

Date: Monday, 26 February 2018

Dear Sir/Madam,

PLANNING COMMITTEE

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 March, 2018 at 4.00 pm.**

Yours faithfully



A.W. Muter
Chief Executive

AGENDA

	Page Nos.
1. Apologies for Absence	
2. Declarations of Interest by Members and Officers	
3. Declaration of any Intentions to Record the Meeting	
4. Minutes of the Previous Meeting	1 - 6

PART 1- ITEMS FOR DECISION

5. Highfields School, London Road, Balderton (16/01134/FULM)	7 - 96
6. Highfields School, London Road, Balderton (17/00357/FULM)	97 - 180
7. Field Ref. No. 7108, Eakring Road, Bilsthorpe (17/01139/OUTM) (MAJOR)	181 - 250
(Site Visit: 10.55am – 11.05am)	
8. Mirical Emblems Ltd., Mansfield Road, Blidworth (17/01698/FUL)	251 - 264
(Site Visit: 10.30am – 10.40am)	

9.	The Farmstead, Maplebeck Road, Caunton (17/01797/FUL)	265 - 288
10.	Land at Rear 37 Easthorpe, Southwell (17/01839/FUL)	289 - 312
	(Site Visit: 9.45am – 9.55am)	
11.	Railway Lake, Gonalston Lane, Hoveringham (17/01882/FULM)	313 - 324
12.	Majeka, Wellow Road, Ollerton (17/02105/FUL)	325 - 340
	(Site Visit: 11.20am – 11.30am)	
13.	Field Ref. No. 7919, Caunton Road, Hockerton (17/02139/OUT)	341 - 368
	(Site Visit: 9.20am – 9.30am)	
14.	Land to the rear of 20 Hill Vue Gardens, Newark (17/02249/FUL)	369 - 386
15.	Former Garage Site at Thorpe Close Coddington (17/02294/FUL)	387 - 402
16.	Garage Units Off, Knotts Court, Main Street, Balderton (17/02308/FUL)	403 - 416
	(Site Visit: 12.10pm – 12.20pm)	
17.	Church Farm, Main Street, Norwell (17/02329/FUL)	417 - 426
	(Site Visit: 11.40am – 11.50am)	
18.	Church Farm, Main Street, Norwell (17/02330/LBC)	427 - 434
	(Site Visit: 11.40am – 11.50am)	
19.	Holly Cottage, Fiskerton Road, Brinkley (18/00030/FUL)	435 - 446
20.	Gladstone House Lord Hawke Way Newark (18/00040/FUL)	447 - 452
	(t) Land at Top Street, Rainworth (17/00865/FULM)	
21.	Annual Report Detailing the Exempt Reports Considered by the Planning Committee	453 - 454

PART 2- ITEMS FOR NOTIFICATION

22.	Appeals Lodged	455 - 458
23.	Appeals Determined	459 - 460

PART 3- STATISTICAL AND PERFORMANCE REVIEW ITEMS

PART 4- EXEMPT AND CONFIDENTIAL ITEMS

NOTES:-

A Briefing Meeting will be held in Room F1, Castle House at 3.00 pm on the day of the meeting between the Business Manager – Growth & Regeneration, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

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, 6 February 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 B Crowe, 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 N Mison

189 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

190 MINUTES OF THE PREVIOUS MEETING

AGREED that the minutes of the meeting held on 16 January 2018 be approved as a correct record and signed by the Chairman.

191 LAND OFF SANDHILLS SCONCE, TOLNEY LANE, NEWARK (17/00954/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought to remove part of Condition one 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.

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

Councillor A.C. Roberts, representing Newark Town Council spoke against the application in accordance with the views of Newark Town Council as contained within the report.

Members considered the application and referred to the Gypsy and Traveller accommodation discussions that took place at the Plan Review Examination In Public which had taken place the previous week. The position on need and supply would be clarified in the coming months when the position of the GTAA was clarified. The Planning Inspector following a previous hearing regarding this site had reported that they could not justify permanent planning permission and as nothing had changed regarding the flood risk and as there was still some eight months to run on the existing temporary permission it was considered that permanent permission should not be granted.

Some Members commented that Tolney Lane was where the Gypsy/Travelling

Community wanted to settle and the Authority should help to resolve the flooding issue on Tolney Lane.

AGREED (with 8 votes for and 5 votes against) that contrary to Officer recommendation planning permission for a temporary basis for a further three years be refused for the following reasons:

- (i) The development was in a flood plain and was at risk of flooding being mindful that on this basis the Planning Inspector on appeal could not justify a permanent permission on this site.

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	For
R.A. Crowe	For
Mrs M. Dobson	Against
G.P. Handley	For
J. Lee	Against
N. Mison	Absent
D.R. Payne	Against
Mrs P. Rainbow	Against
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For
I. Walker	Against
B. Wells	For
Mrs Y. Woodhead	Absent

192 OLD MANOR FARM, MAIN STREET, FARNSFIELD (17/02135/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 proposed residential development of four new dwellings for the over 55's market. This application also included 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, was proposed to be converted into an annex to the Threshing Barn dwelling.

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

Councillor Mrs L Shelby, representing Farnsfield Parish Council spoke against the application in accordance with the views of Farnsfield Parish Council as contained within the report.

Councillor B Laughton, adjoining Ward Member for Southwell, spoke against the application and stated that there had been ninety eight letters of objection and only two letters of support for this development. The application was contrary to the

Neighbourhood Plan. One of the local residents had flooded on two occasions with sewage, which was considered a significant problem within Farnsfield. There were also issues with the school catchment area. Existing traffic issues and the relationship with the proposed access was considered extremely dangerous and on street car parking also exacerbated the traffic problem. The access from the front of the development would ruin the vista of Old Manor Farm and was against Core Policy 14 – Historic Environment. The site would set a precedent regarding back land development. The removal of the trees was not acceptable and contributed to the whole ambience in that area. Councillor Laughton supported Farnsfield Parish Council in their objection to the application, which had been a unanimous decision.

Members considered the application and felt that there was already a traffic problem within Farnsfield and the access/egress to this site was horrendous. Notwithstanding this Members noted the Highway Authority was not objecting to the proposals. The Threshing Barn and Annex was questioned, the annex being larger than a large house. The over 55's age category was discussed and it was felt that the age of 55 was not old and Members could not see the benefit of semi-detached properties for that age category. The loss of trees would be detrimental to the environment and there was too much back land development for the site. The impact from this development on the neighbouring property 'Fielding' was considered too detrimental.

AGREED (with 12 votes for and 1 abstention) that contrary to Officer recommendation full planning permission be refused for the following reasons:

- (i) Over intensive back land development which harms the character and appearance of the Conservation area and impacts on the amenity of surrounding properties;
- (ii) Impact of the removal of trees on the character of the Conservation Area; and
- (iii) Contrary to the Development Plan policies including policies within the Farnsfield Neighbourhood Plan.

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	For
R.A. Crowe	For
Mrs M. Dobson	For
G.P. Handley	For
J. Lee	For
N. Mison	Absent
D.R. Payne	Abstention
Mrs P. Rainbow	For
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For

I. Walker	For
B. Wells	For
Mrs Y. Woodhead	Absent

193 FORMER GARAGE SITE AT THORPE CLOSE CODDINGTON (17/02294/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought the demolition of the existing garages and the development of three, two bed dwellings and one, one bed dwelling.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Parish Council; Applicant and Planning Case Officer.

Councillor L Cox, representing Coddington Parish Council spoke against the application in accordance with the views of Coddington Parish Council as contained within the schedule of communication which was tabled at the meeting.

Members considered the application and it was commented that there was a major parking issue within this area and the removal of the garages would only exasperate the parking problem. Any increase in on-street parking may put the local bus service at risk as the service was already limited, as the bus had problems negotiating some of the streets due to car parking. It was commented that the bus service was essential for the elderly population that lived in the village. Other Members commented that whilst they understood that the garages were used, they did not know whether they were used for storage or for car parking. The proposed scheme was for much needed bungalows which would also have two allocated car parking spaces and would be affordable accommodation for rent.

A Member commented that there was a low post and rail fence along a piece of open space on Thorpe Close, it was suggested that Newark and Sherwood Homes could be asked to provide that piece of land in order for the road on Thorpe Close to be widened and a parking bay be incorporated along the road. The Member gave an undertaking to work with the Council and Newark and Sherwood Homes to alleviate the car parking problem. He commented on the importance of building homes for people to live in rather than using garages for storage.

A Member felt that this item should be deferred as requested by Coddington Parish Council in order for information regarding the number of garages used for vehicles or storage and where garage occupants lived could be compiled and considered. The removal of the garages could have a large impact on on-street parking within this location.

AGREED (with 7 votes for, 5 votes against and 1 abstention) that the application be deferred until the 6 March 2018 Planning Committee, in order for further information regarding the number of garages used for parking vehicles or storage and where garage occupants lived.

194 THE OLD VICARAGE BOUTIQUE HOTEL, WESTGATE, SOUTHWELL (17/01654/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full
Agenda Page 6

planning permission to vary condition four of the original permission 09/00622/FUL which permitted part of the hotel to be used as a 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 sixty covers within the restaurant.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the applicant's agent.

Members considered the application and the local Ward Members were both in agreement and understood the commercial desire to achieve what was being sought from the planning application to vary condition four. They felt that car parking was adequate and some research had been undertaken by one of the Members regarding the noise nuisance which had clarified that no enforcement action had been taken regarding the noise nuisance complaints. It was also commented that this would encourage tourism in Southwell.

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

195 EXCLUSION OF THE PRESS AND PUBLIC

AGREED (unanimously) that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 & 5 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

196 LATE ITEM- RESIDENTIAL DEVELOPMENT AT EPPERSTONE MANOR, MAIN STREET, EPPERSTONE

The reason for the late item was due to the time constraints granted to the Acting Chief Executive, which needed to be extended to allow further negotiation prior to the next Committee.

The Committee considered the late item report of the Business Manager Growth & Regeneration, which sought Member consideration regarding the Enforcement Report which was considered at the 5 December 2017 Planning Committee meeting, which granted time limited delegated authority to the Deputy Chief Executive to re-negotiate the terms of previous Section 106 Agreements. That time limited authority expired on the 31 January 2018. Following mediation and a site meeting last week between officers and Councillor Jackson, as local Member, an acceptable settlement to date appeared likely. Officers therefore sought a further period of time limited authority until 6 March 2018, the day of the next Planning Committee.

(Summary provided in accordance with 100C(2) of the Local Government Act 1972).

197 APPEALS LODGED

AGREED that the report be noted.

198 APPEALS DETERMINED

AGREED that the report be noted.

199 LAND AT WILLIAM HALL WAY, FERNWOOD (17/02141/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission 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.

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

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

Meeting closed at 6.13 pm.

Chairman

Application No:	16/01134/FULM
Proposal:	Residential development comprising 89 dwellings and associated infrastructure, including the relocation of the school access, car parking area and sports pitches, the provision of a Multi-Use Games Area (MUGA) and the removal of 8 TPO trees (Resubmission of 14/01964/FULM)
Location:	Highfields School, London Road, Balderton, Newark On Trent NG24 3AL
Applicant:	Avant Homes (Eng) Ltd - Midlands Division – Mr. Chris Dwan

UPDATE

Background

Members will recall that this application was considered by the Planning Committee on 14 September 2017 when Members resolved to refuse planning permission, contrary to officer recommendation. The reason for refusal was as follows:

“In the opinion of the Local Planning Authority the measures proposed in an attempt to resolve the objections of the previous appeal Inspector in relation to the Multi Use Games Area create new and determinative issues which cause demonstrable planning harm. The provision of a 2.4m high solid boundary, even with planting, is the only way to address noise concerns. The visual impact of such a solution, which prevents any natural surveillance in or out, will lead to an oppressive and unattractive environment and that is likely to give rise to (including perceived impacts) attracting anti-social behaviour. The development is thereby contrary to Core Policy 9 (Sustainable Design) of the adopted Newark and Sherwood Core Strategy and Policy DM5 (Design) of the adopted Allocations and Development Management DPD which together form the relevant policies of the Development Plan as well as Section 17 of the Crime and Disorder Act 1998 and the NPPF which are material planning considerations.”

Appended at the end of this short report is a copy of the Planning Committee Report (**Appendix B**) that came before Members and the recorded minutes (**Appendix A**) detailing the debate and confirming the resolution of the Planning Committee.

Update for Members

An appeal (reference APP/B3030/W/17/3188871) against the refusal has now been lodged with the Planning Inspectorate (PINS). This appeal has been confirmed as valid (on 6th December 2017) albeit we await a start date from PINS which is expected at any time (I understand there is currently a 10 week wait for a start date due to volume of workloads). The appellant has opted for the appeal to be heard by the Written Representation procedure. Given that the appeal could be turned valid at any time it has been necessary to target this agenda in order to ensure that Officers are able to include any Committee comments as part of the appeal process.

As part of the appeal, the appellant is preparing a Section 106 Agreement/Unilateral Undertaking that they intend to present to the Planning Inspector as a way of securing the developer contributions that they can afford according to their viability appraisal, in the event that the appeal is allowed. This is standard practice in such an appeal situation and does not prejudice the Council's ability to present its case.

However, the appellants (via their agent) have recently written to the Council to advise that they intend to update their developer contribution offer which represents a material change to the scheme which was previously presented to Members. In order that Officers can be clear with the Planning Inspectorate that the Planning Committee, as the LPA decision-makers in this instance, have been aware of ALL material planning considerations in coming to an overall planning balance it is necessary to re-present the scheme in the interests of completeness. It remains for the Committee to weight this new evidence alongside its previous debate and decision and ultimately come to a view as to whether to continue with the appeal on the refusal ground above (that Members consider the change in viability in favor of seeking more contributions still **does not** outweigh harm identified in the refusal in an overall planning balance) or to withdraw from the appeal process (that Members consider the change in viability in favor of seeking more contributions still **does** outweigh harm identified in the refusal in an overall planning balance).

The letter from the appellant setting out their position is attached as Appendix C. The amendments are discussed in detail later in this update report.

Additional Public Consultation

Given that this application is back before Members to reconsider the scheme, officers have individually notified all neighbours and interested parties that previously commented on the application as well as Balderton Parish Council and Newark Town Council for their views. These are set out below:

Balderton Parish Council – 16.02.2018:

“Thank you for your letter dated February 12th 2018 inviting this Council to submit comments regarding amended offers from the developer towards local infrastructure for the above applications.

Members are somewhat surprised that the developer has made amended CIL and ‘Planning Obligation Payment’ offers relating to planning applications that have both been **refused**. Both applications are scheduled for imminent appeal by H.M. Inspectorate as part of due process, so why does this offer even need to be considered by the Planning Committee? It is difficult to perceive why this is being referred to elected members other than to try and induce the authority to change its mind – ‘to take a view on whether this information...changes their position as resolved’.

We understand that all previously submitted comments need not be repeated but wish to state that this revised offer from the developer has no bearing on the Parish Council's material objections to either of the above planning application.”

Newark Town Council – No response received to date.

Parks & Amenities Manager – ‘...I can confirm that the play equipment at Sherwood Avenue Park is nearing the end of its useful life and that all or some of the funds available from 17/00357/FULM and 16/01134/FUL could appropriately be used to replace the equipment. We have calculated the split of the funds arising from 17/00357/FULM on the basis of the proportion of the SPD contributions for community facilities and children’s playing space that you have quoted. The total SPD contribution is £322,228.60 and the CF contribution equates to 42.25% of this and the CPS contribution is thus 57.75%. The breakdown of the total pot of £249,996.70 is thus £105,623.60 for community facilities and £144,373.10 for children’s playing space. In addition to the replacement of the 8 pieces of existing play equipment (and the play surface under them) there is also a need to refurbish the surface of the Multi-Use Games Area and to replace the riding surface on 1 piece of skate/BMX equipment.

As per Andy’s email if it turns out to be the 89 house scheme that comes forward then we believe it is better not to split the contribution but to decide on which of the 2 schemes has the higher priority.

We note that the Highfields site is in Newark parish and believe that Sherwood Avenue Park is an appropriate location for the use of the funds as it is a significant neighbourhood facility located only c1.3km from the Highfields site.’

Community Arts and Sports Manager – ‘Based on the options I would comment as follows. In respect of 17/00357/FULM I would propose that the community facilities contribution of £105,000 based on a 42% split of the available monies be directed to the Sherwood Avenue facility for the extension and upgrade of the existing pavilion to widen its flexibility as a community facility.

The current pavilion can be extended to incorporate a kitchen facility and additional changing and welfare facilities to enable greater use of the site beyond the current bowls season and some winter tennis activity. The pavilion would then become more a community resource that could be used for a wide range of community engagement activities appealing to a wider audience given its central and accessible location.

In respect of 16/01134/FUL the same principle would apply as above although with significantly reduced monies it would be necessary to prioritise on a scheme to deliver the best community benefit which could be either an extension to the pavilion or investment in the children’s play equipment.’

Neighbours and Interested Parties – Please note that comments received after this agenda has gone to print will be reported to Members as part of the late items schedule. The following comments have been received from 11 local residents/interested parties (3 are from one household, all but one of the comments raise objections) and are summarized below:

- The reasons for refusal haven’t been addressed and previous concerns remain (as previously summarised).
- During the last meeting, it was mentioned that the fishermen are allowed to park on London Road whilst fishing on London Road Pond. During the past 11 years this has never been allowed to happen. Sustrans have parked there a couple of times to carry out maintenance to the cycle track;
- Any drainage from the new builds that drains into the pond will not harm the fish or wildlife. During the past 3 years, surveys have been carried out and they can find no wrong doing as long as the drainage work is carried out correctly;

- I fully support the application for the new builds;
- Continue to object to this extremely high density proposal which sets a dangerous precedent if allowed to proceed, not least because of the increased traffic dangers to very young children, and higher levels of pollution into play areas which are currently protected by the many trees the developers seek to fell;
- Although the Applicant has offered to increase their offer in respect of developer contributions to the local infrastructure, we assume this will be offset by the reduced amount of CIL Charging Levy. This doesn't counteracts the damaging effects of losing the 'green corridor' that separates Newark from New Balderton. It has always been understood locally that this should be retained;
- Objections as previously registered remain - the Applicants offer doesn't alleviates or change the position;
- The overall contribution for each application remains unchanged;
- This does not allow for any improvement on the original applications;
- This does not allow for any of the objections I previously raised to be addressed.
- Loss of green belt and trees is distasteful
- Eastern end shows potential link although details of the connection in unclear
- Traffic is already a nightmare and additional traffic will make matters worse
- Children will be put at risk from Barnby Road Academy
- Urge Members not to be swayed by this offer.
- The development doesn't reflect the houses adjoining it; the critical mass is too high.
- The MUGA concerns have not been addressed.
- The wildlife living on the site will be affected, we have submitted reports on Bats on the site, snakes & rare breeds of toad, which have all been ignored to date.
- If the committee persists in holding this meeting, then all objections raised and submitted by the residents at the previous hearing must be listened to again. This is a right if the committee is prepared to reopen an application which they have already made a decision on.
- Previous comments remain - the proposed development is considered to be contrary to Policy DM5 of the Allocations and Development Management DPD and Core Policy 9 of the Newark and Sherwood Core Strategy, and the proposal does not accord with Paragraphs 56, 57, 58, 61 and 64 of the NPPF.

District (and Chair of Balderton Parish Council) Cllr L Hurst:

- Applications have been refused unanimously by NSDC, Balderton PC strongly objected to each application, residents have also rejected the proposals;
- There will be no affordable housing and no green play space;
- To even consider these planning applications on the grounds of CIL monies almost speaks of financial inducements to get planning permission;
- How when an application for 89 houses on appeal was refused by the Planning Inspectorate can a proposal for 85 houses be proposed?
- Developer says there will likely be an increase of 5% a.m. and p.m. traffic. There will not be enough car parking as the figures suggested are 288 cars (questions do these figures take account of cars for the school as well as excess on sports day?)
- Traffic assessment was outdated as doesn't take into account added traffic caused by Lidl;
- The land is higher than the Woodwards and plots will look directly into existing homes;
- Development is over intensive and will result in loss of green space between Newark and Balderton;

- Significant loss of school playing field which contravenes Policy SP8 (protection of school playing fields)
- Nursery part of the school is open 51 weeks of the year taking children from 2 years from 07.30 until 18.00.
- School at present has 133 pupils, even with 2 sharing that gives at least 66 cars, plus nursery parents cars and 51 staff cars using one entrance/exit at all times of the day.
- Local schools are already at capacity and not everyone can afford Highfields fees. Question where the children will go to school given schools within walking distance are full.
- There are no buses to Balderton or into Newark after a certain time of night and none at all on a Sunday;
- Traffic assessment does not reflect the actual amount of usage. Lidl is extremely busy along with 350 houses at Middle Beck and a further 1050 dwellings at Fernwood to go with 1133 already existing that is exacerbating the infrastructure system that's without Flowserve when they apply to rebuild.
- Residents are already suffering congested roads almost every day, and if passed we will have cars plus delivery/refuse lorries and vans all wanting to turn either way onto London Road. The school sits on London Road very close to a blind bridge. Fishermen also park on the grass verge of the bridge.
- Sewage will be an added problem; London Road already floods outside the school. A survey from 2005 by NSDC found the sewer was at capacity – we are now at 2018 with no upgrading having been undertaken.
- Urge the Planning Committee to keep to their decision.

CIL Changes and Impact on Viability

As a result of the new Community Infrastructure Levy Charging schedule having been adopted on 1st January 2018, the amount of CIL payable for the scheme has reduced in real terms. This is because whilst the amount of CIL payable per square meter remains the same (£45) the indexation has been rebased from the 1st January 2018 (as opposed to the previous CIL regime which was adopted in December 2011) resulting a significant reduction of the amount now due.

This has a material impact on the appellant's viability case which factored in the CIL amount based on what it would have been before the changes to the charging levy as follows:

- CIL amount within the Viability Report: **£720,037** (based on 11,320m²)

However given the changes to the CIL Charging Levy mean that:

- CIL amount that would be due now is **£509.400** (based on 11,320m²)

This represents **£210,637 less on CIL** than envisaged, **which the appellants intend to offer towards developer contributions.**

The appellants have requested that the Council advise how the additional £210,637 now available should be apportioned within the S106 Agreement/Unilateral Undertaking (should an appeal be allowed or Members decide to now support the scheme).

The table below shows the levels of contributions according to A) Policy, B) the offer upon which the scheme was decided and C) my suggestion to Members now as to how this additional money is distributed (subject to the caveats above);

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE REQUIREMENT BASED ON 89 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION	SUGGESTED DISTRIBUTION OF £ AS A RESULT OF CIL CHANGES
Affordable Housing	30% on-site provision or £864,000 off site contribution if justified (based on £32,000 per affordable unit price as calculated elsewhere in the district)	0% on-site provision and nil financial contribution	NO CHANGES PROPOSED.
Children's Play Area	The provision for children and young people is required at £927.26 per dwelling plus £1,031.30 per dwelling towards maintenance costs = £174,311.84 (including indexation)	No provision either on-site or by financial contribution	£77,712.18 (<u>c44.5% OF EXPECTED CONTRIBUTION</u>)
Amenity Green Space	Reflecting the shortfall of 126.6m ² against the requirement, the provision for amenity space is required at £19.65m ² plus £19.65m ² towards maintenance costs = £3,497.70 (including indexation)	No provision either on-site or by financial contribution	£3,497.70 (<u>THE FULL AMOUNT REQUESTED</u>)
Highways/Integrated Transport	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road) = £14,200	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road) = £14,200	NO CHANGES PROPOSED.
Primary Education	£217,645 to provide 19 additional primary places (at £11,455 per place)	£92,448.94 to provide approx 8 additional primary places (at £11,455 per place)	£217,645 (<u>THE FULL AMOUNT REQUESTED; an increase of £125,196.06 towards education</u>)
Community Facilities	£1,433.32 per dwelling = £127,565.48 (including indexation)	No provision either on-site or by financial contribution	NO CHANGES PROPOSED.
Libraries	£4,231.06 (including indexation)	No financial contribution	£4,231.06 (<u>THE FULL AMOUNT REQUESTED</u>)

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE REQUIREMENT BASED ON 89 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION	SUGGESTED DISTRIBUTION OF £ AS A RESULT OF CIL CHANGES
Off-site ecology mitigation	To secure off-site provision of ecology mitigation on adjacent Local Wildlife Site in accordance with the Reptile and Amphibian Mitigation Strategy (April 2015 by Ecus Ltd) which cannot be controlled by condition. Enhancement works should be completed prior to construction works commencing to allow habitat for any reptiles displaced during the construction works.	See first column for requirement	
Maintenance of on-site open space and ecology corridors and off-site ecology corridor and enhancement areas	Maintenance of on-site open space and ecology corridors, and off-site ecology corridor and ecology enhancement areas by Management Company including the long term retention of trees and hedgerow and the submission and approval of a Landscape and Habitat Management Plan to include: a) description and evaluation of the features and species to be managed; b) ecological trends and constraints on site that may influence management; c) aims and objectives of management;	See first column for requirement	

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE REQUIREMENT BASED ON 89 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION	SUGGESTED DISTRIBUTION OF £ AS A RESULT OF CIL CHANGES
	d) appropriate management options for achieving aims and objectives; e) prescriptions for management actions; f) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually); g) personnel responsible for the implementation of the plan; h) monitoring and remedial/contingency measures triggered by monitoring.		
Provision of footpath link	To include details and implementation of the link to Barnby Road including maintenance.	See first column for requirement	
Lorry Routing	A lorry routing agreement is required to ensure that extraneous traffic is kept out of Newark town centre.	See first column for requirement	
TOTAL	30% on site affordable housing provision and £541,451.08 developer contributions (plus CIL)	No affordable housing provision and £110,880 developer contributions (plus CIL)	No affordable housing and <u>£321,517</u> towards developer contributions (plus CIL)

As can be seen from the table above, the change means that the appellants could now **fully fund the primary education, library and amenity green space contributions in full and pay c44.5% of the requested contribution towards children's play space.** Given the limited amount of contribution towards either children's play space or community facilities (**c£77k**) it is considered more appropriate to utilize the monies towards just one of these projects rather than split it as it would serve a more useful purpose. I note the comments from the Parks and Amenities Manager and suggest that **upgrading the children's play area at Sherwood Park in Newark** (just outside the ward boundary of Beacon within which the application site is situated) would appeal to a wider audience so respectfully suggest to Members that this contribution would be better used for this on this occasion. In reality the amenity green space contribution could be added to this so there would be £81,209.88 available to spend on public open space. It is equally open to Members to request that the monies be spent at Balderton Playing Field (albeit the application site is technically within Newark parish).

Clearly it is open to Members to consider an alternative distribution, subject to ensuring compliance with the tests set out in the Community Infrastructure Regulations.

Consideration for Members

In light of the above, Members are requested to consider the following:

- 1) Does the increase in developer contributions, which would allow full mitigation of impacts from the development for primary education, library and amenity green space contributions and increases contributions elsewhere change Members view in an overall planning balance when considered against the planning harm associated with the MUGA, as identified in resolved reason for refusal 1 from the 1st September 2017 Planning Committee.

If this does overcome concerns to such a degree that approval would be supported Members are asked to consider withdrawing from the appeal at the earliest opportunity to avoid any application for costs associated with the appeal.

If this does not overcome concerns Members are asked, without prejudice to the Council's case, to approve a split of monies across contribution types such that an S106 Planning Obligation can be concluded in the event that the appeal is allowed.

EXTRACT FROM MINUTES RELATING TO FROM 14/09/2017 PLANNING COMMITTEE

90. HIGHFIELDS SCHOOL, LONDON ROAD, BALDERTON (16/01134/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for residential development comprising 89 dwellings and associated infrastructure, including there location of the existing school car park and sports pitches, the provision of a Multi-Use Games Area (MUGA) and the removal of 8 TPO trees. Of the proposed 89dwellings, 83 units would be two-storey houses and 6 units would be apartments with a two-storey block. The proposed scheme would deliver a range of 1, 2, 3, 4 and 5bedroom accommodations as detailed in the report.

Councillor Mrs L Hurst, representing Balderton Parish Council spoke against the application in accordance with the views of their Parish Councils as contained within the report.

Councillor D.J Lloyd, Local Ward Member Newark (Beacon Ward) and also representing Newark Town Council spoke against the application on the grounds as contained within the report.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from Balderton Parish Council and Local Residents.

Members considered the application and concerns were raised regarding the Multi-Use Games Area (MUGA). The walls surrounding the MUGA were 2.4 m high, which was considered too tall and would create a visual problem for the pitch and would encourage anti-social behaviour and create a child safety issue given that nobody would be able to see in or out. Members also felt that the MUGA would be an enhancement to the school and therefore should be a cost to the school. The MUGA would offer very little community benefit as it would not be flood lit and was controlled by the school, unless the MUGA was vested to Balderton Parish Council and became a proper community facility.

Concern was also raised regarding the reduced S106 developer contribution, with no play area provision or community green space. The local schools were also full to capacity.

AGREED (unanimously) that contrary to Officer recommendation planning permission be refused on the following grounds:

The measures purported to address the Planning Inspectors requirements with respect to noise from the MUGA had themselves created an unattractive solution which would unacceptably create no natural surveillance and likely contribute to anti-social behaviour. There were no other material planning grounds that would outweigh this harm.

Application No:	16/01134/FULM
Proposal:	Residential development comprising 89 dwellings and associated infrastructure, including the relocation of the school access, car parking area and sports pitches, the provision of a Multi-Use Games Area (MUGA) and the removal of 8 TPO trees (Resubmission of 14/01964/FULM)
Location:	Highfields School, London Road, Balderton, Newark On Trent, NG24 3AL
Applicant:	Avant Homes (Eng) Ltd - Midlands Division – Mr. Chris Dwan
Registered:	1 August 2016 Target Date: 13 October 2016 An extension of time has been agreed to 8 September 2017

The Site

The site comprises approximately 5.69 hectares of land at Highfields School which is located on the north side of London Road. The site is within the Newark Urban Area. The site is relatively flat and comprises four interlinked parcels of land which wrap around the north, east and west side of the main school building. The first parcel of land to the west is used as school playing fields and contains the school's main car parking area to the south adjacent to the vehicular access off London Road. The second parcel of land to the north of the main school building is known as Baileys Field. This land was formerly used as a sports field but has not been utilised for this purpose for a long period of time (on excess of ten years). A small portion of this parcel of land is private amenity space belonging to a single dwelling located off Barnby Road which also forms part of the application site. The third parcel of land lies to the east of Baileys Field and is an area of open land known as Quibell Field. The fourth parcel of land lies to the east of the school buildings and currently forms part of the school's grounds.

Immediately to the west of the first parcel of land lies Ballast Pit Local Wildlife Site (LWS) containing a long-disused ballast pit containing open water surrounded by woodland. London Road forms the southern boundary of this parcel of land, with the main school building to the east and allotments to the north. The rear of dwellings located along Barnby Road bound the northern edge of Baileys Field and Quibell Field with the East Coast Mainline located beyond Barnby Road itself. Immediately to the south of the third parcel of land are residential dwellings predominantly located off The Woodwards and Glebe Park. Further allotments are located to the east of Quibell Field.

The site contains a number of trees protected by Tree Preservation Order. These are predominantly located along the site's frontage to London Road, along the west boundary of the site adjacent to Ballast Pit LWS, and to the east of the school buildings, adjacent to the site's boundary with Nos. 27 and 29 London Road.

Highfields School has a current staff of 51 persons and circa 130 pupils.

Relevant Planning History

17/SCR/00001 – a Screening Opinion (under the Environmental Impact Assessment Regulations) was undertaken for residential development comprising 89 dwellings and associated infrastructure, including the relocation of the school access, car parking area and sports pitches, the provision of a Multi-Use Games Area (MUGA) and the removal of 8 TPO trees (16/01134/FULM). It was concluded that an EIA was not required.

17/00357/FULM – Residential development comprising 95 dwellings and associated infrastructure, including the removal of 24 TPO trees. Pending consideration.

14/01964/FULM – Residential development comprising 91 units and associated infrastructure, including the relocation of the existing school car park and sports pitches, the provision of a MUGA and the removal of 8 TPO trees. Members considered this application at the Planning Committee in July 2015 and resolved to refuse planning permission (contrary to a finely balanced recommendation of approval by Officers) for the following reason;

“By reason of the layout, density, juxtaposition and type of uses proposed including re-provision of school car parking, sports field, MUGA and access, this application presents a series of compromises which accumulatively lead to an unacceptable and unsustainable development. This is with respect to noise for future residents, residential privacy, a failure to maximise community use and lack of appropriate infrastructure and affordable housing. All these matters taken as a whole make the development unsustainable. There are no other material planning considerations that would outweigh the harm of granting approval. The proposed development is therefore contrary to the aims of the National Planning Policy Framework 2012, National Planning Practice Guidance, Spatial Policy 8 'Protecting and Promoting Leisure and Community Facilities', Core Policy 1 'Affordable Housing Provision', Core Policy 3 'Housing Mix, Type and Density', Core Policy 9 'Sustainable Design' of the Core Strategy (adopted March 2011) and Policies DM3 'Developer Contributions and Planning Obligations', DM5 'Design' and DM12 'Sustainable Development' of the Allocations and Development Management Development Plan Document (Adopted July 2013).”

APP/B3030/W/15/3133508 – This decision (above) was issued on 14 July 2015 and was subject to an appeal which was subsequently dismissed by an Inspector on 3 March 2016. The Inspector found the main issues related to the following (with her conclusions on each issue summarised in italics):

- a) **whether or not the proposal would provide satisfactory living conditions for future occupiers of the proposed dwellings with regards to noise;** *the Inspector concluded the proposal would not provide satisfactory living conditions for future occupiers of the proposed dwellings with regards to internal noise levels.*
- b) **the effect of the proposed development on the living conditions of neighbouring residents, with particular reference to privacy;** *the Inspector concluded the proposed development would harm the living conditions of the occupiers of No. 27 London Road, No. 11A The Woodwards and Nos. 31 and 33 Glebe Park, with particular reference to privacy.*
- c) **whether or not the proposed development would maximise community use of the proposed MUGA, having regard to local and national policy;** *although the Inspector agreed with the Council and Sport England that the use of the proposed MUGA would not be maximised, given the lack of floodlighting and the need to balance its use with any impacts on future and*

existing neighbouring occupiers, she was satisfied that the proposed sports pitches and MUGA would not result in the loss of a community facility, as sufficient alternative provision has been made within the proposed development which is equally accessible and of better quality than the facility being lost and it would accord with CP8 and the NPPF.

- d) whether or not the proposed development would make adequate provision for infrastructure and affordable housing, having regard to the viability of the scheme;** *the Inspector concluded that based on the unilateral undertaking that offered £235, 219 in Developer contributions and a CIL receipt of £669,326 the proposed development would make adequate provision for infrastructure and affordable housing, having regard to the viability of the scheme.*
- e) whether or not the proposal would represent sustainable development;** *the Inspector considered all the other matters raised by the appellants and concluded that the adverse impacts of the scheme, which would not provide satisfactory living conditions for future occupiers of some of the proposed dwellings, with regards to internal noise levels, and would harm the living conditions of the occupiers of No. 27 London Road, No. 11A The Woodwards and Nos. 31 and 33 Glebe Park, with particular reference to privacy, contrary to Policy DM5 of the Allocations and Development Management DPD, would significantly and demonstrably outweigh the benefits of the scheme and render the scheme unsustainable.*

14/SCR/00073 – a Screening Opinion (under the Environmental Impact Assessment Regulations) was undertaken for residential development comprising 83 units and associated infrastructure, including the relocation of the existing school car park and sports pitches and the removal of 8 TPO trees (14/01964/FULM). It was concluded that an EIA was not required.

12/00817/FULM – Renewal of extant permission 08/02234/FULM for the demolition of existing nursery and sports hall, erection of new foundation/nursery unit, sports hall plus associated changing facilities, two new classrooms and extension of existing kitchen/catering facilities – permission 13.09.2012. The 3 year time limit for implementing this application expired on 13.09.2015.

08/02234/FULM – Demolition of existing nursery and sports hall. Erection of new foundation/nursery unit, sports hall plus associated changing facilities, two new classrooms and extension of existing kitchen/catering facilities – permission 02.09.2009.

The Proposal

Full planning permission is sought for residential development comprising 89 dwellings and associated infrastructure, including the relocation of the existing school car park and sports pitches, the provision of a Multi-Use Games Area (MUGA) and the removal of 8 TPO trees.

Of the proposed 89 dwellings, 83 units would be two-storey houses, and 6 units would be apartments within a two-storey block. The proposed scheme would deliver a range of 1, 2, 3, 4, and 5 bedroom accommodation as detailed below:

Type	No. of Beds	No. of Plots
Apartment	2	6
Townhouse	1	3
Semi-detached	1	2

Semi-detached	2	12
Semi-detached	3	4
Detached	3	7
Detached	4	23
Detached	5	32
Total		89

The apartments would be located adjacent to the London Road frontage and west of the vehicular access point. An area of amenity space serving the development would be provided adjacent to the apartment block.

The application proposal would involve the laying out of two sports pitches to the north of the main school buildings. One of these pitches would be grass and the other would be a Multi-Use Games Area (MUGA). Both sports pitches would be surrounded by an acoustic barrier of 2.4m in height.

Access to the proposed dwellings would be achieved via the reconfiguration of the existing school access off London Road. The site access road would then loop around the rear of the school grounds linking to a new school car park area containing 64 spaces located to the east of the main school building, and providing access to the proposed dwellings.

A total of 288 residential car parking spaces are proposed (75 of which are within garages).

The application proposes the reinstatement of a disused footpath link connecting the site to Barnby Road to the north.

The application forms the resubmission of a scheme that was previously refused planning permission in July 2015 (14/01964/FULM) and which was subsequently dismissed on appeal in March 2016 (Appeal Reference No: APP/B3030/W/15/3133508). The main issues considered in the appeal and the Inspector's findings in relation to each issue are summarised above under 'Relevant Planning History'.

The key changes from the previous scheme (14/01964/FULM) which was considered as part of the planning appeal are:

- Reconfiguration of the layout along the eastern part of Baileys Field in order to increase separation distances between the proposed dwellings and the adjoining neighbouring properties at No. 27 London Road, Nos. 11a and 12 The Woodward's, and Nos. 31 and 33 Glebe Park.
- Installation of an acoustic barrier to be sited around the proposed Multi-Use Games Area and sports pitch, designed to protect residential amenity for occupiers of the proposed dwellings.

The following documents have been submitted with the application:

- Archaeological Evaluation Report, and Archaeological Mitigation Strategy
- Building for Life Informal Assessment
- Design and Access Statement
- Ecological Assessment including Botanical and Reptile Surveys, Offsite Habitat Management Plan, and Reptile and Amphibian Mitigation Strategy
- Flood Risk Assessment, and Proposed Drainage Statement

- Noise Assessment
- Open Space Assessment
- Planning Statement
- Statement of Community Engagement
- Sustainability Statement
- Transport Assessment, and Travel Plan
- Tree Survey
- Viability Report

Revised plans have been received as follows:

02/09/2016 – Revised Planning Layout (Revision X), and Vehicle Tracking Drawing (Revision C) – a number of changes were made to the layout plan in response to comments from the County Council’s Highways Engineer in relation to refuse vehicle tracking, visibility splays and a number of other detailed matters.

03/01/2017 – Revised Planning Layout (Revision Y), Landscape Masterplan, detail of 2.4m acoustic pier and panel wall, and updated noise assessment report – the layout plan and landscape plan were updated in order to reflect the amendments to the acoustic wall which would surround the MUGA and sports pitch. This reflected an increase in the height of the acoustic wall, and was accompanied by an updated noise assessment report.

01/02/2017 – Revised MUGA Proposals Plan (Revision C) – a revised section plan showing the relationship between the MUGA / sports pitch, the acoustic wall and the surrounding ground level.

28/06/2017 – Revised Planning Layout (Revision Z) – minor revision to the layout plan in response to comments from the County Council’s Highways Engineer in relation to showing footways around a cul-de-sac turning head

24/07/2017 – Revised Planning Layout (Revision AA) – minor revision to accommodate a 25m visibility splay on the site access road towards the north west corner of the site in response to comments from the County Council’s Highways Engineer.

Departure/Public Advertisement Procedure

Occupiers of 91 neighbouring properties have been individually notified by letter. A site notice has been displayed on site and an advert has been 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 7 - Sustainable Transport

Spatial Policy 8 - Protecting and Promoting Leisure and Community Facilities

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
Core Policy 14 – Historic Environment

Newark and Sherwood Allocations & Development Management DPD (adopted July 2013)

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
Policy DM3 - Developer Contributions
Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM9 - Protecting and Enhancing the Historic Environment
Policy DM10 - Pollution and Hazardous Materials
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012
National Planning Practice Guidance (PPG) March 2014
Newark and Sherwood Affordable Housing SPD (June 2013)
Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
Nottingham Core HMA and Nottingham Outer HMA Position Statement – Farnsfield Appeal Decision (3006252) and the economic forecasts set out in the Employment Land Forecasting Study (July 2016)

Consultations

CLlr David Lloyd has called the application to Planning Committee if recommended for approval for the following reasons:

- Traffic impact - Would question that feasibility of this volume of traffic joining/exiting London Road at peak time - residents of both The Woodwards and The Glebe confirm that there are already difficulties. Furthermore, there would be a risk of traffic backing up onto the Principal Carriageway in addition to the increased risk of traffic on-site around the School. If, as the applicant suggests in order to mitigate the loss of sports provision, facilities on the site are to be used by 'outside groups', then this traffic issues are compounded. The parking provision on the site does not seem commensurate to properties of the size proposed.
- Sport and leisure provision - There is an evident loss of provision and the additional comments (since the original application) do not provide absolute assurance that community use can/will take place on the re-provision. The application infers that there is no requirement for commuted sums for/provision of open space enhancements. There is some suggestion that the new Barnby Road play area mitigates this with other suggested uses of existing provision so far from the site that it is incredible.
- Housing mix, type and density - The site would eliminate an apparent open break between Newark and Balderton which some feel is importance in retaining the character and open views which distinguish these settlements. The application is over-intensive and provides for little 'mix' in property type and ownership. The block of apartments in particular is inappropriate to the scale and type of housing on London Road (albeit the removal of a part-storey improves this) and seems to be a means of forcing in smaller units on a tight site. Thereafter, the provision for affordable housing is insufficient whether onsite or by commuted sum. The sheer scale, size and proximity of the overall development have a negative impact on residents of Glebe Park and The Woodwards.

- Biodiversity and landscape - There is some indication that SUDS will not work effectively on the soil type and that groundwater water dispersal impact is assessed as “moderate to significant”. There are high value trees on the site, some included with the TPO, many of which are mature and include oaks and yews. Some of these risk damage and felling to provide for a car park. It is noted that subsequent assessments have recommended some means of offering protection to *some* of these trees. It is unacceptable to remove so many mature native species and to recommend that they are replaced with native species that may grow more quickly, but are not of equivalent value. The site comprises a vital area for foraging and breeding of grass snakes and toads. It is not felt that sufficient remediation is proposed with regard to migration patterns in particular. Hedgerow corridors are welcome but wildlife are not renowned for interpreting road signs. It is not apparent from the application how archaeological finds would be protected and whether there is a need to undertake appropriate excavation.

Balderton Parish Council

Comments received 6 February 2017:

Nothing in this re-submission alters members’ objections and comments submitted previously.

Comments received 19 August 2016:

Members do not consider that this re-submission for the Highfields School site (14/01964/FULM refers) addresses the concerns and objections originally submitted by this Council, nor does it address all of the Planning Inspector’s comments, essentially that it ‘would harm the living conditions of some neighbouring residents’.

The following material planning considerations are therefore submitted:

1. Planning Policies

Members consider that it contravenes Planning Policy SP8 (Protection of school playing fields). The area was also designated as an ‘unsuitable site’ in the Allocations and Development Management Options Report in October 2011.

2. Emerging Plans

The proposed route by Network Rail through part of the site which was included in the planned closure of level crossings may have been shelved, but only until 2019. If this site is developed the option of building an alternative route for traffic via a new bridge from Barnby Road will not be possible, further adding to the acknowledged traffic problems in the Newark and Balderton area. A road through from the site to Barnby Road would ease some of the traffic congestion.

3. Highways Issues

Traffic generated from the site is a concern, along with the vehicular access which is so close to the bridge. The model used for assessing traffic along London Road was not a true reflection; a real survey taken on a Friday afternoon or a weekday peak-time morning would be more representative of the real situation. This would still not take into account the traffic generated from the thousands of properties being built south of this site in Fernwood and Balderton.

4. Capacity of Physical Infrastructure

This would have yet more impact on the surface water drainage system. Balderton's sewage works require substantial upgrading (as highlighted in a report commissioned by N&SDC in 2009); these have not yet been undertaken.

5. Deficiencies in Social Facilities

The existing village schools are already at capacity.

6. Loss of Privacy

Several existing properties will suffer from a lack of privacy and will, in turn be able to look directly into some of the dwellings.

7. Layout and density of Building Design

The inclusion of an apartment block that effectively fronts the site is not in keeping with that vicinity of London Road.

Additional Comments

Members are also concerned about the M.U.G.A. facility; if it is to be open for public use, will it be locked at dusk (and by whom?) or will it be open at all times, thus creating a potential hideaway area which may be misused? Are there any lights on the facility? With regard to the ambient noise level as demonstrated in the Avant Homes report – what modelling was this based on? The Parish Council owns and manages two M.U.G.A.s and our experience is that they can be very noisy facilities from footballs being constantly kicked against them, young people shouting etc.

Newark Town Council –

Comments received 3 March 2017:

It was unanimously decided to OBJECT to this application on the following grounds:

- Point iii) in the previous response (below) is supplemented as follows: The proposed Travel Plans and 5% traffic reduction target are not thought to be a meaningful or realistic means of addressing concerns. It is iterated that the original TIA was not thought appropriate for assessing impacts at peak time.
- Point v) in the previous response (below) is supplemented as follows: As such, it is contested that the application mitigates the specific comments made by the Inspector in the Appeal hearing with regard to noise and privacy/overlooking to existing *and* new residents.
- Point vi) in the previous response (below) is amended as follows: The proposed MUGA cannot be made available for meaningful community use due to the need to mitigate light pollution and noise and so is not considered to be of community value and does not mitigate for the loss of open space/play. Further, the acoustic barrier now proposed still causes noise pollution (open windows and trickle vents), as supported by Sport England and will negatively impact on visual and landscape amenity, not least due to the varying land levels and massing of the proposed boundary treatment to the MUGA.
- Point vii) in the previous response (below) is supplemented as follows: Assurance is sought for planning conditions to maintain access for existing residents to boundary treatments (in particular 33 The Glebes) and for traffic routing during construction.
- An additional point is raised as follows: There is concern that there is a lack of Primary school capacity to accommodate additional pupils arising from the development. There is also no provision for any Section 106 funding to mitigate the impact on local schools.

