case scenario recognizes and acknowledges a need and this also weighs in favour.

The other relevant material planning considerations are set out below.

Flood Risk

The majority of the site (approx. 90%) is located within Flood Zone 3(b) and as such is at high risk of flooding and within the functional floodplain of the River Trent, as are parts of the access to it, along Tolney Lane.

National planning policy remains unchanged since 2014 (as does local planning policy on flood risk). Table 2 of the Planning Practice Guidance to the NPPF states that caravans, mobile homes and park homes intended for permanent residential use are classified as "highly vulnerable" uses. Table 3 of the Practice Guidance states that within Flood Zones 3a and 3b, highly vulnerable classification development should not be permitted. Tables 1 and 3 of the Planning Practice Guidance make it clear that this type of development is not compatible within this Flood Zone and should therefore not be permitted.

In coming to his decision in 2014, the Inspector acknowledged that the development was contrary to local and national policies concerning flood risk, such that it would represent a highly vulnerable use and therefore inappropriate development in Flood Zone 3 that should not be permitted. However, he concluded that if residents of the site could be evacuated within 8 hours of the first flood alert warning, before flood levels are likely to prevent safe evacuation from the site for the residents, then there would be no input required from the Council or emergency services, and the development need not give rise to an additional burden. The Inspector concluded that the lack of a five year supply was sufficient to warrant the grant of a temporary consent, subject to managing the risk to occupants of the site through the use of very prescriptive conditions to reduce the risk and secure a site specific evacuation plan.

In considering whether it would be appropriate to permit a permanent permission, I consider it remains the case that the site is located within Flood Zone 3(b) and therefore remains at high risk of flooding and as such represents inappropriate development in this location. The Environment

Agency continues to object to the development and refer to new guidance in relation to climate change that would increase the bar in relation to the assessment of new development. Flood risk therefore continues to weigh significantly against the proposal for a permanent permission.

It is therefore considered that the proposal continues to be contrary to the NPPF (and its PPG), Core Policies 5 and 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

Impact on the character and appearance of the countryside

In line with the second reason for refusal, the Inspector concluded that there would be some limited harm from the development on the character and appearance of the countryside, and as such was contrary to Spatial Policy 3 and Core Policies 5 and 9 of the Core Strategy. However, he concluded that that had to be weighed against the advice within the PPTS that gypsy and traveller sites may be located in rural areas and as such some level of harm is inevitable. This consideration was weighed in the balance within the Inspector's overall decision and found not to be fatal to the principle of the development.

Personal Circumstances

The personal circumstances of the applicants appear to remain unchanged and as previously, this weighs in favour of the proposal.

Other matters

The local planning authority has been previously satisfied over the acceptability of the proposal in respect to the other planning considerations of residential amenity, highway safety, ecology and relatively close proximity to Newark Urban Area with resulting access to facilities and services, and as such the development continues to accord with the Development Plan policies referred to in the Planning Policy Framework section of this report above in this regard, which weigh in favour of the proposal.

Conclusions and Balancing Exercise

There is no presumption that a temporary grant of planning permission should be granted permanently, and given the reasoning behind the granting of the current temporary consent, there would need to have been a material change in circumstance since its determination to justify doing so.

In this respect, it is acknowledged that the Authority is not currently able to demonstrate a five year land supply and that the lapse in temporary consent without compensation would add to the overall pitch requirement. It is also acknowledged that there is an unmet need. The purpose of granting temporary consent was to cater for the applicants' immediate accommodation needs whilst allowing for the possibility of identifying other sites at lesser risk of flooding. The Authority is proactively pursuing the identification of a suitable site to meet future gypsy and traveller needs within, or adjoining, the Newark Urban Area.

Although there would be some social, economic and environmental factors that weigh in favour of the proposal, it is not considered that these, in combination with the supply position are sufficient to outweigh the severe flood risk and warrant the granting of a permanent consent. Indeed, the reasoning behind the Inspector's granting of a temporary consent continue to remain valid at this time.

The site remains at high risk of flooding, being situated within the functional flood plain of the River Trent (Flood Zone 3(b) and the proposal represents a highly vulnerable use which should not be permitted. As such the recommendation to Members is that a further temporary permission be granted for a further 3 year period, and subject to the same stringent conditions previously imposed regarding site evacuation measures. Members should, however, also carefully consider that the Inspector considered that the use was acceptable on flood risk grounds with this level of management “on a finite basis” and the longer the applicants are on the site, the more the considerations of flood risk appear to diminish over time.

RECOMMENDATION

That planning permission is granted on a temporary basis for a further 3 years and subject to the conditions set out below:

Conditions

01

The use hereby permitted shall be carried on only by the following and their resident dependents:

- Steven and/or Cherylanne Coates;
- Adam and/or Florence Gray
- Zadie Wilson (soon to be Knowles) and/or Joe Knowles
- Danny and/or Marie Knowles
- Richard and/or Theresa Calladine
- Edward and/or Margaret Biddle
- Steven and/or Toni Coates and Peter Jones
- Amos and/or Jaqueline Smith
- John and/or Kathy Hearne
- Susie and/or Billy Wiltshire

And shall be for a limited period being the period up to 30 September 2021, or the period during which the land is occupied by them, whichever is the shorter. When the land ceases to be occupied by those named in this condition 1, or on 30 September 2021, whichever shall first occur, the use hereby permitted shall cease and all caravans, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place in accordance with a scheme approved under condition 7 hereof.

02

No more than 20 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.

Reason: In order to define the permission and protect the appearance of the wider area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

03

No commercial or industrial activities shall take place on this site, including the storage of materials associated with a business.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

04

No vehicles over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

05

Within 3 months of the date of this permission, all of the solid walls and close boarded fences erected on the site shall be demolished and the resultant debris removed from the site and those walls and fences shall be replaced with post and rail fences, all in accordance with the plan showing the layout of the site received by the Council on 5 April 2012, but that providing where that plan indicates a "new wall" at the access to the site, that shall also be a post and rail fence.

Reason: In the interests of reducing flood risk in accordance with the aims of Core Policies 5 and 10 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

06

Within 3 months of the date of this permission, the ground level within Pitch 8, which is identified on the plan showing the layout of the site received by the Council on 5 April 2012, shall be reduced so that, at the south-western boundary of Pitch 8, corresponds with the unaltered ground level on the other side of the south-western boundary fence, so that in all other respects, the ground level within Pitch 8 is no higher than the levels indicated for that area on Site Levels Drawing No 1636.A.2 received by the Council on 5 April 2012 All resultant materials shall be removed from the site.

Reason: In the interests of reducing flood risk in accordance with the aims of Core Policies 5 and 10 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

07

The scheme for the restoration of the site to its condition before the development took place, as shown on the submitted and approved on Drawing No 1636.A.3 dated July 2014, shall be carried out and completed in accordance with the approved timetable at the end of the period for which planning permission is granted for the use.

Reason: In order to protect the long term appearance of the area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

The use hereby permitted shall cease and all caravans, equipment and materials brought onto the land for the purposes of such use shall be removed within 6 months of the date of any failure to meet any one of the requirements set out in (i) to (vi) below:

- (i) Each of the residents shall maintain their registration with the Flood Warning Service (or any replacement service) throughout the life of this permission and shall provide the local planning authority with further confirmation from the Environment Agency that they are registered within 28 days of each of the first and second anniversaries of the date of this permission; and (b) any written request from the local planning authority for such confirmation;
- (ii) Each of the residents shall notify the local planning authority in writing of the locations to which they could evacuate in the event of a Flood Alert, together with their current telephone contact details within 28 days of each of the following: (a) the date of this permission; (b) the second anniversary of the date of this permission; and (c) any written request from the local planning authority for such details;
- (iii) Throughout the life of this permission, no less than 3 of the residents shall be nominated as Flood Wardens for the site. Details of the first nominated Flood Wardens including names and telephone numbers shall be provided prior to the first occupation of the site hereby approved. Thereafter, the names and telephone numbers of the Flood Wardens shall be confirmed in writing to the local planning authority within 28 days of each of the following: (a) any change to the identity of any of the nominated Flood Wardens; (b) the second anniversary of the date of this permission; and (c) any written request from the local planning authority for such details;
- (iv) Within 8 hours of a Flood Alert, this being the first alert issued through the Flood Warning Service, all of the residents will evacuate the site, bringing all caravans and vehicles with them;
- (v) Within 10 hours of a Flood Alert the Flood Wardens, or any one of them, will confirm to the local planning authority that all of the residents have evacuated the site; and
- (vi) None of the residents shall return to the site until notice is issued through the Flood Warning Service that the Flood Alert is at an end and the all clear has been given.

Reason: In the interests of reducing flood risk in accordance with the aims of Core Policies 5 and 10 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

The applicants' attention are drawn to the following comments from the Trent Valley Internal Drainage Board:- The site is served by the Board maintained Old Trent Dyke, an open watercourse which is located along the southern site boundary. In order to protect the Board's machinery access, no excavation of soil, deposition of spoil, planting of trees, structure or fencing or other such obstructions will be allowed within 9m of the edge of the above watercourse without the prior consent of the Board. The Board note that pitches 9 and 10 are located adjacent to the above watercourse. No objection to the proposal provided that no temporary or permanent structures are located within 9m of the top edge of the bank of Old Trent Dyke.

The application indicates that post and rail fencing will be erected within 9m of the above watercourse. Subject to obtaining the Board's formal consent this will be acceptable provided that the post and rail fencing does not exceed 0.9m in height and is sited between 0.5m and 1m from the top edge of the bank. Access gates with a minimum clear opening of 4.25m must also be provided at the upstream and downstream site boundary to allow the Board machinery access along the watercourse. The applicant is advised to contact the Board's Planning and Byelaw Officer, Mr Andrew Dale for further information.

04

The applicants' attention is drawn to the comments of the District Council's Environmental Health officer that state that if approved site will require a caravan site licence.

BACKGROUND PAPERS

Application case file.

For further information, please contact Julia Lockwood on ext 5902.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 17/00954/FUL



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Application No:	17/02135/FUL	
Proposal:	Proposed residential development of four new dwellings for the over-55's market. This application also includes for the Change of Use of the Grade II listed Threshing Barn, (from an annex for the farmhouse to an independent dwelling). The rear barn, which is currently used for storage, is proposed to be converted into an annex to the Threshing Barn dwelling.	
Location:	Old Manor Farm Main Street Farnsfield Nottinghamshire NG22 8EA	
Applicant:	Capla Developments Ltd - Mr Chris Richardson	
Registered:	23.11.2017	Target Date: 18.01.2018
	Extension of Time Agreed Until 9th February 2018	

This application is being referred to the Planning Committee for determination by the County Councillor for Muskham and Farnsfield Cllr Laughton in line with the objection from the Parish Council. The officer recommendation differs from the views of the Parish Council and thus the application would in any case be referred to Members in line with the adopted scheme of delegation.

The Site

The application site is a broadly rectangular plot of land approximately 0.24 hectares in extent to the south of Main Street within the village of Farnsfield. The site is within the designated conservation area for Farnsfield. The site is bounded by residential curtilages to the east and west; Main Street to the north and open land to the south characterized by overgrown vegetative cover.

The site as existing forms the residential curtilage of Old Manor Farm with the property itself along the western boundary of the site set back approximately 12m from Main Street. Old Manor Farm is a two storey painted brick dwelling with a tile roof and gable chimney stacks. The front garden is separated from Main Street by an existing attractive brick wall. The house itself is not listed although it is referenced in the Conservation Area (CA) Appraisal as making a positive contribution to the character and appearance of the CA.

There are also a number of outbuildings within the site including a Grade II listed barn which directly abuts Main Street. The barn is a two storey threshing barn of red brick with a hipped pantile roof. As discussed further in the relevant planning history section this has recently been granted planning permission and associated listed building consent for the conversion to annexed living accommodation in association with Old Manor Farm. There is also a barn running perpendicular to the threshing barn (but separated by part of the barn in separate ownership) along the eastern boundary of the site. The site features a number of dispersed trees and areas of

vegetation.

Relevant Planning History

17/00919/FUL - Proposed residential development of eight bungalows for the over 55's, and the conversion of the rear barn into a dwelling, including a small single storey extension, Old Manor Farm, Main Street, Farnsfield. *Application withdrawn prior to determination owing to concerns raised by officers on numerous matters including highways implications, character impacts and impacts to tree cover within the site. The site to the application included the current application site but also incorporated further land to the south.*

16/01615/TWCA - Ash tree - reduce height of crown by approximately 30% and reduce the remaining crown by 20% to rebalance. *Tree works agreed.*

16/00226/TWCA - To undertake the following works: Beech Tree - Remove damaged limb. *Tree works agreed.*

13/01276/FUL and 13/01277/LBC - Convert Existing Grade II Listed Building Barn to Annexed Living Accommodation. *Applications approved October 2013.*

12/01193/FUL - Resubmission of proposed erection of 2 dwellings and garages and replacement garage incorporating demolition of existing garage. *Application refused November 2012 and subsequently dismissed at appeal September 2013.*

10/01592/FUL - Proposed erection of 2 No. dwellings and garages and replacement garage (incorporating demolition of existing garage to serve Fox Hollow). *Application refused August 2011.*

09/01680/TWCA - Felling of 1no tree and remedial pruning of 2no trees. *Tree works agreed.*

99/50643/FUL – Residential development consisting of road extension and 7 dwellings. *Application refused March 2000.*

68900885 – Erect Single Dwelling. *Application refused September 1990.*

The appraisal below also refers to planning history in close proximity to the site, notably the following application:

12/01193/FUL - Resubmission of proposed erection of 2 dwellings and garages and replacement garage incorporating demolition of existing garage. *Application refused 2nd November 2012 and appeal dismissed 17th September 2013.*

There have also been previous refusals for development on land to the south but given the passage of time (decisions 2000 and before) their reference is not considered directly relevant to the current determination.

The Proposal

The proposal seeks full planning permission for the residential delivery of the site which is summarised by the submitted Design and Access Statement as follows:

The application proposes a total of 6no. dwellings, comprising of:

- **PLOT 1:** Farmhouse - This is to remain as existing.
- **PLOT 2:** Threshing Barn - This resubmission includes for the Proposed Change of Use of the listed threshing barn from an Annex (previously permitted and implemented) into an independent dwelling. This plot will also include the proposed conversion of rear barn to form annex.
- **PLOTS 3 & 4:** Creation of 2no. new bungalows for the over-55's market.
- **PLOTS 5 & 6:** Creation of 2no. new 2 storey dwellings for the over-55's market.

The application has been amended during its lifetime through the submission of revised plans received 31st December 2017. The plans were accompanied by a covering email to detail the main elements of the revisions which are summarised as follows:

- Clarification of roof lights to Plot 2;
- Revised design of Plots 5 and 6 including through introduction of a cat slide roof and increase in the pitch height of the main roof;
- Amendments to car parking arrangement moving spaces for Plots 3 and 4 together to the north of Plot 3 and repositioning Plots 5 and 6 southwards;
- Removal of additional trees including:
 - 2 no. apple trees (G2);
 - Walnut tree (T13) with subsequent replacement further northwards;
- Changes to hardstanding areas and driveway alignment.

A further revised site location plan was received on January 17th 2018 which demonstrates an additional tree to be planted in the garden of Plot 3 and further annotation details of the replacement tree to be planted in the garden of Old Manor Farm.

Departure/Public Advertisement Procedure

Occupiers of 126 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press. The revised plans referred to above have been subject to an original round of consultation on the basis of all original neighbours and consultees consulted as well as any contributors to the original scheme.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 7: Sustainable Transport

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character
Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM1 – Development within Settlements Central to Delivery the Spatial Strategy
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Farnsfield Neighbourhood Plan

FNP1: Housing Development within the Village Envelope of Farnsfield
FNP2: Infill Development within the Village Envelope
FNP3: Affordable Housing
FNP5: Creating a Thriving Parish
FNP7: The Quality of Development
FNP8: Landscape
FNP9: Access to the Countryside
FNP10: Community Facilities

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Farnsfield Parish Council – Farnsfield Parish Council has considered its response to the above application and has taken views from the local community during a recent meeting, including the Parish Council meeting on 19 December at which the item was discussed by Councillors. As a result, the Parish Council voted not to support the proposed development on the following grounds.

Farnsfield Neighbourhood Plan

Neighbourhood Plans provide opportunities for communities to set out a positive vision for how they want their community to develop over the next 20 years in ways that meet identified need and make sense for local people. Paragraphs 183-185 of the NPPF state that where a planning application conflicts with a NP, planning permission should not normally be granted.

The Neighbourhood Plan reflects the fact that the community is not opposed to development per se, it simply seeks to ensure that appropriate, sustainable and sensitive development occurs within the settlement boundary. The independent examiner's review of the Neighbourhood Plan resulted in comments and recommendations that the Parish Council firmly believe support its case for the rejection of the Appeal, including:

“Recommendation: to meet the Basic Conditions I recommend modification to Policy FNP5 to read as follows:

Development will be supported for uses that will contribute to the vitality and viability of Farnsfield through the creation of new opportunities for community, retail cultural, leisure and tourism, where:

- *It is within the Village Envelope;*
- *It is of a scale appropriate for a village location;*
- *It can be satisfactorily accommodated within the existing highway infrastructure of the village having had regard to proposed mitigation and/or improvement measures, including drainage, education and health in particular;*
- *It would not adversely impact on the availability of public car parking within the village. Contributions towards increased public car parking capacity – including through making its facilities available outside of operating hours, would be supported;*
- *Is sympathetic to the residential environment of the village;*
- *Respects the character of the village as defined within the Farnsfield Character Appraisal (2017);*

The proposed development does not integrate into the natural, built and historic environment. Paragraph 61 of the NPPF requires new development to demonstrate how it has taken account the character of the village and we would also argue, has responded to the Farnsfield Conservation Area Appraisal, Character Appraisal and Design Principles. The Parish Council's view is that the proposal will have a negative impact on the conservation area and the character of the village.

The Parish Council is also of the view that the development will add to traffic congestion in a village that is already blighted by over-development and increased traffic flows.

With reference to Spatial Policy 9 and allocated sites within Farnsfield. There are a number of general policies within the Core Strategy that inform the approach to development within the District that are of relevance to the planning policy context for the Farnsfield Neighbourhood Plan. Sites allocated for housing, employment and community facilities, as part of the Allocations & Development Management DPD will:

- Be the most sustainable in terms of impact on existing infrastructure, or demonstrate that infrastructure can be provided to address sustainability issues. Doctors, schools, parking, and sewers were comments raised in the consultation as being overburdened.
- Not impact adversely on the special character of the area, including not impacting on important open spaces and views, all designated heritage assets including listed buildings or locally important buildings, especially those identified in Conservation Area Character Appraisals. The development will impact adversely in the opinion of the Parish Council.

Local Housing Need

The District Council allocated sites in a number of settlements, Farnsfield being one of them. This proposal does not feature in NSDC's Strategy either numerically or geographically.

The District Council's Local Development Framework originally allocated a development figure for Farnsfield of 142 dwellings between 2006 and 2026. The combined housing figure for the allocated development at Ash Farm (FA/MU/1) and Greenvale/The Ridgeway (Fa/Ho/1) already provide more than enough dwellings to meet (and in fact exceed) that requirement with a total of 166 new dwellings between those two sites. That number excludes the development on Southwell Road, which adds an additional 48 dwellings, giving a total of 214.

According to Census data, the village has already seen an increase in the number of dwellings from 1108 in 2001 to 1193 in 2011 and with all current and sought permissions completed, would result in a total of 1436 – an increase of over 29% in only 16 years.

Previous applications and NSDC assessment

In a previous feasibility assessment of the site for housing development by Newark and Sherwood District Council, the site was rejected on the grounds that access and egress were not suitable. There is nothing in this application to demonstrate that the situation has changed in favour of development.

The Parish Council has considered and opposed a number of previous applications for development on land to the rear of Fox Hollow, the latest of which was in 2013. The Parish Council would wish to draw the Officer's attention, all of the Planning inspector's comments in relation to that refusal on the basis that much of that information is of direct relevance to this proposal.

Access

The access is not satisfactory for the number of properties involved and the potential number of cars emerging from and turning into the development, from a narrow and busy section of Main Street, with cars parking either side of the access road, and a bus stop nearby. Drivers emerging from the access would have inadequate visibility. The access as proposed would be located on a narrow stretch of Main Street where vehicles are often parked making two-way traffic flow impossible. In addition to the potential danger associated with the proposed access, the development would result in increased congestion on Main Street on a daily basis.

Experience elsewhere in the village would suggest that, combined with the access issue raised above, refuse lorries would not access and egress the development which will lead to the lorry idling in Main Street whilst the bins are wheeled from individual houses to the Main Street kerbside, which is neither safe nor environmentally friendly.

Bungalows for the over 55s

The proposed development is described as being *bungalows for the over 55s*. Previous housing needs analysis and the Neighbourhood Plan process did not identify this as being a demographic group requiring specific housing. The Parish Council do not believe that such a requirement could be enforced in future property sales. The over 55 age factor would not preclude any or all residents having at least one car per household, adding to congestion and environmental impact.

Character and Conservation

The proposed development does nothing to protect or enhance the character within the conservation area. There is a statutory duty on the planning authority to give "*considerable importance and weight*" to the desirability of preserving or enhancing the character and appearance of the conservation area. The proposal does neither.

National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) states that sustainable development requires three interlinked and mutually dependent strands to be satisfied: economic, social and

environmental. In fact, the Government argues that all paragraphs from 18 to 219 of the NPPF constitute the Government's view of what sustainable development means. The NPPF says that the benefits of development must outweigh the adverse impacts if it is going to be accepted. The Parish Council is of the view that the negative impacts of the proposed development outweigh the benefits for a number of reasons, as expressed in this submission.

Backland Development

The Parish Council has historically opposed Backland Development and will continue to do so in the future. The Parish's position supports the Government's view that, since 2000, has been in place order to resist proposals that constitute 'garden grabbing.' The proposed development of the garden to Old Manor Farmhouse falls into this category. The definition of 'previously developed land' in the Government's National Planning Policy Framework excludes 'private residential garden'.

Local Planning Policy

Core Policy 9: Sustainable Design states *"the District Council will expect new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District. Therefore all new development should (amongst other things) achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments"*.

A&DMDPD Policy DM5: Design states in relation to 'Local Distinctiveness and Character' that *"proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted"*.

DPD Policy DM9: Protecting and Enhancing the Historic Environment states that *"all development proposals concerning heritage assets will be expected to secure their continued protection or enhancement"*.

Summary

As stated in the opening paragraph, the Parish Council does not support this application.

NSDC Conservation - The proposal site is located within Farnsfield Conservation Area (CA). The barn at Old Manor Farm is Grade II listed. There are other listed buildings nearby, including Smith's Cottage, Straw's Cottage, Charnwood House, Jasmine Cottage and The Grange (all Grade II listed).

We provided advice on a scheme for residential development on this site in July 2017 (ref 17/00919/FUL) and raised concerns about the intensity and design of new dwellings.

Main issue(s)

The main historic environment issue in this case are:

- i) What impact the proposal has on the character and appearance of Farnsfield CA; and

- ii) Whether the proposal preserves the special interest and setting of listed buildings, notably the barn range at Old Manor Farm.