Comments received 1 September 2016:

At Newark Town Council's Planning Meeting held on 31st August, 2016, it was unanimously decided to OBJECT to this application on the following grounds:

- i) It will result in the loss of green/open space between Newark & Balderton and a total loss of 8 high value trees within the TPO for the site, with lesser native replacements in gardens which offer no permanence of planting.
- ii) The biodiversity statement is now outdated and needs revisiting and the ecological barriers within the site (width, height and location) are insufficient for ecology and inappropriate for privacy screening.
- iii) The Traffic Impact Assessment has not been updated or reviewed to take into account the southern urban extension and predictable traffic volume increases on London Road.
- iv) Reassurance is sought that there will be a planning condition requiring a full archaeological management plan which, in turn, is endorsed by Nottinghamshire County Council.
- v) The development remains over-intensive with inappropriate boundary treatments to mitigate noise and the loss of privacy (both to existing premises and 'new' neighbours), especially for No's 31 and 33 Glebe Park and 11a The Woodwards whereupon rear parking (contested by NCC Highways) will increase noise levels adjacent to existing premises.
- vi) The proposed MUGA cannot be made available for meaningful community use due to the need to mitigate light pollution and noise and so is not considered to be of community value. Further, the acoustic barrier now proposed does not come with a revised noise impact assessment and will negatively impact on visual and landscape amenity.
- vii) Assurance is sought for planning conditions to maintain access for existing residents to boundary treatments and for traffic routing during construction.

Environment Agency

Comments received 4 August 2016:

I refer to the amended application which was received on the 1 August 2016.

I have no further comments to add to those contained in my letters dated 31 December 2014 and 3 July 2015 other than to say that the second condition relating to surface water disposal can be deleted and you should consult the LLFA on this element.

Comments referred to, which were received 3 July 2015 in relation to previous application 14/01964/FULM

The Environment Agency has no objection to amending the planning condition relating to finished floor levels, to require internal finished floor levels to be set no lower than 150mm above the adjacent external ground levels.

Comments referred to, which were received 31 December 2014 in relation to previous application 14/01964/FULM

The Environment Agency has no objection to the proposed development subject to imposition planning conditions relating to finished floor levels, the submission and approval of a surface water drainage scheme and the submission and approval for the removal of suspended solids from surface water during construction.

Severn Trent Water

Comments received 24 August 2016:

No objection subject to a condition requiring submission of details of surface water and foul sewage disposal.

Natural England

Comments received 10 August 2016:

Natural England has no comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the Local Planning Authority to determine whether or not this application is consistent with national and local policies on the natural environment.

Historic England – No comments received.

Sport England

Comments received 8 February 2017:

Thank you for re-consulting Sport England with revised details submitted with regard to the abovementioned application. The amendments to the MUGA do not alter our comments and recommendations made on the 22 August 2016 and reiterated on the 24 January.

Comments received 24 January 2017:

Thank you for re-consulting Sport England with revised details submitted with regard to the abovementioned application. It is understood that the proposed amendment involves confirmation of the height of the proposed noise attenuation fence at 2.4m. The confirmation of the height does not alter our initial comments and recommendations made on the 22 August 2016.

Comments received 22 August 2016:

Thank you for consulting Sport England on the above application, which is effectively a resubmission of planning application 14/01964/FULM which was refused on 14 July 2015. The refusal was subsequently upheld at appeal. The main change, so far as Sport England is concerned, relates to the addition of a noise attenuation barrier for the sports facilities and a further noise report.

Please note that the submitted Open Space Assessment incorrectly refers to the 2003 Newark and Sherwood Playing Pitch Strategy not the 2014 Playing Pitch Strategy.

Sport England –Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 74) and Sport England's policy to protect playing fields, 'A Sporting Future for the Playing Fields of England' (see link below):

www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

The proposal involves the loss of a significant part of the school playing field area and a former playing field referred to as Baileys Field, the school playing field area lost would be replaced as in the original submission by the provision of a playing field area which is in excess of that being lost. This includes the provision of an artificial grass pitch which is supported by the above-mentioned playing pitch strategy. We advised that securing community use thereby meeting identified issues raised in the PPS would be accepted as mitigation for the loss of Baileys Field.

Assessment against Sport England Policy

This application relates to the loss of existing playing fields and/or the provision of replacement playing fields with additional sports facilities. It therefore needs to be considered against exceptions E4 and E5 of our playing field policy.

Sport England previously concluded that the proposed replacement does in principle meet the requirements of policy Exception E4 but we remained to be convinced that the introduction of an Artificial Grass Pitch would not give rise to objections which would limit the use of the facility to school day time use only. However, we advised that, if the local authority are content that the proposal would not lead to a noise issue which would limit the use to the facility, then the proposal would meet the requirements of our policy, your authority was not convinced and refused the application for a broad range of reasons which included impacts of noise and a failure to maximise community use. The inspector assessed the amenity issues and concluded that the provision of an AGP in close proximity to housing could give rise to unacceptable noise levels. The applicants have sought to remedy this by the addition of a noise attenuation barrier.

On the basis of the existing facilities available and the proposed improvements as a result of the facilities proposed at the school Sport England accepts, that the replacement playing field area meets the requirements of exception E4 of our policy. The addition of an Artificial Grass Pitch is considered to meet the requirements of Exception E5 on the basis that community access can be secured to this facility. However we have assessed the revised noise report to establish if in our opinion the provision of a noise attenuation barrier reduces the impact of the proposed MUGA to such an extent that the inspectors concerns are no longer valid.

The first 12 pages of the report just seem to be summarising the original report, it makes a number of comments saying that they expect the noise levels to in fact be lower than those predicted in the original report but do not undertake their own predictions to demonstrate this.

Page 13 gives the expected reduction provided by an acoustic barrier and distance attenuation. I do not think this is thorough as it does not state whether hard or soft ground attenuation was used in the initial modelling and whether this is considered in the reductions predicted. Regardless, this barrier does not address the concerns raised by the planning inspector below as the first floor windows are proposed to have trickle vents.

“It is, however, the maximum predicted internal noise levels which are of concern. Although, with the windows closed and trickle vents open, the maximum predicted internal noise level would comply with the most stringent guidance given in BS 8233:2014, this would be exceeded when the windows of these properties are opened to allow for ‘purge’ or summertime ventilation.”

My main concerns with the report are:

They do not address the inspectors concern about purge ventilation to first floor rooms as even with the barrier the windows need to be kept closed.

I do not think the prediction methodology gives a high level of confidence. No new noise model has been created to demonstrate the effect of the fence but rather reductions based on the original scheme. A number of statements are made that noise levels are likely lower than those originally predicted but again no evidence is provided. The acoustic report should show by prediction the predicted noise level at the properties with the acoustic barrier in place.

Confirmation would be required on the surface density of the fence panels.

Our concern with regard to noise and residential amenity therefore remain, however, as before if your authority is minded to approve the application, we would encourage some form of mechanism planning condition or agreement which secure the use of the sports facilities for the school and the community which is not challengeable by future residents and that future residents are fully aware of the use of the proposed facilities.

It is suggested that a community use agreement may be an appropriate way forward a suggested condition, is given below and an agreement template is attached. The provision of a community use agreement would also help to address issues identified in the Playing Pitch Strategy, around local hockey and junior football requirements and also aid the continuation of established Rugby development links.

Condition:.....[Use of the development shall not commence/No development shall commence] [or such other timescale] until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to [describe facilities forming part of the development] and include details of pricing policy, hours of use, access by non-[educational establishment] users [/non-members], management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement."

*Reason:To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy **.*

Informative: Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org.

In conclusion we remain concerned with regard to residential amenity, on the basis of the existing facilities available and the proposed improvements as a result of the facilities proposed at the school Sport England accepts, that the replacement playing field area meets the requirements of exception E4 of our policy. The addition of an Artificial Grass Pitch is considered to meet the requirements of Exception E5 on the basis that community access can be secured to this facility. Securing community use thereby meeting identified issues raised in the PPS would be accepted as mitigation for the loss of Baileys Field.

If it is considered that community access cannot be secured then Sport England should be advised as we will wish to reconsider our position which may result in a formal objection to the proposal.

Police Architectural Liaison Officer

Comments received 27 September 2016:

I have no concerns regarding the housing proposals including the road layout, orientation, vehicle parking arrangements etc. from a Design out Crime Viewpoint.

With reference to the proposed MUGA and the noise attenuation wall, I do have a number of concerns. The design of a MUGA with open mesh sides is such that not only gives the retention of footballs etc. can be kept inside the MUGA so that local neighbours are not inconvenienced, but the open mesh sides provide natural surveillance to ensure anyone wishing to use the MUGA for anti-social behaviour or other nefarious activity can be seen by neighbours and passers-by, and the opportunities for this type of activity is greatly reduced, in addition parents can also keep any eye on their children when using the MUGA from nearby homes etc.

If the proposal of installing a 1.8 m high wall is allowed then natural surveillance into the MUGA will be lost and the potential for anti-social behaviour is likely to increase, together with the wall becoming an attraction for graffiti or damage. I am not a noise expert but I have doubts that a 1.8m high wall would have little effect on noise attenuation especially when the MUGA sides are 3m high. I would not support a wall which will greatly reduce the natural surveillance into and out of the MUGA.

Nottinghamshire County Council (Highways Authority)

Additional comments received 15 August 2017:

We have been in correspondence with Severn Trent Water in relation to surface water drainage from this development. Severn Trent Water are happy to provide a system that would directly take the water from the highway drainage system. As such and subject to the highway drainage running directly into an adopted Severn Trent sewer we are satisfied that the highway drainage issues are able to be resolved.

Additional comments received 29 June 2017:

Further to Point 2 within the comments received on 18 October 2016, the County Council's Highways Officer confirmed that a private management/maintenance arrangement regarding highway water drainage would not be acceptable to the Highway Authority, and that the developer should seek ways to discharge directly into a Severn Trent system.

Comments received 3 November 2016:

1. The Travel Plan period of implementation needs to be confirmed. Several times it has mentioned "it will continue through the marketing and sales stage", rather than including the monitoring period. According to the NCC guidance document, a Travel Plan should run from first occupation to a point 5 years following 50% occupation.
2. Similarly, para 4.1 states that the TPC will be in position as the development is "constructed, marketed and occupied" which is different from para 4.3. For the avoidance of doubt, the TPC should be in place to match the monitoring period.
3. Full contact details for an Interim TPC should be provided now (before the Travel Plan can be approved), which could be a representative of the developer or their agent. A commitment should be made to provide NCC with the updated details once the permanent TPC is assigned.
4. "Taster tickets" for the public transport services would provide a good incentive to try these services out at the point of occupation.
5. A development of this size is unlikely to warrant a site specific car share scheme: more focus should be placed on promoting Nottinghamshare.
6. TravelLine East Midlands should be mentioned because it provides information on all services by all operators.
7. The TP should also commit to a three year review and evaluation with district and county councils.
8. Any resident surveys should be created in liaison with NCC.
9. The TP has no remedial measures. Should the TP not be meeting its target then, as a minimum, the monitoring period should be extended to ensure there is an incentive for the TP to achieve its targets. A range of other remedial actions should also be outlined.
10. Section three needs a further table to demonstrate the level of trips with the 5% reduction applied. The targets should not be amended without the approval of NCC.
11. Para 4.8 states that NCC will provide posters, leaflets etc. The Travel Plan should be self-supporting, and not be reliant on provision of materials from NCC, and / or funding from NCC: i.e. the cost of the TP is the responsibility of the developer.
12. Traffic Counts should also be arranged as the development progresses, not just on full occupation. The NCC guidance gives an indicative timetable of annual travel surveys (questionnaires) alongside counts in Yrs 1, 3 and 5.

Comments received 18 October 2016:

Further to my comments dated 15 August 2016, I now refer to drawings AM.211713.101Rev.X and ELL-189-AHN-B-650C.

1. I believe confirmation is still required that the footpath link to Barnby Road will remain privately owned/maintained.
2. An agreed strategy to deal with highway drainage has yet to be made, but will require resolution prior to any formal highway adoption agreement with the Highway Authority. This matter is still outstanding and has been for a long period of time. I understand that if this strategy cannot be agreed the ground conditions are such that alternative drainage arrangements may require ground levels to be elevated.
3. The drawing showing forward visibility splays around the sharp bends does not offer adequate distances (sometimes 17m and others 23m). Either justification for this should be presented or amendments made. Land within these splays should form part of the highway adoption (or otherwise protected and maintained in an agreed manner). If adopted and the areas within the splays are not hard-paved, then suitable arrangements will be needed to maintain these areas or a commuted sum will be charged.
4. The turning heads outside plots 21-26, between plots 33 & 40 and between plots 46 & 58 should have footways around the whole head. This can be easily achieved without compromising vehicle swept paths.
5. I reiterate that in line with the County Council's Planning Contributions Strategy we will be seeking a contribution of £14,200 to encourage bus patronage. It is thought that this could be best secured in a Section 106 Agreement. This money will support infrastructure improvements to existing bus stops as follows:
 - Provide real time display and bus stop clearway at bus stop NS0446 The Woodward's (London Road). Approx. cost £7,100.
 - Provide a real time display and bus stop clearway at bus stop NS0779 The Woodward's (London Road). Approx. cost £7,100.
6. In addition, a Section 106 Agreement should include an agreed lorry routeing arrangement (unless it is felt that this could be covered by a condition). A lorry routeing agreement will be required to ensure that extraneous traffic is kept out of Newark town centre.
7. It is recognised that no part of the development shall be occupied unless or until a scheme to modify the white lining scheme on London Road has been implemented in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.
8. I believe comments on the Travel Plan are outstanding and I will chase this up with colleagues.

I believe the above points should be addressed prior to the Authority raising no objections to the proposal and suggesting suitable planning conditions to protect highway interests.

Comments received 15 August 2016:

I refer to planning layout drawing no.AM.211713.101Rev.T. I wish to make the following comments:

1. It is currently understood that the footpath link to Barnby Road will remain privately owned/maintained. Confirmation of this may be sought.
2. An agreed strategy to deal with highway drainage has yet to be made, but will require resolution prior to any formal highway adoption agreement with the Highway Authority.
3. Previous drawings associated with this site showed forward visibility splays around the sharp bends. These should be re-established with an indication that they will be part of the highway adoption (or otherwise protected in an agreed manner)
4. It appears that raised traffic calming features are being proposed at points along the road. It is unclear if these are necessary or appropriate. They can be a maintenance burden and should be used sparingly, if at all. If used they will attract a commuted sum payment for maintenance. Perhaps this should be a point of discussion between the designer and the Highway Authority. If used, careful attention needs to be made with regard to their juxtaposition with private driveways e.g. outside plots 12/13.
5. Between plots 7 and 13, a footway is shown only on one side of the road. Thereafter two footways are shown. This needs explanation/justification.
6. In relation to the road, the oblique orientation of the driveways to plots 59-61 may cause problems for cars reversing into or out of them. Perhaps car swept path drawings may help satisfy the Authority that these driveways will adequately function.
7. Car spaces relating to plots 55-56 are too small to function properly.
8. I am not convinced that the adoptable turning head provision outside plots 22-24, between plots 33 & 40 and between plots 72 & 75 is adequate to cater for refuse vehicles. Vehicle swept path drawings should be produced for a refuse freighter 10.85 metres long with a wheelbase of 5.31 metres to demonstrate that these turning heads are adequate, without encroaching on to the footways.
9. The main access to plots 46-56 appears to change in width. This change should be avoided. A 4.8m wide carriageway should be sufficient.
10. Trees should not be placed in the adoptable parts of the road system e.g. outside plots 14-17.
11. It is noted that rear parking has been introduced to plots 76-88. Such arrangements have, in other instances, led to on-street parking, since this becomes more convenient. Therefore such arrangements should be avoided. If for overriding reasons such parking is necessary then access to these spaces will need to meet the following guidance: *Shared driveways to 2-5 dwellings should be 4.25m wide for a minimum distance of 5m behind the highway boundary. 0.5m should be added if bounded by a wall, fence, hedge, line of trees or other similar obstruction on one side; and 1m if bounded on both sides.*

12. In line with the County Council's Planning Contributions Strategy we will be seeking a contribution of £14,200 to encourage bus patronage. It is thought that this could be best secured in a Section 106 Agreement. This money will support infrastructure improvements to existing bus stops as follows:
 - Provide real time display and bus stop clearway at bus stop NS0446 The Woodwards (London Road). Approx. cost £7,100.
 - Provide a real time display and bus stop clearway at bus stop NS0779 The Woodwards (London Road). Approx. cost £7,100.
13. In addition, a Section 106 Agreement should include an agreed lorry routeing arrangement (unless it is felt that this could be covered by a condition). A lorry routeing agreement will be required to ensure that extraneous traffic is kept out of Newark town centre.
14. It is recognised that no part of the development shall be occupied unless or until a scheme to modify the white lining scheme on London Road has been implemented in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.
15. Further comments may be forthcoming with regard to the Travel Plan.

Nottinghamshire County Council (Planning Policy)

Further comments received 7 July 2017 in relation to the response from ECUS (27 April 2017) and the additional submitted ecology surveys (May 2017):

The response from ECUS (27 April 2017) seeks to address a number of issues. The following points are highlighted:

- Further details are provided of several trees in relation to their potential to support roosting bats, and mitigation proposed.
- It remains the case that the scheme will result in the net loss of approximately 2.25ha of neutral grassland (albeit not species-rich), used by reptile and amphibian species.
- It is stated that '*the ecology corridors are anticipated to provide movement corridors along the site boundaries for reptiles and amphibians*'. These 'corridors' are just 2 metres wide, and are basically a hedgerow sandwiched between the back garden fences of the new properties and existing adjacent properties. Whether they will retain ecological connectivity and allow the movement reptiles between the Ballast Pit LWS and allotments to the west, and retained grassland and allotments to the west is, to my mind, highly questionable, and I do not consider that they provide substantial or sufficient mitigation for the impacts of the development. The Hedgelink publication "How to Manage your Hedges for Grass Snakes (available at: http://hedgelink.org.uk/cms/cms_content/files/36_grass_snakes_%26_hedges_leaflet.pdf) states that '*A good hedge for grass snakes is one that is south-facing and includes four key hedge components. The hedge should have a varied vegetation structure and height with wet and dry habitats (for them to warm up and cool down), brambly/thorny areas (offering shelter), a field margin with a wet ditch (for hunting), an unshaded, sunny, field margin (for basking), preferably with small banks, hummocks, hollows (for more protection and easier hunting)*'. It is clear that this cannot be achieved in a 2m corridor, and as per my March 2017 comments, I remain of the view that a reasonable solution would be to rationalise the corridors such that there is a single 10-15m wide corridor along the northern boundary to the east and along the southern boundary to the west, linked along the retained internal hedgerow (see below).

- It is stated that *'retention of the central hedgerow cannot be accommodated within the current scheme'*. Clearly, the central hedgerow could be readily accommodated by redesigning the scheme layout, to retain an established green corridor across the site of benefit to both wildlife and new residents. That the applicant has made no efforts to do this is very disappointing, as I can see no reason why it could not be achieved.

Further ecological survey work has been completed or is underway, as previously requested:

- The continued presence of Grass Snakes at the site is confirmed, with 6 individuals recorded during surveys in May including juveniles, indicating this species is breeding on or near the application site. Grass Snakes (and Common Toads) are a 'Species of Principle Importance for the Conservation of Biodiversity in England' by virtue of Section 41 of the Natural Environment and Rural Communities Act 2006. It should be noted that Policy DM7 of the Newark & Sherwood Allocations & Development Management DPD states that *'On sites... supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site'* and that *'significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation... provided...'*.
- A single bat activity survey (plus static monitoring) has been completed during May, with a low level of bat activity recorded. It is noted that two further surveys are planned, in the summer and late summer/autumn, the results of which are not yet available. It is asserted that the internal hedgerow (to be removed to accommodate the development) is not of great importance for foraging and commuting bats. However, without the result of the two further surveys, it is not possible to confirm this (noting that bat activity surveys have been requested since November 2014).
- A single Common Toad was recorded during the reptile survey. Whilst this suggests that the rough grassland on the site does not support a large population of this species, it remains unknown what level of importance the site has for migrating toads, known to use the LWS pond site to the west (and for which there is a toad crossing on Barnby Road).

In the event that planning permission is granted, conditions will be required to cover the following:

- Implementation of the Reptile and Amphibian Mitigation Strategy; if 17/00357/FULM is approved, a revised Reptile and Amphibian Mitigation Strategy will be required, due to the different scheme layout.
- A separate condition requiring that the Reptile Method Statement that forms Appendix 1 of the Reptile and Amphibian Mitigation Strategy is implemented prior to the commencement of any ground clearance works at the site
- The production of detailed road designs to incorporate underpasses and drop kerbs as per the Reptile and Amphibian Mitigation Strategy
- Production of a Biodiversity Management Plan, to guide ongoing management of retained and created habitats within the development site
- The submission of a detailed Landscaping Scheme, to make use of native species of tree and shrub along site boundaries and within areas of public open space, selected with reference to the relevant Landscape Character Assessment species list available at: <http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>
- Details of measure to protect retained vegetation (including hedgerows and trees) during construction, including through the use of temporary protective fencing

- Adherence to sensitive working practices in relation to the felling of trees with low potential to support roosting bats, as set out in paragraph 4.4.8 of the Ecological Appraisal dated November 2016
- The control of vegetation clearance during the bird nesting season (which runs from March to August inclusive)
- The application of best practice working methods in relation to mammals as set out in paragraph 4.4.5 of the Ecological Appraisal dated November 2016
- The submission of a bat-sensitive lighting scheme, developed with reference to the Bat Conservation Trust (2014) publication '*Artificial lighting and wildlife – Interim Guidance: Recommendations to help minimise the impact of artificial lighting*'
- The installation of integrated bird and bat boxes, incorporated into the fabric 20% of the proposed dwellings/their garages

In addition, a S106 agreement will presumably also be required to deliver the initial and ongoing offsite habitat works referred to in the Reptile and Amphibian Mitigation Strategy.

In summary, I am unable to support this application, but in the event that planning permission is granted, it must be controlled through conditions, as requested.

Comments received 30 August 2016:

Waste

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Minerals

The proposed site does not lie within close proximity to any existing or proposed minerals sites. It does however lie within a Mineral Safeguarding and Consultation Area for sand and gravel. In line with the National Planning Policy Framework (paragraph 143) the Minerals Local Plan (Submission Draft, consultation Feb 2016) sets out a policy (DM13) concerning these areas. However, as a development within the defined urban boundary and surrounded by existing built uses, the proposal can be considered as infill development and as such is excluded from the provisions of the policy. The County Council does not, therefore, wish to raise any objections to the proposal from a minerals safeguarding perspective.

Public Health

It is recommended that discussions take place with Newark and Sherwood CCG and the Mid Notts. Local Estates Forum for advice concerning any additional healthcare requirements e.g. S106/CIL.

Strategic Transport

There were no strategic planning objections to the previous application on this site (ref.14/01964/FULM). Any update of this will be provided separately as soon as possible.

Rights of Way

There are no recorded public rights of way over or adjacent to the proposed development site.

Transport and Travel Services

The development access would be via an improved school entrance onto London Road with the closest bus stops fronting the school site, the stops are approximately 400 metres from the centre of the site.

Bus Service Support

The County Council has conducted an initial assessment of this site in the context of the local public transport network. Balderton has frequent services into Newark operated commercially by Stagecoach. A summary of all services passing the site is provided in Table 5.2 of the Transport assessment.

The developers do not indicate that additional service capacity is required, however the table indicates that Service 2, 3/3B and 90A run at a frequency of 120 minutes on Sundays. Balderton is served on Monday to Saturdays by Services 2, 3 and 90A. However there are no services between Newark and Balderton on Sundays or Bank Holidays. Table 5.2 should be amended accordingly.

The County Council would wish to negotiate funding for additional Sunday frequency in the area of the development.

Infrastructure

Current Infrastructure - The current infrastructure observations from Transport & Travel Services photographic records are as follows:

- NS0416 The Woodward's - Bus Stop Pole and Raised Boarding Kerbs
- NS0779 The Woodward's - Bus Stop Pole

Possible Infrastructure Improvements - Transport & Travel Services request the following bus stop improvements:

- NS0416 The Woodward's – Real Time Bus Stop Pole & Displays including Associated Electrical Connections and Enforceable Bus Stop Clearway
- NS0779 The Woodward's – Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Raised Boarding Kerbs and Enforceable Bus Stop Clearway

The County Council requests that any planning permission granted is subject to a planning condition stating the following:

No part of the development hereby permitted shall be brought into use unless or until the enhancements to the bus stops on London Road (NS0416 and NS0779) have been made to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, raised boarding kerbs and enforceable bus stop clearways.

Reason: To promote sustainable travel.

Further information can be supplied through developer contact with Transport & Travel Services (email: ptdc@nottsc.gov.uk, tel. 0115 9774520)

Landscape and Visual Impact

The Landscape Masterplan (Drawing No. AM 211713.102 Rev G) shows the current proposals which are not radically different to the former application as shown on the Planning Layout BB.211713.101 Rev M. The comments on landscape and visual impact provided by the County Council in response to the previous application (ref 14/01964/FULM) are therefore still relevant.

Below are outline comments on the current application, as due to the timescale a site visit was not undertaken.

Site circulation

The Landscape Masterplan shows that there is limited pedestrian access for residents of dwellings to the east of the site other than by the long footways adjacent to the main access road into the site from London Road. It is not clear if there are proposed works to improve/formalise the pedestrian link from the field access from Barnby Road to the north west of the site. From aerial photography this link appears to be a green track. Potential surfacing works could therefore impact on landscape and ecology issues not included within the ecological survey accompanying this application.

Green infrastructure

The 2m “ecological corridors” shown along the central section of the northern boundary and south eastern boundary are proposed hedgerows and as such provide a very minimal boundary treatment. Given that there will be a considerable amount of removal of established mature between the existing school and sports pitch the new hedge will not be enough to compensate for this loss and removal of vegetation in this area will break connectivity across the site. There are **no** green infrastructure proposals shown between the southern boundary of the allotments and the site which connects it to the *Ballast Pit Local Wildlife Site* to the east. Whilst there are offsite works proposed to the LWS itself there should be scope to provide a stronger boundary to this part of the site which would also replace trees lost in this location.

Sports Pitch

The proposed 1.8 -2.4m acoustic fence with brick pillars/dwarf wall (as opposed to railings and hedge planting of the previous application Ref: 14/01964/FULM) within the central green space may reduce noise levels arising from the use of the pitch but will have adverse impacts on landscape and visual amenity issues. The enclosure of the space will remove the open vista and a degree of natural surveillance of the space from the surrounding properties as well as removing the permeability of the boundary for biodiversity. The central green space could have contributed to the overall setting of the development and its loss will have negative impacts on visual amenity. The provision of a noise assessment should be provided to give an evidence base for the acoustic fence that is proposed. The suitability of this should be assessed by a noise specialist for comment on behalf of the determining planning authority.

Nature Conservation

The survey work which accompanied the previous application (14/01964/FULM) dated from 2013. Whilst this was considered to be up-to-date at that time, it is now more than three years old. Given that most ecological survey work has a shelf life of two to three years (as stated in

BS42020:2013 – Biodiversity – Code of practice for planning and development), this survey work is now out of date. As a protected species is known to be present on the application site (grass snake), it is therefore essential that updated reptile surveys are completed, **prior to the determination of the application**, to establish the current status of the species at the site, and the appropriateness of the proposed mitigation. This would also provide an opportunity to assess the usage of the site by common toad, as was previously requested.

Notwithstanding the results of these survey(s), the comments the County Council made in relation to the previous scheme remain valid. The County Council would welcome the opportunity to revisit these comments and address the various concerns, including:

- An assessment of trees with regards to their potential to support roosting bats
- A lack of bat activity surveys given the removal of linear vegetation
- The lack of substantive mitigation to account for the loss of 2.25ha of grassland

The County Council would therefore request that the bat survey work is carried out **prior to the determination of the application**, and that the appropriateness of the mitigation works is reviewed following the results of these, and the updated reptile survey. This is considered necessary to ensure that the ecological impacts of the proposals have been properly assessed.

Archaeology

The proposed development site has high archaeological potential. This was confirmed by the archaeological evaluation which was undertaken in support of the previous application, the report on which is submitted with the current application, along with a proposed mitigation strategy for dealing with the archaeological remains should the application be approved. The County Council is content with the work which has been undertaken, and is content to accept the mitigation strategy which has been proposed. It is therefore recommended that if the planning application is granted this should be conditional upon the implementation of the submitted archaeological mitigation strategy.

Developer Contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met.

Education

A proposed development of 89 dwellings would yield an additional 19 primary places. The County Council would therefore wish to seek an education contribution of £217,645 (19 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In terms of secondary education, the development is in the catchment of The Newark Academy. Any secondary contributions would be covered by CIL.

Libraries

The County Council would wish to seek developer contributions for the additional stock that would be required to meet the needs of the 214 population that would be occupying the new dwellings. This is costed at 214 (population) x 1,532 (items) x £12.50 (cost per item) = £4,098.

Conclusion

The County Council does not wish to raise any objections on strategic planning policy grounds, but would wish to raise concerns in respect of landscape and visual impact, as detailed above.

In addition, the ecological impacts of the proposal need to be properly assessed, which requires survey work and assessment of the appropriateness of mitigation measures to be undertaken prior to the determination of the application. It would also be useful for the application to be supported by a waste audit and it is recommended that discussions take place with Newark and Sherwood CCG and the Mid Notts Local Estates Forum for advice concerning any additional healthcare requirements.

Notwithstanding these elements, should the District Council be minded to grant permission for the proposal, the County Council would request that it is subject to conditions regarding the implementation of the submitted archaeological mitigation strategy and bus stop enhancements. Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Contributions will be sought for Education and Libraries provision.

The County Council would also wish to negotiate funding for additional Sunday bus service frequency in the area of the development.

Nottinghamshire County Council (Developer Contributions)

Comments received 18 August 2016:

In respect of education, a proposed development of 89 dwellings would yield an additional 19 primary places. The County Council would therefore wish to seek an education contribution of £217,645 (19 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In terms of secondary education, the development is in the catchment of The Newark Academy. Any secondary contributions would be covered by CIL.

In terms of libraries the County Council would wish to seek developer contributions for the additional stock that would be required to meet the needs of the 214 population that would be occupying the new dwellings. This is costed at 214 (population) x 1,532 (items) x £12.50 (cost per item) = £4,098.

Nottinghamshire County Council Lead Local Flood Risk Authority (LLFA)

Comments received 31 August 2016:

No objections subject to the following:

No construction shall start until a detailed surface water design and management plan is submitted and approved by the LPA. This submission must cover, but not be limited to, the following points:

1. Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
2. For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
3. The site drainage system should cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
4. Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
5. Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

Nottinghamshire Wildlife Trust

Further comments received 9 August 2017 in relation to the additional submitted ecology surveys (August 2017):

We note from the results in the ecology report, Highfields School, Newark-on Trent 2017 Ecology Surveys (ECUS), that only a low level of bat activity was recorded on site during the three transects and associated static monitoring. We are satisfied that hedgerows H1 and H2 are not particularly important to commuting and foraging bats. We therefore have no further objections to the proposals. In addition to concerns raised in our previous correspondence we would like the following to be taken into consideration. We fully support the recommendation by the applicant's ecologist that a lighting plan be conditioned to ensure adjacent habitats, including the allotments, Ballat Pit LWS and offsite trees are not subject to lightspill to minimise impacts on bats. Sensitive areas should be identified by an ecologist and a lighting plan then drafted by the lighting engineers.

Further comments received 3 July 2017 in relation to the response from ECUS (27 April 2017) and the additional submitted ecology surveys (May 2017):

The updated survey revealed a peak count of six grass snakes and a single toad record. We are satisfied with the conclusion that there is a low population of grass snake using the site and reptiles are strongly associated with the long grassland and the margins of the site. The impacts of the proposed scheme will result in total loss of tall sward grassland across the site and reduce/sever connectivity between other suitable habitats in the area. The applicant's ecologist states that *'loss of semi improved grassland in the absence of mitigation would further reduce local availability of semi natural habitats and could be considered of up to local importance to grass snake populations'*

To mitigate the above impacts, a Reptile and Amphibian Mitigation Strategy has been developed that includes the creation of two connective corridors, offsite enhancement and the incorporation of amphibian/reptile friendly features within road design. The reptile surveys conducted to date have not, however, enabled an assessment of the value of the site as a migration route for toads due to the time of the year they were conducted. This information may have been useful in order to inform the location of proposed amphibian corridors and to ensure that the corridors are of an appropriate width to be fit for purpose. This aspect of the development still causes us concern. Such an assessment could have revealed, for example, that establishing amphibian corridors around existing ecological features such as the internal hedgerows would be a more appropriate strategy. Common Toad is a species of conservation concern and is listed as a priority species in the UK Biodiversity Action Plan (UKBAP), as well as a species of principle importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

Bats

We welcome the intention to assess the value of the site for foraging bats through a bat activity transect survey in May 2017 and static monitoring during the period 26 April-1 May at two locations. A low level of bat activity was recorded during the transect survey undertaken on 3rd May 2017 with the majority of recorded activity pertaining to common pipistrelle and soprano pipistrelle, with brown long-eared bats also recorded. At the time of writing information on the other two surveys does not appear to be available. In order to be in a position to comment fully on impacts to foraging bats we will need to see the results of all of the activity surveys.

Until such time that the results of the bat activity surveys are made available we maintain our objection to the proposed development at Highfields School.

Comments received 8 August 2016:

Reptile and Amphibian Mitigation Strategy

We welcome the Reptile and Amphibian Mitigation Strategy (ECUS 2015) as it collates all the information relating to mitigation and enhancement measures for reptiles and amphibians that will be implemented within the Highfields School development scheme. We advise that the methods within the strategy are set as **a condition**, with particular emphasis on the following sections:

- Ground clearance works should be undertaken under the supervision of an Ecologist. Clearance during the winter months is considered to be the easier option, due to a lack of hibernaculum features onsite.
- A letter is submitted to the LPA once clearance works have been completed. This letter should include the number of amphibians and reptiles encountered during the clearance works so that the LPA are kept fully informed on ecological issues.
- It is stated in section 2.1.8. of the Mitigation Strategy that hedgerows are to be planted at an early stage, using three year old stock. This would reduce the time lag of onsite habitats becoming established and maintain habitat corridors.
- Enhancement works at the adjacent LWS, as outlined in Appendix 2 of the mitigation strategy, should be completed prior to construction works commencing. This is to allow habitat for any reptiles displaced during the construction works and/or should hibernating reptiles be discovered during winter site clearance work.

- We welcome the installation dropped kerbs and ACO type wildlife kerbs within the development to reduce hazards to amphibians. Further information on where the kerbs are to be installed would assist in fully informing the LPA of the proposed mitigation.
- The installation of two underpasses beneath the access road into the site in the west and the road accessing the school car park in the east to enhance the functionality of the southern wildlife corridor. This will allow reptile and amphibian movement and reduce the hazard posed by vehicles. If this is not technically feasible we would expect the LPA to be notified and another solution found to reduce the hazard posed by vehicles to migrating amphibians and reptiles.

Management of Retained and Created Habitats

We welcome the clear set of management prescriptions for the enhancement and management at Ballast Pit LWS for grass snake. This will enable Railway Paths and/or their tenants, which currently comprise a fishing club, to manage the habitat appropriately for grass snake. We are of the opinion that a Biodiversity Management Plan should be produced that includes management prescriptions for the Ballast Pit and the wildlife corridors within the development site to ensure the management company will be clear about work required. This will ensure that habitats are managed appropriately in the long-term to maximize their wildlife value. We are aware of a landscaping scheme created within a development that has subsequently been influenced by residents, reducing its value to wildlife.

We encourage the installation of bird and bat boxes as a form of biodiversity enhancement. We would be happy to provide further advice on appropriate boxes and locations. This could be within the additional habitat enhancement area within Highfields School which could and provide an exciting opportunity for pupils to become involved.

Any ecological enhancements will meet paragraph 118 of the NPPF in which developments are encouraged to undertake opportunities to incorporate biodiversity.

Northern and Southern Corridor

We welcome the proposals to remove the southern and northern ecological corridors from the residential gardens. We also welcome the creation of a 1.5m gap in the existing wall to allow amphibian and reptile passage along the southern habitat corridor that links to habitat in the wider area. We also fully support the proposal for gaps under garden fencing to allow wildlife access. Again, the long term management of the corridors will need to be included within a biodiversity management plan. This should include the cutting of the hedgerow once every two to three years in January/February to allow wildlife the opportunity to utilise the winter berry crop. It is appreciated on the northern corridor, the southern side of the hedgerow may need to be cut more frequently to retain management access. Cutting should encourage the development of an 'A' shaped profile, to maximise density at the hedge base rather than hedge top. Each cut should be made higher than the last, to allow a small increase in height each year.

We note **Figure 1 Mitigation and Enhancement Measures** indicates 'semi-native planting along the southern boundary' of the sports pitches. We would like to see this wildlife corridor **consist solely of mixed native planting** in order to ensure maximum benefits to wildlife. We would wish to see the proposed species mix included within the soft landscaping plan, and the proposed management of the hedgerow within the biodiversity management plan.

Necessary Precautions

If permission is to be granted, precautions listed below should be undertaken and ideally be set as conditions. These include:

- Removal of vegetation and ground clearance works between September - February, outside of the bird breeding season. If work within the breeding season is unavoidable, then a competent ecologist should check for nesting birds. Written confirmation should be sent to the LPA of measures taken to ensure no nesting birds will be harmed.
- Trees and hedgerows should be retained where possible and protected during works in accordance with BS 5837:2012. Removal of any hedgerow should be replaced by native species of a local provenance.
- Work must stop immediately and an ecologist consulted if great crested newts are found on-site.
- Best working practice is to be undertaken in regards to badgers. Any pits and trenches should be covered overnight, and/or a ramp provided in case any animals fall in.
- If hedgehogs are found during works, they should be moved to a place of safety and suitable habitat.

Additional Comments

We were unable to find information relating to a lighting plan for the site. Any lighting associated with the development or during construction should be of low intensity and directed away from ecological corridors and adjacent offsite mitigation. In addition to this, we would wish to see a lighting plan provided. We strongly suggest that floodlighting is not installed on the sports field. Lighting should not exceed 200 lumens (150 watts) and lighting columns should not exceed 8m. Low-pressure sodium lamps (SOX) fitted with hoods are recommended and any security lighting should be on a timer setting and faced downwards. A corridor on the western boundary could also provide an additional unlit foraging/commuting resource for bats.

NHS England – No comments received.

Network Rail

Comments received 9 August 2016:

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met, especially with the close proximity to the development of an electrified railway.

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.

3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular the **drainage** should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway.

NSDC (Parks and Amenities)

Comments received 28 March 2017:

Advised that comments on previous application 14/01964/FULM apply, as follows:

This development should make a contribution to public open space in the form of children's playing space and amenity open space. In addition the development proposes the relocation of existing sports pitches.

The landscape masterplan accompanying the application does not appear to include any children's playing space and this open space element will thus need to be provided through the payment of an off-site commuted sum for the provision/improvement and maintenance of children's playing space in the vicinity of the development. It is difficult to tell how much amenity open space is being provided on site but the development would appear to be deficient in this respect. I note that the Open Space Assessment accompanying the application suggests that the new footpath link through to Barnby Road will provide access to Barnby Road Community Park however I am concerned that this will involve walking for 300m along Barnby Road and it should be confirmed that footpaths are in place along the whole length of the route to ensure that this can be done safely. A more appropriate way of reaching Barnby Road Community Park would be via the Sustrans multi-user route however an access onto this does not seem to be being provided as part of the development. Perhaps this is something that could be discussed with the applicant?

I note that the sports pitch provision is being increased from 0.9ha to 1.1ha however I share some of Sport England's concerns over the location of the new pitches adjacent to residential dwellings and the potential for nuisance associated with this.

I note also that an AGP/MUGA may be located on part of the new sports pitches but that the applicant states that this will not be floodlit. This will significantly reduce its usability out of school hours and would seem to be a missed opportunity. Overall I share Sport England's concerns about the proposed sports pitch provision and believe that further discussions are required.

I consider that on-site mitigation would be appropriate. In addition the removal of protected trees should be kept to a minimum and appropriate replacements should be provided.

NSDC Conservation –

Comments received 6 April 2017:

Additional observations were received from the Conservation Officer highlighting that the hedgerow which lies within the site and is proposed to be removed, may constitute an ‘important’ hedgerow in the context of the Hedgerow Regulations 1997 given that it appears to reflect a historic parish boundary. As such they have requested that the potential historical significance of this boundary be factored in to the planning balance.

Comments received 29 March 2017:

Highfields School is within Highfields House, a large Victorian villa, set within landscaped grounds. Highfields House should be regarded as a non-designated heritage asset. The building is not in a Conservation Area.

The historic map from 1884-1885 shows that the obviously landscaped grounds associated with the House were not as large as the current school estate.

Today the House still retains a sense of grandeur from the front elevation, which has remained relatively unaltered, and the land in front has remained undeveloped. The House is also surrounded by specimen trees and clusters of yew bushes which are an important part of its setting. To the rear of the House remnants of a tall red brick wall survive, which provided for the lean-to glass houses, also seen in the above historic map. This wall is now very degraded and only survives in very partial chunks. To the north, east and west elevations the setting of the House has been altered by successive low scale extensions, gym halls, portacabins, play equipment etc, leaving the House best appreciated from the south. At the entrance to the site is an attractive single storey blue lias lodge, a nice historic building in its own right and part of the character of this high status site.

I am familiar with the site having been involved in the 2014 application 14/01964/FULM. Given that the majority of the proposed new housing for the 2014 and this current application is on land to the north of the House, with no obvious landscape association with the House, I think the site could accommodate new housing in this area without necessarily having an adverse impact upon the setting of Highfields House. The key to this will be landscaping, in particular retaining a good tree belt between the House and the housing to its north. As per my earlier advice, retention of any trees marked as historic specimen trees should be encouraged.

The proposal also involves a proposed apartment block by the entrance. It is of an acceptable bulk and appearance, and should relate well to London Road, while being of a suitable appearance, scale and location to avoid competing with the main House. I also feel that the proposed separation gap coupled with landscaping should avoid it looking too imposing in conjunction with the Lodge structure.

In terms of design of this apartment block, it has been designed with the appearance of sash windows, and these will look much better if they are actually vertically sliding sashes rather than hinged casements; the roof materials imply some form of concrete material and would of course be better in slate; the ground floor sashes would also look more traditional if they had six panes in the top sash like the first floor windows.

I repeat for clarity earlier observations on the setting of St Mary's Church Newark. While the spire of St Mary's is visible from the playing fields to the rear, this is an incidental view and not one designed as part of the grounds of the House. While the proposed houses will inevitably impact upon this view it is not a view currently enjoyed from the public realm or which contributes in any significant way to the setting of the Grade I listed church. I am not therefore concerned about the impact upon the setting of St Mary's Church.

I do not think there will be any adverse impact from this proposed scheme on the heritage assets at or near this site. The scheme will be most successful with a strong emphasis on good materials, details and landscaping.

NSDC Environmental Health Officer (Noise)

Comments received 7 February 2017:

The findings of the additional noise report seem justified. I would ask that the conclusions of the report be included in any approval given.

Comments received 8 August 2016:

I note the addition of an acoustic screen around the entire MUGA, to address noise issues for existing and proposed housing. The detail of this structure is proposed to be provided at a later date. On the face of it I have no objection to this approach with suitable conditions attached to any approval given.

NSDC Environmental Health Officer (Contaminated Land) –

Comments received 1 August 2016:

I have no comments to make in respect of the above application regarding contaminated land at this site since my recommendation to discharge the contamination planning condition attached to 14/01964/FULM on 06.02.2015.

NSDC Strategic Housing – No comments received.

NSDC Access and Equalities Officer –

Comments received 9 August 2016:

As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating accessible dwellings within the development. The requirements of a dwelling's

occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around dwellings be carefully examined together with accessible facilities and features. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable access around the development. Any danger to pedestrians, particularly children, elderly or visual Impaired people, being required to walk on roadways or vehicular access routes should be avoided by providing a traffic free network of separated pavements and footpaths throughout together with tactile warnings and dropped kerbs at road crossing points as appropriate. Unobstructed pedestrian access to individual properties should be provided clear of car parking spaces. It is recommended that inclusive step free access be considered to any open spaces, garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Access to accommodation on upper floors should be carefully considered particularly for those who are unable to manage stairs including wheelchair users. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc. Parking for disabled motorists should be carefully considered within car parking provision and BS8300: 2009 gives information in respect of layout, design considerations and proportion.

Tree Officer

Comments received 29 March 2017:

From the point of view of tree loss this application has a much reduced impact of TPO trees and other trees of significance.

One area of concern is the potential overshadowing of the apartment plots near the roadside and the likely ongoing conflict between the new build and trees T50 and T52 which according the submitted tree survey will require canopy pruning to facilitate construction and ongoing pruning works to avoid future issues. Both trees are subject to TPO which would result in repeat applications for works which could be avoided with a revised layout.

My other area of concern are the potential overshadowing/domination of rear garden areas of plots 7-12 by large and developing trees on the west boundary.

Plot 17 is likely to be completely dominated by the adjacent tree T78 with low lying branches encroaching on the majority of the garden area .This again could be addressed by a redesigned layout.

The proposed tree planting on the landscape masterplan is very light.

Trent Valley Internal Drainage Board

Comments received 3 August 2016:

The site is partially within the Board's district.

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

A Board maintained culverted watercourse exists upstream of the railway line to which byelaws and the Land Drainage Act 1991 applies. Section 23 Land Drainage Act 1991 – The erection of alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvery, within the Board's district will require the Board's prior written consent.

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

The Board's consent is required for any works that increase or alter the flow of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The suitability of new soakways, as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the site is to be drained. Should this be necessary this Board would wish to be re-consulted.

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

All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as "ridge and furrow" and "overland flows". The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Representations from a total of 39 properties have been received (some of these properties have submitted numerous letters of representation). In addition a representation has been submitted on behalf of 16 local residents, and a representation has been submitted by a Planning Consultant on behalf of 20 local residents. All of the comments are summarised below:

Principle

- There is no need for more houses in the area, given the number of new houses that are being built on the south side of Balderton.
- The development will decrease the attractiveness of London Road, which is considered to be one of the premier roads in Newark to reside.
- Any affordable housing is likely to be within the proposed apartments, which will fail to integrate with the rest of the development and create a ghetto.

- There is available land on the outskirts of the Newark / Balderton area which would be better suited to accommodate housing development.
- This is a green corridor between the built up areas of Newark and Balderton and should be kept as open land.
- Even applying the Objectively Assessed Need housing figure derived from the appeal decision at Land at Southwell Road (Farnsfield), the shortfall against this figure in terms of five year housing land supply is limited. Should paragraph 49 of the NPPF be invoked, it does not make 'out-of date' policies for the supply of housing irrelevant in the determination of applications.
- The emerging Local Plan should be given weight in the determination of this application.

Highways

- The number of vehicular movements generated, taking together the school and the new housing development, is too great to be served by a single vehicular access point on London Road.
- The Transport Assessment does not take in to account traffic flows from new development, including; the new Lidl store on London Road, the major developments at Fernwood, the new Council offices on Great North Road, the housing development at Sleaford Road, and Newark Academy.
- The development will result in an unacceptable highway impact on London Road.
- Whilst the existing car parking provision is generally adequate for normal school activities, there is insufficient car parking for school events such as Sports Day, which results in cars being parked on the grass verge to London Road which impacts on highway safety. The proposed development should be required to install measures to prevent parking on these grass verges.
- The development makes provision for insufficient parking spaces for the school.
- The Transport Assessment traffic survey data is out of date. There has been an increase in the number of pupils at the school over this period. The assessment should be based on vehicle movements associated with the school's full capacity (including its nursery).
- The Transport Assessment is based on 83 dwellings, and should be updated to reflect the current application for 89 dwellings.
- The development will generate a higher number of vehicles turning right from London Road at peak hours than indicated by the Transport Assessment, and as such will cause obstruction on London Road.
- The Transport Assessment does not consider the impact of construction traffic whilst the development is being built out, and how this can be safely separated out from pupils and the public.
- The two 'potential links' identified on the layout plan are problematic, as the traffic impact of the proposed development has not been assessed on the basis of serving additional dwellings on adjoining land, and any future connection to Barnby Road would create a through road and require traffic calming measures.
- The proposed development would present a highway safety risk to pupils of Highfields School due to increased vehicle movements around the school entrance.
- There have been a number of road traffic accidents on London Road in the vicinity of the application site, and the proposed development will lead to further accidents. The entrance is sited close to a blind spot caused by the bridge hump.
- The position of the new school car park within the site will discourage parents from using it, with increased drop off and pick up taking place on the spine road through the development and on London Road.
- The tracking and visibility splays plan does not show all relevant tracking and visibility splays.
- The development needs to be served by an additional vehicular access on to Barnby Road.