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, including their setting and any architectural features that they may possess. Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. In this context, the objective of preservation is to cause no harm. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas or within their setting (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

Significance of heritage asset(s)

Farnsfield CA was designated in 1977. The designated boundary includes the historic core of the village. The long linear form of Main Street with tightly packed cottages is an important thoroughfare within the CA. The Parish Church of St Michael is a landmark building.

The Council approved an Appraisal of the CA in 2000. Although this was published some time ago, the character analysis within the Appraisal remains useful as background information. The Appraisal notes that Farnsfield derives much of its significance from its agricultural origins during the late medieval and post-medieval era, with remnants of crofts legible on Main Street and Quaker Lane. A well-established arrangement of fields and farmsteads emerged after Enclosure in 1777, resulting in a distinctive pattern of late 18th and early 19th century farmsteads and cottages in the vicinity of the proposal site, including Old Manor Farm itself.

Old Manor Farmhouse is not listed, but the associated barn fronting the road is Grade II listed. The group of historic buildings comprising Old Manor Farm, including the farmhouse, barns and boundary wall, are all considered to contribute positively to the character and appearance of the CA.

The farmhouse is 19th century, being 2 storeys in painted brick, with a plain tile roof, chimney stacks and 2 over 2 sash windows. The garden enclosure to the road, including the boundary wall, is well-defined with the entrance to the crew yard directly adjacent to the barn gable wall, away from the main façade of the farmhouse. In addition, the land enclosure to the rear of the yard remains legible (see historic map extracts below for example). In this context, the spaciousness of the rear field is considered to contribute to the setting and significance of the farmstead, making a positive contribution to the CA. In addition, the dense copse of trees to the southeast help reinforce the rural setting of the heritage assets comprising the former farmstead.

The listed barn is early 19th century, and is 2 storeys in red brick with a hipped clay pantile roof, a moulded brick dentil course and a large central doorway with double timber plank door. The barn is prominent to the road.

The perpendicular range which abuts the end of the main barn and includes a pigeoncote at its southern end is historic, comprising typical rural vernacular details such as plank doors. Historic maps suggest that this range was associated with the adjacent plot to the east. This separation has presumably led the applicant to conclude that this barn range is not curtilage listed. I have no reason to dispute this, and acknowledge that the listed building curtilage of the principal barn may well be limited to its footprint and the crew yard (in accordance with section 1(5) of the Act). Nevertheless, as set out in both the PPG and in HE Good Practice Notes, the setting of a heritage asset is typically more extensive than the curtilage. In this case, the openings in the western side of the perpendicular barn range, as well as its architectural interest, ensure that it contributes positively to the setting and significance of the listed barn, particularly in its arrangement around the crew yard.

Smith's Cottage which adjoins the farmhouse on the western side is also Grade II listed. This cottage is early 19th century, being 2 storeys in red brick with a pantile roof, chimney stacks, Yorkshire sliders and wedge lintels above ground floor openings. Straw's Cottage sits at the junction to Quaker Lane beyond Smith's Cottage, and is a later 18th century building that is also Grade II listed. Opposite on the north side of Main Road is the Grade II listed Charnwood House which is early 19th century. Combined with Old Manor Farm, this is a distinctive cluster of historic buildings. The tight layout of buildings on this part of Main Street, as well as along Quaker Lane gives a strong sense of enclosure, with buildings laid out directly onto the street. The enclosure of gardens and the occasional remnants of old orchards contribute to this significance.

To the west of the proposal site along Quaker Lane is the Grade II listed Jasmine Cottage, which is mid-18th century. This building is an example of pre-Enclosure vernacular.

To the east is The Grange, a significant Grade II polite house set within large grounds (now truncated by modern development). This focal building is early 19th century, comprising a two storey house in stone ashlar with a hipped slate roof. The Appraisal identifies The Grange as a handsome building on approach to the CA from the east (para.15). The Appraisal goes on to mention the boundary walls, former outbuildings and mature trees at The Grange, advising that these features contribute significantly to the CA (para.26). Stone is not commonly used within the CA, other than St Michael's Church, Farnsfield Hall and The Grange, so the status of this building must have been significant in the context of the village.

Assessment of proposal

The proposal seeks permission for residential development comprising four new dwellings for the over-55's and the change of use of the Grade II listed former threshing barn to a dwelling. The further rear barns will be converted into an annex to the main barn which already benefits from listed building consent for conversion to a residential annex, ref 13/01277/LBC. Although relevant conditions have been discharged, no detail has been offered on how this has been implemented (this should be clarified by the applicant).

Having reviewed the submitted plans and details, Conservation objects to the proposal in its current form.

There seems to be some slight confusion on the annotations for units 3-6. Unit 1 is the farmhouse and other than landscaping works and changes to the access (including partial demolition of the front garden wall), no works are proposed to this. Unit 2 is the main barn (for which consent is already in place) and the annex (identified on plan as the 'rear barn'). Units 3-6 comprise four new dwellings. On the block plan, unit 3 and 4 is identified as the single storey range running perpendicular to the farmhouse when viewed from the road. Plots 5 and 6 are given as the 2 storey dwellings facing the courtyard behind Manor Barn. However, the elevation plans refer to 3 and 4 on both sets of elevation plans. This should be amended.

The conversion of the dovecote range to form an annex to the main barn will cause no harm to the setting of the adjacent listed barn. The external alterations proposed are relatively minor and the use appears to be compatible with the plan form and fabric of the building. I note that there does not appear to be a proposed rear elevation drawing for the annex. Given that the block plans indicate roof lights on the rear roof slope, a relevant plan should be provided. In addition, the internal plans for the annex show the roof lights to be level, whereas on the block plan the guest bedroom rooflight is in a different position. This should be clarified. This element of the scheme is otherwise acceptable. A number of matters will need to be conditioned if the scheme is approved, including level 1 recording (to record matters of archaeological significance and to submit them to the HER in accordance with paragraph 141 of the NPPF) and further details on facing materials (notably replacement roof tiles), renovations (schedule of works), joinery details and all external accretions (roof lights, rainwater goods, flues, vents etc).

The single storey range proposed reflects rural vernacular architecture. Conservation has no objection to this element of the scheme and finds the design to be well-considered and positive.

The 2 storey range however is not acceptable in its current form. Although it is clear that the design seeks to reference the threshing barn, the extent of openings presents an overly domestic appearance which is at odds with its farmyard pretensions. Moreover, in this scale of historic farmstead, there is typically only a single threshing barn, so a further large barn of this type is incongruous. To address this concern, the elevation should be revised. One option would be to present a granary/cart shed style building, with arched openings at ground floor and

corresponding small square casements above which reference the hit and miss types typical in this area. The gable is overly wide, furthermore, and would benefit from a reduction (to make it more consistent with the scale and form of the main historic barn).

In addition, the car parking arrangements would benefit from a slight revision. The car park space allocated to unit 4 results in a fragmentation of the amenity areas in front of the single storey range. By reducing the gable width of the 2 storey element, it might be possible to keep all of the spaces together (on the boundary adjoining unit 6), improving the landscaping around units 3 and 4.

Notwithstanding the above concerns, Conservation accepts that the alterations to the roadside boundary wall are driven by optimising highways access. Whilst partial demolition of the wall as proposed is not desirable from a heritage perspective, we are content that this represents a fair compromise from the original scheme, and that on balance, the alteration is not unduly harmful to the character and appearance of the CA or setting of the listed barn at Old Manor Farm. If the scheme is approved, further details and a schedule of works will need to be agreed for this aspect of the proposal.

Summary of opinion

In its current form, the design of units 5 and 6 (the 2 storey dwellings) results in harm to the CA and setting of the listed barn. As such, the proposal is currently contrary to the objective of preservation required under sections 66 and 72 of the Act.

Revised comments received 23rd January 2018:

Many thanks for consulting Conservation on amended plans for the above proposal.

We provided advice on the 19th December 2017, raising concerns about the design of the two storey element and making suggestions about improving parking arrangements.

The applicant has sought to address our concerns. The two storey element now takes the form of a granary with appropriate detailing, and the gable width has been reduced in scale by utilising a catslide type roof addition on the rear. The parking arrangements have been amended in-line with advice.

Overall, we feel that revised drawings result in a scheme which preserves the character and appearance of the conservation area. Fundamentally, there is benefit to the re-use of the redundant historic barns in a sensitive manner, and the proposal otherwise maintains the farmyard character of the site. Whilst it is acknowledged that the scheme results in new buildings within a back land context, the proposed layout and architectural appearance of the new dwellings appropriately references the rural setting in which it is located, and on balance, I do not consider the proposal to be harmful.

NCC Highways Authority – I refer to drawing 102/A.

This proposal is a result of a series of iterations including a reduction in the number of new dwellings and alterations to the access layout.

The scale of the development is now proposed at a level that is considered to be commensurate with the access arrangements, given the existing traffic conditions on Main Street.

Visibility splays of 2.0m x 43m, as shown, is considered to be acceptable. In this instance the fact that on-street parking generally occurs in this area helps to restrain vehicle speeds. The 43m 'y' distance is, however, commensurate with traffic travelling at 30mph and falls in line with local and national guidance.

It is understood that the access will remain privately maintained. The Planning Authority may wish to consider whether or not lighting is appropriate. Also, it is recommended that details of how the access is to be maintained in the future should be submitted and agreed. The LPA may also wish to consider whether or not the bin collection point is appropriately located since the carry distance exceeds the recommended 25m.

Whilst it would be desirable to see the scheme include one or two more visitor car spaces, it is believed that there is adequate room outside of the access road, turning head and identified car spaces to park additional cars and avoid on-street parking as suggested in the Transport Assessment.

In conclusion, no objections are raised subject to the following conditions:

No part of the development hereby permitted shall be occupied until the existing dropped kerbed vehicular footway crossing is modified and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety; to protect the structural integrity of the highway and to allow for future maintenance.

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. 102/A are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.9m in height.

Reason: In the interests of Highway safety.

Note to Applicant:

The development makes it necessary to alter a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 0115 977 2275 to arrange for these works to be carried out.

Tree Officer – Although this proposal is a much reduced scheme than the previous application for the site there is still an element of high tree loss and potential impact on remaining trees.

The current proposals note the removal of 9 individual trees and parts of 2 groups which have not been addressed or mitigated by any proposed new plantings.

I have concerns that some remaining trees may have unsustainable impacts on their rooting areas by hard surfacing proposals.

T1 will suffer root loss as a result of the new access arrangements and further potential adverse impact by a new wall and paving within the RPA.

T6 already has a significant area of its RPA under hard surfacing and within the existing building footprint. It is unclear what the proposals are for any removal/reinstatement for proposed parking or if any new flooring/foundation specifications or service runs for plot 2 dwelling may have to be implemented to ensure that the building is brought up to habitable status. Proposed new surfacing is likely to further reduce favourable rooting environment for this tree which will result in it having less than 50% of the calculated RPA unsurfaced.

Similar concerns are expressed for T13 which is likely to lose up to 50% of its rooting area under hard surfacing and potentially suffer further adverse impact from foundation construction on the south side.

Services to serve the proposed dwellings to the south have not yet been considered but it is likely that service runs and drainage options may also further impact trees 6,7 and 13.

Proposed no dig construction specifications have not been fully assessed but it is likely that in order for construction traffic to clear and access the site that a deep cell web would be required to support such vehicles. It is unclear how this would be achievable within the timescales of service installations/construction and finished services or how any such raised areas would be incorporated into existing /retained hard surfacing and site ground levels.

Revised comments received 12th January 2018:

Revised site plan broadly reflects recent discussions regarding acceptable amendments.

However the loss of a further tree to south of site was not previously discussed or the removal of the grassed area adjacent to T21 which now appears to have additional hard surfacing within the RPA.

While the removals of both trees result in further reduction of site biodiversity above previous removals compensatory planting proposals only seem to amount to a single tree.

Further comments received 24th January 2018:

Amended proposal is acceptable.

Recommend any approval has attached conditions:

1. No works or development shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:
 - a. A plan showing details and positions of the ground protection areas.
 - b. Details and position of protection barriers.
 - c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
 - d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).

- e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g. Details of any scaffolding erection within the root protection areas
 - h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.
2. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme/arboricultural method statement

3. Prohibited activities

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
 - b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
 - c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
 - d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
 - e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.
4. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards.
5. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Nottinghamshire Wildlife Trust – No comments received.

NSDC Strategic Housing –

Policy

The District Council’s Core Strategy (2011), Core Policy 1 (CP1), seeks to secure 30% affordable housing provision as defined in national planning policy (National Planning Policy Framework 2012) on all new housing development proposals on qualifying sites. The site does not meet the threshold requirements of 10 units and above and therefore there is no requirement for affordable housing (subject to size threshold tbd by Planning Officer).

Market Housing Requirements

- The DCA Housing Market and Needs Assessment (2014 sub area report for the Southwell area, of which Farnsfield forms part of) indicates that there is demand for smaller properties (2 bedrooms constitute the greatest demand – 139 dwellings) in this location and in particular bungalows for the highest demand in terms of type of property (100 dwellings). However, demand or preference does not constitute a housing need.
- The Examiners report for the Farnsfield Neighbourhood Plan (2017) further justifies the evidence in terms of requirement for older persons accommodation (bungalows) in this location. Item 64 refers. <http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/neighbourhoodplanning/farnsfieldneighbourhoodplan/Farnsfield%20Neighbourhood%20Plan%20Examiner%27s%20Report.pdf>
- There is clearly a strong evidence base for smaller dwellings to meet the affordable housing needs for older people. Some of this need has been met through the delivery of 6 affordable bungalows. There is evidence of a preference for smaller dwellings (i.e. bungalows) in the market sector but in general this does not constitute a need. Whilst I am of the view that smaller dwellings in this location proposed by the applicant will meet the preferences of many people, in general it does not constitute a housing need only demand.

Housing Demand for the Market Sector

The District Council commissioned a district wide housing needs survey in 2014 and accompanying the report is the DCA Housing Market and Needs Assessment (2014 sub area report for the Southwell area, of which Farnsfield forms part of) (Appendix A refers). The sub area report details that in the market sector, demand in the Southwell area is for 176 one and two bedroom homes. Bungalows for older people are also sought after in this location (100 dwellings). The last independent housing needs survey for Farnsfield was undertaken in 2008. In planning terms this would not provide a strong evidence base in terms of affordable housing need. The results from the 2008 survey are as follows:-

Thirty three respondents identified a need for alternative housing, either in Farnsfield or within 10 miles of the village. A further three households stated they required accommodation elsewhere.
Nineteen households identified themselves as being in need of accommodation immediately.
Eighteen households would consider renting a property
Eight would consider shared ownership

Six would consider both options
Nineteen respondents would be looking for a house, nineteen would be looking for a bungalow, twelve a flat or apartment and eleven sheltered/retirement accommodation.
Twenty two respondents wanted 2 bedrooms, seven wanted 3 bedrooms, some would consider a number of options but only one respondent stated he/she wanted 1 bedroom.

Farnsfield Neighbourhood Plan

The Farnsfield Neighbourhood Plan was adopted in 2017. The Parish did not initiate a new housing needs survey as part of the submission but relied on secondary data from the 2011 Census. Of note the Examiner’s report makes reference to the evidence in terms of requirement for older persons accommodation (bungalows) in this location. Item 64 refers. <http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/neighbourhoodplanning/farnsfieldneighbourhoodplan/Farnsfield%20Neighbourhood%20Plan%20Examiner%27s%20Report.pdf>

64. Supporting text for Policy FNP3 refers to a Housing Needs Survey undertaken in 2007. I asked for this document as part of my clarification email and asked for it to be available via the Council’s web site. The survey identified a high level of need for 2 bedroom properties for young adults and older residents wishing to remain in the village. These included the need for bungalows. Since the survey, there have been new affordable dwellings built. In the background evidence to this Plan it is stated that the NSDC Housing Officer is of the view that the majority of the housing need identified in the Housing Needs Survey has now been met. In addition, the background evidence indicates that a demand for bungalows still exists. I understand that nineteen people identified this as a priority in the Housing Needs Survey and only eight bungalows are proposed to be delivered through recent permissions. This indicates to me that there is justified evidence for the requirement for older people’s accommodation in Policy FNP3.

The evidence indicates that whilst there is an identified evidence of housing need in the area, much of this affordable housing need has been met through the recently completed development at Ash Farm (31 affordable units) and at the appeal site on Southwell Road (proposed delivery of 13 affordable units 2018/19). Land to the rear of the appeal site (The Ridgeway) has a permission which includes a further additional 13 units of affordable housing). Of these only 6 are affordable bungalows to meet the needs of older people.

Conclusion

There is clearly a strong evidence base for smaller dwellings to meet the affordable housing needs for older people. Some of this need has been met through the delivery of 6 affordable bungalows. There is evidence of a preference for smaller dwellings (i.e. bungalows) in the market sector but in general this does not constitute a need. Whilst I am of the view that smaller dwellings in this location proposed by the applicant will meet the preferences of many people, in general it does not constitute a housing need only demand.

NSDC Waste, Litter & Recycling - The plans for waste management look adequate. I am not sure if the properties have their own garden areas or if all of the grassed areas are communal. If the individuals have gardens it would be wise to allow extra space in the bin store for a 3rd (Garden Waste Bin). In addition although the turning circle looks adequate for a freighter to turn round I

would point out that previous areas such as this that are made of tarmac can suffer damage (particularly in hot weather) when refuse freighters are carrying out tight turns. If this does happen and the tarmac is damaged, or even ripped up, we would not be held responsible.

In itself not a reason to withhold support but more of a point for the future.

NSDC Environmental Health (contaminated land) - This application includes the conversion of farm buildings to residential use and there lies the potential for these to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any, for contamination of the site. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Pollution Team in Environmental Health at Newark and Sherwood District Council on (01636) 650000.

NSDC Environmental Health (noise) - I refer to the above application and confirm that I have no comments to make.

NCC Rights of Way Officer – No public rights of way are recorded on or directly adjacent to the proposed development site. This does not preclude unrecorded public rights being proven to exist at a later date.

Further comments received 5th January 2018:

Thank you for your consultation for the above proposal, following the submission of updated plans. I have no further comments to add to those that I have previously submitted.

Ramblers Association – The nearest public rights of way appear to run well outside the curtilage of Old Manor Farm and we therefore have no objection to this development.

NSDC Access and Equalities Officer – Observations in relation to Building Regulations.

Trent Valley Internal Drainage Board – The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment.

There are no Board maintained watercourses in close proximity to the site.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

At the time of going to print a total of 102 letters of representation have been received. The comments submitted on the basis of the original proposal are summarised as follows:

Principle of Development

- Dismayed at an application for yet more development within the village at a time when there is the already unprecedented building of two new estates on Southwell Road and land off the Ridgeway as well as the recently completed Cocket Lane estate

- The Neighbourhood Plan should give the village residents a voice
- 77% of the population expressed the view that the village does not require further housing, other than the planned 142 houses
- Unclear why over 55s is being targeted – S106s have not been successful in other areas
- The proposal development relies on the neighbourhood plan to rationalize the need but the village has undergone a number of developments that have expanded the village meaning it has already gone over its quota
- The neighbourhood plan does not stipulate what the bungalows are for nor the numbers justifying the need
- There is no mechanism to secure the occupation to over 55s
- The village has already exceeded its quote of new builds
- There has been a 20% increase in the village in the last 2 years
- This modest development will not solve the housing shortages
- The hard landscaping could be planned access for future building in the southern field
- If committed to over 55s market then the homes should be equipped as such now, not put the cost to the resident
- There are currently bungalows unsold in Farnsfield
- The FNP identifies that where employment sites are no longer suitable that may have change of use to accommodate dwellings and care of the elderly
- 2 storey properties wouldn't rationally support the over 55 population
- There is concern that there will be further applications to develop land to the south

Impact on Highways

- The access and road layout fall short of the duty to care owed to highway users both vehicles and pedestrians
- Main Street is heavily populated and often becomes gridlocked
- Main Street is dangerous for pedestrians to walk along
- The road is not wide enough
- There are dangerous blind spots
- In order to achieve a safe visibility it would be necessary to ban parking on Main Street both sides
- A large van is regularly parked in the same location which would obscure visibility completely
- The DfT statistics indicate that the over 55 group make as many if not more trips than the 39-50 or 29-40 age groups
- Retired residents make a significant number of trips and regularly have two cars
- Farnsfield does not support a frequent bus service and it is not the preferred choice for most people
- It would be difficult for fire engines and bin lorries to turn
- The bus stop nearby would create further problems with traffic
- Over 55s can be primary child carers – creating additional road safety concerns and traffic in an already congested area
- There will be an accident at the access due to the volume and speed of the traffic
- The semi detached properties would be suitable for a family and therefore the assumptions that they will generate less traffic are incorrect
- Parking and speed of vehicles are both local priorities in the neighbourhood plan
- The reports submitted to accompany the application are inaccurate with assumptions

- The scenario is that drivers do not adhere to the road markings and speed limits etc. and vehicles mounting pavements has been observed
- There are issues of parking at any time of day
- There have been more accidents than recorded by the supporting documents including serious accidents
- Guessing has become part of the driving experience on Main Street
- An additional access will only increase the potential for more near misses and accidents
- When taking account of other developments, traffic flows will be greater than those referred in the supporting documents – drivers will have to use Main Street to get to the A617
- Bus passes aren't issued until the age of 65 in Nottinghamshire
- The SHLAA discounts this site on the basis of an unsuitable access
- The developers splays are inaccurate
- No mention is made of the bus stop for school children within 15m of the entrance / exit
- There is insufficient parking for residents and visitors
- It is assumed that the road will not be private if a refused vehicle is expected to access the development
- The splays shown cross the front garden of the Mayfield Cottage
- Visibility from 2.4m back as required by the 6Cs Design Guidance would be blocked by Straw's Cottage and Old Manor Farm Barn – neither of which can be altered to improve the level of visibility
- The swept path diagrams are difficult to read but shows vehicles on the wrong side of the road
- The proposed access conflicts with the 6Cs Guidance for junction spacing
- The Highway Authority and the LPA have a duty of care that they owe to all road users
- It is unclear why Highways are not objecting on the current application given that they must have been involved in the conclusions of the SHLAA that the access isn't suitable

Impact on Character

- The Conservation Area should be protected
- The footpath network running to the rear forms a unique and interesting environment for residents and visitors as well as supporting wildlife
- The development would result in an incongruous urbanization of a substantial open back land area within the Conservation Area
- The proposed access would be harmful to the setting of at least four grade II listed and other historic buildings
- The last large open green area of the village should be protected
- The character and quality of the setting around the listed building and wall would be adversely affected
- The development would set a precedent for the further erosion of the CA lying at the historical heart of the village
- The area of the site has been open land for many years
- No objection to the development of the barn or the modernization of the property
- The destruction to the setting in Farnsfield's Conservation Area will be out of proportion to the benefits
- The reduction from nine dwellings to four does not alter the backland nature of the development
- FNP is against backland development