- The development will place more pressure on the rail crossing at Barnby Road, increasing the risk of accidents at this location.
- The use of elongated shared driveways serving plots 77 to 88 would encourage residents of these properties to park on the road rather than use their allocated parking spaces. This would cause obstruction to the highway and issues of safety.
- Community use of the MUGA will generate further traffic outside of school hours.
- Additional traffic generated by the proposal will increase the use of Milner Street and its parallel roads as a rat run to avoid the London Road / Bowbridge Road junction.
- Traffic diverts via London Road when there has been an accident on the A1.

Character and Design

- 89 dwellings is an over intensive development of the site and would not be in keeping with the character of the adjacent properties. The density of the proposed development is far too high.
- No. 27 London Road is the former Coach House to Highfields, and taken together with No. 29 London Road forms an inherent part of the setting of Highfields.
- The development should ensure that roof materials and cappings for the new dwellings and their garages should be in grey slate to match the character of the area.
- Locating the apartment block at the entrance to the development will have a negative visual impact and be out of keeping with the character of London Road.
- A development of larger five and six bedroom homes would be more suitable on this site, which is more in keeping with The Woodwards and Glebe Park.
- The acoustic barrier would be ugly and absurd.
- The development will have a dominating effect on the Lodge and Highfield House.
- The design of the new dwellings is not in keeping with the character of the surrounding area.

Landscape

- The application proposal makes insufficient provision for landscaping to screen the proposed sports pitches.
- The application proposal makes insufficient provision for landscaping to screen the new car parking area for the school from No. 27 London Road.
- The development would involve the loss of an important hedgerow between Fields 4 and 5, which qualifies as an 'important hedgerow' under the Hedgerow Regulations 1997. There is a presumption in favour of protecting important hedgerows under the Regulations and the Council would be required to provide reasons to justify its removal.
- The application site lies within the East Nottinghamshire Sandlands, Winthorpe Village Farmlands landscape character area, identified in the Newark and Sherwood Landscape Character Assessment. The development would introduce an overtly urban form of development that would be highly incongruous within its landscape setting. As such the development would cause significant harm in landscape character and visual impact terms. There would be significant harm to the visual appearance of the area when viewed from London Road, Glebe Park and Barnby Road, together with the rising land of Beaconhill to the north.

Trees

- What is the purpose of Tree Preservation Orders if these trees can be removed.
- The impact of the proposed development on the 5 TPO Yew Trees (G87) is not clear.
- The proposal makes insufficient provision for replacement tree planting for the loss of trees proposed.

- London Road is green and leafy and the proposed development will undermine this with the loss of more than 30 trees.

Natural Environment

- The proposed drainage works to Ballast Pit will impact on its nature conservation value. Ballast Pit is a designated Local Wildlife Site (LWS).
- The proposed Ecology Corridors will become overgrown and unable to be maintained. They may be used for the dumping of waste by some homeowners.
- The Ecology Report fails to recognise the effect of the development on wild hares which occupy and use the land.
- The Ecology Corridors are insufficient to mitigate the ecological impact of the proposed development.
- How will the proposed gaps under fences to allow for the movement of wildlife be maintained over time.
- No excavation work should take place between October and April as this is when toads hibernate.
- The biodiversity surveys were undertaken outside the optimal survey period for key species.

Open Space and Sports Pitches

- The application site is the only green space on London Road between Newark and Balderton.
- There is insufficient open space proposed as part of the development.
- The development involves the loss of playing fields and the replacement provision is unacceptable.
- On the basis that the acoustic barrier is not a sustainable solution and by virtue of the amenity impacts and that the MUGA cannot be made available for meaningful community use, the proposal does not deliver an acceptable replacement pitch, necessary to compensate for the loss of existing playing fields.

Amenity

- The development will result in overlooking and a loss of privacy for adjoining dwellings and their gardens at No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.
- The proposed dwellings and their gardens will be overlooked by existing dwellings at No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park, resulting in a loss of privacy for future occupiers of the proposed new dwellings.
- Vehicle noise and vehicle headlights associated with the use of the new car park serving the school will impact on the amenity of Nos. 27 and 29 London Road.
- Vehicle noise and vehicle headlights associated with the garages and parking spaces to the rear of Plots 77 – 89 will impact on the amenity of the adjoining dwellings at No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.
- If the application is to be approved, additional trees should be planted to maintain the privacy of the existing properties which adjoin the proposed development.
- The noise from the operation of the proposed pumping station has the potential to impact on the occupiers of surrounding residential properties.
- The acoustic barrier will fail to mitigate the impact of the proposed MUGA and sports pitch on both existing and proposed new dwellings.
- The noise assessment is flawed, and needs to be updated to reflect the noise impact of the consented Sports Facility Area (12/00817/FULM) together with the sports pitches proposed as part of this application.

- Impact of additional vehicle noise and vehicle headlights associated with increased use of the main access via London Road to serve the new development will impact on the amenity of the facing properties on London Road.
- The proposed garages to the rear of Plots 78 to 88 will not prevent overlooking of neighbouring properties and their gardens.
- An additional acoustic barrier should be installed to protect the amenity of Nos. 27 and 29 London Road from the noise associated with the new car park serving the school.
- The noise assessment fails to address the Inspector's concerns regarding purge ventilation to first floor rooms, as windows would need to be kept closed even with the acoustic barrier.
- The proposed garages serving Plots 77 to 88 would due to their scale and position close to the application site's southern boundary, have an unacceptable overbearing impact on the amenity of adjoining dwellings No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.

Flooding and Drainage

- The surrounding area is susceptible to surface water flooding during heavy rainfall.
- The hard surfacing of the proposed driveways has the potential to result in increased risk of surface water flooding.
- The drainage proposals will compound existing flooding issues with the frequent blocking of the overflow stream.

Consultation

- There has been insufficient consultation with neighbouring properties.

Other

- The development will not allow for access for No. 33 Glebe Park to maintain the hedge along the northern boundary of their property.
- The development will not allow for access for No. 27 London Road to maintain the north facing elevation of their property and garden wall, or how access rights to the existing gate in the garden wall of the property will be maintained.
- Insufficient publicity has been carried out regarding this application.
- The additional traffic from the development will generate noise and air pollution.
- There is an agreement between Trustees of the Oliver Quibell Trust and Highfields School to let the land at Baileys Field for a period of 40 years for the purpose of extending the school's playing fields.
- No protocol or procedures to manage any potential failure of the proposed pumping station have been submitted.
- The proposed lockable gate to the Ecology Corridor adjacent to No. 27 London Road should be installed with a soft close mechanism.
- The public footpath to Barnby Road would not be overlooked and there is no lighting strategy, and as such it may be vulnerable to crime and flytipping.
- The school grounds and sports pitches may attract anti-social behaviour with no surveillance outside of school hours. The acoustic barrier would be prone to graffiti and vandalism.
- The applicant should put in place measures to ensure regular cleaning (internal and external) for adjoining properties during the construction phase.
- There is a lack of capacity within existing infrastructure i.e. schools, doctor's and dentist's surgeries to accommodate the number of additional households.
- Why is there a need for the MUGA given that there are alternative facilities at The Grove.

- The new car park to serve the school and MUGA could be used for anti-social behaviour, therefore the gate in to the car park should be locked outside of operational hours.
- The MUGA would be of limited community benefit given that it would not be floodlit and that there would be no changing facilities.
- There will be significant disruption and noise for existing local residents during the construction phase of the development.
- The development will prevent the ability of the site to meet future education needs, and limits the opportunity for multiple use of educational facilities for community or recreational use.
- The development will create increased opportunities for crime, and put at risk the security of existing properties.
- The proposed raising of the land level on the application site would impact on the structural integrity of No. 27 London Road, where the property's northern wall adjoins the site.

Comments of Business Manager

Principle of Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of and the need to protect and enhance the natural, built and historic environment, biodiversity and also include the need to adapt to climate change.

The NPPF also refers to the presumption in favour of sustainable development being at the heart of the Framework and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The application site is unallocated within the development plan. The application site is located within the Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy. Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district's overall housing growth, principally in three Sustainable Urban Extensions (SUEs). Policy DM1 of the Allocations and Development Management DPD refers to proposals being supported for housing within the Sub Regional Centre provided that it is appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents.

Within the NPPF, Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, "*boost significantly the supply of housing*". Paragraph 17 states further that the planning system should "*proactively drive and support sustainable economic development to deliver new homes...that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area.*" The NPPF indicates that this will be achieved first and foremost, by local planning authorities, "*using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period.*"

The recently published Housing White Paper also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology.

In order to address its housing requirement, Ashfield, Mansfield and Newark & Sherwood District Councils produced a Strategic Housing Market Assessment (SHMA) for the Nottingham Outer Housing Market Area. The SHMA produced an OAN for NSDC of 454 dwellings per annum, although this figure is yet to be tested through an Examination In Public (EIP).

In January 2016 an Appeal in Farnsfield was dismissed on the basis that the Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available to them, a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 500-550 dwellings per annum. The Council has re-visited the OAN with all of the Nottinghamshire Authorities, including its two constituent Housing Market Area colleagues of Ashfield and Mansfield. This led to the publication of the July 2016 Farnsfield Appeal Statement Position Statement.

Moreover, this Council has now set out its preferred approach for spatial development (July 2016) and has just closed (1st September) on consultation for the Publication Amended Core Strategy. It is proposed that the Council's draft Core Strategy will be submitted to the Planning Inspectorate following ratification by a special Full Council meeting on the 26th September 2017.

Whilst it is acknowledged that the OAN and consequently housing target for the District cannot attract full weight until after examination of the Development Plan, the Council considers that limited weight should now be attached to the Farnsfield Inspector's decision. The OAN is the only available, up-to-date and robust evidence available to this Authority to determine its housing supply target. The Council's position against this target based using housing completions as of 31st March 2017 was published in July 2017. This confirms that the Council has a 6.2 year supply based on a housing target of 454 dwellings per annum. This position has also been confirmed by a recent (August 2017) appeal hearing decision which has confirmed that this Council has a 5 year housing land supply against a target of both 454 and 500 dwellings per annum. Even on a 550 OAN the Inspector concluded that any shortfall would most likely be made up by windfall schemes, which this proposal represents. Given this position the Council considers that it does currently have a 5 year housing land supply and as such the policies of the Development Plan are up-to-date for the purpose of decision making.

In relation to the previous appeal on the application site (14/01964/FULM), the principle of development and the overall quantum of development proposed was not disputed by the appeal Inspector or the Council. This was despite the Council at that time equally having a 5 year land supply. Whilst the application site is not an allocated site within the development plan, it is a sustainably located greenfield site that lies within the Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy. The settlement hierarchy defined in Spatial Policy 1 identifies that the Newark Urban Area will be the focus for housing and employment growth, and the main location for investment for new services and facilities within the District. Paragraph 17 of the NPPF encourages the reuse of previously developed land, but this does not imply a sequential approach to the development of sites. As such, it is considered that the principle of housing development on this site is in accordance with the Development Plan and the NPPF.

Loss of Playing Fields

Spatial Policy 8 of the Core Strategy states that the provision of new and enhanced community and leisure facilities will be encouraged. The loss of existing community and leisure facilities will not be permitted unless it can be clearly demonstrated that the continued use is no longer feasible; sufficient alternative provision has been made and there is sufficient provision of such facilities in the area.

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy applies.

The proposal would involve the loss of land that has formerly been used for playing fields, in terms of the land known as Baileys Field. It would also involve the loss of land which is currently used as playing fields, lying to the west of the school buildings which would be occupied by the proposed access road and Plots 7 to 17.

In relation to the land known as Baileys Field, Sport England have confirmed that this is no longer considered to be a playing field given that it has not been used as such for an extensive period of time, and as such Sport England raise no objection in relation to the development of this land. This is consistent with the previous appeal decision. However, the development would clearly involve the loss of the school's existing playing fields on the land which lies to the west of the school buildings.

The relevant Sport England policy exceptions in this regard are Policy Exception E4 that *"The playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development"* and Policy Exception E5 that *"The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields"*.

In order to address this requirement, the application proposes replacement sports facilities extending to 1.1ha of land, including a grass rugby / sports pitch, and a Multi-Use Games Area (MUGA) comprising an artificial grass pitch. These would be provided as part of the development and lie within the application site red line boundary.

Sport England have confirmed via their comments on this resubmission application that on the basis of the existing facilities available and the proposed replacement facilities, they accept that the replacement playing field area meets the requirements of Policy Exception E4. They have also identified that the incorporation of an artificial grass pitch as part of the proposed MUGA is considered to meet the requirements of Policy Exception E5, where it can be demonstrated that community access can be secured to this facility.

In relation to community access, this issue was considered in detail as part of the appeal on the previous application. The Inspector found that whilst the lack of provision of floodlights at the facility would limit its wider community use during winter months (outside of weekends), the proposal would make appropriate alternative provision which would be equally accessible and of better quality than the facilities that would be lost, in accordance with the requirements of Spatial

Policy 8 of the Core Strategy and the NPPF. Whilst floodlighting would increase the value of the facility for use by both the school and the wider community, it is recognised that this needs to be balanced against the impact of floodlighting on the amenity for occupiers of dwellings that would lie in close proximity to the facility. In this context, floodlighting of the pitches is not considered to be appropriate and as such use of the facilities would necessarily be limited to daylight hours.

In terms of ensuring community use of the proposed facilities, a condition is recommended in this regard which would require the applicant to submit a community use agreement prepared in consultation with Sport England which would include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities, and a mechanism for its review. This reflects the proposed wording for a condition which has been recommended by Sport England in their comments on this application.

In their comments, Sport England also highlight a number of concerns with regard to the effectiveness of the proposed acoustic barrier in addressing the noise impacts which were discussed in detail through the appeal on the previous application. The issue of noise from the proposed facilities and its impact on residential amenity is addressed within this report below. However, Sport England do confirm within their comments that if the Council are satisfied that the proposal would not lead to a noise issue which would limit the use of the facility, then they consider that the proposal would meet the requirements of their exception policy.

On this basis, it is considered that subject to a condition to secure a community use agreement of the proposed facilities, the application proposal would deliver suitable replacement sports facilities in accordance with the requirements of Spatial Policy 8 of the Core Strategy, Sport England’s exception policy, and the NPPF.

Housing Numbers, Density and Mix

Core Policy 3 of the Core Strategy states that the District Council should seek to secure an appropriate mix of housing types to reflect local housing need. The need to achieve a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities is also reflected in the NPPF.

The table below summarises the proposed housing mix:

Type	No. of Plots	% of total dwellings
1-bed townhouse	3	5.6%
1-bed semi-detached	2	
2-bed apartment	6	6.7%
2-bed semi-detached	12	13.5%
3-bed semi-detached	4	12.4%
3-bed detached	7	
4-bed detached	23	25.8%
5-bed detached	32	36.0%
Total	89	100%

The scheme would provide a broad range of dwelling types and sizes and as such I am satisfied that the scheme offers a balanced housing mix in line with the needs of the area and national and local policy requirements.

The scheme represents a density of approximately 24 dwellings per hectare (when excluding the proposed sports pitch/school car park and access from the calculation). Core Policy 3 of the Core Strategy identifies that development densities in housing developments should normally be no lower than an average 30 dwellings per hectare net. Whilst the proposed development would achieve a density below this figure, it is recognised that there are other considerations in relation to this site which necessarily impact on the appropriate average density. These include having regard to the density and character of surrounding housing development, including the developments at The Woodwards and Glebe Park which are of a low density, together with the proposed retention of the majority of the mature trees within the site, and the need to have regard to issues of amenity and privacy in relation to adjoining properties which were subject to detailed consideration by the Planning Inspector in relation to the previous application. Overall taking these matters into account I consider that the density and mix is now acceptable in line with Core Policy 3 and the NPPF.

Impact on Visual Amenity including the Character of the Area and Trees

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 with the effect of an application on the significance of a non-designated heritage asset taken into account in determining an application. Core Policy 9 of the Core Strategy requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 of the Allocations and Development Management DPD requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

Heritage

Highfields School occupies Highfields House, which is a large Victorian villa set within landscaped grounds. The landscaped grounds associated with the House were not as large as the current school estate. Today Highfields House still retains a sense of grandeur from the front elevation, which has remained relatively unaltered, and the land in front has remained undeveloped. The House is also surrounded by specimen trees and clusters of yew bushes which are an important part of its setting. To the rear of the House remnants of a tall red brick wall survive, which provided for the lean-to glass houses, also seen on historic maps. This wall is now very degraded and only survives in very partial chunks. To the north, east and west elevations the setting of the House has been altered by successive low scale extensions, gym halls, portacabins, play equipment etc, leaving the House best appreciated from the south. At the entrance to the site is an attractive single storey blue lias Lodge which forms part of the character of the site. Highfields House should be regarded as a non-designated heritage asset in this context.

Paragraph 135 of the NPPF confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Given that the majority of the proposed new housing is on land to the north known as Baileys Field and Quibell Field which have no obvious landscape association with the House, it is considered that the site could accommodate new housing in these areas without necessarily having an adverse impact upon the setting of Highfields House. The proposed car parking area is due to

move from the front of the site (where it sits to the south west of Highfields House) to the side elevation on the east. This is one of the most altered and degraded elevations of the site and as such the location of the proposed car park here is not considered to be detrimental. The dwellings proposed on the playing field land to the west of the school buildings would be sited at a considerable distance from Highfields House and would be afforded significant screening by the extensive tree cover that lies between the proposed dwellings and the school buildings. Trees located to the south and east of the school buildings would also serve to screen views of the development from public vantage points and mitigate visual impact.

In relation to St Mary's Church, it is not considered that the proposal would result in any impact on the setting of this Grade I listed building, as whilst the spire of the church is visible from Baileys Field this is an incidental view from private land and is not considered to contribute to the setting of the church.

On this basis, the Conservation Officer concludes that the application proposal will not result in any adverse impact on heritage assets within or near the site, and as such raises no objection to the proposal subject to conditions requiring details of materials and landscaping.

Design

The submitted Design and Access Statement identifies that the proposal *"has taken cues from the Victorian and Edwardian styles seen in the vicinity of the site. This has been embellished through the selection of materials, building details and form which include gable detailing with bargeboard overhangs, raked eaves, bay windows, fenestration treatments and styles."*

In terms of the character of the surrounding area, to the south east of the application site, the dwellings at The Woodwards and Glebe Park comprise modern detached properties set within substantial gardens. Dwellings to the south of London Road are predominately large semi-detached dwellings, again with substantial gardens. Dwellings on Barnby Road are more mixed in character and include a bungalow, a row of terraces and detached dwellings.

For the reasons set out above in relation to housing density, it is considered that the proposed development strikes an appropriate balance between the requirements of Core Policy 3 which identifies that new housing development should normally achieve densities of 30 dwellings per hectare or above, and the character of surrounding development which is typically of a lower density reflecting that the much of the surrounding development was built before density standards were introduced.

The block of six apartments which would be sited at the entrance to the development on London Road has been sensitively designed having regard to its context, and its two storey form is set within an area of amenity space. It would be afforded significant screening through the retention of trees along the frontage to London Road. In terms of the other dwellings across the site, these have been designed to address their street frontage and create varied and interesting streetscenes through the use of a wide range of house types. The dwellings on Plots 7 to 17 have been designed with a greater degree of set back from the access road and more defined boundary treatment, which respects the setting of Highfields House in this regard.

In terms of the design and detailing of both the apartments and the dwellings, these reflect traditional elements from the established Victorian and Edwardian dwellings to the south of London Road.

It is recognised that the acoustic barrier which is proposed to surround the replacement sports facilities would have a visual impact on the streetscene along that part of the access road which loops around it. Extending to 2.4m in height this would be a visible feature. However, its design through the use of timber panels set within brick walling and piers has sought to mitigate the visual impact of the barrier, and this would be further softened through landscaping around its perimeter which would over time reduce its visual impact. In this context, it would not have a dissimilar appearance to a typical boundary treatment where the rear gardens of residential properties adjoin a highway and as such would not be an incongruous feature in the context of this residential development. On balance therefore, and recognising the specific purpose which the acoustic barrier is serving, it is considered that this would not result in any significant detrimental impact in terms of visual appearance.

Landscape Character

Core Policy 13 of the Core Strategy, and Policy DM5 of the Allocations and Development Management DPD identify that all development proposal will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.

The application site lies within the East Nottinghamshire Sandlands landscape character area as identified within the SPD, and within this it lies within Policy Zone ES PZ 04 Winthorpe Village Farmlands. This reflects a relatively large Policy Zone which covers much of the eastern extent of the District beyond Newark and Balderton, and comprises a flat and gently undulating arable landscape with woodland blocks. The SPD notes that there exist a diverse variety of land uses across this Policy Zone, due to its proximity to Newark and being typical of urban fringe locations. The character assessment identifies the landscape condition of this Policy Zone as moderate, and also identifies its landscape sensitivity as moderate. In terms of the objectives for new development, the assessment identifies that the focus is to conserve what remains of the rural landscape by concentrating new development around existing settlements and to create new development which reflects the built vernacular. In terms of the objectives for landscape features, it identifies that existing field patterns and hedgerows should be conserved where feasible to contain new development with historic boundaries, and that tree cover and landscape planting should be conserved and enhanced.

The application site lies at the edge of the built up area of Newark, and does not have a particularly open aspect within the wider landscape setting. To the south, the site adjoins the built up urban area of Newark, whilst to the north the site is bounded by linear housing development along Barnby Road, beyond which is the East Coast Mainline. As such, the site occupies an urban fringe location, and as identified within the SPD, this is the type of location where new development is to be focused in order to conserve what remains of the rural landscape. The application proposal would largely retain existing field boundaries and the associated hedgerows and trees which line its perimeter. Whilst it would involve the removal of one stretch of hedgerow which presently separates the northern parcel of land known as Baileys Field, in the context of the scheme as a whole it is clear that the extent of tree and hedgerow removal has been kept to a minimum. In this context, it is considered that the application proposal addresses the implications of the Landscape Policy Zone within which it lies, in accordance with the requirements of Core Policy 13 of the Core Strategy, and Policy DM5 of the Allocations and Development Management DPD.

Trees and Hedgerow

Core Policy 12 of the Core Strategy, and Policy DM5 of the Allocations and Development Management DPD identify that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

A Tree Protection Plan and Tree Report have been submitted with the application. The Tree Report identifies that there are approximately 100 trees and 15 tree groups within the site, the majority of which are located around the existing playing fields, the car park, the area of land to the east of the school buildings, and along the access road linking the site entrance and the school buildings. Some trees are also scattered along the boundaries of Baileys Field and Quibell Field. The Tree Report identifies that the trees surveyed were predominantly of moderate amenity value and have been placed within category B. 14 trees were identified as being of high value due to their size and situation in the landscape, and were placed into category A.

The Tree Report indicates that a total of 26 trees and three tree groups within the red line site boundary will need to be removed. Eight of these trees are covered by a group Tree Preservation Order (ref. N215). Two of these trees are shown for removal due to their poor condition and the removal of these trees would be considered good arboricultural practice in any case. Four of the trees to be removed which form part of the group TPO are located towards the entrance to the site off London Road and are to be removed to facilitate the widening of and the layout of the access road. As the majority of trees along the access road are being retained, it is considered that the removal of this limited number of trees is acceptable as it allows the wider site to be developed. There are three groups of protected trees to the north east of the school buildings which require removal or partial removal to allow the construction of the new car park. Given their position within the site, these trees have limited public amenity value given that they are not visible from public vantage points, and there would be potential to mitigate their loss by replacement planting elsewhere within the site.

The extent of tree removal remains the same as per the previous application. In relation to this previous application, the Tree Officer considered that the layout had been designed to minimise the removal of protected trees, and that the level of tree removal required to implement the development was acceptable. As such they raised no objections subject to conditions relating to tree protection, and replacement planting. In reviewing the current application, the Tree Officer has indicated that they have some concerns regarding the proximity of the proposed apartments, and a number of the proposed dwellings along the western extent of the site, to the protected trees which are to be retained on this part of the site. This proximity may result in pressure for future pruning works to these trees. However, it is acknowledged that the extent of tree removal remains unaltered from the previous application, and that the impact on trees was deemed acceptable at this stage. In addition, those dwellings proposed on Plots 7 to 17 have been afforded generous rear gardens in order to limit the extent of overshadowing from these trees and thereby limit the potential for pruning works to be required, and the apartment block had previously been re-sited by 1.5 / 2m further from trees T50 and T52 in order to address the previous comments of the Tree Officer.

The application proposal would involve the loss of approximately 95m of existing hedgerow that separates Baileys Field and Quibell Field. The Hedgerow Regulations 1997 define 'important' hedgerow as that which has existed for 30 years or more, and meets at least one of the criteria within Schedule 1 Part II. One of these criteria is that the hedgerow marks a pre-1850 parish or township boundary. The hedgerow marks the boundary between the parishes of Newark and

Balderton and on the basis of historic mapping that is available, it is likely that this has marked the parish boundary since prior to 1850. In this context, it would be considered to constitute an 'important' hedgerow in the context of the Hedgerow Regulations. The Hedgerow Regulations afford protection to hedgerow and require permission for its removal. Where removal of a hedgerow is required to implement a planning permission, then no separate consent for hedgerow removal is required. There is a presumption in favour of protecting important hedgerow under the Regulations. The loss of hedgerow in this context is regrettable and will clearly result in a degree of harm. The impact of this is assessed at the end of this report as part of the planning balance.

Summary

Overall, subject to conditions relating to tree protection, landscaping scheme, materials, and boundary treatments it is considered that the proposed development would not harm the setting of Highfields House or the Lodge and would be in keeping with the character of the area in accordance with the aims of the NPPF, Core Policy 9 and Policy DM5 of the DPD.

Impact on Highway Safety

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe. Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the Allocations and Development Management DPD requires the provision of safe access to new development and appropriate parking provision.

A Transport Assessment (TA) has been submitted with the application which demonstrates that access to the site is safe and satisfactory. This concludes that the *"the maximum increase in traffic flows on London Road adjacent to the application site (as a direct result of the development) is predicted to be less than 5% during both the morning and evening peak hours. It is, therefore, considered that the residual cumulative impact of the proposal will not be severe"*. The Transport Assessment was undertaken in October 2014, and formed part of the submission for the previous planning application. It was therefore undertaken on the basis of a development comprising 83 dwellings, recognising that the proposed development was amended during the course of its consideration and the total number of dwellings increased to 91 prior to its consideration by the appointed Planning Inspector at appeal.

The Transport Assessment identifies that the site occupies a sustainable location approximately 1.7km south east of Newark town centre, and being accessed off London Road which is a major bus corridor and with National Cycle Route 64 running adjacent to the southern boundary of the site and providing a designated off-road cycle route. The Traffic Survey which informed the Transport Assessment was undertaken in February 2014. It identifies that London Road operates well within its practical capacity, at around 35% of its recommended maximum threshold.

The Transport Assessment applied a design year of 2019 to its traffic modeling in order to reflect any phasing of the development. It identifies that the proposed development (of 83 dwellings) would generate 52 and 53 two-way peak hour vehicle trips during the morning and evening peak periods respectively, which equates to approximately 1 additional vehicle movement per minute, which it concludes is unlikely to be perceivable to road users. As such, the maximum increase in traffic flows on London Road adjacent to the application site (as a direct result of the development) is predicted to be less than 5% during both the morning and evening peak hours.

Whilst it is recognised that the Transport Assessment was undertaken in October 2014, as part of the most recent application for the Highfields School site (17/00357/FULM) the applicant's transport consultants have submitted an addendum to the Transport Assessment which assesses the traffic impact of the 95 dwellings which are proposed under this most recent application. This updates the design year to 2021, and identifies that the proposed development would generate 60 two-way peak hour vehicle trips during both the morning and evening peak periods (an increase over the previous assessment of 8 and 7 two-way trips during the morning and evening peak periods respectively), and that the maximum increase in traffic flows on London Road (as a direct result of the development) is predicted to be less than 5% during both the morning and evening peak hours. On the basis that the increase from 83 to 95 dwellings results in no material difference in terms of the operation of the highway network, it is clear that in relation to this application for 89 dwellings, there would also be no material difference in this regard.

The Transport Assessment identifies that the storage capacity associated with the existing right turn holding lane within London Road is considered adequate to facilitate traffic accessing Highfields School during both peak periods, however notwithstanding this, the applicant proposes to implement a white lining improvement scheme to provide a formal ghost island right turn lane on London Road in order to serve the proposed development.

The County Highways Officer has reviewed the submitted information and raises no objection on highway grounds.

The site access road would wrap around the rear of the main school buildings and provide access to a new car parking area comprising 64 parking spaces to serve the school. The access road would also provide access to the proposed new dwellings a total of 288 residential car parking spaces (including garages). Access to the school grounds would be controlled via a set of gates.

In relation to the County Council's comments on the Travel Plan, these are considered to be points of detail which can be addressed via submission of an updated Travel Plan associated with any grant of consent. A condition is recommended in this regard.

In relation to the detailed points raised within the County Highways Officers comments (18 October 2016), the applicant has confirmed that the ongoing management and maintenance of the footpath link to Barnby Road will be included as part of the transfer to a management company for the site. This would be secured via legal agreement. The comments regarding turning heads and visibility splays have been accommodated through minor revisions to the site layout plan. In terms of highway drainage, the County Highways Officer has confirmed that following correspondence with Severn Trent Water, Severn Trent have confirmed that they are happy to provide a system that would directly take the water from the highway drainage system. As such and subject to the highway drainage running directly into an adopted Severn Trent sewer, the County Highways Officer has confirmed that he is satisfied that the highway drainage issues can be resolved. Conditions are recommended in this regard, requiring submission and approval of drainage details and plans for the disposal of surface water and foul sewage, and details of the surface water drainage scheme.

The proposed development would be subject to a legal agreement to include a contribution towards bus stop improvements and a lorry routing plan to ensure that extraneous traffic is kept out of Newark town centre (as included in the Summary of Developer Contributions table below). Planning conditions relating to access construction, visibility splays, set back of garage doors, white lining scheme and surfacing are also recommended.

In this context it is considered that the proposed development would be acceptable in highway terms, subject to the relevant conditions, in accordance with the requirements of Spatial Policy 7 of the Core Strategy.

Impact on Flood Risk and Drainage

Policy DM10 of the Allocations and Development Management DPD, although not directly addressing sewer capacity matters sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include *'necessary mitigation as part of the development or through off site measures where necessary.'* Core Policy 9 of the Core Strategy requires new development proposals to pro-actively manage surface water.

The land is classified as being within Flood Zone 1. As such it is not at risk from flooding from any main watercourses. The submitted Flood Risk Assessment (FRA) also indicates that the site is at low risk from surface water flooding.

A Drainage Statement has been submitted as part of the application. In terms of foul sewerage generated by the development, this is to be discharged to the public sewer network at a manhole located in London Road close to the site entrance. In terms of surface water drainage, ground investigation and soakaway testing has demonstrated that the prevalent ground conditions are acceptable from an infiltration perspective and therefore the site would be suitable to accommodate a Sustainable Drainage Scheme (SuDS).

As such, it is proposed that the dwellings would drain to shallow soakaways within garden areas to serve individual plots, or to a shared soakaway in a suitable location. These will be designed to a 1 in 100 year storm event (plus allowance for climate change) in order to ensure that extreme conditions can be accommodated and thereby not presenting a flood risk to either the proposed or existing surrounding properties. The applicant has confirmed that the majority of surface drainage would be directed to the existing lake and watercourse at Ballast Pit which lies to the west of the site, and that they have secured an option agreement to purchase this land from Railway Paths Ltd in order to facilitate this. A piped storage system located within the highways together with a flow control device would limit discharge rate. An assessment of the ecological impact of this proposed approach is addressed below under 'Impact on Ecology'.

In response to comments received from the Environment Agency, a condition is recommended which would ensure that internal finished floor levels within the proposed dwellings be set no lower than 150mm than adjacent external ground levels. In addition, a condition is also recommended requiring submission of details of a surface water drainage scheme based on sustainable drainage principles in response to comments received from the Lead Local Flood Authority. Severn Trent Water raise no objection to the current proposal, subject to their standard condition relating to foul sewer and surface water disposal being submitted and approved.

Subject to appropriate conditions, it is not considered that the proposed development would result in any unacceptable impact with respect to flood risk and foul sewage in accordance with the requirements of Core Policy 9.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the Allocations and Development Management DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The applicant has submitted an Ecological Assessment (January 2014) as part of the application submission, together with additional botanical and reptile surveys (January 2014), and a Reptile and Amphibian Mitigation Strategy (April 2015). These documents were informed by a detailed habitat survey undertaken in June 2013, and were submitted in relation to the previous application (14/01964/FULM). Approximately 55m to the west of the application site lies Ballast Pit which is a designated Local Wildlife Site (LWS). Ballast Pit comprises a large fishing lake with willow carr (waterlogged woodland).

The Ecological Assessment and further botanical and reptile survey report identify a range of existing habitats within the site, with neutral semi-improved grassland habitat on the land at Baileys Field and Quibell Field, together with hedgerow, trees and scrub on parts of the site. In terms of species, the survey work identifies that the site is used by a number of protected and priority species. It identifies use of the land at Baileys Field and Quibell Field by grass snake as they move between areas of suitable habitat (such as Ballast Pit LWS, and the allotments which lie to the east and west of the site). Grass snakes are a protected species under the Wildlife and Countryside Act 1981. It also identifies use of the site as a migratory route for the common toad which is a priority species under the Natural Environment and Rural Communities Act 2006. In addition, the survey work identifies that foraging badgers may move across the site from time to time (although they are not considered resident within the site), and that the site may be of local importance to foraging and commuting bats.

The Ecological Assessment and further botanical and reptile survey report sets out a detailed package of mitigation measures in order to mitigate any impact in relation to these habitats and species. The key element of this is the delivery of a Reptile and Amphibian Mitigation Strategy (April 2015), which would comprise the following:

- Creation of two ecology corridors which would run east/west across the site in order to retain connectivity between Ballast Pit LWS and the allotments, and allow for the movement of wildlife. The corridors would lie along the northern and southern boundaries of the land known as Baileys Field and Quibell Field and would each be approximately 2m in width. The northern corridor would comprise new hedgerow planting to complement the existing hedgerow along this boundary, and the southern boundary would comprise a mixture of structure planting along the school boundary and rough grassland along the boundary with properties on The Woodwards / Glebe Park. Part of the ecology corridor along the southern boundary would be located just outside of the application site boundary but within the school grounds which adjoin the site.
- Creation of a wildlife underpass beneath the estate road at the point where it crosses the ecology corridor along the southern boundary, in order to provide safe passage for amphibians and reptiles.
- Retention of all existing sections of hedgerow along the site's northern boundary. Whilst approximately 95m of hedgerow would be lost (the hedgerow that separates Baileys Field from Quibell Field), compensatory planting along the northern boundary will involve planting to establish / consolidate approximately 305m of native hedgerow.

- Off-site habitat enhancement works at Ballast Pit LWS and biodiversity enhancement works within the school's grounds, adjoining the application site. In terms of Ballast Pit LWS, this would involve habitat enhancement works, including hibernacula creation and thinning existing scrub.
- Installation of dropped kerbs and wildlife kerbs across the development to provide a means of escape for any amphibians that may enter the road network.

The future management of the on-site mitigation works (including the ecology corridors), together with the implementation and management of the off-site works, would be undertaken by a management company.

In addition to the Reptile and Amphibian Mitigation Strategy, the Ecological Assessment and further botanical and reptile survey report contain a series of detailed recommendations in order to mitigate any impact on habitats and species. These include delivery of an ecologically sensitive landscaping scheme with native and wildlife-attracting species, root protection measures for all trees and hedgerows to be retained, additional tree planting with native species, bat sensitive lighting for street lighting across the development, and the use of sensitive working practices in order to protect any species which may be present on the site during the construction phase.

The delivery of the mitigation measures identified within the Ecological Assessment and further botanical and reptile survey report and the Reptile and Amphibian Mitigation Strategy would be secured via condition, and the delivery and maintenance of the off-site works at Ballast Pit LWS and within the school grounds would be secured via legal agreement.

In relation to the submitted documents which accompanied the application, concerns were raised by both the County Ecologist and Nottinghamshire Wildlife Trust on the basis that the ecological survey work which underpins the appraisal is considered out of date, and that additional surveys are required. In response to these comments, in April 2017 the applicant commissioned an updated reptile survey and bat activity surveys.

The updated reptile survey recorded the presence of a low population of grass snake on the site, together with a single toad. The applicant's consultant ecologist concludes that this corroborates the findings of the 2013 based survey in that whilst the site is considered to be of importance to reptiles at a local level, only low populations have been recorded within the site and as such the site's role in this regard is likely to be as a migratory route between surrounding sites. As such, the applicant's consultant ecologist concludes that the outcome of the updated reptile survey does not indicate that any changes are required to the proposed approach set out within the Reptile and Amphibian Mitigation Strategy.

In relation to the bat activity surveys, three surveys have now been undertaken on the site during the active bat season. All of the surveys recorded a low level of bat activity on site during the three transects and associated static monitoring.

The applicant's consultant ecologist has also assessed the hedgerow which lies between Baileys and Quibell Fields in terms of the Hedgerow Regulations 1997 on the basis of the ecological criteria. They have confirmed that the hedgerows are not classified as important hedgerows in the context of the defined ecological criteria under the Hedgerow Regulations 1997.

In relation to the additional information submitted, the Nottinghamshire Wildlife Trust has confirmed that they are satisfied with the submitted bat surveys and as such withdraw their previous objection to the application. The Wildlife Trust recommend that a lighting plan be conditioned to ensure adjacent habitats, including the allotments, Ballat Pit LWS and offsite trees are not subject to lightspill to minimise impacts on bats. A condition is proposed in this regard. The Wildlife Trust does also highlight some concerns with regard to the reptile surveys conducted to date, which they consider have not enabled a full assessment of the value of the site as a migration route for toads. The Wildlife Trust consider that this information may have been useful in order to inform the location of proposed amphibian corridors and to ensure that the corridors are of an appropriate width to be fit for purpose. In relation to these comments of the Wildlife Trust, it must be recognised that the proposed approach to the 2m wide ecology corridors reflects the approach that was agreed and deemed acceptable following detailed discussions in relation to the previous application scheme (14/01964/FULM).

The response of the County Council's Ecology team to the additional information submitted raises concern as to whether the proposed ecology corridors would effectively function as intended to allow ecological connectivity and allow the movement of reptiles. The County Council's Ecology team considers that the 2m width of these corridors may limit their functionality and a better solution would be the provision of a 10-15m wide corridor through the site. As cited above, it must be recognised that the proposed approach to the 2m wide ecology corridors reflects the approach that was agreed and deemed acceptable in relation to the previous application scheme. The applicant's ecological consultant has advised that the ecology corridors would be sufficient to provide movement corridors along the site boundaries for reptiles and amphibians. The corridors are designed to be discrete pathways for wildlife, which are inaccessible to the general public, and the Reptile and Amphibian Mitigation Strategy confirms that access will be created between rear gardens and the ecology corridors via small gaps or raised fencing to provide additional habitat for reptiles, amphibians and small mammals.

In relation to the comments of both the Nottinghamshire Wildlife Trust and the County Council's Ecology team, it is proposed that the implementation and ongoing maintenance of the off-site works at Ballast Pit LWS would be secured via legal agreement and this would therefore address the cited concerns in this regard.

As set out above under 'Impact on Flood Risk and Drainage' the applicant has confirmed that the majority of surface drainage would be directed to the existing lake and watercourse at Ballast Pit which lies to the west of the site, and that they have secured an option agreement to purchase this land in order to facilitate this. In relation to concerns cited regarding the ecological impact of this drainage on Ballast Pit LWS, the applicant's drainage consultant has confirmed a hydrodynamic vortex separator may be incorporated downstream of the proposed flow control device to provide treatment of runoff and that permeable paving may also be incorporated across private driveways to provide additional treatment of runoff. As such, the applicant's drainage consultant confirms that the potential impact on water quality of surface water discharged to Ballast Pit is expected to be minimal. A condition is proposed requiring submission of full details of the proposed surface water drainage scheme, and this provides the means to ensure that the sustainable drainage scheme would be acceptable in terms of both its drainage and ecological impact.

In summary, the Nottinghamshire Wildlife Trust have confirmed that they would remove their objection to the proposed development subject to the two further bat surveys confirming low activity levels on the site. The County Council's Ecology team have confirmed that they are unable to support the application, but that in the event planning permission is granted it should be controlled via a detailed series of conditions together with a legal agreement to ensure the delivery and long-term management of the off-site ecological mitigation works. All of these recommendations have been addressed as part of the proposed conditions.

Taking into account all ecology comments from consultees and interested parties and the additional information submitted by the applicant, and subject to securing appropriate mitigation measures via the imposition of conditions and via legal agreement for the implementation and maintenance of those off-site works, it is considered that the proposal accords with the requirements of Core Policy 12, Policy DM5 of the Allocations and Development Management DPD, and the NPPF.

Impact on Residential Amenity

The NPPF seeks to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the Allocations and Development Management DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. There are several strands to amenity which are discussed by topic area below.

Noise issues relating to proposed MUGA and sports pitch

The noise impact of the proposed rugby / sports pitch and the MUGA on those proposed dwellings which would surround the pitches was considered in detail by the Inspector in relation to the previous application. In relation to the previous application, the Inspector found that the maximum predicted external noise level would be significantly above the desirable external noise level for gardens and patios set out in BS 8233:2014 and would slightly exceed the upper guideline value which would be acceptable in noisier environments. The Inspector's key area of concern was however in the maximum predicted internal noise levels. The Inspector noted that whilst the maximum predicted internal noise level would comply with the most stringent guidance given in BS 8233:2014 with the windows closed and trickle vents open, this would be exceeded when the windows of these properties are opened to allow for 'purge' or summertime ventilation. As such, the Inspector concluded that these future occupiers would be likely to experience significant noise and disturbance within their homes, particularly during the summer months, and that on this basis the proposal would not provide satisfactory living conditions for future occupiers of the proposed dwellings with regard to internal noise levels.

In response to this, this resubmission application proposes the erection of an acoustic barrier around the proposed rugby / sports pitch and the MUGA. This would surround the pitches on their western, northern and eastern boundaries, and along part of the southern boundary with Highfields School in order to reduce any noise leakage around the ends of the barrier. The acoustic barrier would comprise a 2.4m boundary formed of timber fence panels set within brick walling and piers. An updated Noise Assessment has been submitted, on the basis that the scale and treatment of the acoustic barrier has been amended following submission of the planning application.

BS8233:2014 states that it is generally desirable that daytime (0700hrs – 2300hrs) internal ambient noise levels should not exceed 35dB_{L_{AeqT}} for living rooms and bedrooms and 40dB_{L_{AeqT}} for dining rooms. For traditional external areas that are used for amenity space, such as gardens and patios, the BS states that it is desirable that the external noise does not exceed 50 dB_{L_{AeqT}}, with an upper guideline value of 55dB_{L_{AeqT}}.

The Noise Assessment modelling demonstrates that even without any mitigation, outdoor noise levels within private amenity areas such as rear gardens would all lie well below the criterion of 55dB_{L_{AeqT}}. The orientation of the proposed dwellings, with gardens located behind the dwellings means that outdoor noise levels within amenity areas would for the most part also lie below the lower criterion of 50 dB_{L_{AeqT}} recommended by BS8233 and the WHO guidelines.

The Noise Assessment modelling demonstrates that with the acoustic barrier in place, in terms of impact on internal ambient noise levels, the noise reductions will be approximately 9dB at ground floor and 5 dB at first floor windows, when noise sources are at their closest to the barrier. Whilst the attenuation reduces slightly as the noise source moves further into the playing area, the change is only small at ground floor, and for both ground and first floors is more than offset by the additional distance attenuation.

Around the site, there would be minor variations in ground levels between the pitches and the dwellings. In some locations the dwelling and pitch levels would be broadly the same, whilst in others the ground levels of some dwellings would be approximately 0.6 / 0.7m higher than the nearest part of the pitch. The Noise Assessment considers that the 2.4m height of the acoustic barrier would compensate for these small ground level differences.

The Noise Assessment finds that normal thermal double glazing having a configuration of 4/12/4 or 4/16/4 would be more than sufficient to enable all internal noise standards to be met, and that the effect of the acoustic barrier would be that even with windows open for ventilation during the daytime, internal noise standards would continue to be met. As such, the Noise Assessment concludes that the use of the MUGA and sports pitch would not result in any adverse noise impact on residential amenity and that the proposed acoustic barrier would provide significant noise reductions at both ground and first floor windows for all dwellings surrounding the MUGA.

Sport England's initial comments on the application dated 22 August 2016 highlighted concerns regarding the extent to which the proposed mitigation measures fully addressed the Inspector's concerns with regard to noise impact. Subsequent to this, the detail of the acoustic barrier has been amended during the course of the application's consideration such that the height of the acoustic barrier has been increased to 2.4m and an updated Noise Assessment was submitted to address this issue. Sport England's response does however make clear that they do not object to the application, and that if the local authority are content that the proposal would not lead to a noise issue which would limit the use of the facility then the proposal would meet the requirements of their exception policy in this regard.

The Council's Environmental Health Officer (Noise) has reviewed the submitted information and confirms that no objections are raised subject to relevant conditions being attached to any grant of consent. In accordance with the recommendations of the submitted Noise Assessment, conditions are recommended in relation to the specification of glazing on those dwellings facing the MUGA and sports pitch and the requirement for passive acoustic ventilators within those dwellings with bedroom windows facing the MUGA and sports pitch. A condition is also recommended requiring submission of details of goal back boards and pitch perimeter boards designed to minimise noise from ball impact.

As such it is not considered that the proposed development would result in any unacceptable noise impact arising from the proposed MUGA and sports pitch in accordance with Policy DM5 of the Allocations and Development Management DPD and the requirements of the NPPF.

Noise issues relating to proposed foul pumping station

The application proposal includes a foul pumping station to be located centrally within the site at the north east corner of the school grounds. This pumping station would be located in proximity to a number of the proposed residential dwellings, with the closest properties being those on Plots 61 and 89 where a distance of approximately 13m and 14m respectively would be maintained between the pumping station and the closest part of the dwellings).

In order to ensure no unacceptable noise impact from the operation of the proposed pumping station on neighbouring properties, a condition is recommended to require submission and approval of a noise assessment and implementation of any mitigation measures identified as necessary via this assessment. This would be required prior to first operation of the foul pumping station. Given the enclosed nature of the pumping station, and the separation distance to the nearest residential properties it is considered that any necessary mitigation measures could be readily accommodated within the proposed development.

As such it is not considered that the proposed development would result in any unacceptable noise impact arising from the foul pumping station in accordance with Policy DM5 of the Allocations and Development Management DPD and the requirements of the NPPF.

Floodlighting

As set out above, it is not proposed that the MUGA and sports pitch would be floodlit. Whilst floodlighting would increase the value of the facility for use by both the school and the wider community, it is recognised that this needs to be balanced against the impact of floodlighting on the amenity for occupiers of dwellings that would lie in close proximity to the facility. As such a condition is recommended that no floodlighting be erected without the prior approval of the Local Planning Authority.

Overlooking, privacy and amenity

Policy DM5 of the Allocations and Development Management DPD states that new developments shall be assessed against a number of criteria including 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. There is no prescriptive guidance in terms of appropriate separation distances, and paragraph 7.18 of the reasoned justification to Policy DM5 states that where proposals involve multiple residential units they should be designed so as to avoid direct overlooking and overbearing impacts on each other. It goes on to say that where new residential development is proposed adjacent to existing dwellings, it should be designed so as to avoid either the existing or proposed development being subjected to the same impacts. In both these instances, the separation distances required to achieve an adequate standard of amenity will be determined by the individual site characteristics including levels and intervening boundary treatments.

The application site is bounded by a number of residential properties. The eastern part of the site known as Quibell Field is bounded to the south by residential properties at No. 27 London Road, Nos. 11a and 12 The Woodwards, and Nos. 31 and 33 Glebe Park. Part of this southern boundary is formed by a brick wall of approximately 2m in height, with the remainder formed by wood panelled fencing of between approximately 1.8m and 2m in height. In addition, along parts of this boundary there is mature hedging and trees which provide additional screening. The application site is also bounded by residential properties on Barnby Road along much of its northern boundary.

In relation to the appeal against refusal of the previous application (14/01964/FULM), the effect of the proposed development on the living conditions of neighbouring residents with particular regard to privacy was a key issue considered in detail by the Inspector. The Inspector concluded that the proposed development would harm the living conditions of the occupiers of No. 27 London Road, No. 11A The Woodwards and Nos. 31 and 33 Glebe Park, with particular reference to privacy. In relation to the relationship between the proposed development and No. 12 The Woodwards, the Inspector found that the proposed development would not lead to an unacceptable level of overlooking of, or loss of privacy to, the occupiers of No. 12 in their dwelling or rear garden.

The layout of the eastern parcel of land (Quibell Field) has been redesigned as part of this resubmission application in order to specifically address the Inspector's findings in this regard. As such, the dwellings which would adjoin these existing properties have been reconfigured and repositioned so as to allow for a considerably greater separation distance between the proposed and existing properties. The impact in relation to each of these existing properties is detailed below:

No. 27 London Road – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 12m and 14m between the first floor rear elevations of the proposed dwellings and the boundary with No. 27 London Road would result in an unacceptable impact in terms of privacy. Under this resubmission application, these distances have been increased to between 21m and 23m. In addition, by positioning the double garages serving Plots 86 to 88 to the rear of these plots, this results in a further reduction in the potential for overlooking.

No. 12 The Woodwards – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 13m and 14m between the first floor rear elevations of the proposed dwellings and the boundary with No. 12 The Woodwards, taken together with the fact that No.12 is itself set back from the boundary by around 20m, would mean that no unacceptable level of overlooking or loss of privacy would result. Under this resubmission application, the separation distances between the first floor rear elevation of the proposed dwellings and the boundary with No. 12 The Woodwards have been further increased to between 24.5m and 27m, and the double garages serving Plots 84 and 85 have been positioned to the rear of these plots.

No. 11a The Woodwards – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 11m and 13m between the first floor rear elevations of the proposed dwellings and the boundary with No. 11a The Woodwards would result in an unacceptable impact in terms of privacy. Under this resubmission application, these distances have been increased to between 21.5m and 23m. In addition, by positioning the double garages serving Plots 82 and 83 to the rear of these plots, this results in a further reduction in the potential for overlooking.

No. 31 Glebe Park – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 15m and 16m between the first floor rear elevations of the proposed dwellings and the boundary with No. 31 Glebe Park would result in an unacceptable impact in terms of privacy. Under this resubmission application, these distances have been increased to between 21.5m and 29m. In addition, by positioning the double garages serving Plots 77 to 81 to the rear of these plots, this results in a further reduction in the potential for overlooking.

No. 33 Glebe Park – in relation to the layout of the previous application, the Inspector considered that the given orientation of the proposed dwelling on the plot adjoining the northern boundary of No. 33 Glebe Park, there would be some overlooking and loss of privacy to these neighbouring residents within their rear garden. Under this resubmission application, the dwelling on Plot 77 is an Oakham house type. In common with the previous scheme, at first floor level in the side elevation facing No. 33 Glebe Park the only window within this side elevation would be obscure glazed serving an ensuite. Therefore there would be no potential for overlooking from the side elevation. In response to the Inspector's findings, the dwelling on Plot 77 has been oriented away from No. 33 Glebe Park. On this basis, it is not considered that the outlook from the first floor bedroom windows in the rear elevation of Plot 77 would result in any unacceptable level of overlooking or loss of privacy to the occupiers of No. 33 Glebe Park.

In relation to the relationship with the existing dwellings on Barnby Road which lie adjacent to the site's northern boundary, this relationship remains unchanged from the previous application which was considered acceptable in this context. Grove Bungalow is the closest dwelling to the north of the site and a separation distance in excess of 20m would be maintained between the rear of this dwelling and the application site.

In the context of these revisions to the scheme layout, it is considered that all the issues identified by the Inspector in relation to privacy and overlooking have been appropriately addressed. As such it is not considered that the proposal would not result in any unacceptable impact in terms of amenity, overbearing or privacy, in accordance with Policy DM5 of the Allocations and Development Management DPD.

In relation to the siting of the proposed garages serving Plots 77 to 88 close to the common boundary with these existing neighbouring properties, it is not considered that this would result in any unacceptable impact in terms of amenity for existing occupiers. The garages would be sited approximately 3.5m from the boundary with the existing properties, reflecting that one of the proposed ecology corridors would lie between the proposed dwellings and the existing properties. The layout plan indicates that the garages have been designed such that the ridge lines would be positioned such that they run parallel to the common boundary and therefore on those elevations closest to the common boundary the garages would have a height to eaves of approximately 2.5m. As such it is not considered that this would result in any overbearing impact on the garden areas of adjacent properties. Similarly in relation to the impact of vehicle headlights and noise from vehicle movements, it is not considered that the siting of the proposed garages would result in any unacceptable impact on the amenity of neighbouring properties. The updated Noise Assessment specifically addresses this issue, and confirms that noise levels would be no different to those that occur within all other residential developments across the country as and when neighbours use their cars and garages. As such there are no noise standards that are applicable to this type of activity nor are there any noise assessment procedures that would suggest such infrequent noise events would affect the residential amenity of existing residents.

Whilst there would be no unacceptable impact in this regard, the applicant has confirmed that they propose to install soft closing garage doors for these plots and that these driveways would be hard surfaced for their full length, as a courtesy to the expressed concerns of neighbouring occupiers. It is not however appropriate to condition this, as it not considered to meet the tests for planning conditions in terms of being necessary and reasonable.

Security

The Police Architectural Liaison Officer has raised concerns with regard to the acoustic barrier which is proposed to surround the MUGA and sports pitch, from a design and crime perspective. They consider that the acoustic barrier would prevent natural surveillance of the MUGA and sports pitch which could allow these facilities to be used for the purposes of anti-social behavior. The Architectural Liaison officer also raises concern with the potential for the acoustic barrier to be subject to graffiti.

In terms of the issue of graffiti, the submitted plans identify that the acoustic barrier would be formed of timber panels set within brick walling and piers. In addition, there would be a buffer of vegetation introduced on the side of the barrier facing the street. As such, it is not considered that the barrier would be subject to any greater risk of graffiti than where the rear boundary treatment of a residential dwelling adjoins the public highway.

Neighbouring residents have also raised concerns over security of the school car park. This car park is essentially a replacement of the existing school car park albeit in a different location. It is not considered that the security issues associated with the car park would be materially different from those experienced by the car park in its existing location. In addition, the applicant has confirmed that this car park would have a barrier at its entrance to restrict access out of school and community use hours. Beyond the acoustic barrier, the MUGA would be enclosed with 3m high mesh fencing to retain balls within the area. This 3m high mesh fencing would also serve to prevent unauthorised access to the MUGA, and therefore it is not considered that there would be significant potential for the MUGA to be used for anti-social behavior.

In relation to concerns raised in relation to secure boundary treatments to the MUGA / pitches and car parking area, it is recommended that a condition be imposed to require the submission of further details.

Summary

In conclusion it is considered that subject to relevant conditions as recommended, the proposed development would result in no significant detrimental impact on the amenity of future occupiers of the proposed dwellings or dwellings adjacent to the application site in accordance with Policy DM5 of the Allocations and Development Management DPD.

Public open space

The application proposal would include an area of amenity space at the entrance to the proposed development, situated around the proposed site of the apartment block. This area of amenity space would extend to approximately 1,155m² which is marginally below the local standard for amenity green space provision as defined in the Newark and Sherwood Green Spaces Strategy, which for a development of 89 dwellings would amount to 1,282m² (on the basis of the 14.4m² per dwelling standard). It is recognised that the value of this amenity space is likely to be limited

given that the proposed apartment block is sited within the space. The application also proposes the reinstatement of a footpath link to Barnby Road which would facilitate access to Barnby Road Community Park and Locally Equipped Area of Play (LEAP) for residents of the proposed development. Recognising the limited on-site provision of public open space, financial contributions towards off-site provision would be sought, and this is detailed below under 'Viability of Development and Developer Contributions'.

Impact on Archaeology

Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the Allocations and Development Management DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment.

An Archaeological Evaluation Report (September 2014) has been submitted with the application, which was prepared in order to support the previous application (14/01964/FULM). As part of the archaeological investigation, fourteen trenches were excavated to investigate anomalies identified by a preceding geophysical survey. The investigation revealed a complex of ditches and occasional pits to the north and east of the school buildings, and dating evidence indicates small scale activity in the Iron Age and Roman periods associated with an enclosure to the north of the school, and medieval and post-medieval agricultural activity.

Nottinghamshire County Council Archaeology have confirmed that they are content with the work that has been undertaken, and that the archaeological mitigation strategy is acceptable. As such they raise no objections subject to a condition requiring implementation of the submitted archaeological mitigation strategy.

Subject to this condition, the proposal is therefore considered to raise no issues in relation to Core Policy 14 and Policy DM9 of the Allocations and Development Management DPD.

Viability of Development and Developer Contributions

Spatial Policy 6 of the Core Strategy and Policy DM3 of the Allocations and Development Management DPD set out the approach for delivering the infrastructure necessary to support growth.

The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

In relation to this application there have been on-going negotiations with regard to viability. The applicant submitted viability evidence which identified that the scheme would be unable to support the full scale of the planning obligation requirement, in addition to the CIL liability.

An independent viability assessment of the proposed development has been undertaken by the Council's appointed viability consultant. On the basis of these negotiations, the applicant has agreed to contribute £110,880 towards s106 contributions (which would be in addition to the full CIL liability). The Council's appointed consultant has confirmed that this is an appropriate scale of contribution having regard to their independent assessment of the development's viability.

The policy starting point for developer contributions is set out below together with details of the developer offer being proposed. It is important to note that the developer is willing for the overall financial offer to be distributed as the Local Planning Authority and County Council consider appropriate.

Affordable Housing

The Council's Core Strategy, Affordable Housing SPD and Developer Contributions and Planning Obligations SPD seek to secure the provision of 30% on site affordable housing where the relevant thresholds are met. Based on the application proposal of 89 dwellings, this would amount to a requirement for 27 affordable homes. Core Policy 1 identifies that the required tenure mix is 60% social rented housing and 40% intermediate housing.

The application proposal would involve no provision of affordable housing and it is recognised that this would represent a shortfall in the policy requirement to the detriment of local affordable housing needs. However, paragraph 173 of the NPPF makes clear that pursuing sustainable development requires careful attention to viability and costs in decision taking. The Planning Practice Guidance expands on this and states that where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that planning obligations would cause the development to be unviable, the Local Planning Authority should be flexible in seeking planning obligations. The Guidance highlights that this is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. The Guidance states that these contributions should not be sought without regard to individual scheme viability.

Overall, the application proposal falls short of the policy requirement to secure affordable housing provision. However, the applicant has proven to the satisfaction of the Council's independent advisor that the full scale of required contributions cannot be provided in the context of the scheme's viability. As such, having regard to the NPPF and Planning Practice Guidance and the viability position, it is not considered that the lack of affordable provision would outweigh the other benefits of the proposed development and the presumption in favour of sustainable development.

Community Facilities

The Developer Contributions SPD sets out that a community facilities contribution may be sought where a development puts pressure on existing facilities and allows £1,433.32 per dwelling (including indexation) to be sought. The application scheme of 89 dwellings would equate to a community facilities contribution of £127,565.48 (including indexation). On the basis of the agreed viability evidence, the scheme would not be able to support the full range of obligation requirements, and it is recommended that the available contributions be directed towards transport and education as the key priorities. As such, the scheme would not be able to support a community facilities contribution and would fail to meet the SPD requirement in this regard.

Education

Paragraph 72 of the NPPF states that *“the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement...”*

Nottinghamshire County Council have confirmed that based on current projections, the primary schools are at capacity and cannot accommodate the need for primary places arising from the proposed development.

The application scheme of 89 dwellings would generate 19 additional primary school places which requires a developer contribution of £217,645. On the basis of the agreed viability evidence, the scheme would not be able to support the full requirement in this regard. It is recommended that with the exception of the transport contribution, all remaining contributions would be directed towards education. As such, a total of £96,680 would be available to be directed towards education provision, which would reflect approximately 8 additional primary places (at £11,455 per place). This would clearly fall significantly below the requirement and mean that the development would not be contributing fully towards the education requirement that it would generate.

Highways/Integrated Transport

In accordance with the Developer Contributions SPD, the Highways Officer has confirmed that they require £14,200 towards the provision of a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road). In addition the County Council has identified that it would wish to negotiate funding for additional Sunday bus frequency within the area. In relation to the provision of a real time display and bus stop clearway, it is recommended that this full amount be secured as part of the legal agreement in accordance with the requirements of the SPD. On the basis of the agreed viability evidence, it is not however considered that the scheme would be able to contribute towards the provision of additional Sunday bus frequency within the area.

Health

For developments of 65 dwellings or more that increase pressure on the health service, DM3 and the Developer Contributions SPD allow for contributions to be sought (£982.62 per dwelling, including indexation) where there is an identified need in the locality. However in this case, no response has been received from NHS England to justify any such request and consequently no provision is being sought.

Open Space

In accordance with the requirements of the Developer Contributions SPD, the proposal is required to make provision for public open space in the form of provision for children and young people and amenity green space. It is noted that the proposed layout plan includes an area of amenity space adjacent to the proposed apartment block totalling 1,155m². Based on the SPD requirements per dwelling, there would be a shortfall of 126.6m² against the required level of amenity green space provision per dwelling. A financial contribution towards off-site provision of £3,497.70 (including indexation) would therefore apply in this regard.

The SPD also requires all residents to live within 300m of an area of between 0.2Ha and 1Ha in size of natural or semi-natural green space. Whilst approximately 50% of the dwellings would be within 300m of the proposed area of green space, given that its size falls below the 0.2Ha threshold, the proposal is not therefore considered to comply with the requirements of the SPD in this respect. A footpath link to Barnby Road is proposed which would provide improved access to the Barnby Road Community Park and LEAP play area for future residents (albeit that this would also be more than 300m away).

None of the open space shown is specifically designed as children and young people’s playing space and it would ordinarily be considered appropriate for the development to make a contribution towards the off-site provision/improvement and maintenance of children’s playing space. The SPD sets out the cost per dwelling where a commuted sum towards provision for children and young people is required at £927.26 per dwelling (including indexation) plus £1,031.30 per dwelling (including indexation) towards maintenance costs that would need to be agreed as part of any legal agreement. The application scheme of 89 dwellings would require a contribution of £174,311.84 in this regard. On the basis of the agreed viability evidence, the scheme would not be able to support the full range of obligation requirements, and it is recommended that the available contributions be directed towards transport and education as the key priorities. As such, the scheme would not be able to support an open space contribution and would fail to meet the SPD requirement in this regard.

Libraries

The Developer Contributions SPD sets out that residential developments of 10 dwellings or more may trigger the need for a contribution towards libraries based on need. At an average of 2.4 persons per dwelling, the application scheme of 89 dwellings would increase the existing library’s catchment area population by 214 persons. The County Council has therefore confirmed that a developer contribution of £4,231.06 (including indexation) would be required towards the additional stock that would be required to meet the needs of increase in population. On the basis of the agreed viability evidence, the scheme would not be able to support the full range of obligation requirements, and it is recommended that the available contributions be directed towards transport and education as the key priorities. As such, the scheme would not be able to support the libraries contribution and would fail to meet the SPD requirement in this regard.

Summary of Developer Contributions and Conclusions on Viability

A summary of developer contributions / s106 requirements is set out in the table below. This summary is based on the Officer judgement as to the most appropriate contributions to secure in the context of the total agreed scale of contribution having regard to the viability position:

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE REQUIREMENT BASED ON 89 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION
Affordable Housing	30% on-site provision or £864,000 off site contribution if justified (based on £32,000 per affordable unit price as calculated elsewhere in the district)	0% on-site provision and nil financial contribution

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/ CONSULTEE REQUIREMENT BASED ON 89 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION
Children's Play Area	The provision for children and young people is required at £927.26 per dwelling plus £1,031.30 per dwelling towards maintenance costs = £174,311.84 (including indexation)	No provision either on-site or by financial contribution
Amenity Green Space	Reflecting the shortfall of 126.6m ² against the requirement, the provision for amenity space is required at £19.65m ² plus £19.65m ² towards maintenance costs = £3,497.70 (including indexation)	No provision either on-site or by financial contribution
Highways/ Integrated Transport	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodward's (London Road) = £14,200	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodward's (London Road) = £14,200
Education	£217,645 to provide 19 additional primary places (at £11,455 per place)	£92,448.94 to provide approx 8 additional primary places (at £11,455 per place)
Community Facilities	£1,433.32 per dwelling = £127,565.48 (including indexation)	No provision either on-site or by financial contribution
Libraries	£4,231.06 (including indexation)	No financial contribution
Off-site ecology mitigation	To secure off-site provision of ecology mitigation on adjacent Local Wildlife Site in accordance with the Reptile and Amphibian Mitigation Strategy (April 2015 by Ecus Ltd) which cannot be controlled by condition. Enhancement works should be completed prior to construction works commencing to allow habitat for any reptiles displaced during the construction works.	See first column for requirement
Maintenance of on-site open space and ecology corridors and off-site ecology corridor and enhancement areas	Maintenance of on-site open space and ecology corridors, and off-site ecology corridor and ecology enhancement areas by Management Company including the long term retention of trees and hedgerow and the submission and approval of a Landscape and Habitat Management Plan to include: i) description and evaluation of the features and species to be managed; j) ecological trends and constraints on site that may influence management;	See first column for requirement

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/ CONSULTEE REQUIREMENT BASED ON 89 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION
	k) aims and objectives of management; l) appropriate management options for achieving aims and objectives; m) prescriptions for management actions; n) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually); o) personnel responsible for the implementation of the plan; p) monitoring and remedial/contingency measures triggered by monitoring.	
Provision of footpath link	To include details and implementation of the link to Barnby Road including maintenance.	See first column for requirement
Lorry Routing	A lorry routing agreement is required to ensure that extraneous traffic is kept out of Newark town centre.	See first column for requirement
TOTAL	30% on site affordable housing provision and £541,451.08 developer contributions (plus CIL)	No affordable housing provision and £110,880 developer contributions (plus CIL)

The scheme comprises a developer offer of £110,880 towards developer contributions as detailed in the table above. The Council's appointed consultant has confirmed that this is an appropriate scale of contribution having regard to their independent assessment of the development's viability.

Aside from affordable housing which is considered in detail above, the other contributions which are not being met in by this proposal relate to community facilities, library stock provision, and public open space in the form of natural/semi-natural green space, amenity space (small shortfall) and children's and young person's play space. In relation to education provision, whilst the scheme could support a contribution this would be significantly below the requirement and mean that the development would not be contributing fully towards the education requirement that it would generate.

I am mindful that there is only a small shortfall of amenity space associated with the development and as such I do not consider this makes the scheme unacceptable in planning terms. Whilst the scheme would not make provision for children's and young person's play space or a financial contribution towards community facilities or library stock provision, I do give some weight to the fact that there would be some community benefit from the provision of the MUGA and the associated wider community use of the replacement sports facilities. Paragraph 176 of the NPPF makes clear that where safeguards are necessary to make a particular development acceptable in

planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. In relation to this case, I do not consider that the identified requirements constitute necessary safeguards essential to making the development acceptable in planning terms, and given the agreed viability position their non-provision cannot therefore justify refusal of the application. Overall, whilst the proposal falls short of the policy requirements, I consider it reasonable to accept such a shortfall so as not to inhibit the development and to ensure the delivery of a sustainable housing development which contributes towards the Council's five year housing supply in accordance with the requirements of the NPPF and PPG in this instance.

Conclusion and Planning Balance

Paragraph 14 of the NPPF confirms that at the heart of the Framework lies a presumption in favour of sustainable development. Paragraph 7 of the Framework confirms that there are three dimensions to sustainable development: economic, social, and environmental.

i) Economic

The NPPF defines the economic role as “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure.”

The Government has identified the delivery of housing as a key driver of future economic growth and stimulation of the economy. It is recognised that there are economic benefits associated with the development through both direct and indirect employment opportunities. Although the applicant has not sought to quantify the economic benefits of the scheme, it is accepted that there will be considerable economic benefits both during the construction phase and following completion of the development through increased spending within the area. In light of the Government's push for economic growth (expressed in the 'Planning for Growth', Ministerial Statement) it is considered that moderate weight in favour of the application can be afforded to these benefits.

ii) Social

The NPPF defines the social role as “*supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.*”

The scheme will deliver 89 new dwellings reflecting a broad range of dwelling types, including 2, 3, 4 and 5-bed houses which will support the creation of a balanced community and contribute towards meeting the district's identified housing need. Whilst the scheme will not deliver any affordable housing, for the reasons set out above, it is considered that this has been robustly justified on the basis of scheme viability having regard to the clear guidance within the NPPF and Planning Practice Guidance on this issue. The application proposal would result in a high quality development of new homes in a sustainable location on the edge of Newark. It will incorporate on-site open space provision, improve permeability through the creation of a new footpath link to Barnby Road, and will involve the provision of improved sports facilities in terms of a rugby/sports pitch and a MUGA, with enhanced community use of these facilities which will be secured via legal agreement. In addition, the application will make a contribution towards local infrastructure via planning obligation contributions, albeit that it is recognised that these are below the full level that would be required by the Developer Contributions and Planning Obligations SPD. The social benefits of the development are therefore considered to be significant and must be afforded considerable weight in favour of the application.

iii) Environmental

The NPPF defines the environmental role as *“contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimize waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

In relation to the historic environment, the application proposal has been sensitively designed having regard to the setting of Highfields House as a non-designated heritage asset, and conditions are recommended in relation to archaeological survey and investigation. In terms of ecological impact, a series of detailed mitigation measures are proposed in order to mitigate the loss of habitat and to ensure the protection of species. These measures would be secured by means of planning conditions and through legal agreement. The application proposal will involve the loss of a considerable number of trees, including a limited number which are protected by TPO. It is however recognised that the layout of the proposed development has been designed to minimise the impact of this loss in terms of the visual amenity of the wider area, with the contribution of those trees which would require removal being predominantly experienced from within the site itself. The application would also involve the loss of a stretch of hedgerow which comprises ‘important’ hedgerow in the context of the Hedgerow Regulations 1997. It should however be recognised that the majority of existing hedgerows on the site would be retained, and there would be enhancement through additional hedgerow planting along both the northern and southern boundaries of the land known as Baileys Field and Quibell Field. In terms of landscape impact, given that the site lies on the edge of the built up area and does not have a particularly open aspect, it is considered that the development does not conflict with the objectives of the Landscape Character Assessment SPD which identifies that the focus for this landscape character area is to conserve what remains of the rural landscape by concentrating new development around existing settlements.

As set out within the appraisal above, the Council considers that it can demonstrate a five year housing land supply, and therefore in accordance with the paragraph 49 of the NPPF, relevant policies for the supply of housing should be considered up to date. The application site is not an allocated site within the development plan, but is a sustainably located greenfield site that lies within the Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy which identifies that the Newark Urban Area will be the focus for housing and employment growth within the district.

The application is not considered to result in any adverse impact in terms of highway safety, flood risk or drainage, archaeology or visual amenity subject to conditions. In relation to the impact on residential amenity in terms of privacy and overlooking, it is considered that the application effectively addresses all the points raised by the Inspector in relation to the previously refused scheme. It is not considered that the proposed development would result in any unacceptable reduction in amenity for occupiers of neighbouring dwellings, and that no unacceptable standard of amenity would result for future occupiers of the proposed new dwellings, in accordance with the requirements of Policy DM5 of the Allocations and Development Management DPD. In relation to noise impact associated with the proposed MUGA, it has been demonstrated by the submitted noise assessment that the proposed 2.4m acoustic barrier would provide effective mitigation and that the points raised by the Inspector in relation to the previously refused scheme have now been satisfactorily addressed in this context. In relation to sports provision, the replacement rugby/sports pitch and MUGA would provide improved sports facilities and enhanced community use of these facilities will be secured via legal agreement. Sport England have raised no objection in this regard.

The proposed development will result in the loss of a considerable number of trees (including a small number which are protected by group TPO) and the loss of important hedgerow. Whilst the scheme has been designed to minimise the impact of the loss and to afford mitigation via replacement planting, it is considered that there will still be some detrimental impact in this regard. In balancing this detrimental impact against the wider benefits of the proposal, it is however considered the benefits of the development outweigh this harm. The replacement planting in terms of both trees and hedgerow will over time contribute towards mitigating the loss of these features. The substantial social and economic benefits of the scheme through the provision of new housing are considered to outweigh the detrimental impact in this regard.

Consideration has been given to all comments from neighbours, interested parties and consultees. Recognising that there will be a degree of harm in terms of the loss of existing trees and hedgerow, on balance I consider that this would be outweighed by the benefits of the development. I therefore consider that the scheme is acceptable in accordance with the Development Plan and all other material considerations and recommend approval subject to conditions and completion of a legal agreement.

RECOMMENDATION

That full planning permission is granted subject to:

- (a) the conditions shown below; and**
- (b) the signing and sealing of a Section 106 Planning Agreement to secure the heads of terms set out in the table contained within the Summary Developer Contributions section above.**

01 Time period

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 Approved plans

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

BB.211713.LOC B – Location Plan
AM.211713.101 Rev AA – Planning Layout
AM.211713.102 Rev I – Landscape Masterplan
AM.211713.120 Rev B – Fenwick – 3 Block Elevations
AM.211713.121 Rev A – Fenwick – 3 Block Plans
AM.211713.132 Rev B – Tetbury Elevations
AM.211713.133 – Tetbury Plans
AM.211713.134 Rev D – Durham Elevations
AM.211713.135 – Durham Plans
AM.211713.138 Rev B – Kirkham Elevations
AM.211713.139 – Kirkham Plans
AM.211713.140 Rev B – Langham Elevations
AM.211713.141 – Langham Plans
AM.211713.142 Rev C – Oakham Elevations

AM.211713.143 Rev C – Oakham Plans
AM.211713.146 Rev D – Hartlebury Alt Elevations
AM.211713.147 Rev C – Hartlebury Alt Plans
BB.211713.148 Rev C – Apartments SE (Front) Elevation
BB.211713.149 Rev C – Apartments SW (Side) Elevation
BB.211713.150 Rev C – Apartments NW (Rear) Elevation
BB.211713.151 Rev C – Apartments NE (Side) Elevation
BB.211713.152 Rev A – Apartments Ground Floor Plans
BB.211713.153 Rev B – Apartments First Floor Plans
AM.211713.160 Rev B – Cotham Elevations
AM.211713.161 – Cotham Plans
AM.211713.162 Rev C – Cotham Alt Elevations
AM.211713.163 – Cotham Alt Plans
AM.211713.164 Rev D – Hartlebury Alt Elevations
AM.211713.165 Rev B – Hartlebury Alt Floor Plans
AM.211713.166 Rev C – Kilmington Elevations
AM.211713.167 Rev B – Kilmington Plans
AM.212614.168 Rev A – Norbury Elevations
AM.212614.169 – Norbury Plans
AM.211713.170 Rev A – Kilmington Semi Elevations
AM.211713.171 – Kilmington Semi Plans
AM.211713.172 Rev A – Coleford Semi Elevations
AM.211713.173 – Coleford Semi Plans
AM.211713.174 – Fenwick Semi Elevations
AM.211713.175 – Fenwick Semi Plans
BB.211713.155 Rev A – Garages – SGL – Planning Plans & Elevations
BB.211713.156 – Garages – DBL – Planning Plans & Elevations
Tree Survey (Ecus Ltd) March 2015
L4630/01 Rev C – Tree Survey Plan
L4630/02 Rev C – Tree Constraints Plan
L4630/03 Rev D – Tree Protection Plan
ELL-1890AHN-B-650 Rev C – Vehicle Tracking and Visibility Splays
G-SD-416 – 2.4m High Acoustic Pier and Panel Wall Detail
BB.211713.104 Rev C – MUGA Proposals

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 Surface and foul water drainage

The development hereby permitted shall not commence until drainage details and plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt, this shall include details of the proposed management and maintenance regime and reflect that highways drainage should only be connected to adopted Severn Trent drainage. 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 in accordance with the requirements of Core Policy 9.

04 Flood Risk Assessment and Finished Floor Levels

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference 2629/FRA v1.3 prepared by Weetwood Services Ltd in June 2014, and internal finished floor levels shall be set at least 150mm above adjacent external ground levels.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the aims of the NPPF and the requirements of Core Policy 9.

05 Surface Water Drainage Scheme

Notwithstanding the submitted details, no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that drainage from the site will be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
- Limit the maximum discharge to the greenfield run-off rate (Qbar) from the area. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
- Demonstrate that the site drainage system will cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% climate change event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- Demonstrate that consideration has been given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
- Include details of any SUDS showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the aims of the NPPF and the requirements of Core Policy 9.

06 Suspended Solids in Surface Water Run-Off

The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of pollution during the construction phase in accordance with the aims of the NPPF and the requirements of Core Policy 9.

07 Community Use Agreement – MUGA and Sports Pitch

Within three months of the commencement of development, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority. A copy of the completed approved agreement shall be submitted to the Local Planning Authority prior to the occupation of any dwellings. The agreement shall describe facilities forming part of the development and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with the requirements of Sport England and Spatial Policy 8 of the Core Strategy.

08 Provision of Replacement Sports Pitches

The replacement sports pitches (including the MUGA) shown on drawing AM.211713.101 Rev AA and detailed on drawing BB.211713.104 Rev C shall be provided on site and be made available for use prior to first residential occupation of the dwellings hereby approved and shall thereafter be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriate and adequate compensatory sports pitch provision is provided in a timely manner in order to comply with SP8 and Sport England guidance, a material consideration.

09 Archaeological Investigation

The archaeological site work shall be undertaken in full accordance with the written scheme of archaeological investigation (Archaeological Mitigation Strategy by Pre-Construct Archaeological Services Ltd, February 2015). No variation shall take place without prior written consent of the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Core Policy 14 and Policy DM9 of the DPD

10 Ecology Mitigation Measures

The development permitted by this planning permission shall be carried out in accordance with the mitigation measures set out in the submitted Ecological Assessment (Ecus Ltd, January 2014), the Further Ecological Works: Botanical and Reptile Surveys (Ecus Ltd, January 2014) and the Offsite Habitat Management Plan (Ecus Ltd, 13 June 2014) in relation to badgers, bats, birds and hedgehogs. For the avoidance of doubt, this shall include:

- The use of general construction safeguards, including good working methods to protect badgers and other mammals;
- Ground clearance works should be undertaken under the supervision of an Ecologist.
- The use of sensitive working practices in relation to the felling of trees with low potential to support roosting bats; and
- The use of sensitive working practices in relation to the felling of trees with low potential to support roosting bats.

The mitigation measures shall be fully implemented prior to occupation of any dwellings on site and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDDPD.

11 Reptile and Amphibian Mitigation Programme

No development or ground clearance works shall be commenced until an implementation and phasing programme for the delivery of the mitigation measures set out in the Reptile and Amphibian Mitigation Strategy (Ecus Ltd., April 2015) (and which reflects the Reptile Method Statement which forms Appendix 1 to the Reptile and Amphibian Mitigation Strategy) has been submitted to and approved in writing by the Local Planning Authority. This shall include details of timescales for the submission of an outcome and findings report following the full implementation of the Reptile and Amphibian Mitigation Strategy and include details of the number of amphibians and reptiles encountered during the clearance works. It shall also include details of road designs to incorporate underpasses and dropped kerbs to facilitate wildlife movement. All works should then proceed in accordance with the approved Strategy and programme unless otherwise agreed in writing, by the Local Planning Authority. The mitigation measures shall be fully implemented prior to occupation of any dwellings on site unless otherwise agreed in writing, by the Local Planning Authority.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDDPD.

12 Biodiversity Management Plan

No building on site shall be occupied until a biodiversity management plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out management measures for the Ballast Pit and for the ecology corridors within the development site in order to ensure that habitats are managed appropriately in the long-term to maximise their wildlife value. The agreed management plan shall be implemented as such thereafter.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDDPD.

13 Bat and Bird Boxes and/or Bricks

No building on site shall be occupied until details of bat and bird boxes and/or bricks have been submitted to and approved in writing by the Local Planning Authority. The nest boxes/bricks shall then be installed, prior to occupation of the dwellings hereby approved, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of maintain and enhancing biodiversity in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDDPD

14 External Lighting Scheme for Public Realm

Within six months of the commencement of development, a scheme for the provision of external lighting for the public realm shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of the locations, design, luminance levels, light spillage and hours of use of, and columns for, all external lighting within the site and the approved scheme shall be implemented in full prior to the occupation of development.

Reason: To safeguard the amenity of the area and in the interests of biodiversity in accordance with Core Policy 12 of the Newark and Sherwood Core Strategy DPD (2011) and Policies DM5 and DM7 of the Newark and Sherwood Allocations and Development Management DPD (2013).

15 Nesting Birds

Any clearance works of vegetation or trees 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 suitably qualified ecologist prior to the clearance taking place and written confirmation has been provided to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. 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).

16 Arboricultural Method Statement

Notwithstanding the submitted Tree Survey Report (ECUS Ltd, March 2015), prior to the commencement of the development, an Arboricultural Method Statement including a plan of the existing trees, hedging and boundary planting indicated as to be retained and future management thereof shall be submitted to and be approved in writing by the Local Planning Authority. The details shall include for the retention of hedgerows and trees (which are shown on the Planning Layout as being retained) and include identification of those individual trees within a group which need to be removed or pruned. The statement shall include the method of protection for retained trees, hedging and boundary planting during the course of the development. The development shall then be carried out in accordance with the approved details. Any trees, hedging, or boundary planting which are not contained within the curtilage of any plots which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those removed, or otherwise first approved in writing by the Local Planning Authority.

Reason: In order to protect biodiversity and visual amenity of the site in accordance with the aims of Core Policy 12 and 13 of the Newark and Sherwood Core Strategy (2011) of the DPD.

17 Landscaping Details

Notwithstanding the details submitted on the approved plans, within three months of the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- an implementation and phasing programme;
- details of existing trees and hedgerows, which are to be retained;
- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs, hedgerow 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.
- proposed finished ground levels or contours;
- means of enclosure;
- access control barriers;
- minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.;

- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials.

For the avoidance of doubt, hedgerow planting shall be undertaken in accordance with the Wildlife Corridors and Planting section of the Reptile and Amphibian Mitigation Strategy (Ecus Ltd, April 2015).

Reason: In the interests of visual amenity and biodiversity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

18 Implementation of Landscaping

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. Any trees/shrubs which within a period of five years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

19 Laying Out of Access Road

The access road off London Road hereby approved shall be laid out in accordance with drawing AM.211713.101 Rev AA and constructed in accordance with details to be first submitted and agreed in writing by the LPA in liaison with the Highway Authority.

Reason: In the interests of Highway safety and to ensure the access roads are constructed to adoptable standards in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

20 Bus Stop Enhancements

No part of the development hereby permitted shall be brought into use unless or until the enhancements to the bus stops on London Road (NS0416 and NS0779) have been made to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, raised boarding kerbs and enforceable bus stop clearways.

Reason: To promote sustainable travel.

21 Visibility Splays

Areas within highway forward visibility splays around bends should be kept clear of any obstruction above 0.25 metres.

Reason: In the interests of highway safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

22 Garage Doors

Garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

Reason: To avoid vehicles overhanging the footway to the detriment of pedestrian safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

23 White Lining to London Road

No part of the development hereby permitted shall be occupied unless or until a scheme to modify the white lining scheme on London Road has been implemented in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

24 Hard Surfacing to Driveways

No dwelling as part of the development hereby approved shall be occupied until its associated driveway has been surfaced in a hard bound material for a minimum distance of 2 metres behind the highway boundary. The surfaced driveway shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

25 Details of Boundary Treatment to MUGA and Pitch

Notwithstanding the submitted details, prior to the playing fields or MUGA being brought into first use the following details including design, treatment and colour of the boundary treatment and mitigation measures to reduce impacts shall first be submitted to and agreed in writing by the Local Planning Authority:

- details of all the boundary treatments enclosing the sports pitches/MUGA including types, design and materials;
- details of goal back boards and pitch perimeter boards designed to minimise noise from ball impact;
- acoustic fencing;
- details of ball catch fencing and/or nets;
- details of secure access arrangements in order to prevent unauthorised access to the facilities.

The approved details shall be implemented prior to the first use of the pitches and MUGA and shall thereafter be retained in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD, and in the interests of reducing opportunities for crime and anti-social behaviour in accordance with Core Policy 9 of the Core Strategy.

26 Details of Boundary Treatment to Car Park

Notwithstanding the submitted details, prior to the car park being brought into first use the following details shall first be submitted to and agreed in writing by the Local Planning Authority:

- details of the boundary treatment enclosing the car park including type, height, design and materials;
- details of secure access arrangements in order to prevent unauthorised access to the car park outside of operational hours.

Reason: In the interests of residential and visual amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD, and in the interests of reducing opportunities for crime and anti-social behaviour in accordance with Core Policy 9 of the Core Strategy.

27 No Floodlighting to MUGA and Sports Pitch

The MUGA and playing pitches hereby permitted shall not be floodlit or illuminated in any way, unless express planning permission has first been granted by the Local Planning Authority.

Reason: In the interest of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

28 Noise Mitigation Measures in Relation to Foul Pumping Station

Prior to the first operation of the foul pumping station hereby approved, a noise assessment report that assesses the noise impact of the pumping station on surrounding residential properties shall be submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures identified within the agreed noise assessment as being necessary in order to ensure no unacceptable impact on the amenity of surrounding residential properties shall be implemented prior to first operation of the foul pumping station.

Reason: In the interests of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

29 Glazing Specification for Plots Facing MUGA and Pitch

Those dwellings on plots 12-14, 17-18, 29-32, 41-45, 59-61 and 89 shall, prior to their first occupation, be installed with glazing to all windows facing the Multi-Use Games Area and sports pitch that provides a minimum sound reduction of at least 21dB RTRA or 26 dB Rw in order to achieve the internal LAeq and LAmx noise levels set out within BS8233 during both day and night-time hours. Those dwellings on these identified plots which have bedroom windows facing the Multi-Use Games Area and sports pitch shall also be fitted with passive acoustic ventilators (such as acoustic trickle vents in the window frames or acoustic airbrick type vents within the walls) to serve all bedrooms with windows facing the pitches. These measures shall be implemented in accordance with the recommendations set out within the submitted Noise Assessment (Acoustic Air (AA1062N/R1), October 2016)

Reason: In the interests of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

30 Details of Proposed Ground Levels and Finished Floor Levels

Notwithstanding the submitted details, no development shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) 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.

Reason: In the interests of residential and visual amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

31 Construction Hours

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 07.30 - 18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

32 Boundary Treatments

The dwellings hereby approved shall not 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. For the avoidance of doubt, the timber fence indicated along the boundary of the site with London Road is not approved as part of this permission, and the driveways serving Plots 76 – 88 shall be fitted with secure electronically operated gates to prevent unauthorised access to the parking areas serving these dwellings.

Reason: In the interests of residential and visual amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD, and in the interests of reducing opportunities for crime and anti-social behaviour in accordance with Core Policy 9 of the Core Strategy.

33 Materials

Notwithstanding the submitted details, no above ground construction works shall take place until full details (and samples as required) of the colour and type of all facing materials to be used for the residential units have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out using the approved materials, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the area in accordance with Core Policy 9 of the Newark and Sherwood Core Strategy DPD (2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

34 Removal of Permitted Development Rights Relating to Boundary Treatments

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development in respect of:

Schedule 2, Part 2: Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Unless consent has firstly be granted in the form of a separate planning permission.

For the avoidance of doubt, this relates to the whole site and all plots.

Reason: To ensure that the Local Planning Authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation) in order to safeguard the amenity of neighbours and/or in the interests of visual amenity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the DPD.

35 Detailed Appearance of Those Units Fronting the School Building as a Non-Designated Heritage Asset

No development shall be commenced in respect of plots 1-6 (the apartment block), 7-14, 17-18, 29-32 and 41-45 in relation to 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 windows, doors and their immediate surroundings, including details of glazing and glazing bars

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Coping

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

Reason: In the interests of visual amenity and in order to safeguard the special architectural or historical appearance of the main school building and lodge in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the DPD.

36 Travel Plan

Prior to the first occupation of any of the dwellings hereby approved, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Travel Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel in accordance with the aims of the NPPF and Spatial Policy 7 of the Core Strategy.

37 Obscure Glazing to Side Window of Plot 77

The first floor window on the south facing first floor side elevation of Plot 77 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties in accordance with Policy DM5 of the DPD.

Notes to Applicant

01

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 in accordance with Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

02

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

03

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

04

Nottinghamshire County Council (Highways Authority) advise that in order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act or commission the County Council to carry out the work on your behalf. Please contact David Albans tel. 01623 520735 david.albans@nottscc.gov.uk for further details.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

05

The applicant is advised that all planning permissions granted on or after the 1 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.

			A	B	C	
Dev Types	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
Residential (C3)	13,135.21	0	13,135.21	£45	288	£773,783.28

$$\text{CIL CHARGE} = \frac{\text{CIL Rate (B)} \times \text{Chargeable Floor Area (A)} \times \text{C (BCIS Tender Price Index at Date of Permission)}}{220}$$

(BCIS Tender Price Index at Date of Charging Schedule)

06

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

07

Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org

08

The applicant's attention is drawn to the advisory comments made by Network Rail in response to this application.

09

The applicant is advised that badgers are a protected species under the Protection of Badgers Act 1992. Any works carried out or interference in the area of a sett used by badgers or where the works or interference causes death or injury to the protected animal are illegal. For further information contact Natural England on:

Tel: 0115 929 1191

Email: eastmidlands@naturalengland.org.uk

Background Papers

Application case file.

For further information, please contact Clare Walker on extension 5834.

K.H. Cole

Deputy Chief Executive

FAO Clare Walker
Newark and Sherwood District Council
Castle House
Great North Road
Newark
Notts
NG24 1BY

Dear Clare

Re: Planning Obligations Amendments - Highfields School, London Road, Newark (Ref Appeals APP/B3030/W/17/3188871 and APP/B3030/W/17/3188864)

Further to our discussions, we write to clarify matters in relation to both the CIL amounts and associated Planning Obligation payments that will help inform the two appeals pending in relation to the proposed residential development at Highfields School, London Road, Newark. This is in response to the fact that your Council has recently adopted a new Community Infrastructure Levy Charging Schedule (01/01/2018).

Whilst the levy rate for the development remains consistent at £45/sqm, the BCIS Tender Price Index at the date of charging schedule has been reset to the current 278, meaning there are no additional indexation amounts due for either scheme at present. This accordingly reduces the amounts of CIL due for the two schemes significantly. However, we propose to maintain the overall contribution levels agreed as acceptable following the viability assessment processes that were undertaken prior to Planning Committee, by increasing the Planning Obligations amounts due for both schemes by the corresponding amounts that the two CIL totals decrease. This will ensure that the overall per plot contribution levels will remain consistent with those listed in the two committee reports prepared in response to the two applications.

As you are aware, following negotiation between my client's assessor (Andrew Martinelli, Devvia) and the Council's (Adrian Kerrison) during the previous decision period, an acceptable viability position was agreed in relation to the two schemes, made up of both CIL contribution and a reduction in planning obligation contributions. The Committee Reports accordingly were informed by the following agreed positions:

89 Unit Scheme (App Ref No. 16/01134/FULM) –

- CIL Contribution £720,037 (based on Gross Internal Floor Area of 11,320m² x £45/sqm, plus indexation).
- Planning Obligations Payment £110,880 (consisting of a split of contributions between Education and Highways / Integrated Transport)
- Overall contribution £830,917 (equivalent to £9,336.15 per plot).

95 Unit Scheme (App Ref No. 17/00357/FULM) –

- CIL Contribution £874,128 (based on Gross Internal Floor Area of 12,807m² x £45 sqm, plus indexation).
- Planning Obligations Payment £200,000 (consisting of a split of contributions between Education and Highways / Integrated Transport).
- Overall contribution of £1,074,128 (equivalent to £11,306.61 per plot).

Given that there is no longer any indexation owed in relation to CIL, we consider the relevant planning contributions breakdown should accordingly be amended to the following:

89 Unit Scheme (App Ref No. 16/01134/FULM) –

- CIL Contribution £509,400 (based on Gross Internal Floor Area of 11,320m² x £45 sqm, with no indexation due).
- Planning Obligations Payment £321,517
- Overall contribution £830,917 (equivalent to £9,336.15 per plot).

95 Unit Scheme (App Ref No. 17/00357/FULM) –

- CIL Contribution £576,315 (based on Gross Internal Floor Area of 12,807m² x £45 sqm, with no indexation due).
- Planning Obligations Payment £497,813.
- Overall contribution of £1,074,128 (equivalent to £11,306.61 per plot).

Given the above, the relevant non-CIL Planning Obligation Pots for the two schemes have increased considerably (by £210,637 for the 89-unit scheme and £297,813 for the 95-unit scheme). Accordingly, in addition to the confirmation of the abovementioned amounts we will also need confirmation of where the Council wishes the additional funds to be allocated, so that these can be detailed as part of the two Unilateral Undertakings which are being in prepared and are due to be issued shortly in support of the two appeals.

We look forward to receiving your confirmation of the abovementioned CIL and Planning Obligation Contribution revisions. In the meantime, we will begin to prepare the Statement of Common Grounds that we can use to formally agree the changes for the benefit of the Inspectorate. Should you have any queries in relation to the details listed, then please do not hesitate to contact me.

Kind regards

A handwritten signature in black ink, appearing to be 'CDwan', written over a horizontal line.