- The development does not fulfil the objectives of FNP for infill developments
- The Waldeck Report refers to other developments along Main Street which have been permitted in the past but this does not mean that they would be approved today
- The Landscape Character Appraisal for the surrounding woodland is to 'Conserve'
- Previous applications have been refused for the green space immediately to the south of the site based on scale and mass to the established character
- The development is garden grabbing
- The 5.3m access road is out of character with the surrounding listed buildings and wider than the withdrawn scheme
- The damage to the existing attractive garden and the removal of a large part of the frontage wall will have a detrimental effect on the street scene
- The front garden of the existing property contains a large beech tree which is a key component of the scene
- Section 72 of the Planning Act 1990 gives a legal duty to preserve the Conservation Area meaning doing no harm
- The DAS does not identify all listed buildings
- The proposal does not satisfy Policy DM9 in that it is not compatible with the setting of the four nearby listed buildings
- The proposal will transform the character into an urbanized character dominated by buildings and hard-surfaced areas – small scale domestic planting would not offer any mitigation
- A previous dismissed appeal to build two dwellings to the south of the site is a material consideration and includes a number of conclusions that support the objections ref: APP/B3030/A/13/2194790, September 2013)
- The design of the development is cramped and awkward
- The detail of the two storey dwellings appears to be a crude attempt to mimic a converted barn with no empathy for its traditional context
- The site is one of the only areas that remains of Farnsfield origins with the Conservation Area Appraisal marking it of particular note
- The impact to the conservation area including the removal of the wall would be irreparable

Impact on Trees and Ecology

- The removal of a number of trees cannot be fully mitigated by replanting
- The development cannot be introduced without impacting on neighbouring wooded areas which support a range of wildlife and birds including nesting owls
- The new foundations and urbanization around the properties would affect the remaining trees and the hydrology of the site
- Fauna will be lost which has been established in the area over many years
- Older residents may want to remove more trees if they find them to be too much maintenance
- Perfectly healthy and substantial trees would be felled without adequate justification
- The access road would impact on the root zones of T1, T6, T7 and T13
- Trees would need to be pruned to allow for vehicular clearance
- Trees are positioned too close to buildings
- Neighbouring hedges have not been identified on the plan and permission would not be given for any changes to the hedge
- The trees, hedges and shrubs provide a diverse environment for wildlife

- A full environmental assessment should be carried out on land surrounding the site as well as the site itself
- There is a mulberry tree on adjacent land which has not been taken into account by the developers

Impact on Amenity

- The proposal will cause disturbance and disruption to neighbouring residents
- There would be an unacceptable loss of privacy and overshadowing to neighbouring properties
- There would be direct visibility from bedroom windows and private amenity space
- The distance of 19m would be substandard
- The neighbouring dwelling known as Fielding is incorrectly identified as a 'neighbouring barn'
- The proposed two storey dwelling would be immediately adjacent to the rear garden of the neighbouring property and would cast shadows
- Trees would block light to the new occupants leading to a demand for their removal
- Permission will not be given for maintenance of properties against the boundaries

Other Matters

- The reduction in site area leaves opportunity for further development in time
- The decision should be deferred for at least 24 months to allow current development to be completed and the virgin cable works to be done
- Planning decisions seem to be made with very little regard for the village and its residents
- The infrastructure is already overloaded (Doctors Surgery; schools; sewage disposal; parking and drainage) and will be put under more strain by the largescale developments taking place
- The lighting would significantly increase light pollution in the village and surrounding properties
- The proposed rear barn is attached to neighbouring properties by a party wall and there is a cellar below the party wall – the neighbouring property is not sufficiently sound enough to withstand any under pinning work required for the barn renovation
- No permission would be given for works to take place to the party wall
- Bringing plant and machinery into the area will cause danger to the general public including the users of nearby footpaths
- Hard landscaping may exacerbate the existing flood problem experienced on both Main Street and Quaker Lane

Following the submission of the revised plans received by email dated 31st December 2017 an additional round of consultation was undertaken on 4th January 2018 (overall expiry for comments 28th January 2018). The following additional comments have been received on the basis of the revisions:

Principle of Development

- Support for development for the over 55s but reservation about this specific site

- There is no mechanism to secure over 55s development
- Opposition to backland development
- There is no need for additional housing in Farnsfield
- The infrastructure of the village cannot cope with additional development
- The original objections stand and have not been overcome by the revised plans
- The documents of the application referred to in relation to over 55s development are selective generalisations
- Farnsfield has already exceeded its allocations
- Backland development could lead to further development
- It is a case of shutting the stable door after the horse has bolted – almost every piece of land has been built on so there is already backland development
- Support the application - it would create reasonably priced dwellings in Farnsfield
- Farnsfield needs affordable accommodation for the elderly and for young people to allow them to stay in the village
- There is no need for further bungalows in the village – there are plenty already

Impact on Character

- The amended plans still make a mockery of the conservation area
- Two storey development increases the impacts on the development
- The impact that the visual development will make to the central conservation and heritage part of the village including the removal of the heritage wall would be irreparable
- Previous applications on the land have been resisted on the basis of heritage concerns referred to as the 'green lungs' of Farnsfield
- The revised plans are worse to the conservation area because Old Manor Farm garden has been reduced for a car parking space which will amount to the loss of the tree
- The development would result in an incongruous urbanization
- The development will harm listed buildings nearby
- The changes to the two storey proposed building do not resemble a farmyard setting
- The application presents the opportunity to save the two barns in a sensible way
- There is no justification for the harm to the conservation area
- The revised comments of the conservation officer are very disappointing – the original comments refer to the alteration of the wall as 'not unduly' harmful – the objective of preservation is to cause no harm
- The scale of the new development dominates the original asset of the threshing barn
- The revisions incorporate more hard paving

Impact on Tree Cover and Ecology

- The revised plans show additional tree removal without sufficient mitigation
- Mature trees cannot be instantly replaced by new planting
- Wildlife would be disturbed by this development
- The revised scheme is worse in tree quality
- There is a boundary hedge not shown on the plans - permission would not be given for any changes to the hedge
- The neighbouring black mulberry tree has not been taken into account
- There is a diverse environment for wildlife on the site and a full environmental assessment should be carried out on the site and neighbouring land
- The grassed area has been re-designed showing more hardstanding

- The latest plans ignore the fact that the Beech Tree will have to be severely cut back to provide vehicular headroom

Impact on Highways

- There are near misses at the access every day
- There isn't enough parking for visitors which will exacerbate existing parking issues on the high street and compromise safety for pedestrians
- Anyone approaching from the east would be unable to see vehicles leaving the site and would be turning into the site 'blind'
- The access even though it has been tweaked is still dangerous
- The traffic on Main Street has increased significantly due to recent building works
- Adding another T-junction is highly dangerous with poor visibility
- NSDC have a duty of care which would not be met by allowing this application
- Photograph submitted demonstrating traffic issues on Main Street taken 19th January 2018 but stating that it represents a typical morning
- No objection to plans but yellow lines will have to be in place between Old Manor Farm and Quaker Lane
- Large vans make it very difficult to see
- The proposed access would be sub-standard and dangerous in without parked cars on Main Street

Impact on Amenity

- There appears to be no regard to the serious overlooking problem which is contrary to policy
- The neighbouring property has been incorrectly labelled as a barn
- The development would affect the peace of neighbouring gardens – such disruption will effect health and mental wellbeing
- No attempt has been made to eliminate the overlooking through the revised plans – it is unclear why officers have encouraged such a sub-standard form of development

Other Matters

- The infrastructure in the village is already overloaded and will be put into strain from other developments
- Supporters of the scheme have been unwilling to comment publicly for fear of retribution
- Severn Trent have acknowledged that the infrastructure is not fit for purpose and some properties along Main Street have already suffered flooding

Comments of the Business Manager

Principle of Development

Paragraph 14 of the NPPF confirms that a presumption in favour of sustainable development is at the heart of the document, outlining that for decision-taking this means “*approving development proposals that accord with the development plan without delay*”.

In determining applications, the LPA are therefore required to pay due regard to the current development plan which comprises of the Core Strategy DPD; the Allocations and Development Management DPD; Farnsfield Neighbourhood Plan and other associated Supplementary Planning Documents.

The Core Strategy was adopted in March 2011 and thus predates the adoption of the NPPF in March 2012. Nevertheless the DPD remains fundamentally compliant with the NPPF, as evidenced through a review undertaken by the Planning Advisory Service in February 2015. The review sets out details on a policy by policy basis the extent to which the Core Strategy is in conformity with the NPPF. Where it has been identified that details of non-conformity exist for specific policies then this is being addressed through the emerging Plan Review process. For the avoidance of doubt the assessment of the Settlement Hierarchy outlined by Spatial Policy 1 and the Spatial Distribution of Growth defined by Spatial Policy 2 identified no issues in respect of non-conformity.

The Allocations and Development Management DPD was adopted in July 2013 post-dating the NPPF publication. Importantly the Inspector who led the Examination considered the issue of conformity and in finding the Plan, as modified, sound concluded that its policies and proposals were consistent with national policy.

Spatial Policy 1 confirms that Farnsfield is a Principal Village with a function of acting as a secondary focus for service provision. As clarified by Spatial Policy 2, the intention was for Farnsfield to deliver 10% of the growth in Principle Villages (with Principle Villages intended to deliver 10% of the overall housing growth of the District). Utilizing the figures stated within Spatial Policy 2, the original expectation was for Farnsfield to accommodate 142 additional dwellings over the plan period.

As is acknowledged through the comments received during representation Farnsfield now has 3 no. sites progressing. Site allocation Fa/MU/1 is under construction with Barratt/David Wilson Homes for 106 dwellings (the site was allocated for around 70 dwellings with employment). Site allocation site Fa/Ho/1 has been granted outline planning permission and reserved matters for 60 homes by Miller Homes. The site allocation for Bellway Homes secured reserved matters approval (following Planning Committee on the 6th June 2017) for an additional 48 dwellings. In addition to this, the LPA are awaiting the decision of the Secretary of State following a public Inquiry for residential development of up to 60 units on land off Mansfield Road (outside of the village envelope).

Whilst the LPA fully acknowledge that the housing figures referenced by the Core Strategy were not intended as a ceiling figure, it is relevant to note that taking account of the above figures (discounting the pending appeal) Farnsfield has already seen the grant and progression of 214 units as opposed to the 142 units allocated up to 2026. This represents a 51% increase on planned growth some 9 years before the end of the plan period. This has been acknowledged by the amended Core Strategy which at Publication Amendment stage in July 2017 increases the growth in Farnsfield from 10% to 24% of the growth in Principle Villages (with Principle Villages intended to deliver 10% of the overall housing growth of the District).

Nevertheless, the site is within the defined village envelope of Farnsfield and thus the principle for residential development within the site is acceptable subject to a site specific assessment against the remainder of the development plan.

It is relevant to acknowledge that at the present time, the LPA is well advanced in the process of a plan review with examination scheduled for later this year. For the avoidance of doubt the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. I do not consider it necessary to rehearse the full position in respect of this matter given the support for additional housing in Farnsfield in principle. Whilst the NPPF identifies that there is a presumption in favour of sustainable development, this does not automatically equate to the development being granted as other material considerations need to be taken into account. This rationale is supported by the Neighbourhood Plan Policies FNP1 and FNP2 which state that developments within the village envelope / in infill plots will be supported where they respect matters such as the character of the village; the amenity of neighbouring properties and there are no other identified adverse impacts. In this case, the Parish Council clearly dispute that these requirements have been met by the proposed development – Officers stance on this is discussed in further detail in the relevant sections below.

The site lies within the Conservation Area for Farnsfield. As such any proposed development must comply with the principles of Policy DM9 and Core Policy 14. Criteria within these policies require proposals to take into account the distinctive character and appearance of the Conservation Area.

Housing Mix, Type and Density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery.

The proposal would lead to the site delivering a total of 6 separate residential curtilages. On the basis of the site area of approximately 0.24hectares, the proposal would deliver a housing density of approximately 25 dwellings per hectare. It is acknowledged that this would be below the aspirations of CP3, but it is equally acknowledged that the site represents a land locked site where additional dwellings would have additional implications to the acceptability of the scheme, particularly in amenity terms. It is therefore considered wholly unreasonable to insist on a greater development density in this case (and indeed the density has been negotiated down since the withdrawn proposal).

As confirmed by the submitted Design and Access Statement (D&AS) the proposal has been presented on the basis that the 2 new bungalows and 2 new houses at the rear of the site (Plots 3-6 inclusive) would all be two bedrooms directed towards the over 55's market. The suggestion of the D&AS is that this could be secured through condition or an associated S106 agreement. The LPA have imposed such restrictions in the past (notably on extra-care unit schemes which are specifically designed for the retirement population). I am therefore satisfied that there is a realistic prospect of securing the properties for the over 55's market if necessary.

As acknowledged by the D&AS, the neighborhood plans comments on matters of housing needs specifically in relation to bungalow accommodation:

'Research undertaken through the public consultation to support the Neighbourhood Plan confirmed that this need for bungalows remained'

Reference is also made to statistics compiled through 2011 census data which are relevant to the current application in terms of the aforementioned intention for the scheme to be promoted for the over 55's:

'The outcomes of the consultation and position in relation to outstanding housing need is supported by the 2011 census data. This revealed that the population profile of Farnsfield is characterised by an older population than the national picture (over 65s), which also includes a greater proportion of single pensioner households.'

Notably not entirely relevant to the current application (given that the current scheme relates to market dwellings rather than affordable units) Policy FNP3 (Affordable Housing) confirms an identified local need for:

- Older people's accommodation, including bungalows;
- Smaller properties (2 bedrooms or fewer); and
- Starter homes for local people.

Whilst the above indicates an overall support for accommodation for an older generation and smaller units, the comments of the Parish Council on the current application (listed in full above) seem to dispute this:

'the Neighbourhood Plan process did not identify this {over 55s} as being a demographic group requiring specific housing.'

It is unclear where the appeared contradiction arises from, other than again confirming that Policy FNP3 is explicitly in reference to affordable housing.

I note the comments of the Strategic Housing Officer that, affordable need in the village has largely been met by the delivery of units on other sites. To clarify, the current proposal would not meet the threshold for affordable housing delivery and relates to market housing. It is nevertheless confirmed that there is a preference for smaller dwellings (i.e. bungalows) in the market sector. In this respect the current proposal would improve the choice for a certain section of the community, and potentially meet a housing demand rather than a specific identified need. Indeed I remain to be convinced that there is a robust specific need to restrict occupation by age.

Officers have no objection to the developer promoting the accommodation to the over 55's market and the design modifications to do this (notwithstanding the comments received suggesting that two storey dwellings are not suitable for over 55s occupation) are welcomed. These include wider car park spaces and increased internal layouts. It is the view of Officers that some, albeit limited, weight can be attached to the delivery of smaller units marketed for an older generation in the overall planning balance.

To clarify, I do not consider it reasonably necessary for the LPA to control the age occupation of the dwellings for the lifetime of the development. In reaching this conclusion I am mindful of Paragraph 206 of the NPPF which is clear in stating that:

'Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'

Without evidence of a robust need for over 55's accommodation, and indeed in acknowledgement that residential development would be supported in principle in Farnsfield, I do not consider that a condition to restrict occupation to the over 55's generation would be necessary.

Impact on the Highways Network

One of the key objections to arise from the consultation process (indeed in some cases linked to the aforementioned discussion on over 55's occupation) is the impact of the proposal on the highways network.

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities. FNP2 states that new dwellings on infill plots within the village envelope will be supported subject to a number of criteria including that, *'access and car parking requirements of the proposal can be appropriately addressed without the potential for adverse impact in the locality.'*

The application has been accompanied by a Transport Statement dated November 2017 undertaken by Waldeck Consulting. The D&AS confirms that the applicant has not taken the opportunity to undertake formal pre-application advice with the LPA. It is acknowledged that pre-application discussions took place with NCC as the Highways Authority however what carries weight in the determination of the application are the formal comments received as part of the consultation process to the application. These are listed in full in the consultation section above.

The comments fully acknowledge that the proposal is a result of a series of iterations making reference to the previously withdrawn scheme which would have totalled 10 dwellings utilising the access. To add context to the current scheme, officers consider it worthy of note that on the previous scheme, NCC Highways placed great weight on the likely traffic generation from the development on the assumption that it would be reduced for an over 55s market. The Highways Authority suggested a condition which would restrict occupiers to the retired population. At the time, officers raised significant concerns to this approach not least because any proposed mechanism to secure retired occupation was not considered enforceable.

It is noted that the Transport Statement submitted to support the application discusses in detail the implications of trip generation if the development were delivered as intended with 4 no. dwellings orientated towards the over 55's market:

'An over 55's, older people's residential property is unlikely to have a commitment to daily school runs, AM and PM trips to drop off and collect children would therefore be obsolete.'

'An over 55's residential property is less likely to have a commitment to a work commute 5 days a week, and this criteria is set to target those approaching or in retirement. From the age of 50, employment rates decline and more people go into part time work or retirement (appendix 'K'). Therefore AM and PM trips to and from work in the peak hours would be less likely.'

In line with the concern raised during the previously withdrawn application, officers do not

consider that these statements constitute robust demonstrable evidence that over 55's would in reality generate less vehicle movements. In acknowledgement of the above site history, officers have sought clarification from NCC Highways that the comments listed in full above for the current scheme (which notably make no reference to age restrictions) would still be relevant if assessing the scheme for 'market housing.' Whilst a 'preference' for over 55's dwellings has been stated, it has been confirmed that the comments would be relevant even in the context of market dwellings not promoted for over 55's occupation. Therefore the above discussed stance in reference to not securing an age occupation remains appropriate.

Moving then to discuss matters of visibility and overall access safety which I appreciate is a significant concern to numerous interested parties. Having visited the site on more than one occasion it is evident that on street parking along Main Street, including at the point of the site access, is an ongoing issue at numerous times of the day. The presence of a bus stop outside the site and on the opposite side of the road is also acknowledged in terms of the potential for parked buses to cause further obstruction.

NCC Highways in their comments describe how the on-street parking experienced actually aides in restraining vehicle speeds. In any case the visibility distances shown by the proposal are commensurate with traffic travelling at 30mph and falls in line with local and national guidance. I fully acknowledge that there are existing traffic issues in Farnsfield which make the proposed development for additional residential development unpalatable for numerous interested parties. However, officers are mindful that it does not fall to the current developer to alleviate existing issues provided that their development can be considered safe in highways safety terms. Taking the expertise of NCC Highways into the overall balance, it would appear that the proposal as submitted is acceptable in highways safety terms and compliant with Spatial Policy 7. It would therefore be inappropriate (and indeed difficult to defend at appeal without the support of relevant expertise) to resist the current proposal purely on highways safety grounds.

In reference to the other issues raised in respect to the construction and maintenance of the private access and refuse collection, the agent has attempted to address these matters throughout the life of the application through the following statement:

'In response to your queries regarding the maintenance of private access, we anticipate that the maintenance will depend on a legal agreement between the owners of the properties and that this will be written into the sales deeds. With regards to refuse collection, we are proposing an arrangement which is in accordance with adoptable standards, with a site access and turning area suitable for refuse vehicles (as is demonstrated in the tracking diagram in the submitted Transport Statement). We understand that this arrangement will rely on an agreement to be made between the developer and the council.'

Colleagues in the Council's waste team have been consulted on the proposals with comments listed in full above. It has been confirmed that the turning circle within the site would be adequate for a waste freighter to turn. I have therefore identified no reason to resist the application on this basis.

Impact on Character including in the Heritage Context

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. CP9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Moreover Policy DM5 makes explicit reference to backland development stating that *'proposals creating backland development will only be approved where they would be in keeping with the general character and density of existing development in the area.'*

Core Policy 14 relates to the historic environment and states that the District has a rich and distinctive historic environment and that the Council seeks, *'the continued preservation and enhancement of the character, appearance and setting of the Districts heritage assets and historic environment....including archaeological sites...(and) Conservation Areas...'* Paragraph 5.71 states that the Council will ensure that any proposals concerning these heritage assets will secure their continued protection and enhancement, contributing to the wider vitality, viability, regeneration of an area, reinforcing a strong sense of place.

Old Manor Farmhouse is not listed, but the associated barn fronting the road which forms part of the proposals insofar as it is sought to change the use to an independent dwelling is Grade II listed. The group of historic buildings comprising Old Manor Farm, including the farmhouse, barns and boundary wall, are all considered to contribute positively to the character and appearance of the Conservation Area. The spaciousness of the rear field is considered to contribute to the setting and significance of the farmstead, making a positive contribution to the CA. In addition, the dense copse of trees to the southeast help reinforce the rural setting of the heritage assets comprising the former farmstead.

In this respect it is considered necessary to reference an appeal scheme which has been mentioned through the consultation process. This relates to the site to the south of the application site (which was included in the previously withdrawn scheme) and was an application for 2 dwellings accessed by Quaker Lane to the south. The main issue in determining the application was whether the proposal would preserve or enhance the designated Conservation Area.

Officers consider that, despite the close proximity of the appeal site to the current application site, the decision carries limited material weight having considered in full the content of the Inspectors decision. The appeal scheme was materially different to the current application in that the proposed dwellings of the appeal scheme would have been accessed from Quaker Lane. The Inspector therefore makes numerous references to the frontage along Quaker Lane and the sense of enclosure which this provides. Objection is also raised to the impacts of the proposed access track which was considered to be, *'particularly intrusive.'*

What is however significant to the current decision is the acknowledgement that:

'the open and undeveloped nature of the site forms part of the balance of built and undeveloped space that is characteristic of this part of the conservation area.'

This was one of the reasons why officers raised issue with the previously withdrawn scheme and for the avoidance of doubt it remains the case that if an application were to be submitted on this land in the future it would be highly likely to be strongly resisted. Members will be acutely aware

however that each application must be assessed on its own merits and in this context I would refer again to the Inspectors decision which explicitly stated that:

'The identified loss of openness, the incongruous pattern of development, the effect on the enclosed frontage of Quaker Lane, and the intrusive nature of the access in relation to the public footpath, if taken in isolation would not be so harmful as to be decisive in themselves.'

Thus to resist the current application purely on the basis of the Inspectors decision on an adjacent site would be wholly inappropriate. In this instance the issues in terms of effect on Quaker Lane frontage and impact on the public footpath does not apply.

It is fully conceded that the development proposed constitutes backland development which as referred to above is generally resisted in principle by Policy DM5. This has been raised as a concern by the Parish Council referring to the development as 'garden grabbing.' It is noted that the Neighbourhood Plan does not explicitly refer to backland development albeit Policy FNP2 in relation to infill development is inferred to be relevant in this respect in that it requires proposals to respect the scale and character of the village. This matter has not been explicitly addressed by the submitted Design and Access Statement and thus officers have been provided with no justification on which to balance the harm created by the backland nature of the proposal. In this respect the proposal is contrary the element of Policy DM5 which refers to backland development. In order to assess whether this would be sufficient to resist the application it is necessary to undertake a comprehensive assessment of the overall character impacts of the proposal including in the heritage context.

It is noted that conservation colleagues raised objection to the previously withdrawn scheme identifying harm to the character and appearance of Farnsfield Conservation Area as well as the Barn at Old Manor Farm. The current re-submission attempted to overcome these concerns. The D&AS contends that the design approach responds to the historic farmyard character of the application site with particular reference being made to traditional stables and granary buildings. The layout and associated areas of hardstanding is intended to echo the former crew yard adjacent to the barns.

The resubmitted proposals have been fully assessed by colleagues in Conservation with comments listed in full above. It is noted that the original comments received objected to the proposals in its original form making a number of suggestions and recommendations for potential revisions. These comments were passed to the agent during the life of the application and it is partially on this basis which revised plans received 31st December 2017 were submitted. For the avoidance of doubt these have been subject to an additional round of consultation. The revised comments of the Conservation Officer are listed in full above. In summary the comments consider that the revised proposal preserves the character and appearance of the CA. The following statement is considered pertinent to discussion and worthy of direct repetition:

Fundamentally, there is benefit to the re-use of the redundant historic barns in a sensitive manner, and the proposal otherwise maintains the farmyard character of the site. Whilst it is acknowledged that the scheme results in new buildings within a back land context, the proposed layout and architectural appearance of the new dwellings appropriately references the rural setting in which it is located, and on balance, I do not consider the proposal to be harmful.

The layout of the revised proposal maintains the farmyard character of the site and allows retention of the legibility through the site to the open character which would remain to the south

of the site (not readily interpreted from the proposed block plan which doesn't show all the land to the south). Any application for approval could be robustly conditioned to require the submission of further details in respect of materials and detailing etc. Subject to such conditions, the proposal is considered to be compliant with the relevant elements of Policy DM5, Core Policy 14 and Policy DM9 as well as the NPPF in respect of its stance on heritage assets.

Impact on Trees and Ecology

The NPPF incorporates measures to conserve and enhance the natural and local environment, including 'Biodiversity and Geological Conservation'. Paragraph 118 of the NPPF requires that in determining planning applications the following principles are applied to conserve and enhance biodiversity:-

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

To deal firstly with the potential impact of the proposed development on the tree cover within the site, the application has been accompanied by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan undertaken by RammSanderson dated November 2017. The survey assessed 27 individual trees and 4 groups of trees commenting that:

'In general, the majority of trees within the surveyed area were of mixed quality consisting of low and moderate quality with most of the arboricultural merit coming from the northern end of the site (T1, T6 and T7). Overall, the site has a good amount of tree cover throughout.'

The original proposal required the removal of 9 Category C trees and a section of 2 groups identified as G1 and G2. In addition, the survey identified 4 trees which are unsuitable for retention due to their condition and as such these trees are recommended for removal in the interests of good arboriculture management.

Officers have sought assistance from relevant expertise in terms of the assessment of the proposal in respect to impacts on trees. Clearly the site is within the designated Conservation Area and therefore the trees are protected by virtue of this and indeed contribute significantly to the character of the site. The original comments of the Tree Officer are listed in full above. In summary concern was raised that some of the trees marked for retention may have unsustainable impacts on their rooting areas by hard surfacing proposals. The agent has taken the opportunity to address these concerns during the life of the application through a supporting email dated 15th December 2017 and again through the revised plans received 31st December 2017.

It is key to note that the revised scheme actually proposes the removal of additional tree cover as detailed by the covering email accompanying the revised plans. The revised scheme now includes the removal of 2 no. apple trees (group G2) towards the south of the site classed as Category C

and the removal of a Category B Walnut Tree (T13) positioned in the rear garden of the Old Manor Farm rear amenity space. It is stated that this tree would be replaced by a specimen further northwards to allow avoidance of the driveway encroachment.

The original response email received by the applicant on 15th December 2017 contended that:

'If any new development is to take place within the site, it is necessary that the access be improved, in line with Highways advice.'

The implication being that some level of impact to the existing tree cover is in some respects inevitable. Nevertheless the revised scheme has attempted to balance the impacts of the loss of T13 through an alignment of the proposed access and revised parking arrangements. The re-aligned driveway moves proposed hardstanding further away from the root protection area (RPA) of T6 (Category B Beech Tree) and almost entirely out of the RPA of T7 (Category B Cedar Tree). The revised plans also demonstrate an additional grass verge in the RPA of T6 which the agent has calculated reduces hard landscaping within the RPA to 23% (an improvement to the existing arrangement where tarmac covers 32% of the RPA).

The Council's consultant Tree Officer has been consulted on the revised proposals. It is confirmed that the revisions submitted have been subject to discussions between the applicant and the Tree Officer albeit not in reference to the full extent of the revised proposals now submitted. The comments raise concern in respect to the removal of G2 and the increased level of hardstanding in the RPA of T21. Whilst these impacts are undesirable, given the positioning of these specimens at the rear of the site officers do not consider that the loss of G2 and the potential for an increased impact on T21 (Category C) would be sufficient to uphold a refusal of planning permission in its own right. What is perhaps more notable is the assertion of the comments that the level of proposed planting is inadequate to mitigate against the tree loss proposed. It is appreciated that any approval could be subject to a condition requiring further landscaping details to be submitted in due course but I have in any case taken the opportunity to request consideration of further landscaping during the life of the application. The agent has responded to this request through a revised plan received on 17th January 2018 which proposes an additional tree in the rear garden of Plot 3 (annotated as a small growing species such as a fruit tree or Sorbus) and further detail as to the replacement tree to be provided in the rear garden of Old Manor Farm. The covering email to accompany the plan identifies an issue in the capacity for new planting given the associated potential for overpopulation leading to suppressed trees. It is clear that this is a considered response submitted in discussion with the applicant's tree consultants. Officers consider it would be difficult to dispute this stance and concur that there is some merit in a 'quality over quantity' approach. Indeed the latest comments of the Tree Consultant consulted by the LPA are noted in respect of accepting the proposal subject to conditions.

I accept that any negative impacts on tree cover will need to be weighed in the overall balance against the benefits of the scheme. Officers consider that the applicant has made best endeavors to address the concerns raised whilst maintaining the level of residential development sought. However, even with the mitigation measures suggested which could be secured by condition, the very nature of the proposal requiring the removal of 12 trees for development (and 4 on the basis of their condition) means that there would be an adverse impact to the tree cover within the site. This is an aside from the acknowledgement that the retained trees could have their RPA's adversely affected as development comes forward in the future. This is considered to weigh negatively in the overall balance of the determination.

The application has also been accompanied by Preliminary Ecological Appraisal undertaken by EMEC Ecology and dated November 2017. The conclusions of the report state the following:

'It is considered ecological impacts of the proposed works are likely to be minimal (on the basis that the recommendations provided are undertaken). The only habitats which will be lost to the new residential development will be short mown amenity grassland and the interior of the buildings proposed to be converted. Proposed enhancements include the planting of native species of a local provenance which will allow continued use of the site by foraging bats and nesting birds.'

The mitigation measures referred to include that storage of materials should not take place under the 'drip-zone' of mature tree and that the planting on the eastern boundary should contain nature shrubs to replace the scrub habitat which would be lost. The measures outlined could be secured by an appropriately worded condition and on this basis I have identified no demonstrable harm to the ecological value of the site (notwithstanding the issue of tree removal discussed above) which would warrant a resistance of the proposal.

Impact on Infrastructure including Flooding

The site is located entirely within Flood Zone 1 and as such is assessed as having less than 1 in 1,000 annual probability of river or sea flooding. The Sequential Test does not apply to residential development within flood zone 1 and as such the location of the proposed development is considered appropriate in terms of flood risk. Having reviewed surface water data from the Environment Agency, it is also confirmed that the risk to surface water flooding is low. I am therefore satisfied that if the application were to be approved, appropriate conditions could be imposed to secure matters of drainage which would alleviate risk to both the occupiers and surrounding neighbouring properties.

I note the comments received in respect of the level of facilities in Farnsfield, specifically the ability of the doctors surgery and schools to cope with the development. The number of dwellings proposed through the application would not meet the thresholds required to allow the LPA to reasonably seek contributions towards these matters. As such it would be inappropriate to resist the development on the basis of impacts on infrastructure and village facilities.

Impact on Amenity

An assessment of amenity, as confirmed by Policy DM5, relates both to an assessment in relation to existing neighboring residents but also to the proposed occupiers.

To deal firstly with the latter the site layout plan demonstrates an area of outdoor amenity provision for each of the six separate residential curtilages. It is noted that the amenity provision for Old Manor Farm would reduce significantly through the proposals but clearly the existing plot is of a significant size such that even the remaining amenity provision is considered commensurate to the size of the dwelling.

Whilst the quantity of outdoor amenity space is considered appropriate, officers raised concern to the initial proposals in respect to its 'quality' given the level of tree cover which would have affected Plot 5 in particular. Notwithstanding the negative impacts on tree cover discussed above, the removal of G2 on the revised plans which would have occupied the majority of the rear garden of Plot 5 is beneficial to the level of useable amenity space for this plot.

Moving then to assess the likely impacts to existing neighbouring residents, I am conscious that the majority of the impacts will arise from the new build dwellings to the south of the site. Plots 1 and 2 are existing built form with any minor fenestration amendments to Plot 2 relating largely to the western elevation which faces towards the internal courtyard arrangement. There are additional rooflights proposed to the eastern roof slope but given the height of these and their purpose as secondary fenestration to the main windows on the west elevation, I do not consider that the rooflights themselves would lead to detrimental amenity impacts in terms of overlooking or loss of privacy which would warrant resistance of the proposal.

I consider that the most likely affected neighbours would be those immediately east and west of the site, namely (but not limited to); the properties known as Fielding to the east and Larchmont and Aysgarth to the west. Plots 3 and 4 are proposed to be single storey in height which assists in mitigating their amenity impacts. The separation between the proposed rear elevations at Plots 3 and 4 and the rear elevations of the majority of the existing dwellings (noting the distance would be reduced at the point of a conservatory at the property known as Aysgarth) to the west are approximately 12m. Whilst this distance is notably modest, and probably at the cusp of an appropriate separation distance, in this instance it is considered appropriate particularly when taken in the context of the existing boundary treatment which features a fence of an approximately 1.8m in height and the retention of two trees which will reduce the opportunity for a loss of privacy through overlooking.

Perhaps of more concern are the amenity impacts which would arise from Plots 5 and 6 given that these dwellings are two storey. The very nature of the backland development proposed means that the principal elevations of Plots 5 and 6 would be orientated towards the rear elevation of the nearest property to the east known as Fielding House. On the basis of the revised proposals, as the crow flies (i.e. at an oblique line given plot orientation) there would be an approximate window to window distance of 21m. I note that matters of overlooking and loss of privacy have been raised as a concern during the consultation process. Indeed I have taken the opportunity to view the site from the neighbouring property in order to fully assess the amenity implications. I note that the dwelling to the east has a 1.5 storey rear projection with full height glazing serving a principle room. On this basis I do consider that there may be some opportunity for overlooking from the bedroom windows on the principle elevations (particularly of Plot 6) towards the neighbouring dwelling and its private amenity space.

I have carefully considered whether or not this would amount to a loss of privacy which would lead to the proposal being contrary to Policy DM5. It is my view that the scenario presented in plan form appears worse than the actual site circumstances. Having visited the neighbouring garden (and indeed as is apparent from aerial photography) the neighbouring plot features a considerable level of tree cover. I appreciate that this may not provide year round screening but I still feel that this, and the oblique nature of the line of view, would be enough to mitigate against the amenity impacts being significant to a degree which would be harmful enough to refuse the application. On this basis the proposal is considered compliant with the relevant elements of Policy DM5.

Other Matters

The site area has been reduced since the previously withdrawn scheme such that it no longer abuts the public footpath. I therefore do not consider that the proposal would have an adverse impact on the usability of the designated Right of Way and note that there is no objection from the relevant consultees in this respect.

During the life of the application there was some concern raised that the annexe to Plot 2 had a basement in separate ownership. It is not clear from further correspondence whether or not this is the case but the applicant has irrespectively served notice on the neighbouring party. I note that reference is made to a reluctance to allow works from neighbouring boundaries in the consultation section but this would be subject to private legal agreements outside of the planning process.

CIL

The application site falls within the CIL charging zone 3 (High Zone) where additional residential development is charged at a rate of £70 per m² subject to indexing.

Dev Types (use class)	Proposed floorspace (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M) Includes % splits	Net Area (GIA in Sq. M)	CIL Rate	Indexation at date of permission	CIL Charge
C3	304.4			70	278	£21,308.00

Overall Balance and Conclusions

The proposal relates to the opportunity to deliver an additional five residential units (six in total when taking account of the existing dwelling to be retained) in a sustainable village. The benefits of this in terms of aiding housing delivery cannot be disputed and must afford significant positive weight in the overall balance. Moreover, officers have attached limited positive weight to the intentions of the application in terms of a promotion of the site for over 55s occupation (albeit this is not sought to be secured through the application).

However, as is clear from the above detailed discussion, there are other site specific factors which require careful consideration and assessment.

Officers fully appreciate that Main Street already suffers congestion from on street parking causing issues to the efficiency of the highways network. Indeed concerns in this respect feature heavily in the comments received during the consultation process. However, as Members will be aware, the expertise of Highways colleagues should not be discounted. It is their position that the proposal as revised would be suitable in highways safety terms including in respect of visibility. I appreciate that this will not be a palatable response to the local residents however without robust justification and the support of the relevant expertise, it would be difficult to resist the current application on highways safety grounds.

The applicant has worked with the LPA during the life of the application in an attempt to address a number of concerns which were originally raised in respect of a number of matters including character and heritage impacts; impact on tree cover and impact on amenity. As is rehearsed

above, despite amendments there remains a degree of imperfection with the scheme as presented. Notably, the proposal would still amount to an overall loss of tree cover within the site (with little opportunity for mitigation by re-planting) and there are still less than desirable amenity implications. It is a careful balance to strike and one that officers have not taken lightly. However, on the basis of the above discussion, officers do not consider that the harmful impacts identified would be sufficient enough to uphold a refusal of the application. A balanced recommendation is therefore made that the application be approved subject to the suite of conditions outlined below.

RECOMMENDATION

That full planning permission is approved subject to the conditions and reasons shown below.

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference:

- Proposed Site Plan – Dwg No 102 Rev. C
- Plot 2 + Annex Proposed Floor Plans and Elevations – Dwg No 104 Rev. A
- Plots 3 and 4 Proposed Floor Plan and Elevations – Dwg No 105 Rev. A
- Plots 5 and 6 Proposed Floor Plan and Elevations – Dwg No 106 Rev. A

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

The building referred to as 'Rear barn (Plot 2 Annexe)' on the Proposed Site Plan reference Dwg No 102 Rev. C shall not be occupied at any time other than for purposes ancillary to the residential use of Plot 2 (Threshing Barn).

Reason: To prevent the creation of a separate dwelling which would require further assessment through a separate planning application.

04

No development shall be commenced until details and samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing Materials

Bricks

Roofing Tiles (including replacement roof tiles where relevant)

Reason: In the interests of visual amenity and to preserve the character of the designated conservation area and the setting of the listed building within the site as well as listed buildings in close proximity to the site.

05

In respect of Plots 2 to 6 inclusive, no development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

External windows including roof lights, doors and their immediate surroundings, including details of glazing and glazing bars;

Treatment of window and door heads and cills;

Verge and eaves;

Rainwater goods;

Coping;

Extractor vents;

Flues and chimneys;

Meter boxes;

Soil and vent pipes.

For the avoidance of doubt the details in relation to window and door detailing should be timber.

Reason: In the interests of visual amenity and to preserve the character of the designated conservation area and the setting of the listed building within the site as well as listed buildings in close proximity to the site.

06

In respect of Plots 3 to 6 inclusive, no development shall be commenced until a brick work sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. The *brick*

work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to preserve the character of the designated conservation area and the setting of the listed building within the site as well as listed buildings in close proximity to the site.

07

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

08

No development shall be commenced until details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity.

09

No dwelling shall be occupied until bin storage facilities have been provided for that dwelling in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the local planning authority. The bin storage facilities shall be provided prior to occupation of that dwelling in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of residential and visual amenity.

10

No development shall be commenced until a scheme detailing the works to secure the safety and stability of the wall at the site access which is to be retained in accordance with the details shown on Plan Reference 'Proposed Site Plan – Dwg No 102 Rev. C' has been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to preserve the character of the designated conservation area and the setting of the listed building within the site as well as listed buildings in close proximity to the site.

11

No development shall be commenced in respect of Plot 2 (for the avoidance of doubt including the Annexe) until details of a programme of historic building recording have been submitted to and approved in writing by the local planning authority. Recording shall thereafter be carried out prior to the commencement of development in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to preserve the character of the designated conservation area and the setting of the listed building within the site as well as listed buildings in close proximity to the site.

12

No development shall be commenced in respect of Plot 2 until a scheme detailing the works to secure the safety and stability of the building and all associated renovations and repair works (for the avoidance of doubt including the Annexe) has been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to preserve the character of the designated conservation area and the setting of the listed building within the site as well as listed buildings in close proximity to the site.

13

No part of the development hereby permitted shall be occupied until the existing dropped kerbed vehicular footway crossing is modified and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety; to protect the structural integrity of the highway and to allow for future maintenance.

14

No part of the development hereby permitted shall be occupied until the visibility splays shown on 'Proposed Site Plan – Dwg No 102 Rev. C' are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.9m in height.

Reason: In the interests of Highway safety.

15

Notwithstanding the landscaping demonstrated on 'Proposed Site Plan – Dwg No 102 Rev. C' no development shall be commenced until details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards have been submitted to and agreed in writing by the local planning authority. The works shall be carried out as approved.

Reason: In the interests of the visual amenity and ecological value of the site.

16

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

17

The development shall be carried out in complete accordance with the mitigation recommendations contained in Section 7.2 of the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan undertaken by RammSanderson dated November 2017 (with the exception of the mitigation works proposed to T13 which will have subsequently been agreed for removal) and the follow up measures outlined by email dated 15th December 2017 and accompanied by the document entitled 'Cellweb TRP The Contractors Guide' unless otherwise agreed through approval of a non-material amendment to the permission. For the avoidance of doubt the works relate to the protection of trees marked for retention throughout the site with specific mitigation measures in relation to T1; T6; T7 and T21.

Reason: In order to afford protection to protected species and to achieve ecological enhancements in line with the Core Strategy and the NPPF as submitted by the applicant.

18

Notwithstanding the measures outlined by the Arboricultural Impact Assessment, no works or development shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).
- e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection within the root protection areas

h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

Reason: In the interests of the visual amenity and ecological value of the site.

19

The following activities must not be carried out under any circumstances.

a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.

b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,

c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.

d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.

e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: In the interests of the visual amenity and ecological value of the site.

20

In respect of Plots 3 to 6 inclusive, notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A - enlargement, improvement or other alteration of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Class F - hard surfaces incidental to the enjoyment of a dwellinghouse

Class G - chimneys, flues etc on a dwellinghouse

Class H - microwave antenna on a dwellinghouse

Or Schedule 2, Part 2:

Class A - gates, fences, walls etc

Or Schedule 2, Part 14:

Class A - installation or alteration etc of solar equipment on domestic premises

Class B - installation or alteration etc of stand along solar equipment on domestic premises

Class H - installation or alteration etc of wind turbine on domestic premises

Class I - installation or alteration etc of stand alone wind turbine on domestic premises

Reason: In the interests of visual amenity and to preserve the character of the designated conservation area and the setting of the listed building within the site as well as listed buildings in close proximity to the site.

21

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

22

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

This application includes the conversion of farm buildings to residential use and there lies the potential for these to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any, for contamination of the site. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Pollution Team in Environmental Health at Newark and Sherwood District Council on (01636) 650000.

04

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County council's Highways Area Office tel: (0300) 500 8080 to arrange for these works to be carried out.

BACKGROUND PAPERS

Application case file.

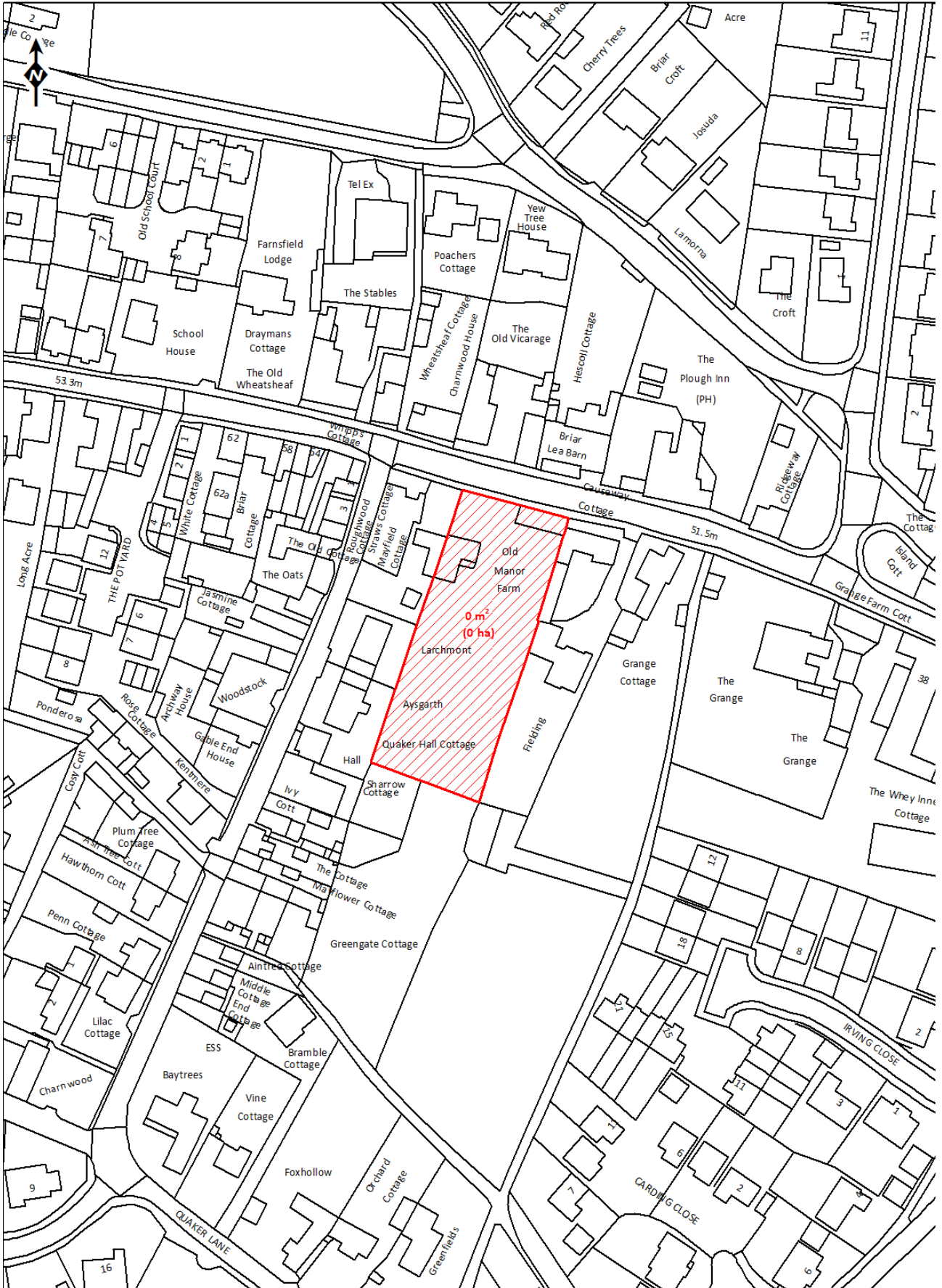
For further information, please contact Laura Gardner on ext. 5907.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole

Deputy Chief Executive

Committee Plan - 17/02135/FUL



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Application No:	17/02294/FUL		
Proposal:	Demolition of existing garages and the development of 3 No. 2-bed dwellings and 1 No. 1 bed dwelling		
Location:	Former Garage Site at Thorpe Close Coddington Nottinghamshire		
Applicant:	Newark and Sherwood District Council		
Registered:	03.01.2018	Target Date: 28.02.2018	
		Extension of time: 09.03.2018	

Update

As Members will be aware this application was deferred from last month’s agenda to enable the applicant to compile additional information regarding the usage of the 28 garages on the site.