Chris Dwan
Director

Application No:	17/00357/FULM
Proposal:	Residential development comprising 95 no. dwellings and associated infrastructure, including the removal 26 No. TPO trees.
Location:	Highfields School, London Road, Balderton, Newark On Trent NG24 3AL
Applicant:	Avant Homes (Eng) Ltd - Midlands Division – Mr. Chris Dwan

UPDATE

Background

Members will recall that this application was considered by the Planning Committee on 14 September 2017 when Members resolved to refuse planning permission, contrary to officer recommendation. The reason for refusal was as follows:

“The LPA is aware of the advice contained within the NPPF and NPPG with respect to both viability and sustainable development when all material planning considerations are taken as a whole. In the opinion of the Local Planning Authority, the abnormal costs presented as part of this development are dis-proportionate to the development of 95 dwellings. As a consequence the scheme lacks the ability to generate full and appropriate mitigation for the level of development proposed in terms of children's play space, community facilities, and primary education. The lack of appropriate mitigation, together with clear planning harm as a result of the loss of 26 no. protected trees, and inadequate ecological protection or enhancement creates a compromised development to such a degree that the Council considers that the scheme is contrary to the aims of sustainable development. The development is thereby contrary to Spatial Policy 6 (Infrastructure for Growth), NAP1 (Newark Urban Area), Core Policy 9 (Sustainable Design) and Core Policy 12 (Biodiversity and Green Infrastructure) of the adopted Newark and Sherwood Core Strategy and Policies DM3 (Developer Contributions and Planning Obligations), DM5 (Design), DM7 (Biodiversity and Green Infrastructure) and DM12 (Presumption in Favour of Sustainable Development) of the adopted Allocations and Development Management DPD which together form the relevant policies of the Development Plan and does not constitute sustainable development for which there is a presumption in favour of as set out in paragraph 14 of the NPPF.”

Appended at the end of this short report is a copy of the Planning Committee Report (Appendix B) that came before Members and the recorded minutes (Appendix A) detailing the debate and confirming the resolution of the Planning Committee.

Update for Members

An appeal (reference APP/B3030/W/17/3188871) against the refusal has now been lodged with the Planning Inspectorate (PINS). This appeal has been confirmed as valid (on 6th December 2017) albeit we await a start date from PINS which is expected at any time (I understand there is currently a 10 week wait for a start date due to volume of workloads). The appellant has opted for

the appeal to be heard by the Written Representation procedure. Given that the appeal could be turned valid at any time it has been necessary to target this agenda in order to ensure that Officers are able to include any Committee comments as part of the appeal process.

As part of the appeal, the appellant is preparing a Section 106 Agreement/Unilateral Undertaking that they intend to present to the Planning Inspector as a way of securing the developer contributions that they can afford according to their viability appraisal in the event that the appeal is allowed. This is standard practice in such an appeal situation and does not prejudice the Council's ability to present its case.

However, the appellants (via their agent) have recently written to the Council to advise that they intend to update their developer contribution offer which represents a material change to the scheme which was previously presented to Members. In order that Officers can be clear with the Planning Inspectorate that the Planning Committee, as the LPA decision-makers in this instance, have been aware of ALL material planning considerations in coming to an overall planning balance it is necessary to re-present the scheme in the interests of completeness. It remains for the Committee to weight this new evidence alongside its previous debate and decision and ultimately come to a view as to whether to continue with the appeal on the refusal ground above (that Members consider the change in viability in favor of seeking more contributions still **does not** outweigh harm identified in the refusal in an overall planning balance) or to withdraw from the appeal process (that Members consider the change in viability in favor of seeking more contributions still **does** outweigh harm identified in the refusal in an overall planning balance).

Additional Public Consultation

Given that this application is back before Members to reconsider the scheme, officers have individually notified all neighbours and interested parties that previously commented on the application as well as Balderton Parish Council and Newark Town Council for their views. These are set out below:

Balderton Parish Council – 16.02.2018:

“Thank you for your letter dated February 12th 2018 inviting this Council to submit comments regarding amended offers from the developer towards local infrastructure for the above applications.

Members are somewhat surprised that the developer has made amended CIL and ‘Planning Obligation Payment’ offers relating to planning applications that have both been **refused**. Both applications are scheduled for imminent appeal by H.M. Inspectorate as part of due process, so why does this offer even need to be considered by the Planning Committee? It is difficult to perceive why this is being referred to elected members other than to try and induce the authority to change its mind – ‘to take a view on whether this information...changes their position as resolved’.

We understand that all previously submitted comments need not be repeated but wish to state that this revised offer from the developer has no bearing on the Parish Council's material objections to either of the above planning application.”

Newark Town Council – No response received to date.

Parks & Amenities Manager – ‘...I can confirm that the play equipment at Sherwood Avenue Park is nearing the end of its useful life and that all or some of the funds available from 17/00357/FULM and 16/01134/FUL could appropriately be used to replace the equipment. We have calculated the split of the funds arising from 17/00357/FULM on the basis of the proportion of the SPD contributions for community facilities and children’s playing space that you have quoted. The total SPD contribution is £322,228.60 and the CF contribution equates to 42.25% of this and the CPS contribution is thus 57.75%. The breakdown of the total pot of £249,996.70 is thus £105,623.60 for community facilities and £144,373.10 for children’s playing space. In addition to the replacement of the 8 pieces of existing play equipment (and the play surface under them) there is also a need to refurbish the surface of the Multi-Use Games Area and to replace the riding surface on 1 piece of skate/BMX equipment.

As per Andy’s email if it turns out to be the 89 house scheme that comes forward then we believe it is better not to split the contribution but to decide on which of the 2 schemes has the higher priority.

We note that the Highfields site is in Newark parish and believe that Sherwood Avenue Park is an appropriate location for the use of the funds as it is a significant neighbourhood facility located only c1.3km from the Highfields site.’

Community Arts and Sports Manager – ‘Based on the options I would comment as follows. In respect of 17/00357/FULM I would propose that the community facilities contribution of £105,000 based on a 42% split of the available monies be directed to the Sherwood Avenue facility for the extension and upgrade of the existing pavilion to widen its flexibility as a community facility.

The current pavilion can be extended to incorporate a kitchen facility and additional changing and welfare facilities to enable greater use of the site beyond the current bowls season and some winter tennis activity. The pavilion would then become more a community resource that could be used for a wide range of community engagement activities appealing to a wider audience given its central and accessible location.

In respect of 16/01134/FUL the same principle would apply as above although with significantly reduced monies it would be necessary to prioritise on a scheme to deliver the best community benefit which could be either an extension to the pavilion or investment in the children’s play equipment.’

Neighbours and Interested Parties – Please note that comments received after this agenda has gone to print will be reported to Members as part of the late items schedule. The following comments have been received from 11 local residents/interested parties (3 are from one household, all but one of the comments raise objections) and are summarized below:

- The reasons for refusal haven’t been addressed and previous concerns remain (as previously summarised).
- During the last meeting, it was mentioned that the fishermen are allowed to park on London Road whilst fishing on London Road Pond. During the past 11 years this has never been allowed to happen. Sustrans have parked there a couple of times to carry out maintenance to the cycle track;
- Any drainage from the new builds that drains into the pond will not harm the fish or wildlife. During the past 3 years, surveys have been carried out and they can find no wrong doing as long as the drainage work is carried out correctly;

- I fully support the application for the new builds;
- Continue to object to this extremely high density proposal which sets a dangerous precedent if allowed to proceed, not least because of the increased traffic dangers to very young children, and higher levels of pollution into play areas which are currently protected by the many trees the developers seek to fell;
- Although the Applicant has offered to increase their offer in respect of developer contributions to the local infrastructure, we assume this will be offset by the reduced amount of CIL Charging Levy. This doesn't counteracts the damaging effects of losing the 'green corridor' that separates Newark from New Balderton. It has always been understood locally that this should be retained;
- Objections as previously registered remain - the Applicants offer doesn't alleviates or change the position;
- The overall contribution for each application remains unchanged;
- This does not allow for any improvement on the original applications;
- This does not allow for any of the objections I previously raised to be addressed.
- Loss of green belt and trees is distasteful
- Eastern end shows potential link although details of the connection in unclear
- Traffic is already a nightmare and additional traffic will make matters worse
- Children will be put at risk from Barnby Road Academy
- Urge Members not to be swayed by this offer.
- This scheme encroaches badly on the historic entry into Newark It removes the natural divide between Newark & Balderton.
- The removal of 26 TPO trees is incorrect, having evaluated the project, more than double that will have to be removed and plans to re-plant are completely insufficient to restore the natural beauty of the site.
- The wildlife living on the site will be affected, we have submitted reports on Bats on the site, snakes & rare breeds of toad, which have all been ignored to date.
- The road currently planned turns right and therefore all traffic headlights will shine directly into living and sleeping rooms of No1 The Woodwards. There is an overlooking problem from a plot looking directly into the living room of no 1 The Woodwards, which has not been addressed. There is an overlooking problem from the windows of the same plot into the garden and private patio & hot tub areas of no 1 The Woodwards, which cannot be ignored.
- The development does not reflect or is sympathetic in any way to the houses adjoining it - the critical mass is too high.
- The currently proposal is a strip of land alongside the main road into the estate, along the verge adjoining The Woodwards, this is neither safe for children, nor an acceptable solution.
- If the committee persists in holding this meeting, then all objections raised and submitted by the residents at the previous hearing must be listened to again. This is a right if the committee is prepared to reopen an application which they have already made a decision on.
- Previous comments still apply - development is considered to be contrary to Core Policy 9 "Sustainable Design" and Core Policy 12 "Biodiversity and Green Infrastructure" of the Core Strategy and Policies DM5 "Design" and DM7 "Biodiversity and Green Infrastructure" of the adopted Allocations and Development Management DPD, and Paragraphs 56, 57, 61, 64 and 109 of the NPPF.

District (and Chair of Balderton Parish Council) Cllr L Hurst:

- Applications have been refused unanimously by NSDC, Balderton PC strongly objected to each application, residents have also rejected the proposals;

- There will be no affordable housing and no green play space;
- To even consider these planning applications on the grounds of CIL monies almost speaks of financial inducements to get planning permission;
- How when an application for 89 houses on appeal was refused by the Planning Inspectorate can a proposal for 85 houses be proposed?
- Developer says there will likely be an increase of 5% a.m. and p.m. traffic. There will not be enough car parking as the figures suggested are 288 cars (questions do these figures take account of cars for the school as well as excess on sports day?)
- Traffic assessment was outdated as doesn't take into account added traffic caused by Lidl;
- The land is higher than the Woodwards and plots will look directly into existing homes;
- Development is over intensive and will result in loss of green space between Newark and Balderton;
- Significant loss of school playing field which contravenes Policy SP8 (protection of school playing fields)
- Nursery part of the school is open 51 weeks of the year taking children from 2 years from 07.30 until 18.00.
- School at present has 133 pupils, even with 2 sharing that gives at least 66 cars, plus nursery parents cars and 51 staff cars using one entrance/exit at all times of the day.
- Local schools are already at capacity and not everyone can afford Highfields fees. Question where the children will go to school given schools within walking distance are full.
- There are no buses to Balderton or into Newark after a certain time of night and none at all on a Sunday;
- Traffic assessment does not reflect the actual amount of usage. Lidl is extremely busy along with 350 houses at Middle Beck and a further 1050 dwellings at Fernwood to go with 1133 already existing that is exacerbating the infrastructure system that's without Flowserve when they apply to rebuild.
- Residents are already suffering congested roads almost every day, and if passed we will have cars plus delivery/refuse lorries and vans all wanting to turn either way onto London Road. The school sits on London Road very close to a blind bridge. Fishermen also park on the grass verge of the bridge.
- Sewage will be an added problem; London Road already floods outside the school. A survey from 2005 by NSDC found the sewer was at capacity – we are now at 2018 with no upgrading having been undertaken.
- Urge the Planning Committee to keep to their decision.

CIL Changes and Impact on Viability

As a result of the new Community Infrastructure Levy Charging schedule having been adopted on 1 January 2018, the amount of CIL payable for the scheme has reduced in real terms. This is because whilst the amount of CIL payable per square meter remains the same (£45) the indexation has been rebased from the 1st January 2018 (as opposed to the previous CIL regime which was adopted in December 2011) resulting a significant reduction of the amount now due.

This has a material impact on the appellant's viability scheme which factored in the CIL amount based on what it would have been before the changes to the charging levy as follows:

- CIL amount within the Viability Report: **£874,128** (based on 12,807m²)

However given the changes to the CIL Charging Levy mean that:

- CIL amount that would be due now is **£576,315** (based on 12,807m²)

This represents **£297,813 less on CIL** than envisaged, **which the appellants intend to offer towards developer contributions.**

The appellants have requested that the Council advise how the additional £297,813 now available should be apportioned within the S106 Agreement/Unilateral Undertaking so that this may be secured in the event that the appeal is allowed.

The table below shows the levels of contributions according to A) Policy, B) the offer upon which the scheme was decided and C) my suggestion to Members now as to how this additional money is distributed;

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE REQUIREMENT BASED ON 95 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION	SUGGESTED DISTRIBUTION OF £ AS A RESULT OF CIL CHANGES
Affordable Housing	30% on-site provision or £896,000 off site contribution if justified (based on £32,000 per affordable unit price as calculated elsewhere in the district)	0% on-site provision and nil financial contribution	NO CHANGES PROPOSED
Children's Play Area	The provision for children and young people is required at £927.26 per dwelling plus £1,031.30 per dwelling towards maintenance costs = £186,063.20 (including indexation)	No provision either on-site or by financial contribution	£144,373.10 (THIS WOULD LEAVE A DEFICIT OF £41,690.10)
Highways/ Integrated Transport	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road) = £14,200	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road) = £14,200	NO PROPOSED CHANGES
Education	£229,100 to provide 20 additional primary places (at £11,455 per place)	£185,800 to provide approx 16 additional primary places (at £11,455 per place)	£229,100 (THE FULL AMOUNT REQUESTED INCLUDING THE DEFICIT OF £43,300)
Community Facilities	£1,433.32 per dwelling = £136,165.40 (including indexation)	No provision either on-site or by financial contribution	£105,623.60 (THIS WOULD LEAVE A DEFICIT OF £30,541.80)
Libraries	£4,516.30 (including indexation)	No financial contribution	£4,516.30
Off-site ecology mitigation	To secure off-site provision of ecology mitigation on adjacent Local Wildlife Site in accordance with the Reptile and Amphibian Mitigation Strategy (November 2016 by Ecus	See first column for requirement	

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE REQUIREMENT BASED ON 95 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION	SUGGESTED DISTRIBUTION OF £ AS A RESULT OF CIL CHANGES
	Ltd) which cannot be controlled by condition. Enhancement works should be completed prior to construction works commencing to allow habitat for any reptiles displaced during the construction works.		
Maintenance of on-site open space and ecology corridors and off-site ecology enhancement areas	<p>Maintenance of on-site open space and ecology corridors, and off-site ecology enhancement areas by Management Company including the long term retention of trees and hedgerow and the submission and approval of a Landscape and Habitat Management Plan to include:</p> <ul style="list-style-type: none"> a) description and evaluation of the features and species to be managed; b) ecological trends and constraints on site that may influence management; c) aims and objectives of management; d) appropriate management options for achieving aims and objectives; e) prescriptions for management actions; f) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually); g) personnel responsible for the implementation of the plan; h) monitoring and 	See first column for requirement	

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE REQUIREMENT BASED ON 95 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION	SUGGESTED DISTRIBUTION OF £ AS A RESULT OF CIL CHANGES
	remedial/contingency measures triggered by monitoring.		
Provision of footpath link	To include details and implementation of the link to Barnby Road including maintenance.	See first column for requirement	
Lorry Routing	A lorry routing agreement is required to ensure that extraneous traffic is kept out of Newark town centre.	See first column for requirement	
Community use agreement for school sports facilities	A community use agreement to secure community use (outside of school hours) of the sports facilities of Highfields School.	See first column for requirement	
TOTAL	30% on site affordable housing provision and £570,044.90 developer contributions (plus CIL)	No affordable housing provision and £200,000 developer contributions (plus CIL)	No affordable housing provision and £497,813 developer contributions (plus CIL)

As can be seen from the table above, the change means that the appellants could now **fully fund the primary education and library contributions**. The remaining monies (£249,996.70) can be split between the community facilities and children's play space contributions. Based on the percentage split approach (as suggested by both the Parks & Amenities and the Community Facilities Managers) it is suggested that **42.75%** of this go towards **community facilities** (in this case towards the extension and upgrade of the existing pavilion to widen its flexibility as a community facility) and **57.75%** go towards upgrading and renewing the Sherwood Park **children's play area**. **Both of these are** just outside the ward boundary of Beacon within which the application site is situated but given their position within the Newark Urban Area are considered to be appropriate. It is equally open to Members to request that the monies be spent at Balderton Playing Field (albeit the application site is technically within Newark parish).

Clearly it is open to Members to consider an alternative distribution, subject to ensuring compliance with the tests set out in the Community Infrastructure Regulations.

Consideration for Members

- 1) Does the increase in developer contributions, which would allow full mitigation of impacts from the development for primary education and library contributions and increases contributions elsewhere change Members view in an overall planning balance when considered against the planning harm associated with the overall sustainability and thus acceptability of developing this site, as identified in resolved reason for refusal 1 from 1 September 2017 Planning Committee.

If this does overcome concerns to such a degree that approval would be supported Members are asked to consider withdrawing from the appeal at the earliest opportunity to avoid any application for costs associated with the appeal.

If this does not overcome concerns Members are asked, without prejudice to the Council's case, to approve a split of monies across contribution types such that an S106 Planning Obligation can be concluded in the event that the appeal is allowed.

EXTRACT FROM MINUTES RELATING TO FROM 14/09/2017 PLANNING COMMITTEE

89. HIGHFIELDS SCHOOL, LONDON ROAD, BALDERTON (17/00357/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site visit prior to the meeting, which sought full planning permission for residential development comprising 95 dwellings and associated infrastructure, including the removal of 26 TPO trees. The proposed 95 dwellings would all be two-storey and would deliver a range of 2, 3, 4 and 5 bedroom accommodation as detailed within the report.

Councillor Mrs L Hurst, representing Balderton Parish Council spoke against the application in accordance with the views of Balderton Parish Council as contained within the report.

Councillor D.J Lloyd, Local Ward Member Newark (Beacon Ward) and also representing Newark Town Council spoke against the application on the grounds as contained within the report.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from Balderton Parish Council and Local Residents.

Members considered the application and raised the following concerns:

The impact on the existing housing on Barnby Road and the removal of trees. The reduced payment of Section 106 monies and no contribution to affordable houses as it was not viable. It was also commented that the Authority had a five year land supply and had allocated sites within the district, this site was not needed. It was felt that there was a shortfall of the Authority's core policies from this scheme and therefore was not policy compliant.

A Member raised concerns regarding the level of abnormal costs for the 95 dwellings which was significantly higher than the dwellings on the Fernwood application. The scheme offered no children's play facilities and was purely housing. The amenity land was on Barnby Road, some 300 metres away from the development. It was questioned whether this site was the right type of development for this site at the right time. Questions were also raised regarding the developers costs in terms of the archaeological investigations which had increased from that of the 2015 scheme.

A Member asked whether there was ability to clawback and recycle costs into affordable housing if the applicant were to deliver the scheme with less abnormal costs than assumed.

AGREED (unanimously) that contrary to Officer recommendation planning permission be refused on the following grounds:

The levels of abnormal costs were disproportionate to the level of houses, which consequently meant that full and needed developer contributions could not be viably provided. The lack of appropriate infrastructure mitigation, together with clear harm by the removal of 26 trees covered by tree preservation orders (TPO's) and lack of appropriate ecological

enhancement would result in a scheme which is compromised and could not reasonably be considered as sustainable in overall terms. There were no other material planning grounds that would outweigh this harm.

Application No:	17/00357/FULM
Proposal:	Residential development comprising 95 dwellings and associated infrastructure, including the removal of 26 TPO trees
Location:	Highfields School, London Road, Balderton, Newark On Trent, NG24 3AL
Applicant:	Avant Homes (Eng) Ltd - Midlands Division - Mr Chris Dwan
Registered:	27 February 2017 Target Date: 25 May 2017
	An extension of time has been agreed to 8 September 2017

The Site

The site comprises approximately 5.44 hectares of land at Highfields School which is located on the north side of London Road. The site is within the Newark Urban Area. The site is relatively flat and comprises three interlinked parcels of land which wrap around the north and east side of the main school building. The first parcel of land lies to the south and east of the school buildings and forms part of the school's grounds, and includes an open grassed area used as a playing field that lies between the main school building and London Road. The second parcel of land lies to the north of the school buildings and is known as Baileys Field. This land was formerly used as a sports field but has not been utilised for this purpose for a long period of time (in excess of ten years). A small portion of this parcel of land is private amenity space belonging to a single dwelling located off Barnby Road which also forms part of the application site. The third parcel of land lies to the east of Baileys Field and is an area of open land known as Quibell Field. In addition, included within the application red line boundary is a small area of land which forms part of the school's existing playing fields, and lies adjacent to a Local Wildlife Site.

To the west of the first parcel of land lies the car parking area serving the school together with the school playing fields. Beyond this to the west lies Ballast Pit Local Wildlife Site (LWS) containing a long-disused ballast pit containing open water surrounded by woodland. The second parcel of land known as Baileys Field is bounded to the west by the school playing fields and allotments, and by the school buildings to the south. The rear of dwellings located along Barnby Road bound the northern edge of Baileys Field and Quibell Field with the East Coast Mainline located beyond Barnby Road itself. Immediately to the south of Quibell Field are residential dwellings predominantly located off The Woodwards and Glebe Park. Further allotments are located to the east of Quibell Field.

The site contains a number of trees protected by Tree Preservation Order. These are predominantly located along the site's frontage to London Road, along the west boundary of the site adjacent to Ballast Pit LWS, and to the east of the school buildings, adjacent to the site's boundary with Nos. 27 and 29 London Road.

Highfields School has a current staff of 51 persons and circa 130 pupils.

Relevant Planning History

17/SCR/00002 – a Screening Opinion (under the Environmental Impact Assessment Regulations) was undertaken for residential development comprising 95 dwellings and associated infrastructure, including the removal of 24 TPO trees (17/00357/FULM). It was concluded that an EIA was not required.

16/01134/FULM – Residential development comprising 89 dwellings and associated infrastructure, including the relocation of the school access, car parking area and sports pitches, the provision of a Multi-Use Games Area (MUGA) and the removal of 8 TPO trees (Resubmission of 14/01964/FULM). Pending consideration.

14/01964/FULM - Residential development comprising 91 units and associated infrastructure, including the relocation of the existing school car park and sports pitches, the provision of a MUGA and the removal of 8 TPO trees. Members considered this application at the Planning Committee in July 2015 and resolved to refuse planning permission (contrary to a finely balanced recommendation of approval by Officers) for the following reason;

“By reason of the layout, density, juxtaposition and type of uses proposed including re-provision of school car parking, sports field, MUGA and access, this application presents a series of compromises which accumulatively lead to an unacceptable and unsustainable development. This is with respect to noise for future residents, residential privacy, a failure to maximise community use and lack of appropriate infrastructure and affordable housing. All these matters taken as a whole make the development unsustainable. There are no other material planning considerations that would outweigh the harm of granting approval. The proposed development is therefore contrary to the aims of the National Planning Policy Framework 2012, National Planning Practice Guidance, Spatial Policy 8 'Protecting and Promoting Leisure and Community Facilities', Core Policy 1 'Affordable Housing Provision', Core Policy 3 'Housing Mix, Type and Density', Core Policy 9 'Sustainable Design' of the Core Strategy (adopted March 2011) and Policies DM3 'Developer Contributions and Planning Obligations', DM5 'Design' and DM12 'Sustainable Development' of the Allocations and Development Management Development Plan Document (Adopted July 2013).”

APP/B3030/W/15/3133508 - This decision (above) was issued on 14th July 2015 and was subject to an appeal which was subsequently dismissed by an Inspector on 3rd March 2016. The Inspector found the main issues related to the following (with her conclusions on each issue summarised in italics):

- a) **whether or not the proposal would provide satisfactory living conditions for future occupiers of the proposed dwellings with regards to noise;** *the Inspector concluded the proposal would not provide satisfactory living conditions for future occupiers of the proposed dwellings with regards to internal noise levels.*
- b) **the effect of the proposed development on the living conditions of neighbouring residents, with particular reference to privacy;** *the Inspector concluded the proposed development would harm the living conditions of the occupiers of No. 27 London Road, No. 11A The Woodwards and Nos. 31 and 33 Glebe Park, with particular reference to privacy.*

- c) **whether or not the proposed development would maximise community use of the proposed MUGA, having regard to local and national policy;** *although the Inspector agreed with the Council and Sport England that the use of the proposed MUGA would not be maximised, given the lack of floodlighting and the need to balance its use with any impacts on future and existing neighbouring occupiers, she was satisfied that the proposed sports pitches and MUGA would not result in the loss of a community facility, as sufficient alternative provision has been made within the proposed development which is equally accessible and of better quality than the facility being lost and it would accord with CP8 and the NPPF.*
- d) **whether or not the proposed development would make adequate provision for infrastructure and affordable housing, having regard to the viability of the scheme;** *the Inspector concluded that based on the unilateral undertaking that offered £235, 219 in developer contributions and a CIL receipt of £669,326 the proposed development would make adequate provision for infrastructure and affordable housing, having regard to the viability of the scheme.*
- e) **whether or not the proposal would represent sustainable development;** *the Inspector considered all the other matters raised by the appellants and concluded that the adverse impacts of the scheme, which would not provide satisfactory living conditions for future occupiers of some of the proposed dwellings, with regards to internal noise levels, and would harm the living conditions of the occupiers of No. 27 London Road, No. 11A The Woodward's and Nos. 31 and 33 Glebe Park, with particular reference to privacy, contrary to Policy DM5 of the Allocations and Development Management DPD, would significantly and demonstrably outweigh the benefits of the scheme and render the scheme unsustainable.*

14/SCR/00073 – A Screening Opinion (under the Environmental Impact Assessment Regulations) was undertaken for residential development comprising 83 units (the same proposal as originally submitted) and associated infrastructure, including the relocation of the existing school car park and sports pitches and the removal of 8 TPO trees (14/01964/FULM). It was concluded that an EIA was not required.

12/00817/FULM – Renewal of extant permission 08/02234/FULM for the demolition of existing nursery and sports hall, erection of new foundation/nursery unit, sports hall plus associated changing facilities, two new classrooms and extension of existing kitchen/catering facilities – permission 13.09.2012. The 3 year time limit for implementing this application expired on 13.09.2015.

08/02234/FULM – Demolition of existing nursery and sports hall. Erection of new foundation/nursery unit, sports hall plus associated changing facilities, two new classrooms and extension of existing kitchen/catering facilities – permission 02.09.2009.

The Proposal

Full planning permission is sought for residential development comprising 95 dwellings and associated infrastructure, including the removal of 26 TPO trees.

The proposed 95 dwellings would all be two-storey and would deliver a range of 2, 3, 4, and 5 bedroom accommodation as detailed below:

Type	No. of Beds	No. of Plots
Semi-detached	2	12
Semi-detached	3	8
Detached	3	8
Detached	4	39
Detached	5	28
Total		95

Access to the proposed dwellings would be achieved via the reconfiguration of the existing school access off London Road. The site access road would then loop around the south and east of the main school buildings and provide access to the western and eastern spurs of the development which would occupy Baileys Field and Quibell Field respectively.

An area of amenity space serving the development would be provided alongside the site access road to the east of the school buildings.

A total of 280 residential car parking spaces are proposed (of which 90 are within garages).

The application proposes the reinstatement of a disused footpath link connecting the site to Barnby Road to the north.

A previous planning application for the land at Highfields School (albeit for a scheme with a different red-line boundary and site layout) was refused by the Council in July 2015 (14/01964/FULM) and subsequently dismissed on appeal in March 2016 (Appeal Reference No: APP/B3030/W/15/3133508). The main issues considered in the appeal and the Inspector's findings in relation to each issue are summarised above under 'Relevant Planning History'.

In August 2016, the applicant submitted a resubmission application in order to address the specific grounds on which the Inspector dismissed the appeal. The resubmission application 16/01134/FULM is presented to Planning Committee on the same agenda as this application. The applicant has however confirmed that the revised scheme which forms the basis of this application 17/00357/FULM represents the applicant's preferred scheme, with the resubmission application 16/01134/FULM representing what they consider to be a policy compliant backup option. As such, the applicant intends that the resubmission application 16/01134/FULM would be withdrawn from the agenda, should planning consent be granted for the revised scheme which forms the basis of this application 17/00357/FULM.

The following documents have been submitted with the application:

- Archaeological Evaluation Report, and Archaeological Mitigation Strategy
- Design and Access Statement
- Ecological Appraisal
- Flood Risk Assessment and Drainage Strategy
- Planning Statement
- Proposed Foul Pumping Station Noise Mitigation Statement
- Transport Assessment Addendum and Travel Plan
- Tree Survey
- Viability Report

The following additional documents have been submitted during the course of the application's consideration:

- Sports Pitch Provision Statement (28 April 2017) – provided to address Sport England’s initial holding objection.
- Updated Ecology Surveys (May 2017) – provided to address comments by Nottinghamshire County Council Ecology and Notts Wildlife Trust
- Updated Tree Survey (June 2017) – provided to correct a number of inaccuracies in the submitted tree report
- Updated Ecology Surveys (July 2017) – update of May 2017 surveys, to reflect results of additional bat survey undertaken on 26 June 2017

Revised plans have been received subsequently:

- Planning Layout (HIGH-PL-002 Rev A) – minor revision to layout plan to includes demarcation of the 0.6m margin adjacent to the kerb for maintenance purposes through the grass verge area adjacent to the main site entrance, to address Highways comments

Departure/Public Advertisement Procedure

Occupiers of 99 neighbouring properties have been individually notified by letter. A site notice has been displayed on site and an advert has been 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 7 - Sustainable Transport

Spatial Policy 8 - Protecting and Promoting Leisure and Community Facilities

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

Core Policy 14 – Historic Environment

Newark and Sherwood Publication Allocations & Development Management DPD (Adopted July 2013)

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

Policy DM3 - Developer Contributions

Policy DM5 - Design

Policy DM7 - Biodiversity and Green Infrastructure

Policy DM9 - Protecting and Enhancing the Historic Environment

Policy DM10 - Pollution and Hazardous Materials

Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

National Planning Practice Guidance (PPG) March 2014

Newark and Sherwood Affordable Housing SPD (June 2013)

Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
Nottingham Core HMA and Nottingham Outer HMA Position Statement – Farnsfield Appeal Decision (3006252) and the economic forecasts set out in the Employment Land Forecasting Study (July 2016)

Consultations

CLlr David Lloyd has called the application to Planning Committee for the following reasons:

- Traffic impact - Would question that feasibility of this volume of traffic joining/exiting London Road at peak time - residents of both The Woodward's and The Glebe confirm that there are already difficulties. Furthermore, there would be a risk of traffic backing up onto the Principal Carriageway in addition to the increased risk of traffic on-site around the School. If, as the applicant suggests in order to mitigate the loss of sports provision, facilities on the site are to be used by 'outside groups', then this traffic issues are compounded. The parking provision on the site does not seem commensurate to properties of the size proposed.
- Sport and leisure provision - There is an evident loss of provision and the additional comments (since the original application) do not provide absolute assurance that community use can/will take place on the re-provision. The application infers that there is no requirement for commuted sums for/provision of open space enhancements. There is some suggestion that the new Barnby Road play area mitigates this with other suggested uses of existing provision so far from the site that it is incredible.
- Housing mix, type and density - The site would eliminate an apparent open break between Newark and Balderton which some feel is importance in retaining the character and open views which distinguish these settlements. The application is over-intensive and provides for little 'mix' in property type and ownership. Thereafter, the provision for affordable housing is insufficient whether onsite or by commuted sum. The sheer scale, size and proximity of the overall development have a negative impact on residents of Glebe Park and The Woodward's.
- Biodiversity and landscape - There is some indication that SUDS will not work effectively on the soil type and that groundwater water dispersal impact is assessed as "moderate to significant". There are high value trees on the site, some included with the TPO, many of which are mature and include oaks and yews. Some of these risk damage and felling. It is unacceptable to remove so many mature native species and to recommend that they are replaced with native species that may grow more quickly, but are not of equivalent value. The site comprises a vital area for foraging and breeding of grass snakes and toads. It is not felt that sufficient remediation is proposed with regard to migration patterns in particular. Hedgerow corridors are welcome but wildlife are not renowned for interpreting road signs. It is not apparent from the application how archaeological finds would be protected and whether there is a need to undertake appropriate excavation.

Balderton Parish Council –

Comments received 15 March 2017:

The Parish Council's opposition to the development of the Highfields School site has been well documented but is again highlighted below (in italics) for the Planning Committee's attention.

However, in addition to the previous comments which are still considered very relevant, members would like to add the following comments regarding this latest application; these are all material planning considerations:

1. Physical Infrastructure – the impact upon ‘Fletchers’ pond which is to take the surface water from the development. Concerns are expressed about the capacity of this natural pond to take the surface water for such an extensive amount properties, and who will be responsible for maintaining the pumping system in the future?
2. Nature Conservation – the loss of an attractive open area that has so many mature trees that are subject to Preservation Orders (TPO’s). What is the point of having such TPO’s if they can be removed en masse for residential development?
3. Highways Issues – once again the new Transport Plan (which is full of detail errors, and therefore difficult to accept for accuracy) makes no mention of either the planned extensive residential growth of the Newark Urban Area or the new Lidl supermarket which is located only a short distance away along London Road.

Previously submitted comments:

Planning Policies

Members consider that it contravenes Planning Policy SP8 (Protection of school playing fields). The area was also designated as an ‘unsuitable site’ in the Allocations and Development Management Options Report in October 2011.

Emerging Plans

The proposed route by Network Rail through part of the site which was included in the planned closure of level crossings may have been shelved, but only until 2019. If this site is developed the option of building an alternative route for traffic via a new bridge from Barnby Road will not be possible, further adding to the acknowledged traffic problems in the Newark and Balderton area. A road through from the site to Barnby Road would ease some of the traffic congestion.

Highways Issues

Traffic generated from the site is a concern, along with the vehicular access which is so close to the bridge. The model used for assessing traffic along London Road was not a true reflection; a real survey taken on a Friday afternoon or a weekday peak-time morning would be more representative of the real situation. This would still not take into account the traffic generated from the thousands of properties being built south of this site in Fernwood and Balderton.

Capacity of Physical Infrastructure

This would have yet more impact on the surface water drainage system. Balderton’s sewage works require substantial upgrading (as highlighted in a report commissioned by N&SDC in 2009); these have not yet been undertaken.

Deficiencies in Social Facilities

The existing village schools are already at capacity.

Loss of Privacy

Several existing properties will suffer from a lack of privacy and will, in turn be able to look directly into some of the dwellings.

Newark Town Council

Comments received 3 March 2017:

With regard to the 3rd application (17/00357/FULM) it was unanimously decided to OBJECT to this application on the following grounds:

- (i) It will result in the loss of green/open space between Newark and Balderton and a total loss of 24 high value trees within the TPO for the site, with lesser native replacements in gardens which offer no permanence of planting. This also increases the loss of privacy to existing residents.
- (ii) The biodiversity statement is now outdated and needs revisiting and the ecological barriers within the site (width, height and location) are insufficient for ecology and inappropriate for privacy screening.
- (iii) The Traffic Impact Assessment has not been updated or reviewed to take into account the increase in units and revised entry road, nor for the southern urban extension (including Fernwood) and predictable traffic volume increases on London Road. The proposed Travel Plans and 5% traffic reduction target are not thought to be a meaningful or realistic means of addressing concerns. It is iterated that the original TIA was not thought appropriate for assessing impacts at peak time.
- (iv) Reassurance is sought that there will be a planning condition requiring a full archaeological management plan which, in turn, is endorsed by Nottinghamshire County Council.
- (v) The development remains over-intensive with inappropriate boundary treatments to mitigate noise and the loss of privacy (both to existing premises and 'new' neighbours), especially for 27 London Road, Nos 31 & 33 Glebe Park and 11a The Woodwards, whereupon rear parking (contested by NCC Highways) will increase noise levels adjacent to existing premises. As such, it is contested that the application mitigates the specific comments made by the Inspector in the Appeal Hearing with regard to noise and privacy/overlooking to existing *and* new residents. Furthermore, with the increase in units and revised entry road proposal, the impact will be experienced by more residences within The Woodwards and by 29 London Road.
- (vi) There is no provision for any recreational or community facilities, e.g. children's play area, which for a housing development of this size is considered to be essential. Neither is there any reprovision for the open space that would be lost as a result of this development. To cite that the footpath to Barnby Road (ownership not clarified) gives access to play facilities adjacent to Barnby Academy via a road with poor pedestrian facilities, is not considered a meaningful response.
- (vii) There is concern that there is a lack of Primary school capacity to accommodate additional pupils arising from the development. There is also no provision for any Section 106 funding to mitigate the impact on local schools.
- (viii) There is no revised viability assessment available with the application. However, it is contested that the increased units and reduction in facilities (MUGA) require that any assessment is reviewed with specific regard to S106 for community/play facilities, public transport and school provision. Any viability assessment will reflect the costs of intensive drainage treatments, however, these are such due to the intensive development proposals and reduction in permeable open space and are, as such, not considered to be a justiciable cost assessment.

In addition under both applications, assurances are sought for planning conditions and clarity of ownership, to maintain access for existing residents to boundary treatments and for traffic routing during construction.

Environment Agency

Comments received 28 February 2017:

We have reviewed the application which falls into Flood Zone 1 and is considered a Low Risk site. For surface water management see paragraph below.

Please note that as of April 2015, the responsibility for surface water management on developments of this scale passed to Nottinghamshire County Council as Lead Local Flood Authority and we recommend that they be consulted prior to determination of this application.

Severn Trent Water

Comments received 17 March 2017:

I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

Condition

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.

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Natural England – No comments received to date.

Historic England

Comments received 28 February 2017:

On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions.

Sport England

Further comments received 4 May 2017:

The submitted Sports Pitch Provision Statement covers all of the issues which were discussed at the meeting, particularly the benefits to sport which accrue from the development compared to the loss of a small part of the school playing field. Importantly the report deals with the point that the school's ability to deliver sport is not compromised and that there are additional improvements which are delivered by the development both for the school and the community.

In view of the playing field and sports facility mitigation measures that have been proposed, I am satisfied that the potential sports development benefits of the proposals would outweigh the detriment caused by the impact on the playing field. Sport England does not wish to raise an objection to this application therefore as it is considered to broadly meet exception E5 of the above policy.

Comments received 13 March 2017:

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England' (see link below): www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

The proposal involves a revision to a previous scheme which was refused and the appeal subsequently supported that decision. The refusal was based on a number of points but our main area of concern was the impact of residential amenity as a result of the relocation of playing fields and the creation of a sand dressed Artificial Gras Pitch/MUGA. The revised proposal does not require the replacement of pitches located to the west of the school. The proposal does however involve the loss of Baileys Field, Sport England has already accepted that Baileys field is no longer considered to be a playing field. The loss of Baileys field is not an issue for Sport England.

The proposal does however have an impact on playing field area:

1. The Land on the frontage of the school constitutes a playing field as defined (see below) the plan suggests the apparent retention of the pitch on the frontage it is our role to protect the whole of an area which contains a pitch not just the area currently marked out. In addition this area has also been used for cricket which indicates a use of the whole area.

2. The proposal would involve the provision of a drainage solution which cross the existing/retained playing field sport England would need to understand how this part of the proposal impacts on the playing field and what mitigation would be required to ensure the works do not make the playing field unusable.

The submission does not provide any information which acknowledges the loss of part of this area and how this impacts on school sports delivery, there is no apparent reference to the Newark and Sherwood Playing Pitch Strategy nor is there any reference to paragraph 74 of NPPF

Sport England will reconsider its position if the following issues are addressed:

- How will the loss of playing field area be mitigated (cricket and Football) with regard to Sport England policy para 74.
- Information as to how the loss impacts upon the Newark and Sherwood PPS.
- Further details of the proposed retention of a pitch, to the frontage of the site.
- Further details of the impact of the drainage route on the existing (retained) grass pitches) including timeframe and remediation proposals.
- As a final point the original plans indicated an increase in parking provision for the school there does not appear as yet to be proposed.

Conclusion

Sport England therefore submits a holding objection until such time as the abovementioned information is submitted to confirm that the proposal meets the requirements of our policy and NPPF and it is then agreed by Sport England as meeting one of our exceptions and NPPF.

The application should not be determined until Sport England is given the opportunity to consider the additional information requested or raise a formal statutory objection to the proposal if the information requested is not able to be provided or it is considered that one of the exceptions is not able to be met.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's holding objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Police Architectural Liaison Officer

Comments received 10 April 2017:

There are a number of issues I wish to address in relation to the design of the proposed development which could increase crime and disorder if the design was to remain as it currently is proposed.

To ensure all new developments are as sustainable from a crime and disorder viewpoint it is necessary that all steps are taken to remove opportunities for crime & disorder. The NPPF states in paragraph 58: "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion".

There are several statements within the Design & Access Statement for this proposal, that in my opinion have not been appropriately considered to reduce the opportunities for crime and disorder, these are:-

- Crime and Disorder - the potential for the creation of crime and disorder should be considered and designed out as appropriate;
- Security and natural surveillance - creating places which are properly overlooked making for effective passive and active security.

There are a number of issues, relating to vehicle parking where the two statements above have not been considered. There are a number of Plots where vehicle parking is proposed to the rear of the home, in areas in which the vehicle cannot be seen by the respective vehicle owner, including plots 7, 61-62 & 68. In addition Plots 9-19 have their vehicles parked in areas directly behind the homes via gated driveways, again in areas which cannot be seen by the respective owners, due to privacy fencing between the parking areas and the homes. In relation to the Plots 9-19, there appears to be a route directly adjacent to the neighbouring fencing that would allow persons to have access to all these parking areas without being seen by the householders, this is not acceptable for the sustainability of crime & disorder. I note the rear parking areas have a proposed gate, but unless the gate is automatic and has electronic access control and a minimum height of 2.4m then the gate would not provide any security to these parking areas.

To quote from 'By Design Better places to live': "Servicing dwellings from within the block (such as Jesmond, Poundbury and Thorny Lane) can improve the appearance of the streetscape in terms of car parking and refuse collection and enable residents to have access to the rear of gardens. However, these advantages need to be carefully balanced against other concerns. In particular: (1) rear servicing can undermine the security of dwellings by allowing strangers access to the rear of the dwellings; (2) without very careful attention to detailed design, rear parking areas and alleyways can become hostile places; (3) rear parking areas can reduce the area available for back gardens and the coming and going of cars can detract from the tranquillity of garden areas.

In addition to the concerns over the proposed parking, the D&A Statement makes reference to creating a new pedestrian link, ie to "Create a new pedestrian link through the site, from the main access point to the north west corner, to allow pedestrians to access the development and improve connectivity;"

I would question the need for such a footpath link as the footpath access onto Barnby Road, does not give residents access to local services, shops or public transport, and I would be concerned regarding a footpath that is only overlooked at the area of the new homes, would become a haven for crime and anti-social behaviour. I understand there is a local primary school nearby that could be accessed by this proposed footpath, however there is a well-used footpath/cycle path in use a few meters from the site on London Road, in my opinion a link from the proposed new residential site to this existing footpath would be a better more open and surveyed option than the link proposed.

If the residential proposal does receive planning approval in the future, then the following would be relevant:-

- From 1 October 2016 all new homes will be required to meet the new building regulation Part Q, or Approved Document Q, and fit enhanced security doors and windows to all new homes

- Approved Document Q applies to all new dwellings, including those resulting from a change in use of an existing building, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies within Conservation Areas.
- Secured by Design can assist with the requirements of ADQ and help the developer meet the requirements of the new building regulation.
- For many years Secured by Design has required that doors and windows are not only tested by the product manufacturer, but that independent third-party certification from a UKAS accredited independent third-party certification authority is in place. This requirement exceeds the requirements of Approved Document Q.
- The Secured by Design Award has now been expanded to include Gold, Silver and Bronze levels. In order to achieve the Gold Award, the property has to achieve the requirements of Approved Document Q and also show that the development layout and some ancillary security requirements, such as lighting and cycle storage, have been met. The Silver Award fully discharges the requirements of Approved Document Q and, in addition, requires certification from independent third-party certification bodies. Secured by Design Bronze is primarily for the refurbishment market but, where issued in respect of a new home with 'bespoke' products, it can also satisfy the requirements of Approved Document Q.

Nottinghamshire County Council (Highways Authority)

Additional Comments Received 15 August 2017:

We have been in correspondence with Severn Trent Water in relation to surface water drainage from this development. Severn Trent Water are happy to provide a system that would directly take the water from the highway drainage system. As such and subject to the highway drainage running directly into an adopted Severn Trent sewer we are satisfied that the highway drainage issues are able to be resolved.

Additional Comments Received 29 June 2017:

Further to Point 2 within the comments received on 17 March 2017, the County Council's Highways Officer confirmed that a private management/maintenance arrangement regarding highway water drainage would not be acceptable to the Highway Authority, and that the developer should seek ways to discharge directly into a Severn Trent system.

Additional comments received 11 May 2017:

The County Council's Highways team have identified that a travel plan monitoring fee would be required, associated with future monitoring of the travel plan. They identify that the travel plan should also require the developer to carry out traffic counts in order to determine whether or not it is meeting its overall trip reduction targets.

Comments received 17 March 2017:

I refer to drawings HIGH-PL-002 and Transport Assessment Addendum (Feb.2017).

1. Confirmation is required that the footpath link to Barnby Road will remain privately owned/maintained.

2. An agreed strategy to deal with highway drainage is awaited, but will require resolution prior to any formal highway adoption agreement with the Highway Authority. I understand that if this strategy cannot be agreed the ground conditions are such that alternative drainage arrangements may require ground levels to be elevated.
3. Along the initial length of access road off London Road, the footway deviates away from the carriageway. It is uncertain how it is intended for highway adoption to take place in this area e.g. will the grass and tree be expected to become part of the public highway? Clarification is sought.
4. Details of the forward visibility splay around the bend outside plot 6 should be sought to ensure a safe distance is provided.
5. In line with the County Council's Planning Contributions Strategy we will be seeking a contribution of £14,200 to encourage bus patronage. It is thought that this could be best secured in a Section 106 Agreement. This money will support infrastructure improvements to existing bus stops as follows:
 - a. Provide real time display and bus stop clearway at bus stop NS0446 The Woodwards (London Road). Approx. cost £7,100
 - b. Provide a real time display and bus stop clearway at bus stop NS0779 The Woodwards (London Road). Approx. cost £7,100.
6. In addition, a Section 106 Agreement should include an agreed lorry routeing arrangement (unless it is felt that this could be covered by a condition). A lorry routeing agreement will be required to ensure that extraneous traffic is kept out of Newark town centre.
7. It is recognised that no part of the development shall be occupied unless or until a scheme to modify the white lining scheme on London Road has been implemented in accordance with drawing no. 13-202-TR-001A (or similar as agreed with the Highway Authority).
8. I believe comments on the Travel Plan are outstanding and I will chase this up with colleagues.

I believe the above points should be addressed prior to the Authority raising no objections to the proposal and suggesting suitable planning conditions to protect highway interests.

Nottinghamshire County Council (Planning Policy) –

Further comments received 7 July 2017 in relation to the response from ECUS (27 April 2017) and the additional submitted ecology surveys (May 2017):

The response from ECUS (27 April 2017) seeks to address a number of issues. The following points are highlighted:

- Further details are provided of several trees in relation to their potential to support roosting bats, and mitigation proposed.
- It remains the case that the scheme will result in the net loss of approximately 2.25ha of neutral grassland (albeit not species-rich), used by reptile and amphibian species.
- It is stated that *'the ecology corridors are anticipated to provide movement corridors along the site boundaries for reptiles and amphibians'*. These 'corridors' are just 2 metres wide, and are basically a hedgerow sandwiched between the back garden fences of the new properties and existing adjacent properties. Whether they will retain ecological connectivity and allow the movement reptiles between the Ballast Pit LWS and allotments to the west, and retained grassland and allotments to the west is, to my mind, highly questionable, and I do not consider that they provide substantial or sufficient mitigation for the impacts of the development. The Hedgeline publication "How to Manage your Hedges for Grass Snakes (available at: http://hedgeline.org.uk/cms/cms_content/files/36_grass_snakes_%26_hedges_leaflet.pdf)

states that *'A good hedge for grass snakes is one that is south-facing and includes four key hedge components. The hedge should have a varied vegetation structure and height with wet and dry habitats (for them to warm up and cool down), brambly/thorny areas (offering shelter), a field margin with a wet ditch (for hunting), an unshaded, sunny, field margin (for basking), preferably with small banks, hummocks, hollows (for more protection and easier hunting)'*. It is clear that this cannot be achieved in a 2m corridor, and as per my March 2017 comments, I remain of the view that a reasonable solution would be to rationalise the corridors such that there is a single 10-15m wide corridor along the northern boundary to the east and along the southern boundary to the west, linked along the retained internal hedgerow (see below).

- It is stated that *'retention of the central hedgerow cannot be accommodated within the current scheme'*. Clearly, the central hedgerow could be readily accommodated by redesigning the scheme layout, to retain an established green corridor across the site of benefit to both wildlife and new residents. That the applicant has made no efforts to do this is very disappointing, as I can see no reason why it could not be achieved.

Further ecological survey work has been completed or is underway, as previously requested:

- The continued presence of Grass Snakes at the site is confirmed, with 6 individuals recorded during surveys in May including juveniles, indicating this species is breeding on or near the application site. Grass Snakes (and Common Toads) are a 'Species of Principle Importance for Conservation of Biodiversity in England' by virtue of Section 41 of the Natural Environment and Rural Communities Act 2006. It should be noted that Policy DM7 of the Newark & Sherwood Allocations & Development Management DPD states that *'On sites... supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site'* and that *'significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation... provided...'*.
- A single bat activity survey (plus static monitoring) has been completed during May, with a low level of bat activity recorded. It is noted that two further surveys are planned, in the summer and late summer/autumn, the results of which are not yet available. It is asserted that the internal hedgerow (to be removed to accommodate the development) is not of great importance for foraging and commuting bats. However, without the result of the two further surveys, it is not possible to confirm this (noting that bat activity surveys have been requested since November 2014).
- A single Common Toad was recorded during the reptile survey. Whilst this suggests that the rough grassland on the site does not support a large population of this species, it remains unknown what level of importance the site has for migrating toads, known to use the LWS pond site to the west (and for which there is a toad crossing on Barnby Road).

In the event that planning permission is granted, conditions will be required to cover the following:

- Implementation of the Reptile and Amphibian Mitigation Strategy; if 17/00357/FULM is approved, a revised Reptile and Amphibian Mitigation Strategy will be required, due to the different scheme layout.
- A separate condition requiring that the Reptile Method Statement that forms Appendix 1 of the Reptile and Amphibian Mitigation Strategy is implemented prior to the commencement of any ground clearance works at the site

- The production of detailed road designs to incorporate underpasses and drop kerbs as per the Reptile and Amphibian Mitigation Strategy
- Production of a Biodiversity Management Plan, to guide ongoing management of retained and created habitats within the development site
- The submission of a detailed Landscaping Scheme, to make use of native species of tree and shrub along site boundaries and within areas of public open space, selected with reference to the relevant Landscape Character Assessment species list available at: <http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>
- Details of measure to protect retained vegetation (including hedgerows and trees) during construction, including through the use of temporary protective fencing
- Adherence to sensitive working practices in relation to the felling of trees with low potential to support roosting bats, as set out in paragraph 4.4.8 of the Ecological Appraisal dated November 2016
- The control of vegetation clearance during the bird nesting season (which runs from March to August inclusive)
- The application of best practice working methods in relation to mammals as set out in paragraph 4.4.5 of the Ecological Appraisal dated November 2016
- The submission of a bat-sensitive lighting scheme, developed with reference to the Bat Conservation Trust (2014) publication '*Artificial lighting and wildlife – Interim Guidance: Recommendations to help minimise the impact of artificial lighting*'
- The installation of integrated bird and bat boxes, incorporated into the fabric 20% of the proposed dwellings/their garages

In addition, a S106 agreement will presumably also be required to deliver the initial and ongoing offsite habitat works referred to in the Reptile and Amphibian Mitigation Strategy.

In summary, I am unable to support this application, but in the event that planning permission is granted, it must be controlled through conditions, as requested.

Comments received 14 March 2017:

Due to the size of the development it is recommended that planners discuss this development as part of the Mid Nottinghamshire Local Estates Forum and also consult with Newark & Sherwood Clinical Commissioning Group to consider any additional healthcare requirements e.g. S106 / CIL.

County Planning Matters

The adopted Nottinghamshire and Nottingham Waste Core Strategy (adopted December 2013) (full title Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy) and the saved, non-replaced policies of the Nottinghamshire and Nottingham Waste Local Plan (adopted 2002), along with the Nottinghamshire Minerals Local Plan (adopted 2005) (and emerging replacement plan) form part of the development plan for the area. As such relevant policies in these plans need to be considered.

In relation to the Minerals Local Plan, the proposed site is not in close proximity to any existing or proposed mineral extraction allocation sites. However, the site lies within a Mineral Safeguarding and Consultation Areas for sand and gravel and gypsum. In line with the National Planning Policy Framework (paragraph 143) the Minerals Local Plan Submission Draft (2016) sets out a policy (DM13) concerning these areas. However, as the site lies within the Main Urban Area of Newark

(as defined by the Newark and Sherwood Core Strategy DPD) and is surrounded by existing development, the proposal can be considered as infill development. Infill development is excluded from the provisions of policy DM13. Thus, the County Council would raise no mineral policy objection to the proposal.

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding our existing waste management facilities (as per Policy WCS10). The County Council would be keen to see the best practice of waste management for the development. As set out in Policy WCS2 of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for any subsequent planning application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

Strategic Highway

NCC can advise that we do not have any strategic transport planning observations to make since NSDC operates a CIL policy and monies will be taken from the applicant towards strategic highway infrastructure improvements planned in Newark town centre.

Ecology

Surveys carried out in support of a previous application covering part of the application site. Of particular note was the confirmed presence of grass snakes (a protected species) on the site. It should be noted that the redline boundary for this application includes areas which were not previously subject to survey.

In any event, the previous surveys are now out of date; the original field survey was undertaken in June 2013, whilst the reptile survey was carried out in September 2013. It should be noted that British Standard 42020:2013 (Biodiversity – Code of practice for planning and development) states that ecological investigation and study should be sufficient in terms of being "sufficiently up to date, e.g. not normally more than two/three years old". In this case the survey work for reptiles is now in excess of three and a half years old, and therefore out of date.

In addition, it should be noted that the NPPF, in paragraph 165, states that "*Planning... decisions should be based on up-to-date information about the natural environment...*", and Government Circular 01/2005 states, in paragraph 99, that: "*it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances...*".

It should also be noted that no/insufficient bat surveys were carried out in support of the previous application (relating to the potential for roosting bats and bat activity across the site, noting the proposed loss of trees and hedgerows), and the importance of the site for common toads (a Species of Principal Importance) was never properly established.

Therefore it is **essential** that updated ecological surveys, comprising and Extended Phase 1 Habitat Survey and surveys for reptiles, amphibians and bats (roosting and activity) are carried out and submitted, prior to the determination of this application.

Site Layout and Mitigation

In relation to the previous application, I had a number of concerns about the layout of the application site. One of these related to the proposed 'ecological corridors' (which continue to be shown on the site masterplan), which had the aim of mitigating against fragmentation effects on grass snakes. NCC was (and remain) concerned that these were very narrow, at just 2m wide. This new application provides an opportunity to revisit these, and significantly enlarge them; NCC would suggest that as a minimum, these corridors should be no less than 10-15m wide, to ensure they function.

They could perhaps be rationalised to a single corridor along the northern boundary of the site, or along the northern boundary to the east and along the southern boundary to the west, linked along the internal hedgerow (see below).

In addition, the site layout should be amended to retain the existing internal hedgerow; this would help retain some north-south ecological connectivity across the site.

The Reptile and Amphibian Mitigation Strategy, submitted with the previous application, will need up-dating (in light of updated surveys and different application boundaries) and resubmitting with this application.

No substantive mitigation is provided for the loss of 2.25ha of neutral grassland, which provides habitat for grass snakes and amphibians.

Therefore, NCC cannot support this application, or indeed provide any further comments until the ecological survey work requested above has been supplied.

Developer Contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottscc.gov.uk or 01159 939 309) with any queries regarding developer contributions. Andrew will contact you directly in due course regarding developer contributions for the proposed development.

Conclusion

The County Council raises no strategic planning objection to the proposal. It is suggested that the District Council may wish to require a bat scoping survey of the building, to ensure that potential impacts on European Protected species are fully taken into account. Details of requested contributions to bus stop infrastructure improvements have been provided.

Nottinghamshire County Council (Developer Contributions) –

Comments received 13 March 2017:

In respect of education; on 18th August 2016 the County Council submitted a full response to the previous application: 16/01134/FULM which was for 89 dwellings. I can confirm that our primary education requirements will now increase to £229,100 (20 x £11,455) which is based on the increase in proposed dwellings from 89 to 95. Any secondary contributions would be covered by CIL.

In respect of libraries; we would seek a developer contribution for the additional stock that would be required to meet the needs of the 228 population that would be occupying the new dwellings. This is costed at 228 (population) x 1.532 (items) x £12.50 (cost per item) = £4,366.

Nottinghamshire County Council Lead Local Flood Risk Authority (LLFA) –

Comments received 9 March 2017:

No objections in principle subject to the following:

1. A detailed surface water design and management plan is approved by the LPA prior to any construction starting on site.
2. Discharges from the site must be restricted to Qbar.
3. Evidence must be provided to show the proposed ownership and maintenance regime for all SUDs features for the lifetime of the development.

Nottinghamshire Wildlife Trust

Further comments received 9 August 2017 in relation to the additional submitted ecology surveys (August 2017):

We note from the results in the ecology report, Highfields School, Newark-on Trent 2017 Ecology Surveys (ECUS), that only a low level of bat activity was recorded on site during the three transects and associated static monitoring. We are satisfied that hedgerows H1 and H2 are not particularly important to commuting and foraging bats. We therefore have no further objections to the proposals. In addition to concerns raised in our previous correspondence we would like the following to be taken into consideration. We fully support the recommendation by the applicant's ecologist that a lighting plan be conditioned to ensure adjacent habitats, including the allotments, Ballat Pit LWS and offsite trees are not subject to lightspill to minimise impacts on bats. Sensitive areas should be identified by an ecologist and a lighting plan then drafted by the lighting engineers.

Further comments received 3 July 2017 in relation to the response from ECUS (27 April 2017) and the additional submitted ecology surveys (May 2017):

The updated survey revealed a peak count of six grass snakes and a single toad record. We are satisfied with the conclusion that there is a low population of grass snake using the site and reptiles are strongly associated with the long grassland and the margins of the site. The impacts of the proposed scheme will result in total loss of tall sward grassland across the site and reduce/sever connectivity between other suitable habitats in the area. The applicant's ecologist states that *'loss of semi improved grassland in the absence of mitigation would further reduce local availability of semi natural habitats and could be considered of up to local importance to grass snake populations'*

To mitigate the above impacts, a Reptile and Amphibian Mitigation Strategy has been developed that includes the creation of two connective corridors, offsite enhancement and the incorporation of amphibian/reptile friendly features within road design. The reptile surveys conducted to date have not, however, enabled an assessment of the value of the site as a migration route for toads due to the time of the year they were conducted. This information may have been useful in order to inform the location of proposed amphibian corridors and to ensure that the corridors are of an appropriate width to be fit for purpose. This aspect of the development still causes us concern. Such an assessment could have revealed, for example, that establishing amphibian corridors around existing ecological features such as the internal hedgerows would be a more appropriate strategy. Common Toad is a species of conservation concern and is listed as a priority species in the UK Biodiversity Action Plan (UKBAP), as well as a species of principle importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

Bats

We welcome the intention to assess the value of the site for foraging bats through a bat activity transect survey in May 2017 and static monitoring during the period 26 April-1 May at two locations. A low level of bat activity was recorded during the transect survey undertaken on 3rd May 2017 with the majority of recorded activity pertaining to common pipistrelle and soprano pipistrelle, with brown long-eared bats also recorded. At the time of writing information on the other two surveys does not appear to be available. In order to be in a position to comment fully on impacts to foraging bats we will need to see the results of all of the activity surveys.

Until such time that the results of the bat activity surveys are made available we maintain our objection to the proposed development at Highfields School.

Further comments received 5 April 2017:

Subsequent to our letter dated 23 March 2017, the current planning application for Highfields School has been discussed more widely within Nottinghamshire Wildlife Trust (NWT) and we would like to take this opportunity to provide additional comments. Our comments are based on concerns raised in a number of responses to planning applications for the site.

Offsite Enhancement

We note that offsite enhancement is proposed in the Reptile and Amphibian Mitigation Strategy (ECUS 2016). Section 2.1.20 of the mitigation strategy states that “*offsite habitat enhancement works will be undertaken on land around Ballast Pit Local Wildlife Site on behalf of Avant Homes to contribute to offsetting the land take of grass snake habitat that will result from the adjacent development*”. Section 2.1.23 states that the land is currently owned by the charitable organisation Railway Paths Ltd and managed in partnership between Sustrans and the local fishing club and that Avant Homes are entering into a legal agreement with Railway Paths Ltd to purchase the lake and surrounding land. The LWS is not included in the red line boundary and we are therefore concerned that the offsite element of the mitigation strategy will not be able to be secured through the planning system. If this is the case then it seems appropriate to have the legal agreement in place, including funding for on-going management, before the planning application is decided so that the planning authority is able to make a fully informed decision about the mitigation package as a whole. If it is possible to secure the offsite mitigation through a Section 106 agreement then we would expect this to be in place before any development commences.

Reptiles and Amphibians

We have previously stated that an updated reptile survey is required because the Reptile and Amphibian Mitigation Strategy (ECUS November 2016) is based on reptile surveys undertaken in May 2013 and therefore the survey information is outside the standard guidelines. The NPPF states, in paragraph 165, that planning decisions should be based on up to date environmental information. We still believe these surveys are necessary. In addition to the reptiles surveys, we strongly believe that amphibian surveys are also required. In our letter dated 28th November 2014 we highlighted the importance of Barnby Road as an amphibian migratory route (between the level crossing and Barnby Road Academy). The route is included on the Department of Transport (DOT) register of amphibian migratory crossings (Site ID 237). The register is held by Froglife on behalf of DoT. <http://www.froglife.org/what-we-do/toads-on-roads/tormap>

Records indicate that there has been a decrease in the number of toads recorded during the crossing. A net loss of habitat due to housing development in the area may have been a major factor to the decline in amphibian numbers. Toad numbers are in decline in the UK and as a result are a species of conservation concern and are listed as a priority species in the UK Biodiversity Action Plan (UKBAP), as well as a species of principle importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. We therefore strongly believe that amphibian surveys are justified to establish the importance of the area for toads, provide more detailed evidence of the potential ecological impacts of the proposed development and ensure that the mitigation strategy is fit for purpose. The need for reptile and amphibian surveys is also supported by Nottinghamshire County Council in their comments dated 14 March 2017.

Until such time the above issues of concern are satisfactorily resolved we find we must **object** to the planning application at Highfields School.

Comments received 23 March 2017:

Surveys

Reptile and Amphibian Mitigation Strategy

We acknowledge the updated Reptile and Amphibian Mitigation Strategy (ECUS November 2016) but this strategy is based on reptile surveys undertaken in May 2013. The ecological survey work undertaken is almost 4 years old. The NPPF states, in paragraph 165, that planning decisions should be based on up to date environmental information. We would expect therefore, **updated reptile and amphibian surveys** to be undertaken in order to ascertain the current status of reptiles and amphibians within the site. This will ensure that the mitigation strategy is fit for purpose.

Paragraph 99 of ODPM Circular 06/2005 states that:

‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.’

Bat Surveys

The current planning application proposes to remove 24 trees. The tree report, however, suggests that 52 trees and three tree groups within the red-line boundary need to be removed to facilitate the development. In addition to this, the tree report highlights six individual trees and one tree group as 'unsuitable for retention' and recommends removal. Clarity is therefore required on the actual number of trees to be removed. It is clear, however, that the current application does involve a significant increase in the number of trees to be removed in comparison to the 8 in previous applications. The applicant's ecologist states in Section 4.4.11 that 'the habitats on site may provide some limited foraging opportunity for bats'. In the absence of activity surveys, however, the level of importance remains unknown. Given the extent of tree removal we feel that bat activity surveys are now required in order to establish the value of the site for foraging bats. This is in addition to the presence / absence surveys of buildings B1 and B2 that the applicant's ecologist states are required.

Drainage Issues

We note that part of the drainage scheme for the development will involve run-off from roofs and hard standing entering a drainage easement that then feeds into an unnamed watercourse on the western boundary. This watercourse is connected to Ballast Pit Local Wildlife Site and we are therefore, concerned about impacts on water quality within the LWS. We would like to see a monitoring regime established to monitor water quality of the LWS should the development proceed.

NHS England – No comments received.

Network Rail

Comments received 13 March 2017:

With reference to the protection of the railway, Network Rail has no objection in principle to the development, but below are some requirements which must be met:

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

I would advise that in particular the drainage should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway.

NSDC (Parks and Amenities)

Comments received 16 March 2017:

As set out in the Council's Supplementary Planning Document on Developer Contributions and Planning Obligations this development of 95 dwellings will need to make provision for public open space in the form of provision for children and young people (18m² per dwelling), amenity green space (14.4m² per dwelling) and natural and semi-natural greenspace.

The landscape masterplan for the development shows an area of amenity space and a 'feature space' which will go some way towards satisfying the provision of amenity green space however I do not believe that their area fully satisfies the requirement and the masterplan key states that the feature space will be 'conveyed to plot' which suggests that it might not be publicly accessible.

There is no provision of children's playing space on the development and the nearest existing play facility is over 300m away and access will partly involve walking alongside a busy road which has no pavement in places.

As pointed out by Sport England the current layout involves the loss of sports pitches, with the sports area to the south-west of the site being reduced in size by the provision of the new access road. No compensatory measures are described for this.

Finally the development will result in the loss of a significant number of high value trees (some of which are the subject of protection orders) and there appear to be limited compensatory measures for this and no obvious provision of natural and semi-natural green space.

NSDC Conservation

Further comments received 5 May 2017:

Additional observations were received from the Conservation Officer confirming that it is acknowledged that the application proposal would involve development within part of the former landscaped grounds and formal gardens of Highfields House, and that there would be some harm to the significance of the heritage asset in this context. They confirm that their comments have not materially altered from their earlier comments in this regard, but identify that it would be helpful to have an archaeological input.

Further comments received 6 April 2017:

Additional observations were received from the Conservation Officer highlighting that the hedgerow which lies within the site and is proposed to be removed, may constitute an 'important' hedgerow in the context of the Hedgerow Regulations 1997 given that it appears to reflect a historic parish boundary. As such they have requested that the potential historical significance of this boundary be factored in to the planning balance.

Comments received 24 March 2017:

Highfields School is within Highfields House, a large Victorian villa, set within landscaped grounds. Highfields House should be regarded as a non-designated heritage asset. The building is not in a Conservation Area.

The historic map from 1884-1885 shows that the obviously landscaped grounds associated with the House were not as large as the current school estate.

Today the House still retains a sense of grandeur from the front elevation, which has remained relatively unaltered, and the land in front has remain undeveloped. The House is also surrounded by specimen trees and clusters of yew bushes which are an important part of its setting. To the rear of the House remnants of a tall red brick wall survive, which provided for the lean-to glass houses, also seen in the above historic map. This wall is now very degraded and only survives in very partial chunks. To the north, east and west elevations the setting of the House has been altered by successive low scale extensions, gym halls, portacabins, play equipment etc, leaving the House best appreciated from the south. At the entrance to the site is an attractive single storey blue lias lodge, a nice historic building in its own right and part of the character of this high status site.

I am familiar with the site having been involved in the 2014 application 14/01964/FULM. Given that the majority of the proposed new housing for the 2014 and this current application is on land to the north of the House, with no obvious landscape association with the House, I think the site could accommodate new housing in this area without necessarily having an adverse impact upon the setting of Highfields House. The key to this will be landscaping, in particular retaining a good tree belt between the House and the housing to its north. As per my earlier advice, retention of any trees marked as historic specimen trees should be encouraged.

This application differs significantly from the 2014 application by now having housing proposed in front of the house, between London Road and the House. This is on land which historically did, and still does, form part of the grounds of the House. As explained above, this land has remained relatively unaltered and does provide a spacious, green and landscaped setting to this non-designated heritage asset.

In terms of historic plan form and historic significance there is some degree to harm to the setting of the House from the proposed new housing in this area to the front. However, the House is so set back from the road and so surrounded by greenery that it has remarkably little visual impact from London Road, so the main impact will be felt from within the site itself. I am also aware that there will be a good degree of physical separation still between the House and proposed new development to its south, including areas of trees and landscaping. So while it will not enjoy the large grounds it once enjoyed, the encroachment is relatively minor and the harm to setting is small. I also appreciate that the development closest to the Lodge has been set back and I do not feel this small but attractive structure will be crowded or harmed by the proposed new development.

Given that the majority of Highfield House and its Lodge's significance would survive unharmed, and that the impact on setting is partially mitigated by landscaping and distance, the overall harm to significance is limited. The NPPF states at paragraph 135, 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

I repeat for clarity earlier observations on the setting of St Mary's Church Newark. While the spire of St Mary's is visible from the playing fields to the rear, this is an incidental view and not one designed as part of the grounds of the House. While the proposed houses will inevitably impact upon this view it is not a view currently enjoyed from the public realm or which contributes in any significant way to the setting of the Grade I listed church. I am not therefore concerned about the impact upon the setting of St Mary's Church.

NSDC Environmental Health Officer (Noise)

Comments received 10 March 2017:

Provided the protection offered by the acoustic screen is integral to this development then I have no further comments to make.

NSDC Environmental Health Officer (Contaminated Land)

Comments received 27 February 2017:

I have no comments to make in respect of the above application regarding contaminated land at this site since my recommendation to discharge the contamination planning condition attached to 14/01964/FULM on 06.02.2015.

NSDC Strategic Housing – No comments received to date.

NSDC Access and Equalities Officer

Comments received 27 February 2017:

As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating 'accessible and adaptable' dwellings within the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings on all floors be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals.

In particular, 'step-free' access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible pedestrian pavement route is essential to and into the dwellings from facilities such as car parking and from the site boundary. External footpaths to and around the site should be incorporated and carefully designed to accepted standards to ensure that they provide an integrated network of 'traffic free' pedestrian pavements around the site without pedestrians being required to walk along roadways. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, suitably wide corridors etc. all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.

Tree Officer

Comments received 21 March 2017:

This revised scheme seems to reflect the on-site discussions and should address the majority of my previous comments. The re-positioning of the road toward the sports field may limit the scope of any replacement planting unless we can negotiate some off site. I would recommend robust conditions are attached to any approval requesting full tree protection measures and proposed soft landscaping.

Trent Valley Internal Drainage Board

Comments received 15 March 2017:

The majority of the site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment, except for the most easterly section of the site which is within the Trent Valley Internal Drainage Board's district.

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

The applicant states that surface water will be discharged via the sustainable urban drainage systems (SUDS). Prior to planning permission being granted the Board recommends that the use of SUDS is agreed with the Lead Local Flood Authority (LLFA). If the use of SUDS is not agreed the applicant should resubmit amended proposals demonstrating how surface water will be drained.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Board's District:

- Existing catchments and sub-catchments to be maintained
- Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments
- Surface water run-off limited to the greenfield rate for other gravity systems.

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

All drainage routes through the site should be maintained both during the works on site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Drainage routes shall

include all methods by which water may be transferred through the site and shall include such systems as “ridge and furrow” and “overland flows”. The effect of raising site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Consideration must be given to the route of flow downstream of the site from the discharge point to an appropriately maintained watercourse. Off-site works or the need for increased maintenance required to safeguard the site discharge for the life of the development must also be considered.

Representations from a total of 43 properties have been received (some of these local properties have submitted numerous letters of representation). In addition a representation has been submitted on behalf of 16 local residents, a representation has been submitted by a Planning Consultant on behalf of 20 local residents, and a representation has been submitted by an Architectural Practice on behalf of a number of local residents. All of the comments are summarised below:

Principle

- There are plenty of alternative brownfield sites within Newark which could accommodate housing development.
- The site is not allocated for development within the development plan.
- There are already enough sites identified to meet Newark and Sherwood’s housing requirement for the next 10 – 15 years and therefore there is no need for this windfall site.
- There are not enough 2 and 3 bedroom houses proposed which is what is really required in Newark. The houses are large 4 and 5 bedroom houses aimed at those affluent enough to send their children to Highfields School.
- Even applying the Objectively Assessed Need housing figure derived from the appeal decision at Land at Southwell Road (Farnsfield), the shortfall against this figure in terms of five year housing land supply is limited. Should paragraph 49 of the NPPF be invoked, it does not make ‘out-of date’ policies for the supply of housing irrelevant in the determination of applications.
- The emerging Local Plan should be given weight in the determination of this application.
- The application is materially different to previous proposals on this site and therefore the applicability of the Statement of Common Ground between the local planning authority and Avant Homes in relation to the earlier appeal is limited.

Highways

- There should be a second vehicular access point to the development.
- The siting of the vehicular access point just below the blind railway bridge on London Road is dangerous.
- The Transport Assessment data is now considerably out of date, and does not take in to account any of the recently completed and other proposed developments such as at Fernwood, at Newark Academy, and the new Lidl store.
- The development will create five left turns between the bridge and The Grove School which raises highway safety issues.
- The Transport Assessment underestimates the number of vehicle movements that would be generated by the proposed development.
- Having a single vehicular access point serving the school and the proposed development would raise highway safety issues.
- The Transport Assessment is based on an assessment of 83 houses, however this application is for 95 dwellings.

- There has been an increase in the number of pupils at the school since the Transport Assessment was undertaken. The assessment should be based on vehicle movements associated with the school's full capacity (including its nursery).
- The Transport Assessment underestimates the existing situation in terms of vehicles queuing on London Road to turn in to Highfield School during peak times. The proposed white lining on London Road would fail to address this in terms of providing a sufficiently long refuge for right turning vehicles.
- The existing school access point to London Road would comprise only two lanes. It currently operates informally with three, with two lanes forming to turn left and right from Highfields School on to London Road. The proposed junction alignment would therefore result in a reduction in the number of lanes and result in longer queues of vehicles exiting the site.
- The Transport Assessment does not assess the impact of additional vehicle movements on the safety of the cycle lane on London Road.
- The swept path analysis and visibility assessment drawing is incorrect and fails to properly reflect refuse and larger vehicle movements in to the site from London Road.
- The Transport Assessment should be extended to assess the impact of the proposed development on the junctions of London Road with Sherwood Avenue (Newark), and Main Street (Balderton).
- The Transport Assessment fails to consider the impact of construction traffic on the London Road junction during the construction phase, and how this can be safely separated out from pupils and the public.
- Whilst the existing car parking provision is generally adequate for normal school activities, there is insufficient car parking for school events such as Sports Day, which results in cars being parked on the grass verge to London Road which impacts on highway safety. The proposed development should be required to install measures to prevent parking on these grass verges and on the spine road serving the development.
- The positioning of the highway footpath which is shown crossing the spine road to serve the school is unsafe.
- The proposed dwellings would be between 600m and 850m walking distance from the nearest bus stop. 400m is considered as the maximum recommended distance.
- The two 'potential links' shown on the layout plan should not be used to provide future access to Barnby Road or Glebe Park.
- The Transport Assessment does not incorporate road accident data and proposes no highway safety improvements.
- Existing traffic flows on London Road make turning right out of existing developments problematic, and this would be exacerbated by the proposed development.
- Traffic diverts via London Road when there has been an accident on the A1.
- Additional traffic generated by the proposal will increase the use of Milner Street and its parallel roads as a rat run to avoid the London Road / Bowbridge Road junction.
- The use of elongated shared driveways serving plots 7 to 21 would encourage residents of these properties to park on the road rather than use their allocated parking spaces. This would cause obstruction to the highway and issues of safety.

Character and Design

- The development is over intensive for this site and is too tightly spaced which is not reflective of adjoining development.
- The development would have dominating effect on the Lodge and Highfield House.
- The backs of garages will back on to London Road, resulting in an eyesore.
- The development will have an adverse effect on the London Road streetscene.

- Plots 1 – 6 will back on to London Road, which is not in keeping with the character of the surrounding area where properties face London Road. Due their siting, scale and massing they will also fail to respect the setting of Highfield House and The Lodge.
- The design of the new dwellings is not in keeping with the character of the surrounding area.

Landscape

- This will result in the loss of the only green space between Newark and Balderton and the loss of a significant number of trees. This will cause permanent and irreversible harm to the landscape character and local distinctiveness of the area. The proposal is contrary to the findings of the Landscape Character Assessment and will cause significant harm to the visual appearance of the area.
- The existing natural land buffer will be replaced with structures and hard surfaces.
- The development would involve the loss of an important hedgerow between Fields 4 and 5, which qualifies as an 'important hedgerow' under the Hedgerow Regulations 1997. The hedgerow has been in existence since at least 1875 and marks the Balderton / Newark parish boundary. There is a presumption in favour of protecting important hedgerows under the Regulations and the Council would be required to provide reasons to justify its removal.
- The application site lies within the East Nottinghamshire Sandlands, Winthorpe Village Farmlands landscape character area, identified in the Newark and Sherwood Landscape Character Assessment. The development would introduce an overtly urban form of development that would be highly incongruous within its landscape setting. As such the development would cause significant harm in landscape character and visual impact terms. There would be significant harm to the visual appearance of the area when viewed from London Road, Glebe Park and Barnby Road, together with the rising land of Beaconhill to the north.

Trees

- This application would result in the loss of even more trees that are subject to a Tree Preservation Order.
- London Road is green and leafy and the proposed development will result in the loss of at least 59 trees which will take away much of its charm.
- Why should the removal of over 60 trees be allowed when householders are prevented from even trimming branches on TPO trees.
- The majority of the tree removal is due to Plots 1 – 6 and 95, and the benefit resulting from these additional plots does not outweigh the impact of the loss of these trees. These plots should be removed.
- The Tree Survey accompanying the application confirms the proposal would involve the substantial removal of trees and does not conclude that this level of loss would be acceptable. The loss includes, as a minimum: 64 trees and tree groups (4 of the tree groups are in part), and 29 of these trees/groups are subject to Tree Preservation Orders.
- The tree loss is likely to be greater than identified given the Tree Survey has failed to assess the impact of the drainage strategy, utility services or site level changes on existing trees.
- Additional Beech trees, some subject to TPOs are at risk of loss due to their proximity to development.
- The description of development is inaccurate and misleading as it refers to the removal of 24 TPO trees, however the Tree Survey confirms 29 trees (and tree groups) subject to TPO are proposed for removal.

Natural Environment

- The proposed drainage works to Ballast Pit (a Site of Interest for Nature Conservation) may impact on its nature conservation value and have a devastating effect on fish.
- The proposal would have an unacceptable adverse impact on bats and toads and potentially other species, and would prevent the movement of wildlife across the site.
- The ecology and wildlife surveys were undertaken outside of the optimal survey period for key species.
- The proposed ecology corridors will become overgrown and unable to be maintained. They may be used for the dumping of waste by some homeowners.
- The ecology corridors are insufficient to mitigate the ecological impact of the proposed development.

Open Space and Sports Pitches

- The proposal will result in the loss of playing fields, and no suitable replacement pitch is proposed. The development encroaches onto the hockey pitch to the front of the school building and its associated 'run-off area' which together form a 'playing pitch' within Sport England's definition. The applicant illustrates a smaller re-orientated playing pitch, but this replacement pitch is only an illustration, falling outside the application site and does not form part of the development proposals. There is therefore no certainty that the pitch will be replaced.
- Sport England have objected to the planning application.
- The infant school playing field will be surrounded by a main road, and will have a 5ft high metal fence around it.
- The proposal makes no provision for amenity space or a children's play area, there is just a verge at the side of the main road. The scheme should make provision for a central area of open space with play equipment.

Amenity

- The development will result in overlooking and a loss of privacy for adjoining dwellings and their gardens at No. 27 London Road, Nos. 1, 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.
- The proposed dwellings and their gardens will be overlooked by existing dwellings at No. 27 London Road, Nos. 1, 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park, resulting in a loss of privacy for future occupiers of the proposed new dwellings.
- The proposed siting of the garages to the rear of Plots 7 – 21 will not prevent overlooking of the existing dwellings and their gardens at No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.
- The additional traffic would result in unacceptable levels of noise and disturbance for neighbouring residents.
- The proposal fails to protect the amenity and living conditions of neighbouring properties and would be an overbearing form of development which results in privacy loss and overlooking.
- Vehicle headlights and the noise from the access road would impact on the amenity of local residents.
- Vehicle noise and vehicle headlights associated with the garages and parking spaces to the rear of Plots 7 – 21 will impact on the amenity of the adjoining dwellings at No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.
- The proposed dwellings on Plots 1 – 6 would result in a loss of amenity for properties on the opposite side of London Road.

- The siting of the new access road will undermine the peaceful and quiet nature of this part of the site, and have an unacceptable impact on the amenity of Nos. 27 and 29 London Road, and No. 1 The Woodwards due to noise from vehicles and vehicle headlights.
- There would be a significant adverse impact on the amenity of existing properties during the construction period, which could be up to five years.
- Section 5.12 of the Planning Statement is incorrect as 11A The Woodwards is some 1m higher than the new development therefore the line of sight calculations and assumptions for privacy are flawed.
- The previous site access arrangement under 16/01134/FULM is far more suitable from a residential amenity perspective as it avoids the need to direct a large amount of traffic in close proximity to existing properties.
- Plots 7 and 8 should be combined as a single dwelling to ensure that the residential amenity of No. 27 London Road is protected.
- Screening should be introduced to protect the amenity of the first floor window in the west elevation of No. 27 London Road, in the context of the removal of trees in this location and the siting of the proposed access road.
- The amenity impacts of the proposed pitch on existing and new dwellings will need to be assessed.
- There would be an unacceptable relationship between The Lodge and Plot 1, which would result in an unacceptable impact for both properties in terms of amenity.
- The proposed garages serving Plots 7 to 21 would due to their scale and position close to the application site's southern boundary, have an unacceptable overbearing impact on the amenity of adjoining dwellings No. 27 London Road, Nos. 11A and 12 The Woodwards, and Nos. 31 and 33 Glebe Park.
- A condition should be imposed to prevent loft conversions in Plots 7 – 21 to prevent overlooking and loss of privacy to existing adjoining properties.
- The foul pumping station has the potential to cause noise disturbance to neighbouring residential properties.

Flooding and Drainage

- The lakes are not big enough to accommodate surface water from the development.
- The proposal fails to assess the groundwater flooding impact. The overflow from Balderton Lake could be blocked which would potentially result in flooding.
- The sewage system is already under pressure in this area.
- London Road is subject to frequent flooding and the proposed development will make this worse.
- Reference is made within the Flood Risk Assessment to the southern portion of the site being located within an area with > 75% chance of suffering from groundwater flooding. No site investigation / infiltration testing has been undertaken within the southern part of the site.

Consultation

- There has been a lack of consultation with local residents.

Other

- The development will compromise security for existing properties, and would create increased opportunities for crime. It would open the site up to public access and create new access points. The Highfields School site is relatively well secured at present with the Lodge and entrance gates acting as a security feature.
- The proposal will compromise the ability of the site to meet future education needs.

- There is a lack of supporting infrastructure (e.g. education, health and open space). The development makes no provision for community facilities, such as a youth club or a village hall.
- The development would make no s106 contribution to infrastructure, and provide no affordable housing.
- The development will make Highfields School less attractive to prospective parents, and it is already struggling and down on pupil numbers.
- The additional traffic will result in an increase in air pollution which will affect the health of local residents and pupils at Highfields School.
- Highfields School grounds should be protected as a 'community asset'.
- A property opposite the school gates was refused consent to change to a HMO on the grounds of highway impact, so how can this scheme be acceptable.
- Newark Civic Trust objects to the proposal.
- The land owned by the Oliver Quibell Trust was leased to the school for a period of 40 years for the sole purpose of 'extending the School playing fields'.
- The proposed raising of the land level on the application site would impact on the structural integrity of No. 27 London Road, where the property's northern wall adjoins the site. It would also prevent access to No.27 London Road for future maintenance.
- The accessway to the garage of Plot 7 is ungated, providing an area of concealment immediately adjacent to No. 27 London Road.
- There are inaccuracies within the Design and Access Statement which reference the previous schemes for this site.
- The raising of land levels on the site has the potential to impact on the damp proof course and soakaway of No. 27 London Road.
- Tree planting within the ecology corridor has the potential to cause structural damage to No. 27 London Road.
- The development will contribute to the urban heat island effect by removing tree cover and increasing hard surfaces and built development across the site.
- The grounds together with any artefacts and remnants of the formal gardens of Highfields House are of local significance as they were developed by William Quibell who was a significant figure in the history of Newark.
- The archaeological significance of that part of the site which historically formed part of the grounds of Highfields House has not been assessed to date.

Comments of Business Manager

Principle of Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of and the need to protect and enhance the natural, built and historic environment, biodiversity and also include the need to adapt to climate change.

The NPPF also refers to the presumption in favour of sustainable development being at the heart of the Framework and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The application site is unallocated within the development plan. The application site is located within the Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy. Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district's overall housing growth, principally in three Sustainable Urban Extensions (SUEs). Policy DM1 of the Allocations and Development Management DPD refers to proposals being supported for housing within the Sub Regional Centre provided that it is appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents.

Within the NPPF, Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, *"boost significantly the supply of housing"*. Paragraph 17 states further that the planning system should *"proactively drive and support sustainable economic development to deliver new homes....that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area."* The NPPF indicates that this will be achieved first and foremost, by local planning authorities, *"using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period."*

The recently published Housing White Paper also promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology.

In order to address its housing requirement, Ashfield, Mansfield and Newark & Sherwood District Councils produced a Strategic Housing Market Assessment (SHMA) for the Nottingham Outer Housing Market Area. The SHMA produced an OAN for NSDC of 454 dwellings per annum, although this figure is yet to be tested through an Examination In Public (EIP).

In January 2016 an Appeal in Farnsfield was dismissed on the basis that the Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the evidence available to them, a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of 500-550 dwellings per annum. The Council has re-visited the OAN with all of the Nottinghamshire Authorities, including its two constituent Housing Market Area colleagues of Ashfield and Mansfield. This led to the publication of the July 2016 Farnsfield Appeal Statement Position Statement.

Moreover, this Council has now set out its preferred approach for spatial development (July 2016) and has just closed (1st September) on consultation for the Publication Amended Core Strategy. It is proposed that the Council's draft Core Strategy will be submitted to the Planning Inspectorate following ratification by a special Full Council meeting on 26 September 2017.

Whilst it is acknowledged that the OAN and consequently housing target for the District cannot attract full weight until after examination of the Development Plan, the Council considers that limited weight should now be attached to the Farnsfield Inspector's decision. The OAN is the only available, up-to-date and robust evidence available to this Authority to determine its housing supply target. The Council's position against this target based using housing completions as of 31st March 2017 was published in July 2017. This confirms that the Council has a 6.2 year supply based on a housing target of 454 dwellings per annum. This position has also been confirmed by a recent (August 2017) appeal hearing decision which has confirmed that this Council has a 5 year housing land supply against a target of both 454 and 500 dwellings per annum. Even on a 550 OAN the Inspector concluded that any shortfall would most likely be made up by windfall schemes, which this proposal represents. Given this position the Council considers that it does currently have a 5 year housing land supply and as such the policies of the Development Plan are up-to-date for the purpose of decision making.

In relation to the previous appeal on the application site (14/01964/FULM), the principle of development and the overall quantum of development proposed was not disputed by the appeal Inspector or the Council. This was despite the Council at that time equally having a 5 year land supply. Whilst the application site is not an allocated site within the development plan, it is a sustainably located greenfield site that lies within the Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy. The settlement hierarchy defined in Spatial Policy 1 identifies that the Newark Urban Area will be the focus for housing and employment growth, and the main location for investment for new services and facilities within the District. Paragraph 17 of the NPPF encourages the reuse of previously developed land, but this does not imply a sequential approach to the development of sites. As such, it is considered that the principle of housing development on this site is in accordance with the Development Plan and the NPPF.

Loss of Playing Fields

Spatial Policy 8 of the Core Strategy states that the provision of new and enhanced community and leisure facilities will be encouraged. The loss of existing community and leisure facilities will not be permitted unless it can be clearly demonstrated that the continued use is no longer feasible; sufficient alternative provision has been made and there is sufficient provision of such facilities in the area.

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy applies.

The proposal would involve the loss of land that has formerly been used for playing fields, in terms of the land known as Baileys Field. It would also involve the loss of part of an area of land which is currently used as playing fields, which lies between the school buildings and London Road. Part of this land would be occupied by the proposed access road. Whilst a playing field would be retained on this land (lying outside of the application red line boundary, but within the school grounds), this would represent a smaller area than is currently available for playing field use.

In relation to the land known as Baileys Field, Sport England confirmed that this is no longer considered to be a playing field given that it has not been used as such for an extensive period of time, and as such Sport England raise no objection in relation to the development of this land. This is also consistent with the previous appeal decision.

In relation to the land which lies between the school buildings and London Road which is currently used as a playing field, Sport England identified that this would have the potential to prejudice the use, or lead to the loss of use, of land being used as a playing field. As such, in Sport England's initial response to the application they submitted a holding objection on the basis that the proposal would prejudice the use, or lead to the loss of use, of land being used as a playing field.

The applicant met with Sport England to discuss the points raised in their response, and on the basis of this discussion, the applicant submitted a Sports Pitch Provision Statement to clarify the position in this regard. This proposes enhanced provision across the school's wider site. The statement confirms that the area of land to the front of the school has mainly been used in the past for football during the winter months, and for cricket during the summer. The size of the existing pitch area would be reduced in order to facilitate the construction of the site access road, but the remaining grassed area would still be of a sufficient size to accommodate a 5 v 5 football pitch.

The Newark and Sherwood Playing Pitch Strategy (September 2014) references a mini rugby pitch, a cricket pitch and two tennis/netball courts (over marked) at Highfields School, but notes that there is currently no community use of the school's sports facilities.

The Sports Pitch Provision Statement confirms that the delivery of the application proposal will allow the school to undertake a scheme of works that will include the resurfacing of the existing tennis courts to become a new Multi Use Games Area, the provision of a new all-weather Kwik cricket square, and confirms that the school will maintain provision for sport pitches across its playing fields to accommodate a 7 v 7 football pitch, a 7 v 7 hockey pitch, a 5 v 5 football pitch, a U11/U12 Rugby Pitch and a Kwik cricket square. As such the statement confirms that there will be no overall loss of pitch provision, but a notable improvement in terms of the quality of facilities. In addition, the statement contains a letter from Highfields School which confirms their intention to make the school's sports facilities available for wider community use outside of school hours.

Sport England have reviewed the submitted Sports Pitch Provision Statement and have confirmed that they are satisfied that the potential sports development benefits of the proposal would outweigh the detriment caused by the impact in terms of the reduction in the size of the existing playing field which lies to the front of the school buildings. As such, Sport England confirm that no objection is raised and that the application would meet the requirements of Sport England's Policy Exception E5 in this regard in that *"the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields"*.

Given that the school's playing pitches lie outside of the application red line boundary, it is not possible to secure a community use agreement via condition. The school has therefore confirmed its agreement that the future community use of the school's sports facilities would be secured via the legal agreement associated with any grant of consent, to which the school would be bound as a signatory.

On this basis, subject to securing future community use of the school's sports facilities via legal agreement, it is considered that the application proposal would deliver suitable sports provision to outweigh the detriment cause by the loss of playing field land, in accordance with the requirements of Spatial Policy 8 of the Core Strategy, Sport England's exception policy, and the NPPF.

Housing Numbers, Density and Mix

Core Policy 3 of the Core Strategy states that the District Council should seek to secure an appropriate mix of housing types to reflect local housing need. The need to achieve a wide choice of quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities is also reflected in the NPPF.

The table below summarises the proposed housing mix:

Type	No. of Plots	% of total dwellings
2-bed semi-detached	12	12.6%
3-bed semi-detached	8	16.8%
3-bed detached	8	
4-bed detached	39	41.1%
5-bed detached	28	29.5%
Total	95	100%

The scheme would provide a broad range of dwelling types and sizes and as such I am satisfied that the scheme offers a balanced housing mix in line with the needs of the area and national and local policy requirements.

The scheme represents a density of approximately 22 dwellings per hectare (when excluding the proposed amenity space from the calculation). Core Policy 3 of the Core Strategy identifies that development densities in housing developments should normally be no lower than an average 30 dwellings per hectare net. Whilst the proposed development would achieve a density below this figure, it is recognised that there are other considerations in relation to this site which necessarily impact on the appropriate average density. These include having regard to the density and character of surrounding housing development, including the developments at The Woodwards and Glebe Park which are of a low density, together with the proposed retention of the majority of mature trees within the site, and the need to have regard to issues of amenity and privacy in relation to adjoining properties which were subject to detailed consideration by the Planning Inspector in relation to the previously refused application. Overall taking these matters into account I consider that the density and mix is now acceptable in line with Core Policy 3 and the NPPF.

Impact on Visual Amenity including the Character of the Area and Trees

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 with the effect of an application on the significance of a non-designated heritage asset taken into account in determining an application. Core Policy 9 of the Core Strategy requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 of the Allocations and Development Management DPD requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The design approach for each plot is generally consistent with the appeal scheme, a matter the appeal Inspector found acceptable. However, one must still assess the overall design of the layout and its consequential impacts on heritage assets and character.

Heritage

Highfields School occupies Highfields House, which is a large Victorian villa set within landscaped grounds. The landscaped grounds associated with the House were not as large as the current school estate. Today Highfields House still retains a sense of grandeur from the front elevation, which has remained relatively unaltered, and the land in front has remained undeveloped. The House is also surrounded by specimen trees and clusters of yew bushes which are an important part of its setting. To the rear of the House remnants of a tall red brick wall survive, which provided for the lean-to glass houses, also seen on historic maps. This wall is now very degraded and only survives in very partial chunks. To the north, east and west elevations the setting of the House has been altered by successive low scale extensions, gym halls, portacabins, play equipment etc, leaving the House best appreciated from the south. At the entrance to the site is an attractive single storey blue lias Lodge which forms part of the character of the site. Highfields House should be regarded as a non-designated heritage asset in this context.