Garage Usage

It has been established that of the existing 28 garages:

Unoccupied	9
Occupied by private tenant	15
Occupied by NSDC tenant	4
Sold	0

Further information has been supplied by NSH to confirm that of the 19 occupied garages:

Rented by tenants within 5 minute walk of Parkes Close	5
Rented by tenants within 5 minute walk of Thorpe Close	4
Rented by tenants more than 5 minute walk from the site	3
Rented by tenants outside Coddington	7

The above information is considered to inform that of the 19 occupied garages 9 could potentially be used for tenant vehicle parking. It is realistic to assume that at a distance beyond a 5 minute walk the preference will be to park any vehicle outside the property or in closer proximity.

Colleagues within NSH have visited the properties of the 9 tenants which are within a 5 minute walk of the development site and have established that 3 of the properties currently benefit from off street parking (driveway or parking bay) which leaves a total of 6 tenants which could potentially be using their garages for vehicle parking. For clarity of these 6 tenants 1 is a NSH resident and 5 are private occupiers.

It is not possible to categorically state that 6 of the total 28 garages (21%) are being used for vehicle parking, however having reviewed street view imagery it would appear that should this be the case that all of the 6 properties which currently do not have off street parking and rent a

garage within the development site could, should they so wish, accommodate a driveway to the side/front of their properties to accommodate a vehicle.

It is therefore not considered that the removal of the garages on the development site would result in such a significant increase in on-street parking in the area to such a detriment to highway safety to warrant refusal of the application.

This application is one of several schemes currently being considered by the Council for the residential development of land owned by the Council. The need for affordable housing remains high on the Council's agenda, as indeed it does nationally. The developments are being put forward as part of a five year building programme by Newark and Sherwood Homes (NASH) to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. Under the Council's constitution, schemes submitted specifically as part of this 5 year affordable housing programme need to be determined by the Planning Committee where the officer recommendation differs from that of the host Parish or Town Council.

The Site

The site lies on the eastern edge and within the main built up area of Coddington, an 'Other Village' as defined by the Core Strategy settlement hierarchy. The site is an existing garage court split in two by a dividing wall in the middle with the northern half accessed from Parkes Close to the west and the southern half from Thorpe Close to the east. The northern half (accessed from Parkes Close) is occupied by garages along the eastern and western boundaries with 20 across the site. The Thorpe Close half of the site is occupied by a further 8 garages along the western boundary. The garages have timber double doors with flat corrugated roofs and served by tarmac hard surfacing.

Properties in the vicinity are a mix of two storey on the northern, eastern and southern boundaries of the site and single storey to the west. The surrounding properties are in a mix of private and Newark and Sherwood Homes ownership. The site is bound by approximately 2m high red brick walling on the northern boundary and timber fencing with access gates into the court on the southern boundary.

The site is not within a conservation area and is designated as being within Flood Zone 1 in accordance with Environment Agency mapping, but is designated as being within an area prone to surface water flooding.

Information provided by Newark and Sherwood Homes details that of the 28 existing garages;

Unoccupied	8
Occupied by private tenant	17
Occupied by NSDC tenant	3
Sold	0

Relevant Planning History

No relevant site history.

The Proposal

The plans (layout 4) seek to provide 3 x 2 bed single storey bungalows and 1 x 1 bed single storey property. The properties are detailed on the application form to be social rented dwellings.

The design and layout of the proposal has been marginally altered during the lifetime of the application to improve the outlook from the northernmost proposed property. Access would be gained for all 4 properties from Thorpe Close with 2 parking spaces provided per property and the access from Parkes Close closed off. The common boundary to the south which is shared with two properties fronting Ross Close currently has two pedestrian gates that allow access to the application site. The proposal includes a surfaced footpath from the rear of these properties, along the eastern boundary of the application site to the access road.

The approximate measurements of the buildings are:

2 x type C semi-detached properties: 8.54m deep, 8.47m wide and 5.49m high

1 x type C4 detached property: 8.54m deep, 8.65m wide and 5.47m high

1 x type A2 detached L shape property: 7.53m wide frontage, 11.02m deep and 4.1m high

It is proposed that all dwellings be constructed from a mix of Cadeby red multi bricks and off white coloured render with Russell Grampian slate grey tiles.

Public Advertisement Procedure

Occupiers of 24 properties have been individually notified by letter and a site notice has been displayed near to the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement hierarchy

Spatial Policy 2 - Spatial distribution of growth

Spatial Policy 3 – Rural Areas

Spatial Policy 6 - Infrastructure for Growth

Spatial Policy 7 - Sustainable transport

Core Policy 1 - Affordable Housing Provision

Core Policy 3 - Housing Mix, Type and Density

Core Policy 9 – Sustainable design

Core Policy 10 - Climate Change

Core Policy 12 - Biodiversity and Green Infrastructure

Allocations & Development Management DPD (adopted July 2013)

DM1 – Development within settlements central to delivering the spatial strategy

DM3 - Developer Contributions

DM5 – Design

DM7 - Biodiversity and Green Infrastructure

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Guidance Note to SP3

Consultations (comments based on plans currently being considered)

Coddington Parish Council – No comments received at time of report being drafted, comments will be added to late items

NCC Highways Authority – No objection

The loss of off-street parking provision is regrettable and, ideally, alternative provision should be made for any existing users of the garages. However, consideration has to be given to the proposed use rather than the consequence of the loss of the existing use.

The access off Thorpe Close is sufficiently wide to cater for the traffic associated with the 4 proposed dwellings and benefits from a separate footpath (albeit narrow). It is assumed that the access will remain private, but consideration may be given to lighting the access/parking area.

Parking provision is acceptable and turning facilities are provided. In conclusion, no objections are raised.

NSDC Housing Officer – No objection

Housing Policy applicable to the Proposals (HRA Development Proposal for Coddington)

The District Council's Core Strategy (2011), Core Policy 1 (CP1), seeks to secure 30% affordable housing provision as defined in national planning policy (National Planning Policy Framework 2012) on all new housing development proposals on qualifying sites. The proposal aims to provide 100% affordable housing on 3 sites across Coddington.

Housing Need

The application site is located within the village of Coddington which is defined as an 'other village' (and not a Principal Village) in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. Development within these areas need to be considered against Spatial Policy 3 (SP3) which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages. It goes on to say that beyond Principal Villages, proposals for new development will be considered against five criteria; location, scale, need, impact and character.

Any proposed new housing in SP3 villages must meet an identified proven local need to accord with SP3. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. I turn to the issue of demonstrating 'proven local need' to accord with SP3. In general, local need refers to a need for affordable housing; usually where the market cannot meet the needs of people who are eligible for subsidised housing such as social /affordable rented or shared ownership.

The Council undertook a district wide housing market and needs assessment in 2014. The results for the rural south sub area (of which Coddington is a part of) confirms that there is a housing need for smaller homes (1 bedroom = 234 and 2 Bedroom = 458). There is demand for bungalows in particular. I attach a summary at the end of this document. The Council's housing register indicates a demand for affordable housing for older people's accommodation and for small dwellings (2 bedrooms).

Conclusion

There is clear evidence from the District Wide Housing Survey (2014) that there is an overriding need for smaller properties in the Newark Sub- area (of which Coddington is part of and the proposal to develop smaller dwellings including bungalows will contribute significantly to meeting the need.

NSDC Environmental Health Officer – No objection subject to condition

With reference to the above development, I have received a Phase I Desktop Study report submitted by the consultant (CollinsHallGreen Ltd) acting on behalf of the developer.

This includes an environmental screening report, an assessment of potential contaminant sources and a description of the site walkover.

The report then identifies made ground as a potential source of contamination. Following this, the risk to all receptors is described in the report as very low.

The report than suggests that a phase 2 intrusive investigation will be carried out. I am somewhat surprised that intrusive sampling is deemed necessary given the stated very low risk but I shall await the submission of the phase 2 report prior to commenting further. I would therefore recommend the use of our full phased contamination condition.

NSDC Access Officer - Observations

Five letters of objection have been received relating to the amended plans raising the following concerns:

- Request that ridge heights of the 2 bed units are reduced to match the 1 bed to reduce impact on local properties
- Development will result in more traffic near a school which is dangerous for school children
- Estate already crowded with lack of parking, new housing will add to congestion and set a precedent for further building.
- New dwellings will cause problems for emergency services access
- If the garages need to go be more useful to have a corner shop to serve the area which is cut off and far from the grocers
- Loss of the garages will cause major parking issues in the area. As a garage user for 50 years we have seen increase in cars on the roads and often buses can't get past.
- The garages were only re-surfaced in April, sorry to lose our garage, please re-think
- If they park their vehicle at the side of No. 10, if consent is granted this will no longer be possible due to increased traffic
- If they park their vehicle at the front of the property this will start an argument over parking and safety as it blocks the view of traffic travelling up and down the road.

- If they park on the roadside it will cause issues for passing buses
- They will not be responsible if a child is injured due to the development forcing them to park on the roadside and they will not be parking 100 yards up the road and walking to their house
- The re-surfacing of the parking areas for the benefit of the people was untrue as clearly it was been undertaken in preparation of this application.

Comments of the Business Manager for Growth and Regeneration

5 Year Housing Land Supply

The Council's position is that it can demonstrate a 5 year housing supply. Following the allowed appeal at Farnsfield in 2016 where one Inspector concluded the Council did not have a five year housing supply, in order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, produced a Strategic Housing Market Assessment (SHMA). The SHMA has produced an OAN for NSDC of 454 dwellings per annum (using 2013 as a base date), which shall be tested through an Examination In Public (EIP) in February this year. The Council has recently defended a Public Inquiry on this basis (outcome yet unknown) and this is the first and only objective assessment of need (OAN) available in NSDC, as required by both the NPPF and the Housing White Paper. The Council is confident – with the support of the other two Authorities and its professional consultants - that the OAN target is appropriate, robust, and a defensible figure. Indeed a recent appeal decision (for development in the green belt at Blidworth in August 2017) concluded that the Council does indeed have a 5 year supply against its OAN. Whilst this cannot yet attract full weight, given previous decisions and the advanced stage of the Plan Review, it can attract significant weight. Therefore in our view paragraph 14 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making.

Principle of development

Spatial Policy 1 of the adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services. At the bottom of the hierarchy, within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Coddington is defined as an 'other village.'

The five criteria outlined by SP3 are location, scale, need, impact and character, which are considered below.

Location

The first criterion of SP3 details that 'new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area.' The proposed development site is within the main built up area of the village adjacent to existing residential development on Thorpe Close and Parkes Close to the east and west, with residential properties on Morgans Close to the north and Ross Close to the south. Further to the east of the site are playing fields and beyond these agricultural land.

With regards the provision of services; whilst Coddington is defined as an 'Other Village' in the settlement hierarchy it does contain: a Primary School, a public house, a shop, a village hall, recreation ground and church. In addition, Coddington is served by regular bus connections to Newark where a wider range of services can be found. I therefore consider the site accords with the locational requirement of Policy SP3.

Scale and Impact of Development

The guidance note to accompany SP3 confirms that the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section below. Four additional single storey dwellings are considered relatively small scale in numerical terms in a village which was detailed as having 1,684 residents in 2016. As such the proposal is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I also consider that four additional dwellings are unlikely to materially affect the transport network in terms of increased traffic levels in volume particularly as two off street car parking spaces would be provided for each dwelling.

Impact on Character/Visual Amenities

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Furthermore the NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

The application site falls within a residential area which has a mix of single and two storey semi-detached, and terrace dwellings.

The development offers 3 different styles of property which will be single storey and constructed of red brick with rendered elements. I am satisfied that the design of the proposed dwellings is acceptable and that in terms of appearance, the proposed development would sit well within the context of the adjoining dwellings and the wider residential setting.

The layout of the development has been adjusted during the lifetime of the application to offer a better outlook for residents of the proposed unit C4. To facilitate this, the access from Parkes Close which was detailed to remain open to pedestrians is proposed to be closed off. This is considered to result in a better layout for the site and improved privacy for future occupiers of units A2 and the northern semi-detached property. An adequate level of private amenity space is considered to have been afforded to the proposed dwellings to both the sides and rear of the properties, subject to satisfactory boundary treatment which would be controlled by way of condition.

It is therefore considered that proposed development would not result in an undue impact upon the visual character or amenity of the immediate street-scene or the wider area.

Overall, the dwellings are considered to reflect the character of surrounding built form and due to the site's position set back from the main road and their single storey nature, they are not thought likely to be prominent additions to the street scene. In this respect the proposal is therefore considered to meet the relevant points in respect to visual and character impacts in accordance with Spatial Policy 3 and Core Policy 9 of the Core Strategy and Policy DM5 of the Development Management DPD.

Need for Development

With respect to the local need criterion of SP3 I note that an affordable housing scheme is proposed here, part of a wider capital programme for investment and delivery of affordable housing provisions within this District over the next 5 years. For the avoidance of doubt there is an affordable housing need across the District, which includes Coddington. The need is not Coddington specific in that there is no local housing needs survey for the village. The need covers a slightly wider geographical area, including Newark. As detailed above within the housing officers comments; the district wide Housing Market and Needs Assessment (2014) identified that within the rural south sub area (of which Coddington is a part of) there is a housing need for smaller homes (1 bedroom - 234 units and 2 Bedroom - 458), with a clear demand for bungalows in particular. The Council's housing register indicates a demand for affordable housing for older people's accommodation and for small dwellings. It is therefore considered that a need exists within Coddington for small, single storey affordable units and this proposed development would assist in meeting that need. The proposal is therefore considered to accord with the need element of policy SP3.

Impact on Residential Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The site is surrounded by existing residential properties on all boundaries and as such consideration of the perceived impact on neighbouring amenity forms a strong material consideration. The proposed dwellings are all single storey in height with the L shaped dwelling being approximately 4m in height and the remaining 3 dwellings approximately 5.5m to ridge. All the bungalows have an eaves height of 2.25m high. It is considered that the separation distances of the proposed dwellings to neighbouring properties are sufficient to ensure that the dwellings would not result in a significant degree of overbearing impact or loss of light for existing neighbours.

The building to building distances vary from plot to plot with the closest being approximately 10.5m between plot A2 and No. 7 Parkes Close. Given A2 has a lower ridge line of 4.2m and the separation distance, it is not considered that this dwelling would experience significant overbearing impacts or loss of light. C4 would be approximately 14m from 10 Morgans Close to the north and 12.5m from 2 Thorpe Close to the east. It is accepted that No. 2 Thorpe Close would experience some loss of winter evening light to the rear garden area of the property, however it is not considered to be so significant to warrant refusal of the application. A separation distance of approximately 13m would be experienced by 9 & 11 Parkes Close in relation to the pair of semi-

detached bungalows, which again could result in a modest loss of morning light, but again not to such a significant degree to warrant refusal of the application.

Given the proposed dwellings are single storey in height, it is not considered that the development would result in significant overlooking of neighbouring properties subject to appropriate boundary treatment which would be secured by way of condition.

In relation to amenity of future occupiers; dwelling C4 has been moved marginally to the south to improve the outlook from rear facing windows. The removal of the access from Parkes Close improves the outlook from the kitchen window in dwelling A2 with this open plan element of the house also served by windows on the northern elevation. All four properties would offer reasonable private outdoor amenity space to the side and/or the rear of the dwellings.

In conclusion whilst it is accepted that the proposed development would result in a modest loss of amenity for neighbouring properties by way of loss of some morning and evening sunlight during winter months it is not considered to be so significant to warrant refusal of the application. It is therefore considered that the proposal will accord with Policy DM5 of the DPD.

Impact on Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

I note that no objection has been raised by NCC Highways Authority in relation to the proposed development and that alternative provision should be made for any existing users of the garages. I also note comments from members of the public regarding the loss of parking, the resultant increases in vehicle movements on the surrounding roads and the increase in on street parking and potential congestion this could cause.

Parking on Thorpe Close and Parkes Close is not restricted by any Traffic Regulation Order and as such there is already no control over the number of existing residents, their visitors or other members of the public who are able to park on street. Notwithstanding this, I am mindful that the proposal would result in the overall loss of 28 garages. However, it must first be noted that the dwellings proposed will provide for two off street parking spaces, per dwelling and this is considered acceptable provision commensurate with the size of the dwellings proposed. Whilst it is accepted based on figures provided by NASH, that occupancy of the garages is high (20 out of 28), it is unclear which of these are used for the parking of vehicles and which are used for storage. Experiences from other garage courts in the District would suggest that there is a trend for small garages to be used for storage rather than parking of vehicles. Reasons including the size of the garages not matching the increasing size of modern vehicles and the desire to naturally overlook one's vehicle have also led to a reduction in garages being used for parking. Garages are also privately rented (17/20) and therefore residents cannot be forced to use them nor are they necessarily associated with residents in the adjoining streets. Given the above context, it is considered likely that the loss of these garages would not have such an undue impact on parking within the immediate locality to warrant a refusal of planning permission. The comments from NCC Highways regarding alternate provision being made is noted, however as demonstrated on the site plan no alternate provision is available on the site and it is considered that properties within the vicinity of the site have the ability to establish on-site parking on their frontages should they so desire.

The comment received regarding the development impacting on emergency services is noted, however this will have been properly considered by the Highway Authority who has found access by emergency services to be acceptable.

In conclusion NCC Highways are satisfied that the proposed development would not detrimentally impact upon highway safety and as the professional expert in this regard, officers are satisfied with this recommendation. The proposal is therefore considered to accord with Policy SP7 and DM5.

Impact on Flooding

A surface water management plan has been submitted as part of supporting documentation which details how surface water would be managed on the site. The proposed layout is considered to be acceptable and would not result in any greater surface water flooding issues than that which currently exists from the large areas of hardstanding on the site.

Other Matters

The comments received from colleagues in Environmental Health regarding potential contaminated land are noted and shall be controlled by way of condition.

The request for the garage court to be provided as a shop is noted, however the local planning authority can only determine the application currently before it.

Conclusion and planning balance

Taking the above into account I am of the view that the proposed development would provide affordable housing in an area where there is a need for small single storey units. The development would have an acceptable impact on the character of the area, neighbouring amenity, highway safety and flooding. There are no further material considerations that would warrant refusal of the application.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans

- Site location plan Ref: 40860/ID41 &42/001B
- Proposed site layout op.4 Plan Ref: 40860/ID41 &42/006B
- Proposed plans elevations Type C semi-detached Plan Ref: 40860/ID41 &42007
- Proposed plans elevations type A2 Plan Ref: 40860/ID41 &42008
- Proposed plans elevations Type C4 detached Plan Ref: 40860/ID41 &42009

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application and as detailed on the approved plans unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

No part of the development shall be brought into use until precise details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

hard surfacing materials; and

an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

06

All hard and soft landscape works shall be carried out in accordance with the approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

07

Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A - enlargement, improvement or other alteration of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Reason: In the interest of protecting neighbouring amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

08

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than parking of vehicles.

Reason: In the interests of highway safety.

09

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the

scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must

be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

010

Development shall be undertaken in accordance with the proposed drainage plan Drawing 100 revision P03 received on 24/1/18 unless otherwise agreed in writing.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's understanding that CIL may not payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which must be made to the Council prior to the commencement of development on CIL 4 form which is also available on the Council's website.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

BACKGROUND PAPERS

Application case file.

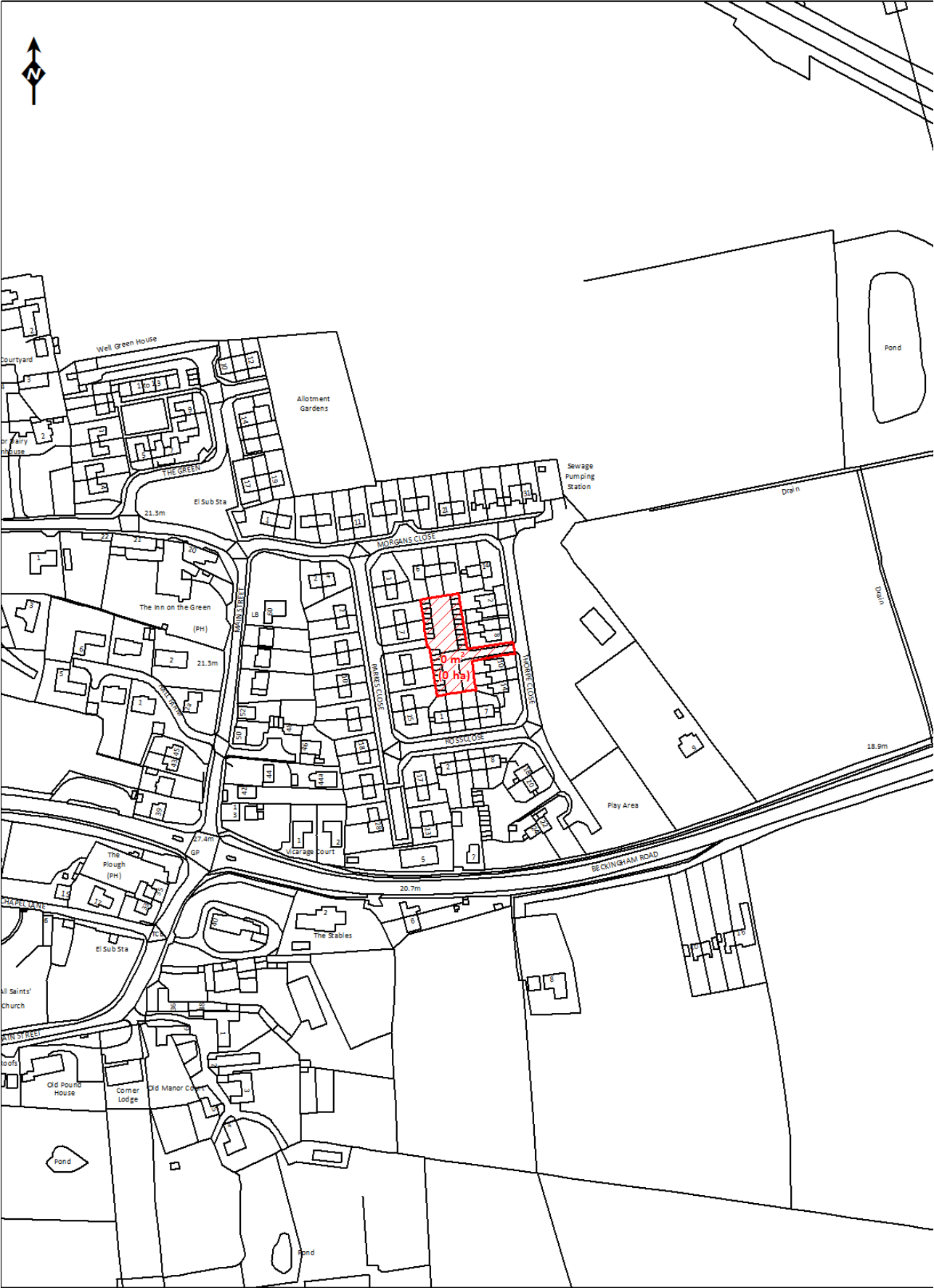
For further information, please contact James Mountain on Ext 5841.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole

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Deputy Chief Executive



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Application No:	17/01654/FUL	
Proposal:	Variation of Condition 4 attached to planning permission 09/00622/FUL (Use of part of hotel as restaurant/coffee shop, formation of parking areas (retrospective), decking area including hot tub (retrospective) and re-roofing of conservatory in slate (re-submission)) to allow 60 covers within the restaurant	
Location:	The Old Vicarage Boutique Hotel, Westgate, Southwell, Nottinghamshire, NG25 0NB	
Applicant:	Mrs S Fitzpatrick	
Registered:	13 September 2017	Target Date: 8 November 2017
	Extension of time agreed until: 8 December 2017	

This application is presented to the Planning Committee because the application to which this Section 73 planning application relates was determined by Planning Committee in 2009. Condition 4 was proposed by Members and as such it is considered appropriate for Members to determine this application.