Paragraph 135 of the NPPF confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Given that the majority of the proposed new housing is on land to the north known as Baileys Field and Quibell Field which have no obvious landscape association with the House, it is considered that the site could accommodate new housing in these areas without necessarily having an adverse impact upon the setting of Highfields House.

The application proposal would also involve the development of seven dwellings on part of the land which lies between the school buildings and London Road, together with the laying out of the site access road which would run to the south and east of the school buildings, serving the proposed housing development at Baileys and Quibell Fields to the rear. An area of open land would be maintained to the front of Highfields House, to accommodate a playing field serving the school.

The Conservation Officer highlights that this land historically formed part of the grounds of the House and has remained relatively unaltered to date, providing a spacious, green and landscaped setting to the front of Highfields House. In this context, the Conservation Officer considers that the proposed development would result in some degree of harm to the setting of the House, albeit that this would be largely experienced from within the site itself rather than from London Road, given the extent to which the House is set back within its grounds and the significant screening afforded by tree cover along the London Road frontage. Similarly, the Conservation Officer highlights that there would be some limited harm to the significance of Highfields House as a non-designated heritage asset, recognising that the proposal would include some development within the former landscaped grounds and formal gardens of the House. In the context of the substantial area of open land which would be maintained to the front of Highfields House, the Conservation Officer considers that the degree of encroachment would be relatively minor and that the harm to the setting of this non-designated heritage asset would be limited. The Conservation Officer has also confirmed that they note the proposed dwellings on Plots 1 to 6 have been set back in relation to the Lodge and as such they do not consider that the Lodge would be crowded or harmed by the proposed development.

In relation to St Mary's Church, it is not considered that the proposal would result in any impact on the setting of this Grade I listed building, as whilst the spire of the church is visible from Baileys Field this is an incidental view from private land and is not considered to contribute to the setting of the church.

On this basis, the Conservation Officer concludes that the application proposal would result in only limited harm to the setting of Highfields House as a non-designated heritage asset. Given that the proposed site layout has been designed having regard to the setting of Highfields House, and that a substantial area of open land and existing mature tree cover would be maintained to the front of the House, it is considered that the proposed development would result in a very limited degree of harm to the setting of this non-designated heritage asset. Having regard to paragraph 135 of the NPPF in this context, it is considered that this limited degree of harm, when balanced against the significance of Highfields House, will not result in any unacceptable impact in this regard.

Design

The submitted Design and Access Statement identifies that the proposal *"has taken cues from the Victorian and Edwardian styles seen in the vicinity of the site. This has been embellished through the selection of materials, building details and form which include gable detailing with bargeboard overhangs, raked eaves, bay windows, fenestration treatments and styles."*

In terms of the character of the surrounding area, to the south east of the application site, the dwellings at The Woodwards and Glebe Park comprise modern detached properties set within substantial gardens. Dwellings to the south of London Road are predominately large semi-detached dwellings, again with substantial gardens. Dwellings on Barnby Road are more mixed in character and include a bungalow, a row of terraces and detached dwellings.

For the reasons set out above in relation to housing density, it is considered that the proposed development strikes an appropriate balance between the requirements of Core Policy 3 which identifies that new housing development should normally achieve densities of 30 dwellings per hectare or above, and the character of surrounding development which is typically of a lower density reflecting that the much of the surrounding development was built before density standards were introduced.

The layout of dwellings across the site has been designed to positively address street frontage and create varied and interesting streetscenes through the use of a wide range of house types. In terms of the design and detailing of the proposed dwellings, these reflect traditional elements from the established Victorian and Edwardian dwellings to the south of London Road. All of the proposed dwellings would be two storey in scale, reflecting the scale and character of dwellings across the surrounding area.

As set out above, the dwellings on Plots 1 to 6 have been designed to respect the setting of Highfields House. Whilst the dwellings would not front London Road, this is in order that the majority of the mature trees which line the London Road frontage to the site can be retained. In this context it is noted that the existing developments at The Woodwards and Glebe Park which lie to the south east of the application site also do not present frontage to London Road, with c.2m high fencing forming the rear boundaries of these properties to London Road. Given that the dwellings on Plots 1 to 6 have been set back from London Road, and that the majority of the existing mature tree cover would be retained, it is not considered that this would result in any detrimental impact from a design or streetscene perspective when viewed from London Road. The positioning of these dwellings is also considered to respect the setting of the Lodge and would not result in any unacceptable impact in this regard.

Landscape Character

Core Policy 13 of the Core Strategy, and Policy DM5 of the Allocations and Development Management DPD identify that all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.

The application site lies within the East Nottinghamshire Sandlands landscape character area as identified within the SPD, and within this it lies within Policy Zone ES PZ 04 Winthorpe Village Farmlands. This reflects a relatively large Policy Zone which covers much of the eastern extent of the District beyond Newark and Balderton, and comprises a flat and gently undulating arable landscape with woodland blocks. The SPD notes that there exist a diverse variety of land uses across this Policy Zone, due to its proximity to Newark and being typical of urban fringe locations. The character assessment identifies the landscape condition of this Policy Zone as moderate, and also identifies its landscape sensitivity as moderate. In terms of the objectives for new development, the assessment identifies that the focus is to conserve what remains of the rural landscape by concentrating new development around existing settlements and to create new development which reflects the built vernacular. In terms of the objectives for landscape features, it identifies that existing field patterns and hedgerows should be conserved where feasible to contain new development with historic boundaries, and that tree cover and landscape planting should be conserved and enhanced.

The application site lies at the edge of the built up area of Newark, and does not have a particularly open aspect within the wider landscape setting. To the south, the site adjoins the built up urban area of Newark, whilst to the north the site is bounded by linear housing development along Barnby Road, beyond which is the East Coast Mainline. As such, the site occupies an urban fringe location, and as identified within the SPD, this is the type of location where new development is to be focused in order to conserve what remains of the rural landscape. The application proposal would largely retain existing field boundaries and the associated hedgerows and trees which line its perimeter. It would involve the removal of one stretch of hedgerow which presently separates Baileys Field and Quibell Field, and this is addressed in further detail below. In this context, it is considered that the application proposal addresses the implications of the Landscape Policy Zone within which it lies, in accordance with the requirements of Core Policy 13 of the Core Strategy, and Policy DM5 of the Allocations and Development Management DPD.

Trees and Hedgerow

Core Policy 12 of the Core Strategy, and Policy DM5 of the Allocations and Development Management DPD identify that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

A Tree Survey report has been submitted alongside this planning application. It identifies that a total of 258 individual trees and 26 tree groups were surveyed, including a range of native and ornamental species. The majority of trees surveyed were considered to be of moderate amenity value and were placed within category B (moderate quality and value). A total of 25 trees were considered to be of high value due to their size and situation within the landscape and as such were placed within category A (high quality and value). Nine trees and one tree group were categorized as unsuitable for retention (category U) and the remainder were placed within category C (low quality and value, and trees less than 15cm diameter).

The submitted Tree Survey includes an Arboricultural Impact Assessment of the proposed site plan to assess the likely impact of the development on existing trees and tree groups. The report identifies that a total of 67 trees, four tree groups and parts of seven other tree groups will need to be removed. 26 of these trees and three of these tree groups are covered by a group Tree Preservation Order (ref. N215). In addition, the report recommends the removal of two horse chestnut trees within the school grounds which are showing signs of bleeding canker. Whilst these two trees are covered by the group Tree Preservation Order they lie outside the application site boundary. The majority of the protected trees which are proposed for removal lie to the south of the school buildings on the land that lies between Highfields House and London Road. The site layout has been designed such that the line of trees along the site's frontage to London Road would be retained, but that the band of trees which lies to the north of this would be removed to facilitate the construction of Plots 1 to 6. A cluster of protected trees would also be removed to facilitate the new access road serving the development, and trees within a number of protected groups to the east of the school buildings would also be removed to facilitate the access road and the foul pumping station. A number of other trees which are not protected by the group TPO would also be removed, which include a number of trees towards the south eastern corner of the site to facilitate development on Plot 95, a number of trees at the western extent of the site to facilitate the surface water drainage outfall, and a number of further trees which are scattered along the boundaries of Baileys Field and Quibell Field.

The layout of the scheme has been developed through liaison with the Council's Tree Officer. Whilst the application proposal would involve the removal of a considerable number of trees within the site, the layout has been designed in order to ensure that the existing trees which line the site's frontage to London Road would be retained. The trees which are to be removed to facilitate the development of Plots 1 – 6 and Plot 95 lie to the north of the trees to be retained and therefore make a more limited contribution in terms of visual amenity when viewed from public vantage points.

The band of trees to be retained along the site's frontage would wrap around Plots 1 – 6 to the north west, south west and south east, such that the existing trees which characterise the site's frontage to London Road would be retained. These trees would lie outside of the plots of these dwellings, and the ongoing management responsibility of these areas would therefore lie the management company which is to take over responsibility for the amenity space and ecology corridors across the development. Excluding these trees from these dwellings' plots would safeguard their future retention by reducing the potential for unauthorised works or pressure for future pruning of these trees.

In this context the Tree Officer raises no objection subject to conditions being attached to any grant of consent to require tree protection measures and replacement planting via proposed soft landscaping. The loss of a considerable number of trees, including 26 protected trees, is regrettable and will clearly result in a degree of harm. It is however recognised that the scheme layout has been designed in order to retain those trees which make the most significant contribution in terms of visual amenity when viewed from public vantage points. The contribution of those trees which are to be removed is predominantly experienced from within the school site itself, and to a lesser degree from a number of adjoining private residential properties. As such, the trees to be removed make a more limited contribution in terms of visual amenity from public vantage points. It must also be recognised that the site presently accommodates a very significant number of trees, and therefore the number of trees to be removed must be considered in this context. The impact of the proposed loss of trees is assessed at the end of this report as part of the planning balance.

The submission of an Arboricultural Method Statement would be required via condition, which would ensure the protection during the construction phase of the trees and hedgerows which are to be retained. Conditions are also recommended in relation to submission of a landscaping scheme and its subsequent implementation. This would provide for the provision of replacement trees and hedgerow for that which is to be lost.

The application proposal would involve the loss of approximately 95m of existing hedgerow that separates Baileys Field and Quibell Field. The Hedgerow Regulations 1997 define 'important' hedgerow as that which has existed for 30 years or more, and meets at least one of the criteria within Schedule 1 Part II. One of these criteria is that the hedgerow marks a pre-1850 parish or township boundary. The hedgerow marks the parish boundary between Newark and Balderton and on the basis of historic mapping that is available, it is likely that this has marked the parish boundary since prior to 1850. In this context, it would be considered to constitute an 'important' hedgerow in the context of the Hedgerow Regulations, and has historical significance in this context. The Hedgerow Regulations afford protection to hedgerow and require permission for its removal. Where removal of a hedgerow is required to implement a planning permission, then no separate consent for hedgerow removal is required. There is a presumption in favour of protecting 'important' hedgerow under the Regulations. The loss of hedgerow in this context is regrettable and will clearly result in a degree of harm. The impact of this is assessed at the end of this report as part of the planning balance.

Summary

Overall, subject to conditions relating to tree protection, landscaping scheme, materials, and boundary treatments it is considered that the proposed development would not harm the setting of Highfields House or the Lodge and would be in keeping with the character of the area in accordance with the aims of the NPPF, Core Policy 9 and Policy DM5 of the DPD.

Impact on Highway Safety

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe. Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the Allocations and Development Management DPD requires the provision of safe access to new development and appropriate parking provision.

A Transport Assessment (TA) and Addendum has been submitted with the application which demonstrates that access to the site is safe and satisfactory. This concludes that the *"the maximum increase in traffic flows on London Road adjacent to the application site (as a direct result of the development) is predicted to be less than 5% during both the morning and evening peak hours. It is, therefore, considered that the residual cumulative impact of the proposal will not be severe"*. The Transport Assessment was initially undertaken in October 2014 in support of the previous application for 83 dwellings (14/01964/FULM), and has been updated for this current application via an addendum report to reflect the increase in the number of proposed dwellings to 95, and to reflect updates to policy, conditions on the local highway network, and any changes to sustainable transport infrastructure. I do note that highways was not a reason for dismissal at the previous appeal.

The Transport Assessment identifies that the site occupies a sustainable location approximately 1.7km south east of Newark town centre, and being accessed off London Road which is a major bus corridor and with National Cycle Route 64 running adjacent to the southern boundary of the site and providing a designated off-road cycle route. The Traffic Survey which informed the Transport Assessment was undertaken in February 2014. The Transport Assessment identifies that given there have been no major developments and that local highway conditions have remained unchanged in the vicinity of the site since this time, these surveys from 2014 are considered to demonstrate an appropriate existing situation. The recorded traffic flows have been growthed to a future year of 2021 in order to reflect any phasing of the development. It identifies that the proposed development would generate 60 two-way peak hour vehicle trips during each of the morning and evening peak periods, which equates to approximately 1 additional vehicle movement per minute, which it concludes would be unlikely to be perceivable to road users. As such, the maximum increase in traffic flows on London Road adjacent to the application site (as a direct result of the development) is predicted to be less than 5% during both the morning and evening peak hours.

The site would be served by means of a right turn ghost island priority controlled T-junction with London Road and a condition is recommended in this regard to secure a white lining improvement scheme on London Road to facilitate this.

The County Highways Officer has reviewed the submitted information and raises no objection on highway grounds. In relation to the concerns raised by those objecting to the planning application that the traffic survey data on which the Transport Assessment is based is out of date, the County Highways Officer has confirmed that utilising the February 2014 traffic survey data does not make the assessment out of date, and that given the operational capacity of the highway network at London Road, the proposed development raises no concern in terms of highway capacity even once recent developments are taken into account.

In relation to the detailed points raised within the County Highways Officer's comments (17 March 2017), the applicant has confirmed that the ongoing management and maintenance of the footpath link to Barnby Road will be included as part of the transfer to a management company for the site. This would be secured via legal agreement. The comments regarding turning heads and visibility splays have been accommodated through minor revisions to the site layout plan. In terms of highway drainage, the County Highways Officer has confirmed that following correspondence with Severn Trent Water, Severn Trent have confirmed that they are happy to provide a system that would directly take the water from the highway drainage system. As such and subject to the highway drainage running directly into an adopted Severn Trent sewer, the County Highways Officer has confirmed that he is satisfied that the highway drainage issues can be resolved. Conditions are recommended in this regard, requiring submission and approval of drainage details and plans for the disposal of surface water and foul sewage, and details of the surface water drainage scheme.

The proposed development would be subject to a legal agreement to include a contribution towards bus stop improvements and a lorry routing plan to ensure that extraneous traffic is kept out of Newark town centre (as included in the Summary of Developer Contributions table below). Planning conditions relating to access construction, visibility splays, set back of garage doors, surfacing, and the white lining scheme are also recommended.

In this context it is considered that the proposed development would be acceptable in highway terms, subject to the relevant conditions, in accordance with the requirements of Spatial Policy 7 of the Core Strategy.

Impact on Flood Risk and Drainage

Policy DM10 of the Allocations and Development Management DPD, although not directly addressing sewer capacity matters sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include *'necessary mitigation as part of the development or through off site measures where necessary.'* Core Policy 9 of the Core Strategy requires new development proposals to pro-actively manage surface water.

The land is classified as being within Flood Zone 1. As such it is not at risk from flooding from any main watercourses. The submitted Flood Risk Assessment (FRA) also indicates that the site is at low risk from surface water flooding.

A Drainage Statement has been submitted as part of the application. In terms of foul sewerage generated by the development, this is to be discharged to the public sewer network at a manhole located in London Road close to the site entrance. In terms of surface water drainage, ground investigation and soakaway testing has demonstrated that the prevalent ground conditions are acceptable from an infiltration perspective and therefore the site would be suitable to accommodate a Sustainable Drainage Scheme (SuDS).

As such, it is proposed that the dwellings would drain to shallow soakaways within garden areas to serve individual plots, or to a shared soakaway in a suitable location. These will be designed to a 1 in 100 year storm event (plus allowance for climate change) in order to ensure that extreme conditions can be accommodated and thereby not presenting a flood risk to either the proposed or existing surrounding properties. The applicant has confirmed that the majority of surface drainage would be directed to the existing lake and watercourse at Ballast Pit which lies to the west of the site, and that they have secured an option agreement to purchase this land from Railway Paths Ltd in order to facilitate this. A piped storage system located within the highways together with a flow control device would limit discharge rate. An assessment of the ecological impact of this proposed approach is addressed below under 'Impact on Ecology'.

In accordance with the recommendations of the Flood Risk Assessment, a condition is recommended which would ensure that internal finished floor levels within the proposed dwellings be set no lower than 150mm than adjacent external ground levels. In addition, a condition is also recommended requiring submission of details of a surface water drainage scheme based on sustainable drainage principles in response to comments received from the Lead Local Flood Authority. Severn Trent Water raise no objection to the current proposal, subject to their standard condition relating to foul sewer and surface water disposal being submitted and approved.

Subject to appropriate conditions, it is not considered that the proposed development would result in any unacceptable impact with respect to flood risk and foul sewage in accordance with the requirements of Core Policy 9.

Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the Allocations and Development Management DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The applicant submitted an Ecological Appraisal (November 2016) as part of the application submission. This was informed by a detailed habitat survey undertaken in June 2013 (which accompanied the previous application 14/01964/FULM), and this was updated with a further survey in October 2016 to reflect the amended red line boundary as part of the current application which incorporates land between the school buildings and London Road which was not subject to the earlier survey. Approximately 55m to the west of the application site lies Ballast Pit which is an identified Local Wildlife Site (LWS). Ballast Pit comprises a large fishing lake with willow carr (waterlogged woodland).

The Ecological Appraisal identifies a range of existing habitats within the site, with neutral semi-improved grassland habitat on the land at Baileys Field and Quibell Field, together with hedgerow, trees and scrub on parts of the site. In terms of species, the Appraisal identifies that the site is used by a number of protected and priority species. The survey work identifies use of the land at Baileys Field and Quibell Field by grass snake as they move between areas of suitable habitat (such as Ballast Pit LWS, and the allotments which lie to the east and west of the site). Grass snakes are a protected species under the Wildlife and Countryside Act 1981. The survey also identifies use of the site as a migratory route for the common toad which is a priority species under the Natural Environment and Rural Communities Act 2006. In addition, the survey work identifies that foraging badgers may move across the site from time to time (although they are not considered resident within the site), and there is some potential for bats within The Lodge and its outbuilding, and low potential for bats within the trees to be removed.

The Ecological Appraisal sets out a detailed package of mitigation measures in order to mitigate any impact in relation to these habitats and species. The key element of this is the delivery of a Reptile and Amphibian Mitigation Strategy (November 2016), which would comprise the following:

- Creation of two ecology corridors which would run east/west across the site in order to retain connectivity between Ballast Pit LWS and the allotments, and allow for the movement of wildlife. The corridors would lie along the northern and southern boundaries of the land known as Baileys Field and Quibell Field and would each be approximately 2m in width. The northern corridor would comprise new hedgerow planting to complement the existing hedgerow along this boundary, and the southern boundary would comprise a mixture of structure planting along the school boundary and rough grassland along the boundary with properties on The Woodwards / Glebe Park.
- Creation of a wildlife underpass beneath the estate road at the point where it crosses the ecology corridor along the southern boundary, in order to provide safe passage for amphibians and reptiles.
- Retention of all existing sections of hedgerow along the site's northern boundary. Whilst approximately 95m of hedgerow would be lost (the hedgerow that separates Baileys Field from Quibell Field), compensatory planting along the northern boundary will involve planting to establish / consolidate approximately 305m of native hedgerow.

- Off-site habitat enhancement works at Ballast Pit LWS and biodiversity enhancement works within the school's grounds, adjoining the application site. In terms of Ballast Pit LWS, this would involve habitat enhancement works, including hibernacula creation and thinning existing scrub.
- Installation of dropped kerbs and wildlife kerbs across the development to provide a means of escape for any amphibians that may enter the road network.

The future management of the on-site mitigation works (including the ecology corridors), together with the implementation and management of the off-site works, would be undertaken by a management company.

In addition to the Reptile and Amphibian Mitigation Strategy, the Ecological Appraisal contains a series of detailed recommendations in order to mitigate any impact on habitats and species. These include delivery of an ecologically sensitive landscaping scheme with native and wildlife-attracting species, root protection measures for all trees and hedgerows to be retained, additional tree planting with native species, bat sensitive lighting for street lighting across the development, and the use of sensitive working practices in order to protect any species which may be present on the site during the construction phase.

The delivery of the mitigation measures identified within the Ecological Appraisal and the Reptile and Amphibian Mitigation Strategy would be secured via condition, and the delivery and maintenance of the off-site works at Ballast Pit LWS and within the school grounds would be secured via legal agreement.

In relation to the Ecological Appraisal which accompanied the application, objections were raised by both the County Ecologist and Nottinghamshire Wildlife Trust on the basis that the ecological survey work which underpins the appraisal is considered out of date, and that additional surveys are required. In response to these comments, in April 2017 the applicant commissioned an updated reptile survey and bat activity surveys.

The updated reptile survey recorded the presence of a low population of grass snake on the site, together with a single toad. The applicant's consultant ecologist concludes that this corroborates the findings of the 2013 based survey in that whilst the site is considered to be of importance to reptiles at a local level, only low populations have been recorded within the site and as such the site's role in this regard is likely to be as a migratory route between surrounding sites. As such, the applicant's consultant ecologist concludes that the outcome of the updated reptile survey does not indicate that any changes are required to the proposed approach set out within the Reptile and Amphibian Mitigation Strategy.

In relation to the bat activity surveys, three surveys have now been undertaken on the site during the active bat season. All of the surveys recorded a low level of bat activity on site during the three transects and associated static monitoring.

The applicant's consultant ecologist has also assessed the hedgerow which lies between Baileys and Quibell Fields in terms of the Hedgerow Regulations 1997 on the basis of the ecological criteria. They have confirmed that the hedgerows are not classified as important hedgerows in the context of the defined ecological criteria under the Hedgerow Regulations 1997.

In relation to the additional information submitted, the Nottinghamshire Wildlife Trust has confirmed that they are satisfied with the submitted bat surveys and as such withdraw their previous objection to the application. The Wildlife Trust recommend that a lighting plan be conditioned to ensure adjacent habitats, including the allotments, Ballat Pit LWS and offsite trees are not subject to lightspill to minimise impacts on bats. A condition is proposed in this regard. The Wildlife Trust does also highlight some concerns with regard to the reptile surveys conducted to date, which they consider have not enabled a full assessment of the value of the site as a migration route for toads. The Wildlife Trust consider that this information may have been useful in order to inform the location of proposed amphibian corridors and to ensure that the corridors are of an appropriate width to be fit for purpose. In relation to these comments of the Wildlife Trust, it must be recognised that the proposed approach to the 2m wide ecology corridors reflects the approach that was agreed and deemed acceptable following detailed discussions in relation to the previous application scheme (14/01964/FULM).

The response of the County Council's Ecology team to the additional information submitted raises concern as to whether the proposed ecology corridors would effectively function as intended to allow ecological connectivity and allow the movement of reptiles. The County Council's Ecology team considers that the 2m width of these corridors may limit their functionality and a better solution would be the provision of a 10-15m wide corridor through the site. As cited above, it must be recognised that the proposed approach to the 2m wide ecology corridors reflects the approach that was agreed and deemed acceptable in relation to the previous application scheme. The applicant's ecological consultant has advised that the ecology corridors would be sufficient to provide movement corridors along the site boundaries for reptiles and amphibians. The corridors are designed to be discrete pathways for wildlife, which are inaccessible to the general public, and the Reptile and Amphibian Mitigation Strategy confirms that access will be created between rear gardens and the ecology corridors via small gaps or raised fencing to provide additional habitat for reptiles, amphibians and small mammals.

In relation to the comments of both the Nottinghamshire Wildlife Trust and the County Council's Ecology team, it is proposed that the implementation and ongoing maintenance of the off-site works at Ballast Pit LWS would be secured via legal agreement and this would therefore address the cited concerns in this regard.

As set out above under 'Impact on Flood Risk and Drainage' the applicant has confirmed that the majority of surface drainage would be directed to the existing lake and watercourse at Ballast Pit which lies to the west of the site, and that they have secured an option agreement to purchase this land in order to facilitate this. In relation to concerns cited regarding the ecological impact of this drainage on Ballast Pit LWS, the applicant's drainage consultant has confirmed a hydrodynamic vortex separator may be incorporated downstream of the proposed flow control device to provide treatment of runoff and that permeable paving may also be incorporated across private driveways to provide additional treatment of runoff. As such, the applicant's drainage consultant confirms that the potential impact on water quality of surface water discharged to Ballast Pit is expected to be minimal. A condition is proposed requiring submission of full details of the proposed surface water drainage scheme, and this provides the means to ensure that the sustainable drainage scheme would be acceptable in terms of both its drainage and ecological impact.

In summary, the Nottinghamshire Wildlife Trust have confirmed that they would remove their objection to the proposed development subject to the two further bat surveys confirming low activity levels on the site. The County Council's Ecology team have confirmed that they are unable to support the application, but that in the event planning permission is granted it should be controlled via a detailed series of conditions together with a legal agreement to ensure the delivery and long-term management of the off-site ecological mitigation works. All of these recommendations have been addressed as part of the proposed conditions.

Taking into account all ecology comments from consultees and interested parties and the additional information submitted by the applicant, and subject to securing appropriate mitigation measures via the imposition of conditions and via legal agreement for the implementation and maintenance of those off-site works, it is considered that the proposal accords with the requirements of Core Policy 12, Policy DM5 of the Allocations and Development Management DPD, and the NPPF.

Impact on Residential Amenity

The NPPF seeks to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the Allocations and Development Management DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. There are several strands to amenity which are discussed by topic area below.

Noise

The application proposal includes a foul pumping station to be located centrally within the site at the north east corner of the school grounds. This pumping station would be located in proximity to a number of residential properties, including the existing neighbouring property at No.27 London Road (a distance of approximately 22m would be maintained between the pumping station and the closest part of the dwelling), and the proposed dwellings on Plots 38 and 69 (a distance of approximately 15m and 20m respectively would be maintained between the pumping station and the closest part of the dwellings).

In order to ensure no unacceptable noise impact from the operation of the proposed pumping station on neighbouring properties, a condition is recommended to require submission and approval of a noise assessment and implementation of any mitigation measures identified as necessary via this assessment. This would be required prior to first operation of the foul pumping station. Given the enclosed nature of the pumping station, and the separation distance to the nearest residential properties it is considered that any necessary mitigation measures could be readily accommodated within the proposed development.

The proposed layout would involve the dwellings on Plots 1 – 6 and Plot 95 overlooking a grassed area which would be used as playing fields by the school. Where an acoustic barrier was necessary in relation to the proposed Multi-Use Games Area proposed under application 16/01134/FULM, as a grassed area that would not be subject to floodlighting, it is not considered that an acoustic barrier is necessary in this context to protect the amenity of these neighbouring properties. In addition, the main school playing fields would continue to be on the land to the west of the school buildings, with this grassed area to the south of the school only being suitable to accommodate a 5 v 5 football pitch due to its reduced size.

As such it is not considered that the proposed development would result in any unacceptable noise impact in accordance with Policy DM5 of the Allocations and Development Management DPD and the requirements of the NPPF.

Overlooking, Privacy and Amenity

Policy DM5 of the Allocations and Development Management DPD states that new developments shall be assessed against a number of criteria including 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. There is no prescriptive guidance in terms of appropriate separation distances, and paragraph 7.18 of the reasoned justification to Policy DM5 states that where proposals involve multiple residential units they should be designed so as to avoid direct overlooking and overbearing impacts on each other. It goes on to say that where new residential development is proposed adjacent to existing dwellings, it should be designed so as to avoid either the existing or proposed development being subjected to the same impacts. In both these instances, the separation distances required to achieve an adequate standard of amenity will be determined by the individual site characteristics including levels and intervening boundary treatments.

The application site is bounded by a number of residential properties. The eastern parcel of land known as Quibell Field is bounded to the south by residential properties at No. 27 London Road, Nos. 11a and 12 The Woodwards, and Nos. 31 and 33 Glebe Park. Part of this southern boundary is formed by a brick wall of approximately 2m in height, with the remainder formed by wood panelled fencing of between approximately 1.8m and 2m in height. In addition, along parts of this boundary there is mature hedging and trees which provide additional screening. Residential properties at No. 29 London Road and No. 1 The Woodwards lie to the south east of the southern parcel of land which lies between London Road and Baileys Field. In addition, the application site is also bounded by residential properties on Barnby Road along much of its northern boundary.

In relation to the appeal against refusal of the previous application (14/01964/FULM), the effect of the proposed development on the living conditions of neighbouring residents with particular regard to privacy was a key issue considered in detail by the Inspector. The Inspector concluded that the proposed development would harm the living conditions of the occupiers of No. 27 London Road, No. 11A The Woodwards and Nos. 31 and 33 Glebe Park, with particular reference to privacy. In relation to the relationship between the proposed development and No. 12 The Woodwards, the Inspector found that the proposed development would not lead to an unacceptable level of overlooking of, or loss of privacy to, the occupiers of No. 12 in their dwelling or rear garden.

The layout of the eastern parcel of land (Quibell Field) has been designed in order to specifically address the Inspector's findings in this regard. As such, the dwellings which would adjoin these existing properties have been designed and positioned so as to allow for a considerably greater separation distance between the proposed and existing properties. The impact in relation to each of these existing properties is detailed below:

No. 27 London Road – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 12m and 14m between the first floor rear elevations of the proposed dwellings and the boundary with No. 27 London Road would result in an unacceptable impact in terms of privacy. Under this new application, these distances have been increased to between 21m and 24.5m. In addition, by positioning the double garages serving Plots 9 to 11 to the rear of these plots, this results in a further reduction in the potential for overlooking.

No. 12 The Woodwards – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 13m and 14m between the first floor rear elevations of the proposed dwellings and the boundary with No. 12 The Woodwards, taken together with the fact that No.12 is itself set back from the boundary by around 20m, would mean that no unacceptable level of overlooking or loss of privacy would result. Under this new application, the separation distances between the first floor rear elevation of the proposed dwellings and the boundary with No. 12 The Woodwards have been further increased to between 23.5m and 27m, and the double garages serving Plots 12 and 13 have been positioned to the rear of these plots.

No. 11a The Woodwards – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 11m and 13m between the first floor rear elevations of the proposed dwellings and the boundary with No. 11a The Woodwards would result in an unacceptable impact in terms of privacy. Under this new application, these distances have been increased to between 21.5m and 23m. In addition, by positioning the double garages serving Plots 14 and 15 to the rear of these plots, this results in a further reduction in the potential for overlooking.

No. 31 Glebe Park – in relation to the layout of the previous application, the Inspector considered that the separation distances of between 15m and 16m between the first floor rear elevations of the proposed dwellings and the boundary with No. 31 Glebe Park would result in an unacceptable impact in terms of privacy. Under this new application, these distances have been increased to between 21.5m and 28.5m. In addition, by positioning the double garages serving Plots 16 to 19 to the rear of these plots, this results in a further reduction in the potential for overlooking.

No. 33 Glebe Park – in relation to the layout of the previous application, the Inspector considered that the given orientation of the proposed dwelling on the plot adjoining the northern boundary of No. 33 Glebe Park, there would be some overlooking and loss of privacy to these neighbouring residents within their rear garden. Under this new application, the dwelling on Plot 21 is a Westbury house type. In common with the previous scheme, at first floor level in the side elevation facing No. 33 Glebe Park the only window within this side elevation would be obscure glazed serving a bathroom. Therefore there would be no potential for overlooking from the side elevation. In response to the Inspector's findings, the dwelling on Plot 21 has been oriented away from No. 33 Glebe Park. In addition, the internal layout of the Westbury house type on Plot 21 means that in its rear elevation there are no windows in that part of the dwelling which lies closest to the common boundary. The nearest window in the Westbury house type at first floor would lie towards the centre of its rear elevation, and taken together with the orientation of the dwelling away from No. 33 Glebe Park it is not considered that there would be any unacceptable level of overlooking or loss of privacy to the occupiers of No. 33 Glebe Park.

In relation to the relationship with the existing dwellings on Barnby Road which lie adjacent to the site's northern boundary, this relationship remains largely unchanged from the previous application which was considered acceptable in this context. Grove Bungalow is the closest dwelling to the north of the site and a separation distance in excess of 20m would be maintained between the rear of this dwelling and the application site.

The new site layout under this application introduces a relationship between the Hartlebury house type proposed on Plot 95 and the rear elevation of No. 1 The Woodwards. Lying between the application site and the rear boundary of No. 1 The Woodwards is the private driveway serving Nos. 27 and 29 London Road. No. 1 The Woodwards has a single storey extension to the rear with extensive glazing in its north western elevation facing towards the application site. The extension projects 4.5m from the main rear elevation of the dwelling. The flat-roofed extension accommodates an extensive outdoor balcony at first floor level.

A separation distance of approximately 22.5m would be maintained between the rear elevation of the Hartlebury dwelling on Plot 95 and the boundary of the rear garden of No. 1 The Woodwards. A separation distance of approximately 36m would be maintained between the facing rear elevations of the properties at first floor level, with this reducing to approximately 31.5m at ground floor due to the single storey rear extension at No. 1 The Woodwards. At ground floor level, the existing boundary treatment to the rear of No. 1 The Woodwards would prevent any direct overlooking between the properties. At first floor level, the Hartlebury dwelling on Plot 95 would feature one habitable room window within its rear elevation, serving a bedroom. There would also be a window serving the stairwell / landing, and an obscure glazed window serving a bathroom. The Hartlebury house type has been oriented such that the bedroom window would be located towards the southern end of the rear elevation where it would be afforded additional screening by the tree canopy within this part of its rear garden. In the context of the separation distances which would be maintained it is not considered that there would result any unacceptable level of overlooking or loss of privacy to the occupiers of No. 1 The Woodwards. Whilst there is some potential for the rear garden area of Plot 95 to have the perception of being overlooked by the first floor balcony of No. 1 The Woodwards, it must be recognised that as an outdoor balcony area the space is subject to seasonal use for specific periods of time. In addition, there would be a separation distance of approximately 20m between the closest point of the balcony and the rear garden of Plot 95 at its closest point. As such, it is not considered that there would be an unacceptable degree of overlooking or loss of privacy for the occupiers of Plot 95. Furthermore, the future purchasers of Plot 95 would be aware in purchasing this property of the potential for some limited degree of overlooking when the balcony is being used.

An objection also has been received in terms of the relationship between the Hartlebury house type proposed on Plot 95 and the rear elevation of No. 2 The Woodwards. In this context, a distance of approximately 36m would be maintained between the first floor habitable room window in the rear elevation of the Hartlebury house type and the nearest part of the rear garden area of No. 2 The Woodwards. Due to the orientation of the dwellings there would be no directly facing habitable room windows, and in any case a distance of approximately 60m would be maintained between the two rear elevations. As such it is not considered that any unacceptable impact in terms of overlooking and privacy would result.

The new site layout under this application also introduces a relationship between the existing Lodge (which is occupied as a residential dwelling) located at the entrance to the site, and the proposed dwelling on Plot 1. Due to the proposed orientation of the dwelling on Plot 1, there would be no directly facing windows between the two properties. At first floor level, the Lodge has a window in its south east facing elevation however this is obscure glazed and as such is not considered to result in any unacceptable impact in terms of overlooking on the rear garden area of Plot 1. The Hartlebury house type on Plot 1 would have habitable room windows at both first and ground floor level in its north west (side) and south west (rear) elevations. The Lodge does not currently enjoy any degree of privacy to the small outdoor amenity space which surrounds it, recognising that the only boundary treatment is a low hedge which partially encloses its amenity space. As such, and in the context of the separation distance between Plot 1 and the Lodge it is not considered that this relationship would result in any unacceptable impact on amenity for either dwelling.

As such it is not considered that the application proposal would result in any unacceptable impact in terms of amenity, overbearing or privacy, in accordance with Policy DM5 of the Allocations and Development Management DPD.

In relation to the siting of the proposed garages serving Plots 7 to 19 close to the common boundary with these existing neighbouring properties, it is not considered that this would result in any unacceptable impact in terms of amenity for existing occupiers. The garages would be sited approximately 3.5m from the boundary with the existing properties, reflecting that one of the proposed ecology corridors would lie between the proposed dwellings and the existing properties. The layout plan indicates that the garages have been designed such that the ridge lines would be positioned such that they run parallel to the common boundary and therefore on those elevations closest to the common boundary the garages would have a height to eaves of approximately 2.5m. As such it is not considered that this would result in any overbearing impact on the garden areas of adjacent properties. Similarly in relation to the impact of vehicle headlights and noise from vehicle movements, it is not considered that the siting of the proposed garages would result in any unacceptable impact on the amenity of neighbouring properties. Noise levels would be no different to those that occur within all other residential developments across the country as and when neighbours use their cars and garages. As such there are no noise standards that are applicable to this type of activity nor are there any noise assessment procedures that would suggest such infrequent noise events would affect the residential amenity of existing residents.

Whilst there would be no unacceptable impact in this regard, the applicant has confirmed that they propose to install soft closing garage doors for these plots and that these driveways would be hard surfaced for their full length, as a courtesy to the expressed concerns of neighbouring occupiers. It is not however appropriate to condition this, as it not considered to meet the tests for planning conditions in terms of being necessary and reasonable.

Security

The Police Architectural Liaison Officer has raised a number of concerns regarding the layout of car parking spaces to the rear of a number of the proposed dwellings. The Architectural Liaison Officer highlights Plots 9 to 19 and Plots 61 and 62 in this context, where the parking areas are located to the rear of the dwellings. Whilst there would be limited visibility of these driveways from the dwellings, the layout plan does however indicate that there would be gates installed at the head of each of these driveways in order to prevent unauthorised access to the parking areas and garages serving these properties. The Architectural Liaison Officer also questions the potential for the rear of these properties (and thereby their parking areas and garages) to be accessed via the ecology corridor which would lie to the rear. For clarity, the ecology corridors are to be gated and there would be no public access via these routes, therefore it is not considered that this presents any issue from a crime and disorder perspective.

In addition, the Architectural Liaison Officer highlights Plots 7 and 68 where the driveways would also lie to the rear of the proposed dwellings. Whilst the layout plan does not identify gates to these parking areas, it is considered that the boundary treatment of these plots could readily be configured such that gates could be installed to secure the driveways.

In this context, a condition is recommended requiring submission of all boundary treatments, and for the avoidance of doubt a specific reference has been incorporated within this condition to make clear that the driveways serving Plots 7, 9 – 21, 61, 62, and 68 shall be fitted with secure electronically operated gates to prevent unauthorised access to the parking areas serving these dwellings.

The Architectural Liaison Officer also highlights concerns regarding the proposed footpath link to Barnby Road. The development layout has been designed to ensure overlooking of this route so far as is practicable within the site itself, where the dwellings on Plots 63 and 64 have been oriented with their front elevations facing west to overlook the access point to the proposed

footpath link. The footpath would be approximately 100m in length, and would be bounded by allotments to the west and by a smallholding / agricultural buildings to the east. In this context, there would be limited overlooking of the footpath other than casual surveillance from the allotments when in use. Whilst there is therefore a potential risk in terms of anti-social behavior on this route, this would be no different than the level of risk for many other footpath connections which have limited levels of direct overlooking. The existing footpath / cycleway that runs between London Road and Barnby Road to which the Architectural Liaison Officer refers in their response has very limited levels of overlooking, being bounded by the rear of dwellings and school playing fields. The proposed footpath link would provide a valuable connection between the development and Barnby Road Primary School and Community Park, as well as improving pedestrian permeability across the wider area. As such it is considered that the benefits of the proposed footpath link outweigh the risk of potential anti-social behavior.

In this context it is considered that the proposed development would be in accordance with the requirements of Core Policy 9 of the Core Strategy in terms of reducing the opportunities for crime and the fear of crime, disorder and anti-social behavior.

Summary

In conclusion it is considered that subject to relevant conditions as recommended, the proposed development would result in no significant detrimental impact on the amenity of future occupiers of the proposed dwellings or dwellings adjacent to the application site in accordance with Policy DM5 of the Allocations and Development Management DPD.

Public Open Space

The application proposal would include an area of amenity space towards the centre of the site and alongside the site access road. This area of amenity space would extend to approximately 1,690m² which exceeds the local standard for amenity green space provision as defined in the Newark and Sherwood Green Spaces Strategy, which for a development of 95 dwellings would amount to 1,368m² (on the basis of the 14.4m² per dwelling standard). The application also proposes the reinstatement of a footpath link to Barnby Road which would facilitate access to Barnby Road Community Park and Locally Equipped Area of Play (LEAP) for residents of the proposed development. Recognising the limited on-site provision of public open space, financial contributions towards off-site provision would be sought, and this is detailed below under 'Viability of Development and Developer Contributions'.

Impact on Archaeology

Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the Allocations and Development Management DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment.

An Archaeological Evaluation Report (September 2014) and an Archaeological Mitigation Strategy (February 2015) have been submitted with the application, which were prepared in order to support the previous application (14/01964/FULM). As part of the archaeological investigation, fourteen trenches were excavated to investigate anomalies identified by a preceding geophysical survey. The investigation revealed a complex of ditches and occasional pits to the north and east

of the school buildings, and dating evidence indicates small scale activity in the Iron Age and Roman periods associated with an enclosure to the north of the school, and medieval and post-medieval agricultural activity.

Nottingham County Council Archaeology have not provided comments to date in relation to this application, however in relation to application 16/01134/FULM they commented that the proposed development site has high archaeological potential, as confirmed by the Archaeological Evaluation Report. The County Council Archaeology confirmed that they were content with the work that had been undertaken, and that the archaeological mitigation strategy was acceptable. As such they raised no objections subject to a condition requiring implementation of the submitted archaeological mitigation strategy.

It is however recognised that this application incorporates an area of land (the land which lies between the school buildings and London Road) which was not subject to archaeological investigation as part of the submitted Archaeological Evaluation Report and also lies outside the scope of the Archaeological Mitigation Strategy. As such, a condition is attached which requires that no development shall take place until an updated Archaeological Evaluation Report and Archaeological Mitigation Strategy which assesses all parts of the site which lie within the application red line boundary has been submitted and approved in writing. It also requires that all archaeological site work be undertaken in full accordance with the agreed written scheme.

Subject to this condition the proposal is therefore considered to raise no issues in relation to Core Policy 14 and Policy DM9 of the Allocations and Development Management DPD.

Viability of Development and Developer Contributions

Spatial Policy 6 of the Core Strategy and Policy DM3 of the Allocations and Development Management DPD set out the approach for delivering the infrastructure necessary to support growth.

The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms. Members will note that viability was considered as part of the previous appeal, with the more marginal nature of the scheme being proved to the satisfaction of the appointed Inspector to such a degree that significantly reduced contributions were deemed acceptable.

In relation to this application there have been on-going negotiations with regard to viability. The applicant submitted viability evidence which identified that the scheme would be unable to support the full scale of the planning obligation requirement, in addition to the CIL liability.

An independent viability assessment of the proposed development has been undertaken by the Council's appointed viability consultant. On the basis of these negotiations, the applicant has agreed to contribute £200,000 towards s106 contributions (which would be in addition to the full CIL liability). The Council's appointed consultant has confirmed that this is an appropriate scale of contribution having regard to their independent assessment of the development's viability.

The policy starting point for developer contributions is set out below together with details of the developer offer being proposed. It is important to note that the developer is willing for the overall financial offer to be distributed as the Local Planning Authority and County Council consider appropriate.

Affordable Housing

The Council's Core Strategy, Affordable Housing SPD and Developer Contributions and Planning Obligations SPD seek to secure the provision of 30% on site affordable housing where the relevant thresholds are met. Based on the application proposal of 95 dwellings, this would amount to a requirement for 28 affordable homes. Core Policy 1 identifies that the required tenure mix is 60% social rented housing and 40% intermediate housing.

The application proposal would involve no provision of affordable housing and it is recognised that this would represent a shortfall in the policy requirement to the detriment of local affordable housing needs. However, paragraph 173 of the NPPF makes clear that pursuing sustainable development requires careful attention to viability and costs in decision taking. The Planning Practice Guidance expands on this and states that where an applicant is able to demonstrate to the satisfaction of the Local Planning Authority that planning obligations would cause the development to be unviable, the Local Planning Authority should be flexible in seeking planning obligations. The Guidance highlights that this is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. The Guidance states that these contributions should not be sought without regard to individual scheme viability.

Overall, the application proposal falls short of the policy requirement to secure affordable housing provision. However, the applicant has proven to the satisfaction of the Council's independent advisor that the full scale of required contributions cannot be provided in the context of the scheme's viability. As such, having regard to the NPPF and Planning Practice Guidance and the viability position, it is not considered that the lack of affordable provision would outweigh the other benefits of the proposed development and the presumption in favour of sustainable development.

Community Facilities

The Developer Contributions SPD sets out that a community facilities contribution may be sought where a development puts pressure on existing facilities and allows £1,433.32 per dwelling (including indexation) to be sought. The application scheme of 95 dwellings would equate to a community facilities contribution of £136,165.40 (including indexation). On the basis of the agreed viability evidence, the scheme would not be able to support the full range of obligation requirements, and it is recommended that the available contributions be directed towards transport and education as the key priorities. As such, the scheme would not be able to support a community facilities contribution and would fail to meet the SPD requirement in this regard.

Education

Paragraph 72 of the NPPF states that *"the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement..."*

Nottinghamshire Country Council have confirmed that based on current projections, the primary schools are at capacity and cannot accommodate the need for primary places arising from the proposed development.

The application scheme of 95 dwellings would generate 20 additional primary school places which requires a developer contribution of £229,100. On the basis of the agreed viability evidence, the scheme would not be able to support the full requirement in this regard. It is recommended that with the exception of the transport contribution, all remaining contributions would be directed towards education. As such, a total of £185,800 would be available to be directed towards education provision, which would reflect approximately 16 additional primary places (at £11,455 per place). As such, whilst the proposed development would not meet the SPD requirement in full, it would make a substantial contribution towards meeting the requirement in this regard.

Highways / Integrated Transport

In accordance with the Developer Contributions SPD, the Highways Officer has confirmed that they require £14,200 towards the provision of a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodwards (London Road), and it is recommended that this full amount be secured as part of the legal agreement in accordance with the requirements of the SPD.

Health

For developments of 65 dwellings or more that increase pressure on the health service, DM3 and the Developer Contributions SPD allow for contributions to be sought (£982.62 per dwelling, including indexation) where there is an identified need in the locality. However in this case, no response has been received from NHS England to justify any such request and consequently no provision is being sought.

Open Space

In accordance with the requirements of the Developer Contributions SPD, the proposal is required to make provision for public open space in the form of provision for children and young people and amenity green space. It is noted that the proposed layout plan includes an area of amenity space adjacent to the proposed access road totalling 1,690m², which exceeds the SPD requirement in terms of amenity green space provision per dwelling.

The SPD also requires all residents to live within 300m of an area of between 0.2Ha and 1Ha in size of natural or semi-natural green space. Whilst all of the dwellings would be within 300m of the proposed area of green space, given that its size falls below the 0.2Ha threshold, the proposal is not therefore considered to comply with the requirements of the SPD in this respect. In addition, a footpath link to Barnby Road is proposed which would provide improved access to the Barnby Road Community Park and LEAP play area for future residents (albeit that this would also be more than 300m away).