The Site

The application site lies within the Conservation Area and the main built up area of Southwell and comprises a two-storey building (now a hotel) that presumably was once the Vicarage for Holy Trinity Church, which was erected in 1844. The building is regarded as a non-designated heritage asset which has been extended over time and is set within substantial grounds. Its presumed link to the listed church also gives it additional local historical interest.

The property has an authorised use for hotel (8 rooms) and restaurant/coffee shop (30 covers).

The building is set some distance back from the main highway with access and parking predominantly in front of the building. IT is situated within residential development, with dwellings to the north, east and west of the site; these dwellings are screened by fencing and established vegetation.

Relevant Planning History

14/02065/FUL - Erection of gazebo. Approved

13/01029/FUL - Change of Use from former Barn to Staff Accommodation and Erection of Two Storey and Single Storey Extensions to Rear (Amendment to 10/00639/FUL). Approved.

10/00639/FUL - Change of use from former barn to staff accommodation and erection of two storey extension to rear. Approved.

09/00972/ADV - Display of non-illuminated fibreglass advertising sign on pole legs at site entrance. Refused.

09/00622/FUL - Use of part of hotel as restaurant/coffee shop, formation of parking areas (retrospective), decking area including hot tub (retrospective) and re-roofing of conservatory in slate (re-submission). Approved.

Conditions attached to this current permission state:

- 1 The restaurant and coffee shop use hereby permitted shall not be open to non hotel residents between the hours of 2400 and 0800.
- 2 The access and parking arrangements as constructed shall be made available at all times the restaurant/coffee shop is operational.
- 3 There shall be no consumption of food on the outside decking area hereby permitted between the hours of 1900 and 0700.
- 4 The restaurant use hereby permitted shall provide no more than 30 covers for dinners at any one time.

08/02300/FUL - Use of part of hotel as restaurant/coffee shop, formation of parking areas (retrospective), decking area including hot tub (retrospective) and re-roofing of conservatory in slate (retrospective). Refused.

08/00696/FUL - Change of use from residential dwelling to a guesthouse. Approved.

The Proposal

The proposal seeks full planning permission to vary condition 4 of the original permission, considered and approved in 2009 which permitted part of the hotel to be used as a restaurant/coffee shop. Condition 4 currently states:

The restaurant use hereby permitted shall provide no more than 30 covers for dinners at any one time.

Reason: In the interests of the amenity of neighbouring residents and to reflect the applicant's specific intentions.

The proposal seeks to increase this number to 60 to allow the restaurant to serve the same maximum number of guests as the hotel's active ceremonies licence allows. No increase in venue size is proposed.

A plan has been submitted showing 29 on-site parking spaces being provided (including 3 designated staff spaces).

Public Advertisement Procedure

Occupiers of 30 neighbouring properties were individually notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Core Policy 6: Shaping our Employment Profile

Core Policy 7 : Tourism Development

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

SoAP 1: Role and Setting of Southwell

Allocations & Development Management DPD

Policy DM5: Design

Policy DM9: Protecting and Enhancing the Historic Environment

Southwell Neighbourhood Plan (2016)

Policy CF4 – Tourism

Policy HE4 – Economic Development and Employment

Policy TA4 – Parking Standards

Other Material Planning Considerations

- Southwell Conservation Area Appraisal 2006
- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Consultations

Southwell Town Council –*object to this proposal for the following reasons:*

- *increased noise pollution to neighbouring properties*
- *a proposed parking space is directly over tree no 10*
- *the council request the clarification of the application as there are various number for different events*

- *The condition was originally applied to protect the neighbouring properties and the council request reassurance the present condition of 30 covers is enforced.*

NCC Highways – *This proposal is for the variation of condition no. 4 of planning permission 09/00622/FUL to increase the number of covers within the restaurant from 30 to 60. The number of parking spaces is to be increased from 17 to 29 and it is recommended that these be clearly delineated within the site to maximise the available space.*

The Design and Access Statement indicates that the proposed covers served in a 24 hour period will not exceed 60. The agent has confirmed by email dated 1 November that this application is specifically to facilitate the wedding event function.

The information submitted is acceptable and subject to the above, the Highway Authority would not wish to raise objection.

NSDC Environmental Health Officer – *No objection to proposal. There is a history of complaint about these premises. Complaints have been in respect of use of the decking area, music, alleged rowdy behaviour, lighting and fireworks. Following the investigation, no formal enforcement action has been taken in response to these complaints.*

NSDC Licensing Officer – No comments received to date

Southwell Civic Society – *We have no objection to the increase to 60 covers. However in the interest of neighbours and the highway, this should be for functions only and not for everyday restaurant dining.*

We suggest Condition 4 should be amended as follows:-

“The restaurant use hereby permitted shall provide no more than 30 covers for dinners at any one time except for functions when up to 60 covers may be permitted.”

13 letters of representation from local residents have been received, 8 in support and 5 objecting. The points raised are detailed below,

Objections raised were:

- Noise pollution and potential disruption to neighbouring properties. Current situation causes issues
- Insufficient car parking has resulted in guests parking on the road in front of neighbouring properties
- Impact upon trees as a result of additional parking spaces.

Supporting comments include:

- The hotel provides tourism and employment to Southwell

- Removal of the condition would help the local business to progress further
- Supports nearby businesses such as hairdressers
- The proposal would allow only 60 guests all day at a function rather than guests coming and going throughout the day

Comments of the Business Manager for Growth and Regeneration

Principle of Development

An application under Section 73 (variation of condition) is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This Section provides a different procedure for such applications for planning permission and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the restaurant within the hotel is accepted and has been implemented and therefore cannot be revisited as part of this application.

The application seeks to vary condition 4 of the planning approval for use of part of the hotel for a restaurant/café which refers to a restriction upon the number of covers allowed in the restaurant at any one time; this limit is currently 30 people. The amendment sought would vary the condition to allow the number of covers within the restaurant to be increased to a maximum of 60, which the applicant has stated is the same maximum number of people their licence allows for wedding attendance at the hotel.

The approved planning policies are set out in the Planning Policy Framework section above. This includes the National Planning Policy Framework (NPPF). These policies indicate that the District Council will support amendments subject to an assessment of site specific issues.

Impact on the Character of the Area

The NPPF states 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. Policy CP14 of the Core Strategy and Policy DM9 of the Allocations and Development Management DPD requires continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving or enhancing the character and appearance of Conservation Areas. DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

As a building of local interest, the building is considered to contribute positively to the character and appearance of the Conservation Area. Paragraph 137/138 of the NPPF goes on to say that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance.

Section 72 requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

The principle of the use of part of the building as a restaurant/café has already been established within the original 2009 application. This application does not seek to alter the external appearance of the building, nor the overall use and as such is not likely to have an adverse impact upon the character of the area; furthermore this application does not seek to alter outdoor accommodation/facilities for guests.

The application has been accompanied by a site layout plan indicating the car parking layout and landscaping. Members will note that this differs from the layout plan submitted with the 2009 planning application. However, the applicant has advised that the current layout of the site (as shown in the submitted plan with this application) was constructed on the advice of the Tree Officer's advice during the 2009 application and was constructed at the time of the previous Officer's visit and that of the Planning Committee. Unfortunately the LPA does not have any record of photographs taken of this layout in 2009, nor an updated layout plan to show the amendments made since the application was made; the applicant has provided some photographs of the site during construction but these do not clearly show the whole site. I also note that the number of parking spaces accommodated on the site in 2009 were shown on two plans, one showing 17 spaces and one showing 20 spaces, although the 2009 permission did not condition a plan.

No changes to the site layout are proposed from that currently existing on the site, however should Members be minded to approve the application, I would suggest that a condition tying the new planning permission to the submitted layout plan through varying condition 2 of the 2009 permission to ensure that the site is retained as existing. This will also ensure that the parking spaces are retained, as discussed below in the Highway Safety section of this report.

I am mindful that the application only seeks to vary condition 4, however the LPA does have control to add, vary or remove other conditions under a Section 73 application if they consider it appropriate to do so to enable the proposed changes to be acceptable. In this instance, it is felt that variation of condition 2 is required to ensure that the permission is tied to the additional parking spaces provided on site; fewer spaces is likely to raise a highway objection which is discussed in the Highway Safety Section below.

In terms of the car park's impact upon the character of the area, the area to the front of the building is gravelled which presents a less harsh surface that complements the building. Vegetation and trees break up the hard surfacing and also significantly screen the site from the public realm; the parking areas are not overly prominent from the street, set back from the public highway, and cannot be easily viewed unless looking through the railings along the site's boundary. I am mindful that 29 cars parked in front of the hotel would be visible to an extent from the street, although the maximum number is likely to only be parked during weddings and therefore not on a daily basis and in any event, the site is well-screened from the highway which

limits the site's overall impact upon the character of the area. The trees screening the site are also protected by a tree preservation order and therefore consent would be required for their removal, adding additional control for the local planning authority over the future appearance of the site.

As such I am satisfied that the character and appearance of the Conservation Area would be preserved in accordance with Section 72 of the 1990 Act and that the proposal is in compliance with Core Policy 14 and Policies DM 9 and 5 of the Allocations and Development Management DPD.

Impact on Residential Amenity

Policy DM5 of the Council's DPD requires new development to respect the amenities of the surrounding land uses to ensure that there is no adverse impact by virtue of overshadowing, overlooking or overbearing issues.

The 2009 application raised concern from both local residents during the consultation period and Members when the application was discussed at Planning Committee. These concerns were mostly relating to noise from the hotel during events which was disturbing the neighbouring properties and I understand that this was the reason for limiting the original permission to a maximum of 30 covers, so as to limit the noise originating from the site.

Regardless of the number of covers the restaurant can provide, Condition 3 would remain in place to prevent diners using the outside decking area for eating beyond 1900 and its relative size would also provide a natural limit to numbers and the intensity of the use of this external space. It may also be helpful for Members to review the comments made by the Officer in 2009,

In assessing the impact arising from activity on the decking area I consider it is firstly necessary to set this within the context of the impact that could arise from the operation of the hotel without a restaurant open to the public and the terms of the premises licence.

If the hotel was occupied to capacity this could result in approximately 16 residents dining on the decking area. The hotel could also legitimately hold functions such as weddings which could generate many more people on the decking and within the gardens. Conditions attached to the premises licence prevent outdoor drinking between 2300 and 0700, prevent any regulated entertainment at all outside and require doors and windows to be closed when regulated entertainment takes place indoors between 2300 and 0700. Further conditions also require any noise arising from regulated entertainment not to give reasonable cause for annoyance to the occupiers of any nearby residential property and that the hot tub shall not be used or available for use during any function attended by non-residents.

I consider that the conditions attached to the premises licence adequately deal with the impacts arising from the normal use of the hotel and its use for functions. The impacts that require assessing through this application are therefore the potential noise and disturbance arising from non-residents using the decking area and in particular for dining, as only outdoor drinking and not

dining is covered by the premises licence. I have estimated the capacity of the decking at approximately 20 people, and if this were occupied by 16 hotel guests, it leaves the impact of approximately 5 extra people to assess. On balance, I do not consider that this would give rise to a significant impact on the amenities of neighbouring residents. As outdoor dining is not controlled by the premises licence I consider it would be reasonable to control this by planning condition.

A copy of the premises licence is attached at the end of this report, for information.

Similar concerns have been raised during the process of this Section 73 application and Members will note that the internal Environmental Health Officer has referenced complaints received regarding noise, although none of the complaints have resulted in enforcement action being taken against the hotel following investigation and they raise no objection to this proposal.

I am mindful that the hotel and restaurant will create additional noise during events however the current conditions imposed on the permission allows for an unlimited number of restaurant sittings within a 24 hour period so long as no more than 30 people are at each sitting; this could in effect provide substantial noise disturbance to neighbouring properties throughout the day; the proposed increase to 60 covers could be controlled to ensure that is the maximum number in a 24 hour period should Members be minded to approve the application, thus limiting the number of diners on site each day. Further to this, condition 3 of the 2009 permission restricts eating outdoors between the hours of 7pm and 7am; this condition is not proposed to be altered.

In terms of increasing the number of covers within the restaurant, I acknowledge the concerns raised and appreciate that this could be viewed likely to increase noise emanating from the site. However, I am aware that the current licences held by the hotel allow 60 guests to attend a wedding at the venue which is no greater in number than the variation to condition 4 sought; the alignment of numbers will aid the hotel in management of guests and will not encourage additional numbers of guests visiting the hotel at any one time as this is controlled through both planning permission and wedding licences held by the hotel.

Additionally, conditions will remain restricting outdoor eating and I understand the hotel must also accord with a licence preventing outdoor drinking between 11pm and 7am, which I would expect to limit overall noise late at night.

On the basis of the above, I consider the increase of covers within the restaurant to 60 is acceptable in terms of residential amenity and accords with Policy DM5.

Impact upon Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The submitted plan reflecting the existing scenario shows 29 parking spaces provided on site (including 3 designated staff spaces). I note the comments received from local residents with regards to parking along Westgate. There are reasonable transport connections for Southwell and as such it is expected that some guests may use public transport rather than drive to the venue. However, parking layout was discussed as part of the 2009 Officer Report and I consider it appropriate to highlight their commentary to Members,

The parking layout as submitted and constructed contains a greater number of spaces than the previous proposal and consequently satisfies the Highway Authority. Members will be aware that in the interests of sustainability, maximum rather than minimum parking standards are now applied, and in this case some weight has to be given to the site's location within a sustainable settlement, where it is not necessary to access the site by car. I note objectors concerns over the apparent inadequacy of these arrangements arising from their use, but do not consider that they override the Highway Authority's conclusion.

The parking layout as constructed has no spaces under the canopy spread of the protected tree and therefore avoids any potential for harm. Whilst the removal of the trees on the grassed island was unauthorized and unfortunate, it cannot be remedied through the consideration of this application. There is a requirement to replant equivalent trees elsewhere in the site as part of the process relating to removal of trees within a conservation area.

No specific plan was conditioned as part of this permission, although condition 2 states that 'The access and parking arrangements as constructed shall be made available at all times the restaurant/coffee shop is operational'. A plan showing increased parking availability from that shown on the plans submitted with the 2009 application has been submitted which whilst increasing the number of spaces from that referred to in 2009, does not appear to significantly increase the level of hardstanding within the site. I am mindful that there is no plan condition on the original permission and therefore cannot be varied to reference this plan. However, as already discussed above, the applicant is of the view that the site layout is as constructed prior to the determination of the 2009 application and as there was no specific plan condition, the LPA have no approved plan to tie this to.

Concern has also been raised with regards to the impact of parking arrangements upon surrounding trees; it is difficult for the LPA to control parking over the grassed areas where many of the trees are located. I have however sought guidance from the Council's Tree Officer who has advised new hard surfacing should only cover 20% of tree rooting area and construction should be no dig with porous surfacing. Whilst we cannot control existing hardsurfacing within the site, I note that the surface is mostly gravel which is porous and therefore less harmful to tree roots. This of course can be controlled through a planning application for additional hardstanding, if required.

The Highways Authority have been consulted on the application and have advised that they have no objections to the proposal and welcome the increased number of parking spaces from that commented on in 2009. The Highways Officer has recommended that the spaces are marked out, which whilst ideal may be difficult given the existing gravel surface without partially resurfacing

the parking area, which may in turn have an adverse impact upon the character of the site if more hardstanding was introduced. Having spoken to the Highway Officer, I am satisfied that the marking of bays is not essential and in not doing so would not raise a highway objection; their advice was simply to ensure that the applicant could maximise the use of the available space by designating spaces rather than leaving visitors to park as they felt appropriate, thus reducing the likelihood of overspill of parked cars onto the public highway.

As mentioned earlier in the report, the applicant has sought only to vary condition 4 of 09/00922/FUL, however the LPA have the control to vary, add or remove conditions imposed upon a Section 73 application as they feel appropriate and according to the changes sought by the applicant. In this instance, the proposed increase in covers at the restaurant has the potential to require additional parking and whilst I am mindful of the number of guests the existing wedding licence for the property allows in attendance (the licence of which does not need planning permission) however this application is the first opportunity the LPA has had to control the parking arrangements for 60 guests attending the venue since the 2009 permission.

In this instance I consider it appropriate to vary condition 2 to ensure that the 29 parking spaces shown on the submitted plan are retained, and having seen the Highways Officer's advice, this number of parking spaces is acceptable for the increased number of guests for the restaurant; retaining the reduced number of 17 spaces considered under the 2009 application is likely to raise an objection from the Highway Authority as they do not consider 17 spaces would be sufficient for the increased number of guests. Therefore, the 29 parking spaces shown on the submitted plan in my view are required to enable the new proposal to operate safely from a highways perspective and therefore the variation of condition 2 along with condition 4 is not unreasonable in this case.

On the basis of the above, I am satisfied that the proposal will not have an adverse impact upon highway safety, although I would recommend that should Members be minded to concur with this conclusion, a varied condition 2 (from that appended to 09/00922/FUL) is imposed to ensure the existing parking and access is retained in accordance with the submitted plan.

Conclusion and Planning Balance

The application seeks to vary condition 4 of planning permission 09/00622/FUL to allow for 60 covers at any one time within a 24 hour period in the restaurant of The Old Vicarage Boutique Hotel as opposed to the current 30 permitted. It is considered that the variation of this condition would enable the planning permission to accord with the existing wedding licence held by the hotel and as a result is unlikely to substantially increase the number of guests attending an event from those visiting under current arrangements. This in turn is considered unlikely to have an adverse impact upon neighbour amenity, with parking arrangements also considered appropriate through condition.

To this end, it is recommended to Members that condition 4 is varied to be worded as follows,

The restaurant use hereby permitted shall provide no more than 60 covers for dinners at any one time within a 24 hour period.

Reason: In the interests of the amenity of neighbouring residents and to reflect the applicant's specific intentions.

Additionally, condition 2 should be varied to read as follows,

The access and parking arrangements shall be retained in accordance with plan reference 17VBH – 001 (dated 08.09.2017) and shall be made available at all times the restaurant/coffee shop is operational.

Reason: for the avoidance of doubt and in the interests of highway safety and the amenities of neighbouring residents.

RECOMMENDATION

That full planning permission is granted, subject to the following conditions:

Conditions

01

The restaurant and coffee shop use hereby permitted shall not be open to non-hotel residents between the hours of 2400 and 0800.

Reason: In the interests of the amenity of neighbouring residents.

02

The access and parking arrangements shall be retained in accordance with plan reference 17VBH – 001 (dated 08.09.2017) and shall be made available at all times the restaurant/coffee shop is operational.

Reason: for the avoidance of doubt and in the interests of highway safety and the amenities of neighbouring residents.

03

There shall be no consumption of food on the outside decking area hereby permitted between the hours of 1900 and 0700.

Reason: In the interests of the amenity of neighbouring residents.

04

The restaurant use hereby permitted shall provide no more than 60 covers for dinners at any one time within a 24 hour period.

Reason: In the interests of the amenity of neighbouring residents and to reflect the applicant's specific intentions.

Notes to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

BACKGROUND PAPERS

Application case file.

For further information, please contact Nicolla Ellis on ext 5833.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

**Kelham Hall, Newark, Notts, NG23 5QX
Premises Licence**

Premises licence number 001415

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description The Old Vicarage Boutique Hotel Westhorpe			
Post town	Southwell	Post code	NG25 0NB
Telephone number	01636-815989		

Where the licence is time limited the dates Not applicable
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- | |
|--|
| <p>Licensable activities authorised by the licence</p> <ol style="list-style-type: none">1. Regulated Entertainment<ol style="list-style-type: none">a. The performance of playsb. The exhibition of filmsc. Indoor sporting eventsd. The provision of live musice. The provision of recorded musicf. Performances of danceg. Anything of a similar description to that falling within d, e or fh. The provision of facilities for making musici. The provision of facilities for dancingj. Anything of a similar description to that falling within h or i2. Late night refreshment3. The supply of alcohol |
|--|

<p>The times the licence authorises the carrying out of licensable activities</p> <p>A Standard Times All licensable activities other than late night refreshment Monday to Sunday – 09:00 to 00:00 Late night refreshment Monday to Sunday – 23:00 to 05:00 the following day</p> <p>B Non Standard Times All licensable activities other than late night refreshment 1st January – 00:01 to 00:00 The supply of alcohol to residents of the hotel and their bona fide guests Monday to Sunday – 00:01 to 00:00</p>
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<p>The opening hours of the premises Monday to Sunday – 00:01 to 00:00</p>

<p>Where the licence authorises supplies of alcohol whether these are on and/or off supplies Both on and off the premises</p>
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Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Mrs Suzanne Edgington
The Old Vicarage
Westhorpe
Southwell
Notts
NG25 0NB
Tel: 01636-815989

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mrs Suzanne Edgington

Tel: 01636-815989

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

001406
Newark & Sherwood District Council

Annex 1 - Mandatory conditions

- 1 No alcohol may be supplied under this Licence:
 - a at any time when there is no Designated Premises Supervisor in respect of these Premises; or
 - b at any time when the Designated Premises Supervisor does not hold a personal licence or his/her personal licence is suspended
- 2 Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence
- 3 Admission of children (i.e. persons under the age of 18 years) to any exhibition of film must be restricted in accordance with any certificate and/or recommendation relating to that film made by the British Board of Film Classification

Annex 2 - Conditions consistent with the Operating Schedule

1. No sales of alcohol shall be made to any person apparently under the age of 18 unless an acceptable proof of age is produced. Acceptable proof of age shall be a valid passport, photo driving licence or a card bearing the PASS logo. Additional acceptable forms of identification may be notified to the Licence Holder from time to time.
2. There shall be no consumption of drinks between 2300 and 0700 in any of the outside areas.
3. When Regulated Entertainments are taking place all doors and windows shall remain closed between 2300 and 0700 save for entry and exit to the premises.
4. Any noise produced, or associated with, regulated Entertainment shall not give reasonable cause for annoyance to the occupiers of any nearby residential property.

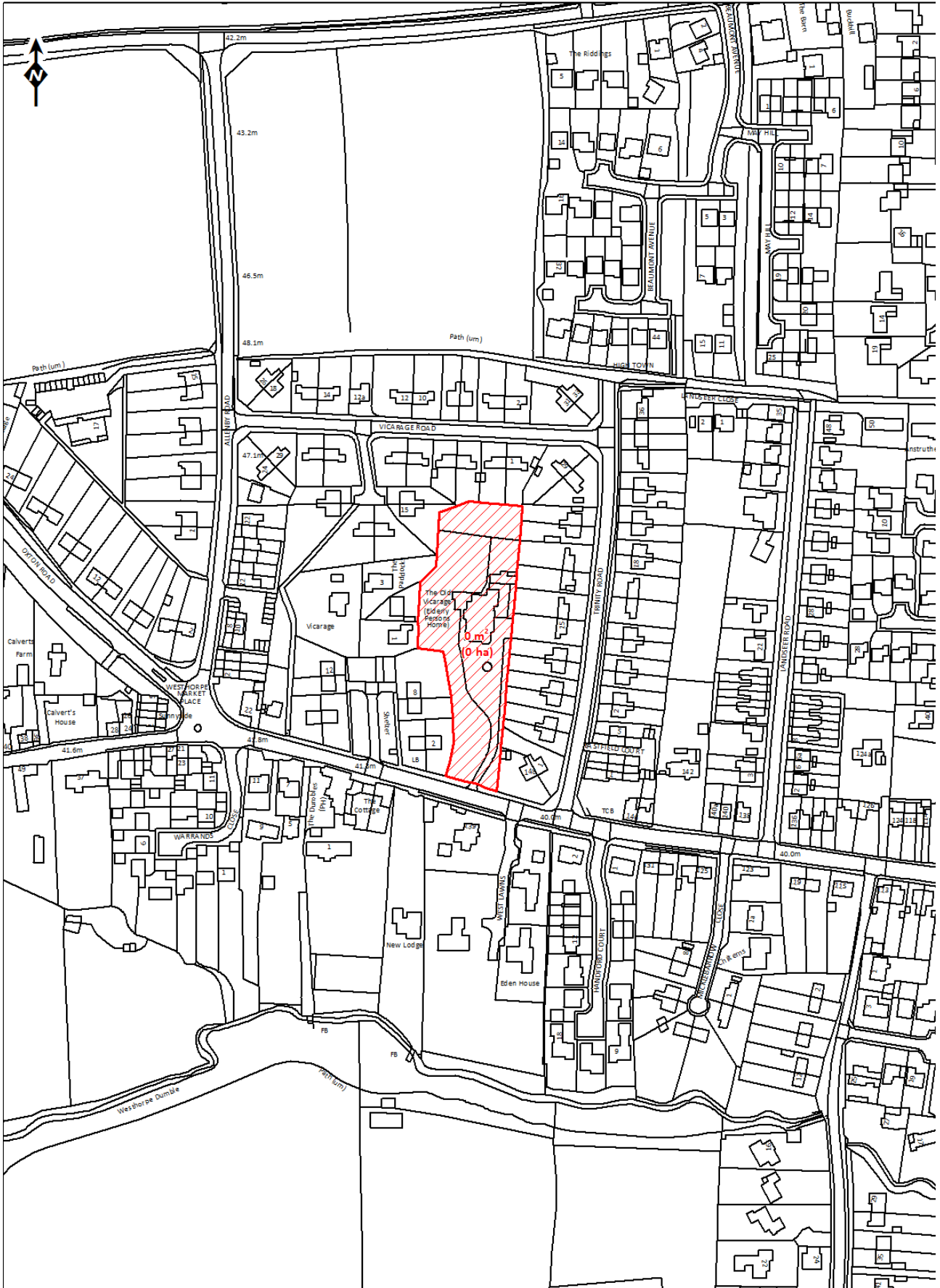
5. There shall be no regulated entertainment outdoors.

Annex 3 - Conditions attached after a hearing by the licensing authority

The hot tub shall not be used or available for use during any function attended by non-residents

Annex 4 – Plans

Attached



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Application No:	17/02141/FUL	
Proposal:	Erection of Gym and Sports Performance Centre incorporating new vehicular access and associated parking and boundary treatments	
Location:	Land at William Hall Way, Fernwood, Nottinghamshire	
Applicant:	Mr S McClory	
Registered:	1st December 2017	Target Date: 26th January 2018 Extension of time agreed: 9th February 2018

This application has been referred to Planning Committee because the applicant is known personally by the business manager for Growth and Regeneration.

The Site

The application site lies to the south of Balderton and west of Fernwood and forms part of a green field site. Figure 7 of the plan relating to Policy NAP 2C of the Core Strategy details the site as being within the Newark Urban Area and on land which has an existing business use. The land to the south of the site on the southern side of Cross Lane is allocated as a high quality landscaped business park (B1). The site in question has no formal land use designation within the Core Strategy. The site is situated to the west of William Hall Way, is on a gentle slope and is covered in scrub vegetation. To the east of the site is the Tawny Owl public house, to the north is an area of wetland planting with a footpath running through it and to the south west a collection of office buildings and associated car parking. The site is separated from the wetland planting (balancing pond) and footpath by post & rail fencing but open on all other boundaries.

Relevant Planning History

99/50008/OUT (OUT/990681) - On 25 October 2002 outline consent was granted for a business park development (Use Class B1) of up to 56,000 square metres of floor space at this site.

07/01081/OUTM -On 17 June 2008, under delegated powers and following lengthy negotiations with the developers, outline consent was granted for a business park development (Use Class B1) for up to 47,500 sq. m of floor space. This outline consent was necessary because the previous grant of permission had expired but had yet to be implemented.

06/01776/RMAM – Erection of 24 2 storey, semidetached office units, 3 2 storey detached office units, 2 three storey office units & ancillary roads, car parking & landscaping. Approved February 2007 and partially implemented, therefore remains extant, however the development boundary does not include the land which forms part of this proposed development.

In the wider area; consent was granted under **11/01234/FULM** for the Construction of a new-build nursing home for 60 elderly residents (Class C2) which opened in August 2013

Consent was also granted under **17/01105/FUL** for a Wellness Centre (Class D1) on land to the west of the nursing home at the end of 2017.

The Tawny Owl pub (Class A4) to the east of the development site was granted consent in 2009 **09/00404/FUL**.

The Proposal

Full planning permission is sought for the construction of a building to house a gym and sports performance centre (D2 use class) including new vehicular access from William Hall Way and associated parking and boundary treatment.

The applicant has detailed that they have considered the site and surroundings in consideration of the design of the proposed building and that the building would be no higher than the Tawny Owl pub situated to the east of the site.

The building is proposed to be approximately 24m x 25m with an overall height of 8.5m. It is proposed that the building be constructed from a mix of red brick and cladding and finished with a flat roof.

The application is supported by a design & access statement, planning statement, sequential test and supporting marketing information.

Departure/Public Advertisement Procedure

Occupiers of 1 neighbouring building individually notified by letter, a site notice has been displayed near to the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 5 - Delivering Strategic Sites

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 - Shaping our Employment Profile

Core Policy 8 - Retail Hierarchy

Core Policy 9 - Sustainable Design

Core Policy 12 - Biodiversity and Green Infrastructure

NAP 1 - Newark Urban Area

NAP 2C -Land around Fernwood

Allocations and Development Management DPD (adopted July 2013)

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy

Policy DM2 - Development on Allocated Sites

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM11 – Retail and Town Centre Uses

Policy DM12 – Presumption in Favour of Sustainable Development

Fernwood Parish Neighbourhood Plan 2017

NP1 – Design Principles for New Development

NP5 – Green Spaces, Landscaping and Biodiversity

NP8 – Enhancing the Provision of Community Facilities

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Newark & Sherwood Plan Review - Publication Amended Core Strategy July 2017

Consultations

Fernwood Parish Council – Unanimous support

NCC Highways Authority – No objection subject to condition

The principle of this development is acceptable. However, it would be helpful if the applicant could justify the level of parking to ensure overspill parking does not occur on adjacent roads. Also, further consideration might be given to the provision of pedestrian routes/access. For example, the proposed site plan states that the “new site access road to be extended off principle estate road by vendor” but the footway shown is not within the red edge application boundary. Associated with this is the issue that whilst the vehicle circulating areas within the Gym car park are clearly shown to be tarmac construction, no detail is given for the construction of the access road extension. Assuming the above matters can be easily addressed, no objection.

Later comment received based on revised site location plan showing red line extended to adopted highway - No objection subject to conditions.

NSDC Policy Officer

National Planning Policy

National Planning Policy confirms that the Framework has not changed the statutory status of the development plan as the starting point for decision making. Proposed development which accords with an up-to-date Local Plan should be approved and proposed development which conflicts should be refused, unless other material considerations indicate otherwise.

National Planning Policy carries the expectation that significant weight should be placed on the need to support economic growth through the planning system.

Local Development Plan

Newark and Sherwood Core Strategy (2011)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 5: Delivering Strategic Sites
Spatial Policy 6: Infrastructure for Growth
Spatial Policy 7: Sustainable Transport
Core Policy 6: Shaping our Employment Profile
Core Policy 8: Retail Hierarchy
Core Policy 9: Sustainable Design
Core Policy 12: Biodiversity and Green Infrastructure
NAP 1: Newark Urban Area
NAP 2C: Land around Fernwood

Allocations and Development Management DPD (2013)

Policy DM2: Development on Allocated Sites
Policy DM5: Design
Policy DM12: Presumption in Favour of Sustainable Development

Assessment

The site of the proposed development is within an area that has previous permission for B1 development. The application will therefore be assessed against the criteria set out in Core Policy 6 (CP6). The amended version of this policy, as set out in the Publication Amended Core Strategy (PACS), contains additional criteria to the version in the adopted Core Strategy. Only limited weight can be given to the PACS at this stage, as it has not yet been subject to an independent Examination.

When considering how much weight can be attached to the amended CP6, it should be noted that the policy is not the subject of any objection, and the Inspector carrying out the Examination has asked no questions about it. Some regard should be had for the criteria in the amended CP6 against which to assess non-B uses on employment land, as well as for those in the adopted CP6.

Evidence has been submitted that the site has been marketed unsuccessfully for B1 use for some time. There is also some evidence to indicate that other, more appropriate sites are unsuitable or unavailable. This supports the application to some extent.

The impact of the proposed development on Newark, Balderton and Fernwood centres needs to be considered. As set out in CP6, the potential impact on the delivery of the rest of the site is also important, particularly on the neighbouring plot. The proposed development should be a suitable neighbour to a B1 use, as well as to the public house to the east.

An additional criterion in the amended CP6 states that whether or not the proposed development would bring any significant benefits to the local area should be taken into account.

The figures available in the 2016 – 2017 Employment Land Availability Study (ELAS) indicate that there is an under provision of employment land in the Newark Area. The target for the amount of employment land required for the plan period that is set out in the PACS is, however, considerably lower than that in the ELAS. It is considered therefore that there is a more than adequate supply of employment land in the Newark area. The ELAS refers to the current plan period and the PACS to the proposed new one. While the new document is not adopted, some regard should be had to the information that it contains.

The scheme as proposed would provide employment opportunities, which may be considered to weigh in its favour to some extent. This is, however, secondary to the principle of releasing the land, and its suitability for the proposed use.

No letters of representation have been received from third/interested parties.

Comments of the Acting Chief Executive

Policy Background

The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

Policy NAP2C of the Core Strategy allocates land around Fernwood as a strategic site for housing, a high quality landscaped B1 Business Park, a local centre and associated green space, transport and other infrastructure. The principle of development is facilitated by the site's allocation as NAP2C and through Policy DM2, which states that "*within sites allocated in the A&DMDPD, proposals will be supported for the intended use that comply with the relevant Core and DM Policies, the site specific issues set out in the A&DMDPD and make appropriate contributions to infrastructure provision in accordance with the Developer Contributions SPD.*" Figure 7 relating to Policy NAP2C indicatively identifies the application site as within an area proposed for business use and this is reflected in the indicative layout of the last outline consent (07/01081/OUTM) approved in 2008 but which has now lapsed.

One scheme has been implemented on the business use site under application reference 06/01776/RMAM which was approved in 2007 for office development. This scheme has been partially implemented and as such remains extant; however the consent only covers 3.82ha of land to the south of the site and does not include the land which forms the basis of this application.

It is therefore the view of officers whilst the site in question has previously been granted outline consent for employment use and being detailed as part of NAP2C, it is not formally designated for employment use and no extant consent exists for a use on this parcel of land. It is however acknowledged that as part of the Employment Land Availability Study (ELAS) that the site has been included within the provision of employment land for Newark and as such consideration will be had to the change of use of the site to a non B employment use.

Loss of Employment Land

Core Policy 6 which states that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by, amongst other criteria, retention and safeguarding of employment land and sites that can meet the needs of modern businesses, to ensure their continued use for employment purposes. Land and premises in the existing industrial estates and employment areas allocated for employment development, will normally be safeguarded and continue to be developed for business purposes. Where proposals are submitted for economic development uses wider than the B Uses Classes (public and community uses and

main town centre uses – which include health and fitness centres), regard will be had to the following:

- The extent to which the proposals are responding to local needs for such development;
- The lack of suitable, alternative sites being available to meet the demand that exists;
- The need to safeguard the integrity of neighbouring uses, including their continued use for employment purposes;
- The need to protect and enhance the vitality and viability of town centres; and
- The potential impact on the strategic role and function of the remaining employment land, in meeting the future needs of the District.

The NPPF was published subsequent to the adoption of Core Policy 6. It is therefore also considered appropriate to assess the proposal against the NPPF and the revised (but not yet adopted) CP6. The Newark and Sherwood Amended Core Strategy is due to be examined this month and as detailed within the above planning policy comments no objections have been raised to revised CP6 and it is therefore considered to carry some weight in the decision making process. The relevant part of the policy states that where proposals are submitted for economic development uses other than the B Use Classes, regard will be had to the five bullet points listed above in addition to respecting that where the release of sites to non-employment purposes is proposed, any significant benefits to the local area that would result, should be taken into account to inform decision making.

Need for the development including Marketing of the Site

As a use falling within use Class D2, the proposal does not strictly comply with the allocation for B1 Use. Albeit, the NPPF does state that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

As detailed within the relevant site history section above, a number of different non Class B applications have been determined within the vicinity of the site in recent years. The Tawny Owl public house (Class A4 Use) was approved in 2009 to the east of the site, a 60 bed elderly persons home (Class C2 Use) was opened in 2013 to the south of the site and a wellness centre (Class D1 use) was granted consent in November last year to the side of the care home. The justification for the care home is set out in the following extract from the Officer Report:

'The view taken was that this type of use, whilst not strictly a B1 office or high tech use that the Business Park had initially envisaged, it would nevertheless generate employment (in this case 53 jobs) and the use would not undermine the strategic objectives of the site, subject to other planning considerations. Indeed this use would be a community use and as such falls within the scope and intentions of the policies. I therefore consider that the proposal broadly accords with the policy objectives in this respect'.

The same policy justification was recently used for the approved wellness centre and it therefore seems appropriate that the policy consideration for the proposed gym follow this lead. The gym would employ a total of 9 people, 7 full-time and 2 part-time employees. The submitted floor plans detail the building as having a total floor space of 710m² which represents 1 employee per

79m² of floor space. This is more than both the wellness centre and the nursing home (1/54m² and 1/59m² respectively), however it is accepted that the nature of a gym and the size of the equipment contained within it requires a larger floor space to person ratio. In terms of land use; the site would occupy 0.29ha of land, in comparison the proposed wellness centre which would occupy a 0.19ha plot and the nursing home a significantly larger 1.25ha site.

An application for a non-B1 use on this site could also be supported by information to show that it has been marketed for B1 use unsuccessfully.

The supporting information confirms that:

'Strawsons Property who own the overall site have been marketing Fernwood Business Park for B1 Office Development for in excess of 10 years using the well regarded local agents Hodgson Elkington (who have now been bought by the national firm Lambert Smith Hampton). During this time there has only been limited interest from office occupiers and the only deal that has been done for office development was the disposal to Gladmans in 2007. This is the area which was the subject of the reserved matters consent. Gladmans have built out only a limited part of their office park (5 of 16 buildings) and the take up of the units which they developed speculatively has been disappointing and they have no current plans to speculatively build any more office units on the remaining part of the Business Park in which they have an interest. Strawsons Property confirm that there have been various parties interested in locating to the business park over the last ten years, however the only interest that has crystallised into transactions have been the Public House, the Care Home, a sports injury clinic (recently received planning consent) and the Free School proposal in addition to your proposed gym. There has been some interest in B1 office development but this has for the most part been absorbed by the Gladman scheme as the level of rents attainable for developers have not justified speculative development and for tenants who may have contemplated building their own office buildings the level of rents offered by Gladmans (in order to let their empty buildings) have been very competitive.

We are currently in discussion with a potential office developer for a one acre site and we are hopeful that the more development that we can get on the business park will increase the level of demand as the non B1 uses provide services that will help to attract the B1 occupiers'

The submitted Design & Access Statement also confirms that the proposed gym represents the re-location of the existing business which has been established on the edge of Newark for the past 4 years on Maltkiln Lane and has achieved approximately 300 members, but has reached a point where the current rented premises are not fit for purpose and offer no potential for further expansion. The proposed site offers the ability for a purpose built building and associated outdoor space to be provided to allow an existing local business to expand and contribute to the economy of the local area.

Impact on Remaining Employment Land, Neighbouring Uses and the Town Centre

The figures available in the 2015 – 2016 Employment Land Availability Study indicate that there is an under provision of employment land in the Newark Area. In contrast to this however, figures in the proposed Preferred Approach Sites & Settlements document identify a requirement of 51.9 ha for the Newark Area, a reduction in requirement of approximately 105ha compared to the figures outlined in Spatial Policy 2 of the adopted Core Strategy. Although the revised Core Strategy and the figures in it are yet to be fully tested, this suggests that there is a more than adequate supply

of employment land in the Newark area. The ELAS refers to the current plan period and the Preferred Approach Sites & Settlements to the proposed new plan period. As such, the loss of 0.29Ha of potential employment land for the proposed gym is unlikely to have a strategic impact on the overall supply and availability of employment land in the Newark Area.

It is considered that the proposed use would be compatible with the recently approved wellness centre to the south of the site and provides easy access for the approximate 1,000 existing dwellings to the east within Fernwood and the further approximately 3,000 allocated within policy NAP 2C. The development is also likely to be compatible with any future B1 uses on land adjoining the site.

Sequential Test

The proposed Class D2 use is defined within Annex 2 of the NPPF as being a Main Town Centre Use. At the request of the LPA the applicant has submitted a sequential test to justify that no sequentially more preferable sites within the Newark and edge of urban area are reasonably available for the proposed development.

The sequential test submitted details that no buildings or land have been available in the last 3 years that were within the Newark urban area or edge of urban area. The applicant states that they have shown flexibility in their requirements for the suitable site; however the nature of the proposal requires a minimum square meterage of floor space to allow the business to develop along with outdoor space and requisite parking. The option of remaining at the current industrial unit on Maltkiln Way; an existing out of centre location has been explored, however there is no potential for expansion thus not allowing the business to develop.

The sequential test details that the former B&Q site, now The Range was considered, however the site was far too large for the proposed requirements. The building now housing Anytime Fitness on Lombard Street in Newark was also considered, however the building was for lease only and didn't offer any outdoor space.

A review of Rightmove has also been undertaken at the time of reviewing the application and whilst some buildings/sites are available within the Newark urban area there are none that meet the requirements of the proposed development in terms of offering the necessary floor space, outdoor space and parking. I am therefore satisfied that there are no sequentially preferable sites to that proposed available within the Newark urban area, edge of centre or within Balderton or Fernwood and given the scale of the proposed development would not adversely impact upon the vitality of these district centres.

Summary

The site is not on land that is formally allocated for employment use, however is included as part of the employment allocation for the Newark Area. Being mindful of the reduced employment requirements identified as part of the revised Core Strategy and the small land take the development would occupy I do not consider that the proposed development would significantly impact upon the ability for employment land to be provided in the Newark urban area, also being mindful of the ongoing unsuccessful marketing of the wider site on this basis.

The proposed Class D2 use is identified as a town centre use within the NPPF; however I am satisfied that there are no sequentially preferable sites available and that the proposed scale of development would not detrimentally impact upon the vitality and viability of the surrounding district centres.

I therefore conclude that in policy terms the proposed development is acceptable subject to the site specific considerations outlined below.

Impact on Character of the Area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The proposed building would be set back approximately 70m from William Hall Way and orientated east to west in the plot. Parking would be provided to the side (south) and rear (east) with an area of hard standing for outdoor workouts proposed to the side (north) of the building. The grassed scrub land to the front of the building is excluded from the development site and reserved for future development. The proposed building would be approximately 8.5m in height and constructed from a mixture of red brick and metal cladding with a flat roof. The proposed building is considered to be functional, with more of an industrial appearance; however it is accepted that the building has been designed to reflect its proposed use with large roller shutter doors on the rear to allow for air circulation and access to the proposed outside training space. The area surrounding the proposed site is at present relatively sparse with the closest buildings being the pub to the east which has the appearance of a large clad and rendered dwelling. There are a handful of office buildings to the south which are a mix of heights, with flat or nearly flat roofs and constructed of buff brick with elements of grey metal cladding.

Whilst I do not consider that the proposed building would strictly fit in with existing built form within the vicinity of the site, I do not think the design of the proposal so significantly detracts from the character of the area to warrant refusal of the application and I give weight to the functional requirements of designing a building to accommodate a gym. I recommend that landscaping is providing, by way of condition to soften the appearance of the building and the proposed brick and cladding be conditioned to ensure the finish of the building is appropriate. Overall I consider that the proposal would accord with Core Policy 9 and Policy DM5 of the Core Strategy and DPD respectively.

Impact on Residential Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither

suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The proposed gym is located some distance away from any residential property with the Tawny Owl pub the closest building to the site. Taking these considerations into account I am satisfied that the proposed development would not result in any undue impact upon the residential amenity of neighbouring dwellings in terms of overlooking, overbearing or overshadowing impact to justify refusal in this instance. It is therefore considered that the proposal would accord with Policy DM5 of the DPD.

Impact on Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

I note no objection is raised by NCC Highways Authority and the proposed access from William Hall Way is considered to be acceptable. The red line plan was revised during the lifetime of the application to enable the existing footpath to be continued along the proposed access road to allow for pedestrian access to the site. The applicant has confirmed that the number of parking spaces has been calculated upon the classes being full and all staff being on site, which is unlikely to ever occur, however NCC Highways are satisfied with the proposed quantum of parking.

I am therefore satisfied that the proposed scheme provides an acceptable access and appropriate off street parking spaces so as not to result in highway safety dangers to justify refusal on these grounds. The proposal is therefore considered to accord with Policies SP7 and DM5.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. No ecology survey has been submitted with the application. However, I am aware that previous surveys of the site have taken place and concluded that the ecological impacts of the developing the site are likely to be minimal subject to the implementation of a landscape scheme. As such, it is recommended that a condition requiring the submission, approval and implementation of a landscape scheme be attached to any future consent.

Drainage

Development Management Policy DM10, sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. Core Policy 9 requires new development proposals to pro-actively manage surface water.

The site lies in Flood Zone 1, at lowest risk of flooding, however is detailed to be within an area known to be prone for surface water flooding. The proposed development involves the creation of a large area of hard standing to accommodate the building and associated car parking. In the interests of ensuring appropriate drainage on the site it is recommended that a condition be imposed requiring plans to be submitted and agreed prior to commencement of works in relation to the methodology for control of surface water run-off and foul sewage disposal.

Conclusion and Planning Balance

As a use falling within Class D2 use, the proposed gym needs to be considered in relation to the loss of potential employment land in an out of centre location. It is acknowledged that the proposed use would contribute to delivering some employment opportunities and the NPPF does state that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. In addition, emerging evidence suggests that there is a more than adequate supply of employment land in the Newark Area and the proposal would not prejudice the ability for surrounding land to be used for employment use, subject to requisite planning consents being granted.

The scheme would provide some benefit to the local neighbouring local communities in Fernwood and Balderton in terms of the provision of a location for physical exercise and the potential for partnership with the recently approved wellness centre and physiotherapist to the south of the site, which also weighs in its favour. Evidence has been submitted by way of a sequential test within the application setting out the reasons for the choice of location, alternative sites considered and why these were ruled out and details of marketing that has been undertaken to market the site for B1 purposes and the lack of interest shown. I am therefore satisfied that there are no reasonably available sequentially preferable sites to provide the proposed development.

On balance, the release of this site for the proposed gym centre is justified in this instance. The proposed development is not considered to result in any adverse impact upon residential amenity, visual amenity, ecology or highway safety. Subject to conditions I recommend that planning permission is granted.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:-

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan reference:-

Location and block plan Dwg No. 295-01C

Proposed site plan Dwg No. 295-02H

Proposed ground floor plan Dwg No. 295-10E

Proposed first floor plan Dwg No. 295-11E

Proposed roof plan Dwg No. 295-12C

Proposed elevations Dwg No. 295-13D

Proposed sections Dwg No. 295-14B

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development shall be commenced until details of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Bricks

Roofing materials

cladding

Reason: In the interests of visual amenity.

04

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;

hard surfacing materials;

means of enclosure and

an implementation and phasing plan.

Reason: In the interests of visual amenity and biodiversity.

05

All hard and soft landscape works shall be carried out in accordance with the approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity

06

No part of the development hereby permitted shall be brought into use until the access is surfaced in a bound material for a minimum distance of 5m rear of the prospective (existing) highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

07

No part of the development hereby permitted shall be brought into use until the access is constructed with provision to prevent the unregulated discharge of surface water from the access to the prospective public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

08

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

09

The site shall be used as a Gym and Sports Performance Centre (Use Class D2) and for no other purpose, including any other use falling within Class D2 of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (As Amended), or in any provision equivalent to that Class in a statutory instrument revoking and re-enacting that Order with or without modification.

Reason: For the avoidance of doubt and in recognition of the site's location on a business park where the development of non-B1 uses is normally restricted.

Informatives

01

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

BACKGROUND PAPERS

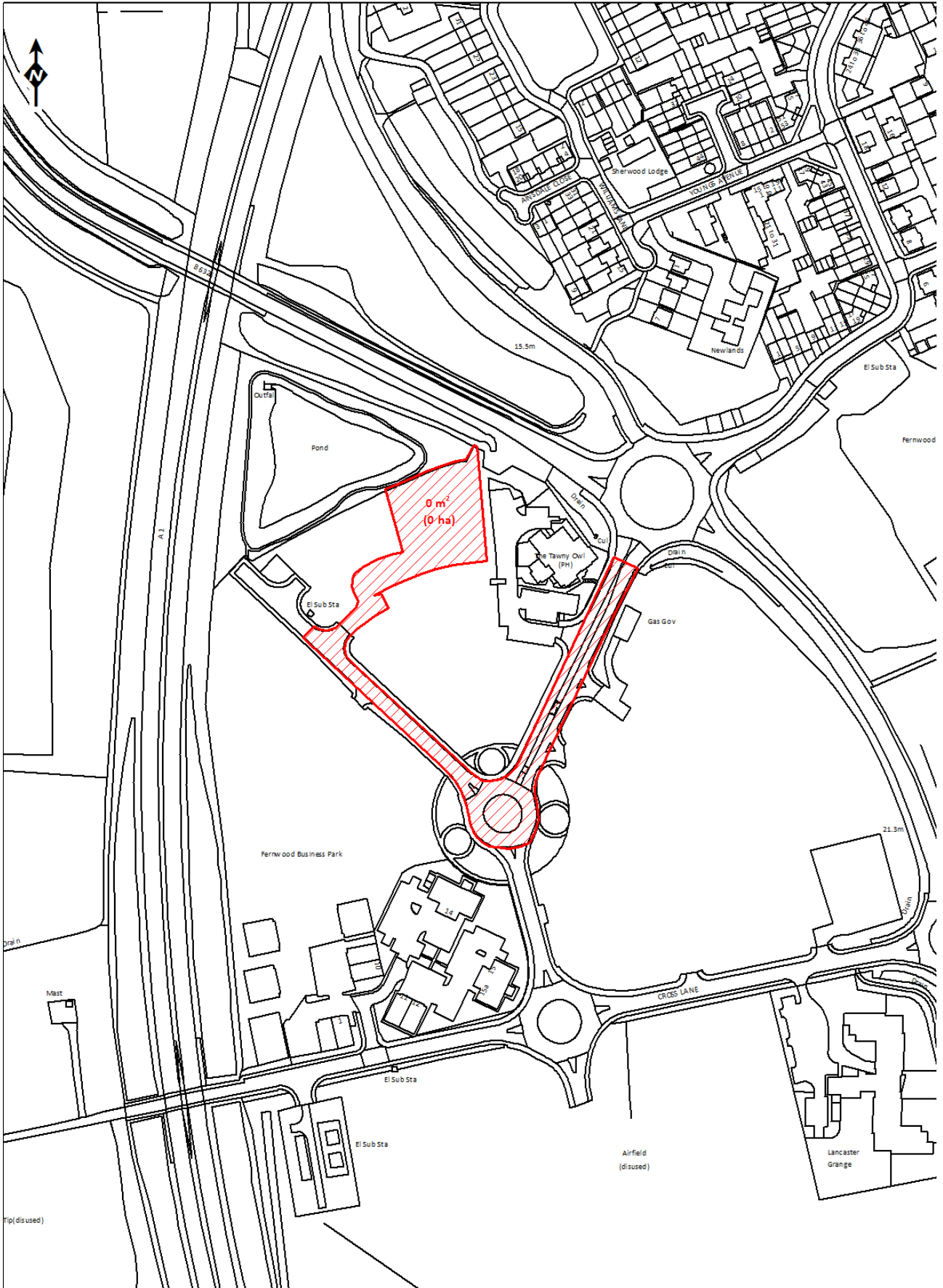
Application case file.

For further information, please contact James Mountain on ext. 5841

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole

Deputy Chief Executive



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PLANNING COMMITTEE – 6 FEBRUARY 2018

AGENDA ITEM NO. 10(a)

APPEALS A

APPEALS LODGED (received between 2 January 2018 and 23 January 2017)

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council’s evidence please forward these to Planning Services without delay.

2.0 **RECOMMENDATION**

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant appeal reference.

Matt Lamb
Business Manager Growth & Regeneration

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/17/3181015	15/01250/OUTM	Land To The Rear Of Lowfield Cottages Bowbridge Lane Balderton Nottinghamshire	Development of brown-field site to construct road and 35 new houses	Written Representation
APP/B3030/W/17/3184393	16/01978/FUL	Land At Green Lane Newark On Trent Nottinghamshire	Change of use from overgrown unused allotment to construction of new dwelling	Written Representation
	17/00852/FUL	Willow Tree Farm Eagle Road Spalford Newark On Trent Nottinghamshire NG23 7HA	Application for the removal/variation of condition 1 attached to application 09/00920/FUL; Change from agricultural to valeting and storage (Retrospective)	Written Representation
APP/B3030/W/17/3187281	17/01265/OUT	Land Rear Of 5 Sibcy Lane Balderton Newark On Trent Nottinghamshire NG24 3LR	Erection of detached bungalow	Written Representation
APP/B3030/W/17/3187500	17/00760/FUL	Land Adjacent To Cedar Lea Radley Road Halam Newark On Trent Nottinghamshire NG22 8AN	Proposed erection of 2 No. (2-bed) bungalows and creation of new access to highway.	Written Representation
APP/B3030/W/17/3190403	17/00965/OUT	Field Reference Number 0145 Eagle Road Spalford Nottinghamshire	Erection of one detached dwelling and car parking	Written Representation

APP/B3030/D/17/3191240	17/01285/FUL	1 Cross Street Bilthorpe NG22 8QY	Householder Application for Side Elevation Extension at First Floor Level Over Existing Ground Floor	Fast Track Appeal
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APPENDIX B: APPEALS DETERMINED (between 02 January 2018 and 23 January 2018)

App No.	Address	Proposal	Decision	Decision date
17/00383/OUT	Brooklyn Lower Kirklington Road Southwell NG25 0DZ	The Erection of 3 Dwellings	ALLOW	17.01.2018
17/00554/FUL	102 Python Hill Road Rainworth Nottinghamshire NG21 0JF	Change of use to residential and erection of a fence	ALLOW	04.01.2018

RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Matt Lamb
Business Manager Growth & Regeneration



Appeal Decision

Site visit made on 19 December 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 17 January 2018

Appeal Ref: APP/B3030/W/17/3179351

Brooklyn, Lower Kirklington Road, Southwell, Nottinghamshire NG25 0DZ

- 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 Mr Peter Burrows of Twyford Estates Limited against the decision of Newark & Sherwood District Council.
 - The application Ref 17/00383/OUT, dated 23 February 2017, was refused by notice dated 12 May 2017.
 - The development proposed is the erection of 3 dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 dwellings at Brooklyn, Lower Kirklington Road, Southwell, Nottinghamshire NG25 0DZ in accordance with the terms of the application, Ref 17/00383/OUT, dated 23 February 2017, subject to the conditions in the schedule at the end of this decision.

Procedural matter

2. The application was submitted in outline, with only access to be determined at this stage. I have dealt with the appeal on that basis and I have taken the illustrative plans that have been submitted into account only insofar as they are relevant to my consideration of the principle of the development on the appeal site.

Main Issues

3. The main issues in this appeal are;
 - whether the location of the proposed development complies with the development plan;
 - whether the proposed development would provide housing on the site in line with the identified housing need in Southwell; and,
 - the effect of the proposed development on the character and appearance of the area and biodiversity.

Reasons

Location of development

4. Southwell is categorised as a Service Centre by the Newark & Sherwood Core Strategy ('Core Strategy') and has a range of services and facilities. The appeal site lies within the urban boundary of Southwell where policy DM1 of the Newark & Sherwood Allocations and Development Management Development Plan Document (ADMDDP) supports new housing development.

5. It is stated that the Council's Allocations and Development Management Options Report considered the site to be unsuitable for development because of the trees on the site, indications of past flooding and highway related constraints. Nevertheless, as a windfall site, the principle of its development for housing is supported by the development plan, subject to matters of planning concern being addressed.

Housing need in Southwell

6. Core Policy 3 of the Core Strategy requires the Council to seek to secure new housing to meet the needs of the District informed, among other matters, by localised housing need information. In terms of dwelling size at District level, these needs are for family housing of 3 bedrooms or more and smaller houses of 2 bedrooms or less.
7. At a local level in Southwell, the ADMDPD identifies that the need for housing is acute and indicates that the greatest need is for one or two bedroom dwellings. Policy So/HN/1 of the ADMDPD seeks to address this by requiring that the majority of new housing on windfall sites consists of one or two bedroom units. Although the application is in outline, it is clear from the comments of the appellant and the indicative site plan that three houses proposed on the site would have more than two bedrooms.
8. The view of the appellant is that smaller houses would not make efficient and effective use of the site and are unlikely to be viable. Smaller houses though would allow a larger number of dwellings to be accommodated on the site and no viability assessment has been submitted demonstrating that the proposed development would be unviable. I therefore find that the proposed development would be contrary to policy So/HN/1 of the ADMDPD.
9. However, the ADMDPD was adopted in 2013 and the justified reasoning for policy So/HN/1 explains that it is based upon the Housing Needs Assessment which informed the preparation of the Core Strategy. As the Core Strategy was adopted in 2011, the data upon which this policy is based is at least 7 years old.
10. The most recent evidence on housing need is the Housing Market Needs Sub Area Report which was published in 2014. It found in Southwell that there was a greater need for houses of 3 or more bedrooms than there was for properties of two bedrooms or less. As a result, the proposed development would provide housing of a size for which the current local evidence is the greatest need exists in Southwell. This is an important material consideration which, in my judgement, given that policy So/HN/1 of the ADMDPD is based upon significantly older evidence, outweighs non-compliance with this policy. Owing to the more recent evidence on housing, I find that the proposal would comply with Core Policy 3 of the Core Strategy.

Character and appearance, and biodiversity

11. Brooklyn is a detached dwelling located at the western edge of built development associated with Southwell on the southern side of Lower Kirklington Road. The appeal site is greenfield land that extends a significant distance to the rear of the property. The site is hidden from public view from Lower Kirklington Road, but in views from the public footpath to the south of the site the dense band of trees and shrubs towards its western and southern boundaries is apparent. Although the trees are not worthy of protection by a

- tree preservation order they contribute to the undeveloped character and appearance of the area and screen housing to the east from view.
12. With residential development in depth to the east of the site and open green fields to the west, the appeal site is therefore at a point of transition. As a result, in its current undeveloped state, or developed in depth as proposed, it would equally complement its surroundings.
 13. To the west of the site, beyond a long narrow plot of overgrown allotments, an allocated housing site wraps around the western side and southern end of the appeal site. In time therefore it is reasonable to assume that the appeal site will become enclosed on all sides by housing, lending further weight to residential development of the appeal site complementing the pattern of development in the area.
 14. Although a new access onto Lower Kirklington Road would be created to serve the site, it would be low key and in conjunction with future accesses to allocated sites on either side of the road would not result in over intensive development that would harm to the character and appearance of the area.
 15. Based upon the submitted drawings the proposed development at a density of approximately 8 dwellings per hectare (dph) would have a significantly lower density than the 30 dph sought by Core Policy 3 of the Core Strategy. However, given the long narrow nature of the appeal site, the need to retain some of the shrubbery and better trees due to the positive contribution they make to the character and appearance of the area, and the presence of spaciouly set detached dwellings on the eastern side of the appeal site, circumstances are such that in accordance with Core Policy 3 the indicated density would be acceptable. Furthermore, with the control that exists at reserved matters stage there is no reason why well designed houses that complement the appearance of housing in Southwell could not be achieved.
 16. There are no protected species on the site, nor are there areas of high ecological value. Given the scope for ecological enhancement, which could be secured by condition, I therefore find that biodiversity would not be adversely affected by the proposal.
 17. Taking all these matters into account, I therefore conclude that the proposed development would complement the character and appearance of the area and would not harm biodiversity. It would therefore comply with policies 9 and 12 of the Core Strategy, policies DM5 and DM7 of the ADMDPD and policy E3 of the Southwell Neighbourhood Plan. Policies 9 and DM5 require the protection of the character and appearance of a locality through high quality design and policies 12, DM7 and E3 require the protection and enhancement of biodiversity.

Other matters

18. The appeal site is located within Flood Zone 1, which is the zone with the lowest probability of river or sea flooding. A Flood Risk Assessment has been submitted whose findings have been accepted by the Council. It states that adequate surface water drainage to avoid flooding from rainfall can be provided on the site. This is a matter that can be secured by condition.
19. In terms of highway safety, the local planning authority has no objections subject to the provision of adequate on-site parking and the access meeting its detailed design criteria. I saw no reason why either could not be achieved and I have no reason to disagree with those conclusions.

Conclusions

20. For the reasons given above, and having regard to all other matters raised, the appeal should therefore be allowed. In reaching this decision the views of Southwell Town Council, Southwell Civic Society and the local councillor have been taken into account.

Conditions

21. In the interests of certainty, I have imposed a condition specifying the relevant drawings that the development is to be carried out in accordance with. In order to ensure that the development complements its surroundings, further details on external materials and landscaping are required. To ensure that any soft landscaping becomes properly established it needs to be maintained.

22. In the interests of highway safety, the access needs to be of a minimum width, a dropped kerb provided and adequate visibility splays provided. To provide adequate drainage and protect public health details of surface water and foul drainage are necessary.

23. To protect wildlife, the timing of the removal of trees and vegetation needs to be controlled, steps need to be taken to protect wildlife during construction, and a bat emergence survey carried out and submitted for approval. To improve biodiversity in accordance with Core Policy 12 of the Core Strategy, a scheme of ecological enhancements is necessary.

24. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.

Ian Radcliffe

Inspector

Schedule

- 1) 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.
- 2) 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.
- 3) 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.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan drawing no. 118.F01, Proposed Access Layout and Details on drawing no. 2016.6848.184, but only in respect of those matters not reserved for later approval.

- 5) Notwithstanding condition 4, details submitted pursuant to the application for approval of reserved matters consent shall include the following which the development shall be carried out in accordance with:
 - (i) a minimum access width of 4.8 metres for the first 10 metres behind the public highway boundary (with an additional 0.5m if bounded by a wall, fence or hedge; 1.0m if bounded on both sides).
 - (ii) a dropped kerb crossing of the existing footway.
 - (iii) visibility splays in accordance with the County Council's current Highway Design Guide. [It is noted that splays of 2.4m x 65m to the south east and 2.4m x 140m to the north east are submitted as being available and if achieved these are acceptable].
- 6) No development shall be commenced until details of external facing materials, bricks, roofing tiles, cladding and render have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
- 7) No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
 - a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
 - existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
 - proposed finished ground levels or contours;
 - means of enclosure
 - car parking layouts and materials
 - hard surfacing materials
- 8) The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.
- 9) No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development

shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- 10) Before development commences, a scheme of ecological enhancements to be incorporated in to the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include (but is not limited to) the installation of bird, bat and hedgehog boxes and shall detail the design, number and precise location of these on site. The approved scheme shall be implemented on site prior to first occupation of any dwellings on the site and shall be retained for the lifetime of the development.
- 11) No tree/vegetation removal to facilitate the development shall take place during bird-breeding season, which runs from March to September (inclusive) unless a nesting-bird survey is carried out by a suitably qualified ecologist prior to works going ahead and that the results of any such inspection are recorded and retained for inspection on the request of the Local Planning Authority. If active nests are found then the vegetation clearance works shall be delayed until all chicks have fledged.
- 12) Before any trees are removed on the application site the results of a bat emergence survey in accordance with the recommendations at Paragraph 3.2 of the CBE Consulting Protected Species Survey dated 20 February 2017 shall be submitted to and approved in writing by the Local Planning Authority.
- 13) Any trenches dug during works activities shall, if left open overnight, be left with a sloping end or ramp to allow any badgers or other animal that may fall in to escape. Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

-----End of Conditions Schedule-----



Appeal Decision

Site visit made on 19 December 2017

by **I Radcliffe BSc(Hons) MRTPI MCIEH DMS**

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

Decision date: 04 January 2018

Appeal Ref: APP/B3030/W/17/3184391

102 Python Hill Road, Rainworth, Nottinghamshire NG21 0JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul McCartney against the decision of Newark & Sherwood District Council.
 - The application Ref 17/00554/FUL, dated 21 March 2017, was refused by notice dated 14 August 2017.
 - The development proposed is change of use to residential and erection of a fence.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use to residential and erection of a fence at 102 Python Hill Road, Rainworth, Nottinghamshire NG21 0JF in accordance with the terms of the application, Ref 17/00554/FUL, dated 21 March 2017, and the plans referenced site layout plan, received 24/04/17, and revised site location plan, received 10/04/17.

Main Issue

2. The development subject of the appeal has already taken place. Based upon the Council's reason for refusal, the main issue therefore in this appeal is the effect of the development on the character and appearance of the area.

Reasons

3. 102 Python Hill Road is a semi-detached house with a long rear garden. The appellant has purchased a strip of land that separates the rear boundary of its back garden from the road on Vera Crescent and enclosed it with a tall wooden fence and gate. This has had the effect of enlarging his garden slightly.
4. Vera Crescent is a residential cul-de-sac characterised by a varied layout of terraced housing. A common feature of the streetscene is rear gardens enclosed by tall fences. The fences, set very close to the back edge of the pavement, consist of wooden panels between concrete posts and have a utilitarian appearance.
5. The stout fence that has been erected to enclose the additional land to the rear of 102 Python Hill Road and the rest of its rear boundary is of higher quality than the other fences that characterise the streetscene. It consists of vertical timbers and a wooden base board. Posts are hidden from view and the gates have contemporary grey metal frames that are also infilled by vertical timbers. Although the fence is up to approximately 0.4m taller than other fences in the immediate area where it abuts existing fencing on the adjacent green it is the same height. Moreover, in the context of the streetscene on the northern side of Vera Crescent it is seen in isolation and its slightly greater height in these

views is not prominent. Given that, as I have noted, existing fencing in the area is set close to the pavement, the position of the fence on the back edge of the pavement is not so different as to be problematic in terms of the fence integrating with its surroundings.

6. Taking all these matters into account, I therefore conclude that in compliance with the supplementary planning document '*Householder Development*' the height, appearance and proximity of the fence to the footway, and the change of use of the enclosed land to residential, enhances the character and appearance of the area and is well designed. The development therefore complies with Core Policy 9 of the Newark and Sherwood Core Strategy, policies DM5 and DM6 of the Allocations and Development Management Development Plan Document. These policies require the protection of the character and appearance of a locality through high quality design that respects local design features. It would also comply with a core planning principle of the National Planning Policy Framework which seeks high quality design.

Other matters

7. As the fence at 1.8m to 2.2m in height is on the opposite side of the road to the dwellings along Vera Crescent, it is not so tall, or so close, as to be visually intrusive or harmfully enclose the outlook from nearby houses.
8. Concerns regarding the possibility of the appellant operating a car business behind the fence have been raised. However, the intentions of the appellant, implied or otherwise, are not a material consideration in relation to the appeal. Any future application would be determined by the Council on its planning merits and against local and national planning policy.

Conditions

9. As the development has been carried out it is unnecessary to attach the condition suggested by the Council in its officer report requiring that the development is carried out in accordance with the approved plans. A condition has been suggested requiring that details of the finished treatment and colour of the fence are submitted for approval by the local planning authority. However, unlike the other fences in the area, which due to their age have a faded grey colour, the fence has an attractive tan colour. As a result, the finish and colour of the fence is acceptable and the condition controlling these matters is also unnecessary. No other conditions have been suggested and none are needed.

Ian Radcliffe

Inspector