None of the open space shown is specifically designed as children and young people's playing space and it would ordinarily be considered appropriate for the development to make a contribution towards the off-site provision/improvement and maintenance of children's playing space. The SPD sets out the cost per dwelling where a commuted sum towards provision for children and young people is required at £927.26 per dwelling (including indexation) plus £1,031.30 per dwelling (including indexation) towards maintenance costs that would need to be agreed as part of any legal agreement. The application scheme of 95 dwellings would require a

contribution of £186,063.20 in this regard. On the basis of the agreed viability evidence, the scheme would not be able to support the full range of obligation requirements, and it is recommended that the available contributions be directed towards transport and education as the key priorities. As such, the scheme would not be able to support an open space contribution and would fail to meet the SPD requirement in this regard.

Libraries

The Developer Contributions SPD sets out that residential developments of 10 dwellings or more may trigger the need for a contribution towards libraries based on need. At an average of 2.4 persons per dwelling, the application scheme of 95 dwellings would increase the existing library's catchment area population by 228 persons. The County Council has therefore confirmed that a developer contribution of £4,516.30 (including indexation) would be required towards the additional stock that would be required to meet the needs of increase in population. On the basis of the agreed viability evidence, the scheme would not be able to support the full range of obligation requirements, and it is recommended that the available contributions be directed towards transport and education as the key priorities. As such, the scheme would not be able to support the libraries contribution and would fail to meet the SPD requirement in this regard.

Summary of Developer Contributions and Conclusions on Viability

A summary of developer contributions / s106 requirements is set out in the table below. This summary is based on the Officer judgement as to the most appropriate contributions to secure in the context of the total agreed scale of contribution having regard to the viability position:

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE BASED ON 95 UNITS	CURRENT OFFER IN TERMS OF VIABILITY POSITION
Affordable Housing	30% on-site provision or £896,000 off site contribution if justified (based on £32,000 per affordable unit price as calculated elsewhere in the district)	0% on-site provision and nil financial contribution
Children's Play Area	The provision for children and young people is required at £927.26 per dwelling plus £1,031.30 per dwelling towards maintenance costs = £186,063.20 (including indexation)	No provision either on-site or by financial contribution
Highways/ Integrated Transport	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodward's (London Road) = £14,200	Provide a real time display and bus stop clearway at bus stops NS0446 and NS0779 The Woodward's (London Road) = £14,200
Education	£229,100 to provide 20 additional primary places (at £11,455 per place)	£185,800 to provide approx 16 additional primary places (at £11,455 per place)
Community Facilities	£1,433.32 per dwelling = £136,165.40 (including indexation)	No provision either on-site or by financial contribution
Libraries	£4,516.30 (including indexation)	No financial contribution
Off-site ecology mitigation	To secure off-site provision of ecology mitigation on adjacent Local Wildlife Site in accordance with the Reptile and Amphibian Mitigation Strategy (November 2016 by Ecus Ltd) which cannot be controlled by condition. Enhancement works should be completed prior to	See first column for requirement

CONTRIBUTION	AMOUNT REQUIRED BY POLICY/CONSULTEE BASED ON 95 UNITS REQUIREMENT	CURRENT OFFER IN TERMS OF VIABILITY POSITION
	construction works commencing to allow habitat for any reptiles displaced during the construction works.	
Maintenance of on-site open space and ecology corridors and off-site ecology enhancement areas	Maintenance of on-site open space and ecology corridors, and off-site ecology enhancement areas by Management Company including the long term retention of trees and hedgerow and the submission and approval of a Landscape and Habitat Management Plan to include: i) description and evaluation of the features and species to be managed; j) ecological trends and constraints on site that may influence management; k) aims and objectives of management; l) appropriate management options for achieving aims and objectives; m) prescriptions for management actions; n) preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually); o) personnel responsible for the implementation of the plan; p) monitoring and remedial/contingency measures triggered by monitoring.	See first column for requirement
Provision of footpath link	To include details and implementation of the link to Barnby Road including maintenance.	See first column for requirement
Lorry Routing	A lorry routing agreement is required to ensure that extraneous traffic is kept out of Newark town centre.	See first column for requirement
Community use agreement for school sports facilities	A community use agreement to secure community use (outside of school hours) of the sports facilities of Highfields School.	See first column for requirement
TOTAL	30% on site affordable housing provision and £570,044.90 developer contributions (plus CIL)	No affordable housing provision and £200,000 developer contributions (plus CIL)

The scheme comprises a developer offer of £200,000 towards developer contributions as detailed in the table above. The Council's appointed consultant has confirmed that this is an appropriate scale of contribution having regard to their independent assessment of the development's viability.

Aside from affordable housing which is considered in detail above, the other contributions which are not being met in by this proposal relate to community facilities, library stock provision, and public open space in the form of natural/semi-natural green space, and children's and young person's play space. In relation to education provision, the proposal would not meet the SPD requirement in full but would make a substantial contribution towards meeting the requirement in this regard.

Whilst the scheme would not make provision for children's and young person's play space or a financial contribution towards community facilities or library stock provision, I do give some weight to the fact that there would be community benefit associated with wider community use of the school sports facilities, which would be secured via legal agreement. Paragraph 176 of the NPPF makes clear that where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. In relation to this case, I do not consider that the identified requirements constitute necessary safeguards essential to making the development acceptable in planning terms, and given the agreed viability position their non-provision cannot therefore justify refusal of the application. Overall, whilst the proposal falls short of the policy requirements, I consider it reasonable to accept such a shortfall so as not to inhibit the development and to ensure the delivery of a sustainable housing development which contributes towards the Council's five year housing supply in accordance with the requirements of the NPPF and PPG in this instance.

Conclusion and Planning Balance

Paragraph 14 of the NPPF confirms that at the heart of the Framework lies a presumption in favour of sustainable development. Paragraph 7 of the Framework confirms that there are three dimensions to sustainable development: economic, social, and environmental.

i) Economic

The NPPF defines the economic role as “contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure.”

The Government has identified the delivery of housing as a key driver of future economic growth and stimulation of the economy. It is recognised that there are economic benefits associated with the development through both direct and indirect employment opportunities. Although the applicant has not sought to quantify the economic benefits of the scheme, it is accepted that there will be considerable economic benefits both during the construction phase and following completion of the development through increased spending within the area. In light of the Government's push for economic growth (expressed in the 'Planning for Growth', Ministerial Statement) it is considered that moderate weight in favour of the application can be afforded to these benefits.

ii) Social

The NPPF defines the social role as “*supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.*”

The scheme will deliver 95 new dwellings reflecting a broad range of dwelling types, including 2, 3, 4 and 5-bed houses which will support the creation of a balanced community and contribute towards meeting the district's identified housing need. Whilst the scheme will not deliver any affordable housing, for the reasons set out above, it is considered that this has been robustly justified on the basis of scheme viability having regard to the clear guidance within the NPPF and Planning Practice Guidance on this issue. The application proposal would result in a high quality development of new homes in a sustainable location on the edge of Newark. It will incorporate on-site open space provision, improve permeability through the creation of a new footpath link to Barnby Road, and will facilitate enhanced community use of the sports facilities at Highfields School which will be secured via legal agreement. In addition, the development will make a contribution towards local infrastructure via planning obligation contributions, albeit that it is recognised that these are below the full level that would be required by the Developer Contributions and Planning Obligations SPD. The social benefits of the development are therefore considered to be significant and must be afforded considerable weight in favour of the application.

iii) Environmental

The NPPF defines the environmental role as *“contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimize waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

In relation to the historic environment, the application proposal has been sensitively designed having regard to the setting of Highfields House as a non-designated heritage asset, and conditions are recommended in relation to archaeological survey and investigation. In terms of ecological impact, a series of detailed mitigation measures are proposed in order to mitigate the loss of habitat and to ensure the protection of species. These measures would be secured by means of planning conditions and through legal agreement. The application proposal will involve the loss of a considerable number of trees, including those which are protected by TPO. It is however recognised that the layout of the proposed development has been designed to minimise the impact of this loss in terms of the visual amenity of the wider area, with the contribution of those trees which would require removal being predominantly experienced from within the site itself. The application would also involve the loss of a stretch of hedgerow which comprises 'important' hedgerow in the context of the Hedgerow Regulations 1997. It should however be recognised that the majority of existing hedgerows on the site would be retained, and there would be enhancement through additional hedgerow planting along both the northern and southern boundaries of the land known as Baileys Field and Quibell Field. In terms of landscape impact, given that the site lies on the edge of the built up area and does not have a particularly open aspect, it is considered that the development does not conflict with the objectives of the Landscape Character Assessment SPD which identifies that the focus for this landscape character area is to conserve what remains of the rural landscape by concentrating new development around existing settlements.

As set out within the appraisal above, the Council considers that it can demonstrate a five year housing land supply, and therefore in accordance with the paragraph 49 of the NPPF, relevant policies for the supply of housing should be considered up to date. The application site is not an allocated site within the development plan, but is a sustainably located greenfield site that lies within the Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy which identifies that the Newark Urban Area will be the focus for housing and employment growth within the district.

The application is not considered to result in any adverse impact in terms of highway safety, flood risk or drainage, archaeology or visual amenity subject to conditions. In relation to the impact on residential amenity in terms of privacy and overlooking, it is considered that the application effectively addresses all the points raised by the Inspector in relation to the previously refused scheme. It is not considered that the proposed development would result in any unacceptable reduction in amenity for occupiers of neighbouring dwellings, and that no unacceptable standard of amenity would result for future occupiers of the proposed new dwellings, in accordance with the requirements of Policy DM5 of the Allocations and Development Management DPD. In relation to sports provision, it has been demonstrated that the development will not compromise the school's requirements in terms of sports provision and Sport England have raised no objection in this regard. By securing improved community use of the school's sports facilities via legal agreement, the wider community value of the school's existing facilities will be improved.

The proposed development will result in the loss of a considerable number of trees (including those protected by group TPO) and the loss of important hedgerow. Whilst the scheme has been designed to minimise the impact of the loss and to afford mitigation via replacement planting, it is considered that there will still be some detrimental impact in this regard. In balancing this detrimental impact against the wider benefits of the proposal, it is however considered the benefits of the development outweigh this harm. The replacement planting in terms of both trees and hedgerow will over time contribute towards mitigating the loss of these features. The substantial social and economic benefits of the scheme through the provision of new housing are considered to outweigh the detrimental impact in this regard.

Consideration has been given to all material comments from neighbours, interested parties and consultees. Recognising that there will be a degree of harm in terms of the loss of existing trees and hedgerow, but acceptance in other regards on balance I consider that this would be outweighed by the benefits of the development. I therefore consider that the scheme is acceptable in accordance with the Development Plan and all other material considerations and recommend approval subject to conditions and completion of a legal agreement.

RECOMMENDATION

That full planning permission is granted subject to:

- (a) the conditions shown below; and**
- (b) the signing and sealing of a Section 106 Planning Agreement to secure the heads of terms set out in the table contained within the Summary Developer Contributions section above.**

01 Time Period

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 Approved Plans

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

PL-001 – Site Location Plan
HIGH-PL-002 (Rev A) – Planning Layout
HIGH-PL-003 – Landscape Masterplan
AM.222316.107 Rev A – Site Sections
AM.211713.110 – Kilmington Detached Elevations
AM.211713.111 – Kilmington Detached Plans
AM.211713.112 – Kilmington Elevations
AM.211713.113 – Kilmington Plans
AM.211713.114 – Coleford Elevations
AM.211713.115 – Coleford Plans
AM.211713.116 – Norbury Elevations
AM.211713.117 – Norbury Plans
AM.211713.118 – Tetbury Elevations
AM.211713.119 – Tetbury Plans
AM.211713.120 Rev A – Westbury Elevations
AM.211713.121 Rev A – Westbury Elevations
AM.211713.122 – Westbury Plans
AM.211713.123 – Durham Elevations
AM.211713.124 – Durham Plans
AM.211713.125 – Kirkham Elevations
AM.211713.126 – Kirkham Plans
AM.211713.127 – Oakham Elevations
AM.211713.128 – Oakham Plans
AM.211713.129 – Hartlebury Elevations
AM.211713.130 – Hartlebury Plans
AM.211713.131 – Hartlebury Alt Elevations
AM.211713.132 – Hartlebury Alt Plans
AM.211713.133 – Garages Single and Double – Plans & Elevations
AM.211713.134 – Garages Triple – Plans & Elevations
AM.211713.135 – Hartlebury Alt Elevations
Tree Survey Report (ECUS Ltd, June 2017)
Tree Survey and Constraints Plan L4630/02 (Figure 2 within Tree Survey Report (ECUS Ltd, June 2017))
Tree Protection Plan L4630/03 (Figure 3 within Tree Survey Report (ECUS Ltd, June 2017))
ELL-189-AHN-B-700 Rev E – Swept Path Analysis & Visibility Assessment

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 Surface and Foul Water Drainage

The development hereby permitted shall not commence until drainage details and plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt, this shall include details of the proposed management and maintenance regime and reflect that highways drainage should only be

connected to adopted Severn Trent drainage. 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 in accordance with the requirements of Core Policy 9.

04 Flood Risk Assessment and Finished Floor Levels

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference 3688/FRA/Final/v1.0/2017-02-10 prepared by Weetwood Services Ltd in February 2017, and internal finished floor levels shall be set at least 150mm above adjacent external ground levels.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the aims of the NPPF and the requirements of Core Policy 9.

05 Surface Water Drainage Scheme

Notwithstanding the submitted details, no development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall:

- Demonstrate that drainage from the site will be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
- Limit the maximum discharge to the greenfield run-off rate (Qbar) from the area. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
- Demonstrate that the site drainage system will cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% climate change event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
- Demonstrate that consideration has been given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
- Include details of any SUDS showing how these will be maintained to ensure their effectiveness for the lifetime of the development.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the aims of the NPPF and the requirements of Core Policy 9.

06 Suspended Solids in Surface Water Run-Off

The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To reduce the risk of pollution during the construction phase in accordance with the aims of the NPPF and the requirements of Core Policy 9.

07 Archaeological Investigation

No development shall take place (including any works of excavation) until an updated Archaeological Evaluation Report and Archaeological Mitigation Strategy which assesses all parts of the site which lie within the application red line boundary, has been submitted to and approved in writing by the Local Planning Authority. All archaeological site work shall be undertaken in full accordance with the agreed written scheme of archaeological investigation and no variation shall take place without prior written consent of the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Core Policy 14 and Policy DM9 of the DPD.

08 Ecology Mitigation Measures

The development permitted by this planning permission shall be carried out in accordance with the mitigation measures set out in the submitted Ecological Appraisal (Ecus Ltd, November 2016). For the avoidance of doubt, this shall include the measures set out within the Botanical and Reptile Survey Report at Appendix 5, and the offsite enhancement measures set out within the Reptile and Amphibian Mitigation Strategy at Appendix 6 and shall include:

- The use of general construction safeguards, including good working methods to protect badgers and other mammals;
- Ground clearance works should be undertaken under the supervision of an Ecologist; and
- The use of sensitive working practices in relation to the felling of trees with low potential to support roosting bats.

The mitigation measures shall be fully implemented prior to occupation of any dwellings on site and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDPD.

09 Reptile and Amphibian Mitigation Programme

No development or ground clearance works shall be commenced until an implementation and phasing programme for the delivery of the mitigation measures set out in the Reptile and Amphibian Mitigation Strategy which forms Appendix 6 of the Ecological Appraisal (Ecus Ltd, November 2016) (and which reflects the Reptile Method Statement which forms Appendix 1 to the Reptile and Amphibian Mitigation Strategy) has been submitted to and approved in writing by the Local Planning Authority. This shall include details of timescales for the submission of an outcome and findings report following the full implementation of the Reptile and Amphibian Mitigation Strategy and include details of the number of amphibians and reptiles encountered during the clearance works. It shall also include details of road designs to incorporate underpasses

and dropped kerbs to facilitate wildlife movement. All works should then proceed in accordance with the approved Strategy and programme unless otherwise agreed in writing, by the Local Planning Authority. The mitigation measures shall be fully implemented prior to occupation of any dwellings on site unless otherwise agreed in writing, by the Local Planning Authority.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDPD.

10 Biodiversity Management Plan

No building on site shall be occupied until a biodiversity management plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out management measures for the Ballast Pit and for the ecology corridors within the development site in order to ensure that habitats are managed appropriately in the long-term to maximise their wildlife value. The agreed management plan shall be implemented as such thereafter.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDPD.

11 Bat and Bird Boxes and/or Bricks

No building on site shall be occupied until details of bat and bird boxes and/or bricks have been submitted to and approved in writing by the Local Planning Authority. The nest boxes/bricks shall then be installed, prior to occupation of the dwellings hereby approved, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of maintain and enhancing biodiversity in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the A&DMDPD

12 External Lighting Scheme for Public Realm

Within six months of the commencement of development, a scheme for the provision of external lighting for the public realm shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall include full details of the locations, design, luminance levels, light spillage and hours of use of, and columns for, all external lighting within the site and the approved scheme shall be implemented in full prior to the occupation of development.

Reason: To safeguard the amenity of the area and in the interests of biodiversity in accordance with Core Policy 12 of the Newark and Sherwood Core Strategy DPD (2011) and Policies DM5 and DM7 of the Newark and Sherwood Allocations and Development Management DPD (2013).

13 Nesting Birds

Any clearance works of vegetation or trees 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 suitably qualified ecologist prior to the clearance taking place and written confirmation has been provided to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. 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).

14 Arboricultural Method Statement

Notwithstanding the submitted Tree Survey Report (ECUS Ltd, June 2017), prior to the commencement of the development, an Arboricultural Method Statement including a plan of the existing trees, hedging and boundary planting indicated as to be retained and future management thereof shall be submitted to and be approved in writing by the Local Planning Authority. The details shall include for the retention of hedgerows and trees (which are shown on the Planning Layout as being retained) and include identification of those individual trees within a group which need to be removed or pruned. The statement shall include the method of protection for retained trees, hedging and boundary planting during the course of the development. The development shall then be carried out in accordance with the approved details. Any trees, hedging, or boundary planting which are not contained within the curtilage of any plots which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those removed, or otherwise first approved in writing by the Local Planning Authority.

Reason: In order to protect biodiversity and visual amenity of the site in accordance with the aims of Core Policy 12 and 13 of the Newark and Sherwood Core Strategy (2011) of the DPD.

15 Landscaping Details

Notwithstanding the details submitted on the approved plans, within three months of the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- an implementation and phasing programme;
- details of existing trees and hedgerows, which are to be retained;
- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs, hedgerow 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.
- proposed finished ground levels or contours;
- means of enclosure;
- access control barriers;
- minor artefacts and structures for example, furniture, refuse or other storage units, signs, lighting etc.;
- driveway materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials.

For the avoidance of doubt, hedgerow planting shall be undertaken in accordance with the Wildlife Corridors and Planting section of the Reptile and Amphibian Mitigation Strategy which forms Appendix 6 of the Ecological Appraisal (Ecus Ltd, November 2016).

Reason: In the interests of visual amenity and biodiversity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

16 Implementation of Landscaping

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. Any trees/shrubs which within a period of five years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM7 of the DPD.

17 Bus Stop Enhancements

No part of the development hereby permitted shall be brought into use unless or until the enhancements to the bus stops on London Road (NS0416 and NS0779) have been made to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, raised boarding kerbs and enforceable bus stop clearways.

Reason: To promote sustainable travel

18 Laying Out of Access Road

The access road off London Road hereby approved shall be laid out in accordance with drawing HIGH-PL-002 (Rev A) and constructed in accordance with details to be first submitted and agreed in writing by the Local Planning Authority in liaison with the Highway Authority.

Reason: In the interests of Highway safety and to ensure the access roads are constructed to adoptable standards in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

19 Visibility Splays

Areas within highway forward visibility splays around bends should be kept clear of any obstruction above 0.25 metres.

Reason: In the interests of highway safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

20 Garage Doors

Garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

Reason: To avoid vehicles overhanging the footway to the detriment of pedestrian safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

21 White Lining to London Road

No part of the development hereby permitted shall be occupied unless or until a scheme to modify the white lining scheme on London Road has been implemented in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

22 Hard Surfacing to Driveways

No dwelling as part of the development hereby approved shall be occupied until its associated driveway has been surfaced in a hard bound material for a minimum distance of 2 metres behind the highway boundary. The surfaced driveway shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

23 Noise Mitigation Measures in Relation to Foul Pumping Station

Prior to the first operation of the foul pumping station hereby approved, a noise assessment report undertaken in accordance with BS4142 2014 that assesses the noise impact of the pumping station on surrounding residential properties shall be submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures identified within the agreed noise assessment as being necessary in order to ensure no unacceptable impact on the amenity of surrounding residential properties shall be implemented prior to first operation of the foul pumping station.

Reason: In the interests of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

24 Details of Proposed Ground Levels and Finished Floor Levels

Notwithstanding the submitted details, no development shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) 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.

Reason: In the interests of residential and visual amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

25 Construction Hours

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 07.30 - 18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD.

26 Boundary Treatments

The dwellings hereby approved shall not 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. For the avoidance of doubt, the driveways serving Plots 7, 9 – 21, 61, 62, and 68 shall be fitted with secure electronically operated gates to prevent unauthorised access to the parking areas serving these dwellings.

Reason: In the interests of residential and visual amenity in accordance with the aims of the NPPF and Policy DM5 of the DPD, and in the interests of reducing opportunities for crime and anti-social behaviour in accordance with Core Policy 9 of the Core Strategy.

27 Materials

Notwithstanding the submitted details, no above ground construction works shall take place until full details (and samples as required) of the colour and type of all facing materials to be used for the residential units have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out using the approved materials, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the area in accordance with Core Policy 9 of the Newark and Sherwood Core Strategy DPD (2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (2013).

28 Removal of Permitted Development Rights Relating to Boundary Treatments

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development in respect of:

Schedule 2, Part 2: Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Unless consent has firstly be granted in the form of a separate planning permission.

For the avoidance of doubt, this relates to the whole site and all plots.

Reason: To ensure that the Local Planning Authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation) in order to safeguard the amenity of neighbours and/or in the interests of visual amenity in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the DPD.

29 Detailed Appearance of Those Units Fronting the School Building as a Non-Designated Heritage Asset

No development shall be commenced in respect of Plots 1 - 6 and Plot 95 in relation to 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 windows, doors and their immediate surroundings, including details of glazing and glazing bars

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Coping

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

Reason: In the interests of visual amenity and in order to safeguard the special architectural or historical appearance of the main school building and lodge in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the DPD.

30 Travel Plan

Prior to the first occupation of any of the dwellings hereby approved, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Travel Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel in accordance with the aims of the NPPF and Spatial Policy 7 of the Core Strategy.

31 Obscure Glazing to Side Window of Plot 21

The first floor window on the south facing first floor side elevation of Plot 21 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties in accordance with Policy DM5 of the DPD.

Notes to Applicant

01

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 in accordance with Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

02

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised

03

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

04

Nottinghamshire County Council (Highways Authority) advise that in order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act or commission the County Council to carry out the work on your behalf. Please contact David Albans tel. 01623 520735 david.albans@nottscc.gov.uk for further details.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

05

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.

			A	B	C	
Dev Types	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
Residential (C3)	14,838.59	0	14,838.59	£45	288	£874,127.85

$$\text{CIL CHARGE} = \frac{\text{CIL Rate (B)} \times \text{Chargeable Floor Area (A)} \times \text{C (BCIS Tender Price Index at Date of Permission)}}{220}$$

 (BCIS Tender Price Index at Date of Charging Schedule)

06

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

07

Guidance on preparing Community Use Agreements is available from Sport England www.sportengland.org

08

The applicant's attention is drawn to the advisory comments made by Network Rail in response to this application.

09

The applicant is advised that badgers are a protected species under the Protection of Badgers Act 1992. Any works carried out or interference in the area of a sett used by badgers or where the works or interference causes death or injury to the protected animal are illegal. For further information contact Natural England on: Tel: 0115 929 1191 Email: eastmidlands@naturalengland.org.uk

Background Papers

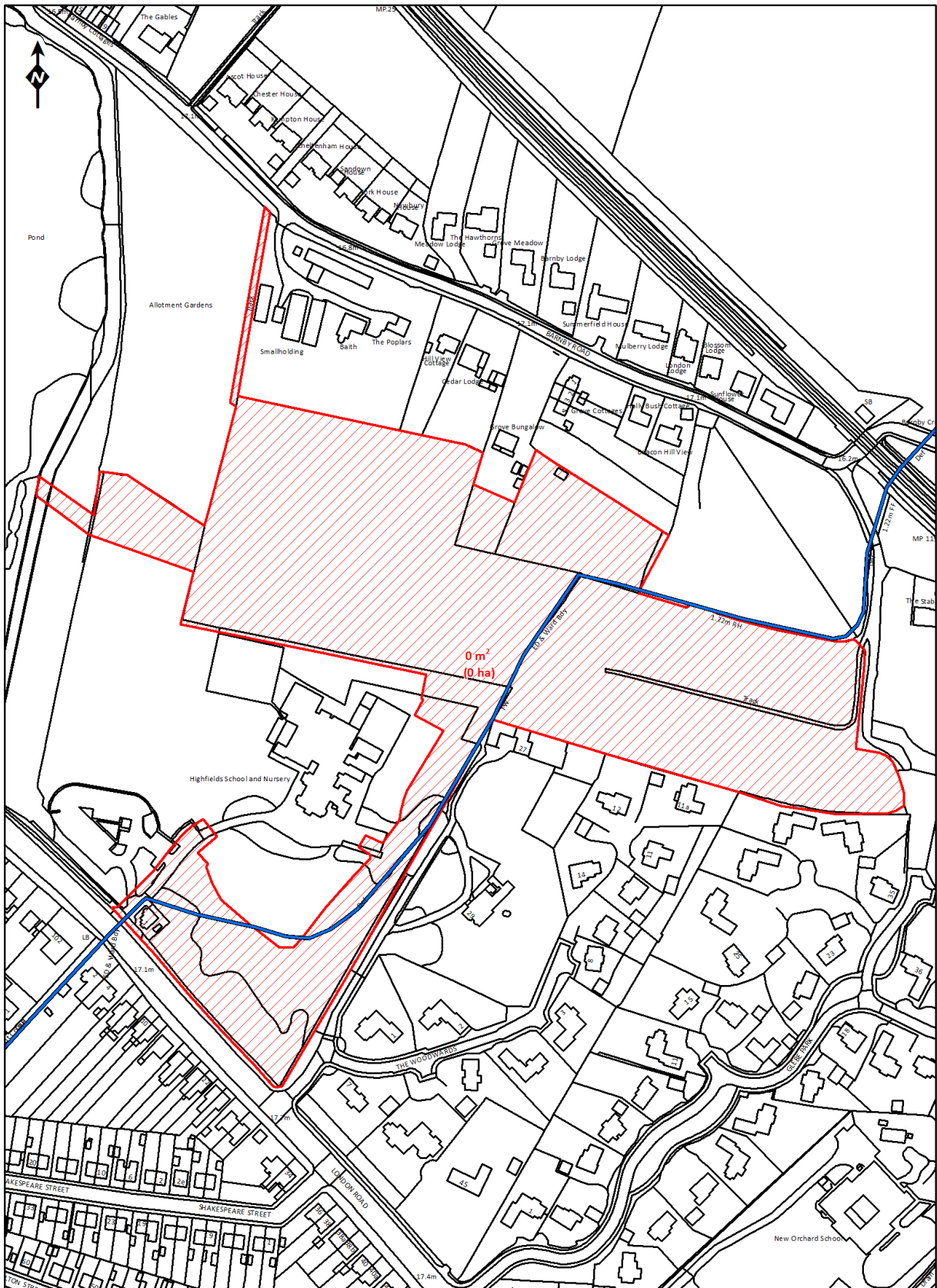
Application case file.

For further information, please contact Clare Walker on extension 5834.

Matt Lamb

Business Manager – Growth & Regeneration

Committee Plan - 17/00357/FULM



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

Agenda Item 7

PLANNING COMMITTEE – 6 MARCH 2018

AGENDA ITEM NO. 7

Application No:	17/01139/OUTM (MAJOR)		
Proposal:	Residential development up to 85 dwellings (Class C3), up to 3,000 sqft (280 sqm) retail development (Class A1), and associated access works including details of a new access junction into the site from Eakring Road.		
Location:	Field Reference Number 7108, Eakring Road, Bilsthorpe		
Applicant:	Harworth Group PLC - Mr Stuart Ashton		
Registered:	30.06.2017	Target Date: 29.09.2017	Extension of Time Agreed Until 09.03.2018

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Bilsthorpe Parish Council has objected to the application which differs to the professional officer recommendation.

The Site

The application site is approximately 3.95 hectares in extent at the north eastern corner of the defined village envelope of Bilsthorpe. The site lies adjacent to the former Bilsthorpe Colliery, which closed in 1997. An old railway line (which has been dismantled) lies to the north of the site, and now appears to be informally used as a footpath/track.

The site is situated to the east of Eakring Road with existing residential development on the opposite side of the road. Land to the north east is identified as being a site of interest in nature conservation owing to being recognised as an important site for breeding waders. Land to the south is currently in commercial use whilst land immediately to the north and the east is open in nature with woodland screening along the east elevation.

Relevant Planning History

There is no planning history of relevance to the site albeit the applicant has sought pre-application advice prior to submission.

The application has not been subject to screening as it does not fall within Schedule 1 or meet the thresholds of Schedule 2 of The Town and County Planning (Environmental Impact Assessment) Regulations 2017.

The Proposal

The proposal seeks outline planning permission for a mixed use development comprising up to 85 residential units and up to 280m² of Class A1 retail space as well as associated access works. Details of access are the only matter for outline consideration demonstrating a T-junction access from Eakring Road. It should be noted that this has been amended during the life of the application owing to concerns which were raised by the Highways Authority to the original scheme demonstrating a roundabout arrangement. The revised illustrative layout and access details were received on 19 January 2018 and a full round of re-consultation undertaken. The revised

illustrative layout also shows other changes to the originally indicated layout including the repositioning of the proposed attenuation basin and retail unit. Additional information in relation to the access layout and associated safety audit was also received by email dated 15 February 2018.

Although matters of layout; scale; landscaping and appearance are for subsequent consideration, the current application has been accompanied by an indicative layout which demonstrates a mix of house types, styles and sizes. The original application was accompanied by the following supporting documents:

- Archaeological Desk Based Assessment and Geophysical Survey
- Consultation Statement
- Design and Access Statement
- Extended Phase 1 Habitat Survey
- Flood Risk Assessment & Drainage Strategy
- Landscape and Visual Appraisal
- Phase 1 Contamination Desk Study
- Planning Statement
- Preliminary Utilities Appraisal
- Transport Assessment
- Travel Plan

In addition the following documents have been submitted during the life of the application:

- Viability Assessment dated September 2017
- Bat Survey Reports – firstly received 26 September 2017 followed by Version 2 received 12th October 2017

Departure/Public Advertisement Procedure

Occupiers of 61 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.

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 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 6 – Shaping our Employment Profile
Core Policy 8 – Retail Hierarchy
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

Policy Bi/MU/1 – Bilsthorpe – Mixed Use Site 1
Policy Bi/Ph/1 – Bilsthorpe – Phasing Policy
Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2 – Development on Allocated Sites
Policy DM3 – Development Contributions and Planning Obligations
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

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- NSDC Developer Contributions and Planning Obligations SPD Adopted Dec 2013
- Newark & Sherwood Plan Review - Publication Amended Core Strategy July 2017

Consultations

Bilsthorpe Parish Council – At the meeting on Monday 12 February 2018 the Parish Council voted to object to the application, along with the comments below they would like to also note that the access in and out is not adequate, there will be children crossing the road for school and that there is no weight restriction on that road so there will be lorries as well as cars, (at the time of the meeting there was no footpath planned) and that the retail unit will increase traffic.

Background

In January 2017 a development of 113 dwellings on Oldbridge Way, Bilsthorpe was approved by NSDC Planning. This would potentially increase traffic within the village with approximately 226 vehicles. The Parish Council raised concerns both in writing and verbally to the planning committee meeting regarding the impact the increased traffic would have on the roads within the village, particularly the one way system on the Crescent that accesses the development and the access road junctions into and out of the village where Mickledale Lane joins the A614 and Farnsfield Road joins the A617. These concerns were not acknowledged and outline planning was approved.

An outline planning application has been agreed for up to 52 dwellings on land off Maid Marian Ave, Bilsthorpe and a further 85 dwellings and retail development is planned for land off Eakring Road, Bilsthorpe potentially bringing an increase of 500 vehicles and associated delivery and business traffic.

Points to be Raised

- The Mickledale Lane GP surgery has struggled in recruiting in the past and residents tell us that it is challenging to get an appointment at the surgery. Increasing the population of the village would significantly impact on this situation.
- The Village Hall is in need of complete refurbishment in terms of new electrics, heating system, toilets, kitchen, bar area, outside and inside redecoration. Currently not used to its full potential as unsightly and in need of repair.
- Bilsthorpe has a high number of rental properties from NSDC, PA Housing (formerly ASRA/Leicester Housing) and private landlords. Private house sales in Bilsthorpe range from properties of £50,000 to £500,000 and these offer opportunities for all categories of home buyers.
- 30% Affordable housing on new housing developments in Bilsthorpe is felt to be unnecessary and this could be a reduced amount with funding saved being directed towards the renovation of the village hall.
- Eakring Road, Bilsthorpe is a well-used road with commercial and heavy goods vehicles as it is the only road into the village with no weight restriction attached in addition to cars. The speed of traffic is a concern on this road and several accidents have occurred involving speed. The village Youth Club is situated on this road. With a new development of housing and a proposed retail unit this will increase the risks on this road. We would ask that traffic management on Eakring Road is considered and to protect pedestrians we feel a pedestrian crossing is required on Eakring Road. We would also ask that some consideration is given to footpaths and bus stops on Eakring Road by the proposed development.
- For many years residents of Bilsthorpe have raised concerns with the risks involving the junctions that take traffic out of the village onto major trunk roads.
- The Mickledale Lane junction with the A614 has recently had “improvements” in the form of pedestrian islands, which in fact reduce visibility for road users, reduced speed limit to 50 mph and better lighting. Traffic from Mickledale Lane can go left, straight over or right with right turn lanes directly on the junction for traffic turning into Inkersall Lane/Limes Café or Bilsthorpe. At peak times queues form due to the volume of traffic, it being a direct route from the A1 to Nottingham, and the inadequacy of the junction.
- The Farnsfield Road junction with the A617 is a busy road that links the A1 with the M1 and is a major route for traffic from the A1 to Mansfield. It has poor visibility due to bends both left and right of the junction. Recently the speed limit has been reduced to 50mp which has helped however vehicles due tend to speed on that road.
- Residents say they feel land locked at peak times, feel extremely stressed when using these junctions and talk of experiencing and witnessing near misses on a regular basis.
- A petition of 1039 residents concerns regarding the major junctions is currently with NCC, NSDC and local MPs and County Councillors.
- The development of the Thoresby Colliery site, at Edwinstowe, with a potential for up to 800 houses is concerning for Bilsthorpe residents who feel the impact on the A614/Mickledale Lane junction will worsen the risks and dangers experienced.
- Bilsthorpe Parish Council, while in principle welcomes development of the village, has major concerns regarding all the points raised in this document and ask that this is considered in any current or future planning applications and that these issues can be addressed as soon as possible. At the meeting on Monday 12th February 2018 the Parish Council voted to object to the application, along with the above comments they would like to also note that the access in and out is not adequate, there will be children crossing the road for school and that there is no weight restriction on that road so there will be lorries as well as cars, (at the time of the meeting there was no footpath planned) and that the retail unit will increase traffic

NSDC Planning Policy –

Assessment

The application seeks outline consent for up to 85 dwellings, 280sqm of Class A1 retail development and associated access works including details of a new roundabout access junction into the site from Eakring Road. The principle of development has been established through the allocation of the site, with Policy Bi/MU/1 providing the framework for how development should be brought forward. Whilst the principle of development is acceptable it still remains important that the detail of the proposal is acceptable. Both in terms of those elements put before you, and their likely implications for the matters reserved for later determination.

Level of Development

The proposed site area covers the extent of the allocation at approximately 3.95ha. The allocation is for around 75 dwellings as such the outline proposal for up to 85 dwellings exceeds the residential element of the allocation. When the capacity of allocated sites was calculated it was based on an average density of 30 dwellings per hectare with any necessary adjustments for site characteristics. Without detailed layouts available at the time of allocation it was anticipated that some sites would yield less and some more than the average density figure. The main aim of the allocation process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy and this was endorsed by the Inspector who conducted the examination of the DPD. Where site owners and promoters made the case that their sites could accommodate a greater level of development then the Inspector made it clear that this was a matter for the planning application process, the test of soundness was satisfying the targets of the Core Strategy. In the case of Bi/MU/1 the needs to provide appropriate design for both the residential and retail development which addresses the site's gateway location and manages the transition into the main built up area are important site characteristics that informed the setting of a notional capacity of 75 dwellings and retail development.

Level of Development - Residential

Given the outline nature of the proposal the key aspect in considering a potentially greater level of development is whether the later detailed scheme will be likely to be able to satisfy relevant policy requirements within the parameters granting consent would provide, or whether it would give rise to any unacceptable local environmental, highways or amenity impacts. Where the policy requirements can be met and no unacceptable impacts are identified then there is no reason to resist more development, and particularly not for statistical reasons alone. As explained above the figures quoted within the DPD were minimum estimates, not maximum capacities. Where sites can deliver a greater amount of development this will benefit both the settlements in which they lie and the whole district. Developer contributions for use within the settlement will be proportionally higher and there may be less need to find new sites in the future rounds of allocation. District-wide a greater amount of development helps to maintain a 5 year land supply and thereby provide protection from in-appropriate development.

Level of Development –Retail

The proposal includes a retail unit of 280Sqm, (but does not state whether this figure is net or gross floor area or the type of retail envisaged i.e. convenience or comparison) the planning statement submitted as part of the application advises that the proposed use of the retail unit will

be use class A1 small scale to meet day to day needs of the residents. Although the allocation Bi/MU/1 does not specify the size of retail floor area the intention behind the allocation was that retail development within this location would meet local day to day need as per the third bullet point para 5.37 of Core Policy 8.

In line with Core Policy 8 and DM11 it is important that the proposal is acceptable in terms of any impact on the hierarchy of Centres. I would also draw your attention to Policy Bi/LC/1 (Bilsthorpe Local Centres) that aims to promote the strength of Bilsthorpe as a Principal Village, with two defined Local Centres, and as such would want to ensure that the retail proposal for this application would not have a negative impact on the use and viability of the existing defined centres within Bilsthorpe. In addition through the Publication Amended Core Strategy we are seeking to amend Core Policy 8 –‘Retail and Town Centres’ ‘to ensure that the impacts from the proposed retail development located outside of a defined centre, with a floorspace of 350 Sqm (gross) or greater, are robustly assessed through the undertaking of an impact assessment proportionate to the scale and type of retail floorspace proposed.’ At this stage in Plan Review the proposed amendments to the policy is still the subject of objections and as such this restricts the weight that can be attached. This does however demonstrate the likely direction of future policy, and the approach the LPA wishes to take in terms of defining local needs retailing. The Town Centre & Retail Study (2016) advises that proposals over 350 Sqm (gross) are unlikely to serve local needs function. Notwithstanding this I would suggest that a potential net floor area of 280 Sqm would appear acceptable in terms of scale, given the type of proposal suggested in the developers planning statement.

I am therefore of the view that should you be minded to support the proposal then I would recommend the use of an appropriately worded condition be explored. The purpose of which would be to restrict any retail provision within a detailed scheme to that which would meet a local needs function.

Affordable Housing Provision

The applicant has put forward that the affordable housing contributions required by Core Policy 1 are to be discussed with the Planning Department and will be subject to viability. I would emphasise that affordable housing provision makes a valuable contribution towards the creation of mixed and balanced communities and is integral to a more sustainable form of development. Core Policy 1 seeks to secure 30% affordable housing provision on qualifying sites in the Bilsthorpe area. I note that a viability assessment has not been submitted as part of this application and would recommend that the case officer requests that one is submitted as part of this application to clarify the matter. Any suggestion that the proposal is not policy compliant on this matter should be robustly evidenced.

To guide your consideration of the form of affordable housing which would be sought I would draw your attention to proposed amendments to Core Policy 1 that seek to bring our definitions of affordable housing into line with national planning policy. Given that the purpose of the amendments is to reflect national policy within our local policy I would suggest that this does give the policy meaningful weight.

In addition should you consider that the information provided in terms of affordable housing numbers, type, tenure and location of the affordable units, the timing of construction (particularly in relation to the overall development) and the arrangements to ensure initial and subsequent affordability- then I would suggest the use of a condition in line with guidance provided at Para 3.35 of the Affordable Housing SPD.

Housing Mix

I note within the developers planning statement that suggestion is made that mix of house types and tenure are to be discussed as part of any detailed application. I would draw your attention to the Sub-Area report to the Housing and Market Needs Assessment (2014) where market sector demand within the Sherwood Area is weighted in the following way:

- 2 bed 36.1%
- 3 bed 50.5%
- 4 bed 13.4%

I would also draw your attention to proposed amendments to Core Policy 3, which refers to housing mix, type and density that seeks to secure an appropriate mix of housing type to reflect local need. (At this stage objections have been raised with regards to proposed amendments as such this restricts the weight that can be attached to the proposed amendments)

I am of the view that should you be minded to support the proposal then this matter ought to be controlled by condition. With the condition requiring that any subsequent Reserved Matters application covering the site in whole or part, contains a housing mix and type which reflects the housing needs of the area at time of submission.

Design and Layout

Whilst I recognise that it is only an indicative layout which has been provided I would draw your attention to the references within the site allocation policy to ensure that any development is appropriately designed to address the site's gateway location and manage its transition into the main built up area. It is therefore important that you are content that this requirement could be met as part of a subsequent detailed scheme, given the parameters that granting outline consent would provide.

To guide the development of a detailed layout the applicant should be advised that the purpose of the gateway requirement(s) is to ensure that the transition from open countryside is managed appropriately. Key to this is the ability of the design and layout to be successfully assimilated with its edge of settlement context, rather than seeking to define the approach to the Village.

Archaeology

The site allocation policy requires pre-determination archaeological evaluation to be submitted as part of any planning applicant and post determination mitigation measures secured by condition on any planning consent. I note that the desk based and geophysical surveys have been submitted as part of the proposal indicating that the proposal will not affect any designated assets and the site does not contain any known remains of archaeological significance beyond the potential remains of medieval ridge and furrow. The report acknowledges that the site lies within a busy Roman and prehistoric landscape.

Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. Through the same policies Suitable Alternative Natural Green Spaces (SANGS) would be sought to reduce visitor pressure on the Birklands & Bilhaugh Special Area of Conservation. From completing a rough measurement it appears that the development site would

be outside of the 5km area, you may however wish to clarify this matter. The Habitat Survey submitted with the application does not appear to make reference to Woodlarks and Nightjars, and within the area of development specific surveys would be a requirement.

I note that Natural England and Notts Wildlife Trust make no comment on the proposal, and would recommend if deemed necessary you contact them to seek clarification on these matters.

Phasing

The site allocation policy requires appropriate phasing of retail and residential uses that is further clarified by phasing policy Bi/Ph/1. I note that the developer is proposing the residential element of the development to be 2 phases, with the retail element proposed after phase 1. I would consider that this to be acceptable, in terms of ensuring that some of the housing is delivered prior to delivery of the retail unit that is proposed to meet the needs of the local residents. Should you be minded to support the proposal then this matter ought to be controlled by condition, to reflect that any subsequent Reserved Matters application should be appropriately phased.

Open Space

The indicative plan includes the provision of open space to the south east elevation however at this outline stage it is not known what specific provisions are proposed and would therefore recommend seeking further guidance from the Parks and Open Space Team if required.

Highways

I note that the proposal includes a new roundabout access junction into the site from Eakring Road. At the time of writing comments a response has not been received from the Highways Authority and would therefore suggest you seek guidance from them on this matter.

In addition I note that the developer has suggested improvements to Mickledale Lane Junction A614 will be required as part of the proposal and can confirm that this junction improvement remains identified in the 2017 updated Infrastructure Delivery Plan and remains on the CIL Regulation 123 List at this time.

Developer Contributions

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provide the methodology for the delivery of appropriate infrastructure and so I would direct you to this document in the first instance.

Conclusion

In conclusion the principle of development has been established through the allocation of the site, and the additional contribution the proposal could make towards the maintenance of a five year housing land supply would be welcomed. The matters of providing for an appropriate housing mix

and affordable housing contribution are crucial and I trust that the comments made in this response will assist with the discussion proposed by the developer.

Subject to addressing the matters raised within this response regarding night jar and woodlark and retail floorspace, it would appear at this outline stage the application is generally policy compliant.

NSDC Parks & Amenities Officer – As set out in the Council’s Supplementary Planning Document on Developer Contributions and Planning Obligations this development of up to 85 dwellings will need to make provision for public open space in the form of provision for children and young people (18m² per dwelling), amenity green space (14.4m² per dwelling) and natural and semi-natural greenspace.

I note that the illustrative layout accompanying the planning application shows a total open space area of 0.556ha including a central community green and a ‘gateway landscaping area’. This may be considered to meet the open space requirements in relation to amenity green space and natural and semi natural green space (depending upon the detailed design of these areas – see the comments provided by NCC Ecology) however I do not believe that it meets the requirement for provision for children and young people. The community green is a linear feature which would not be obviously suited for an equipped children’s play area and I note that this area of open space, labelled “The Green” on the illustrative layout, is described as being ‘considered suitable for a large communal soakaway’ in the Planning Statement. I am not sure exactly what this means in relation to its potential recreational use but it seems to add weight to the fact that it cannot be considered to be children’s playing space. Given these factors either the site layout needs to be reconfigured to allow for an appropriate equipped children’s playing space or this element of the open space provision needs to be met through the payment of a commuted sum towards off-site provision/improvement and maintenance of children’s playing space. However given the number of houses involved and the fact that the site is c600m away from the nearest equipped children’s playing space on Crompton Rd playing field I believe on-site provision is preferable.

NSDC Community Projects Manager – I have no objections to this application in principle subject to a full community facility contribution being made in accordance with the current Developer Contribution SPD. Such monies to be allocated to the refurbishment of Bilsthorpe Village Hall and former Squash and Sauna Centre (now a community heritage and resource centre). The buildings need major upgrades including toilets and kitchen refurbishment, new plaster, windows, flooring and wiring as well as a redecoration both internally and externally. Further details can be provided if necessary.

NSDC Strategic Housing – No formal comments received.

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

NSDC Environmental Health (noise) – No comments.

NSDC Environmental Health (contaminated land) – With reference to the above development, I have received a Phase I Desk Study report submitted by the Rodgers Leask Environmental acting on behalf of the developer.

This includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the sites previous uses and a description of the site walkover.

Due to the proximity of the former colliery sludge lagoons of site and infilling of land on site that occurred, a series of intrusive investigations and targeted soil sampling including gas monitoring is recommended.

I generally concur with the reports findings and would therefore recommend the use of the full phased contamination condition.

NSDC Waste - No comments received.

NCC Highways Authority – *Original comments received 16th August 2017:*

This is an outline application for a development of up to 85 dwellings, 280 m² retail use with access works including a new roundabout on Eakring Road.

The following comments apply:

Mickledale Lane/Eakring Road/site access roundabout

The roundabout proposal is a small, conventional roundabout layout with an ICD of 34m and an over-run area around the central island.

- The capacity modelling on Arcady looks to be reasonable and I would not expect to see too many capacity issues with such a relatively small development.
- The shared private access to the houses on the south-west corner is a huge issue. Access would need to be maintained by the removal of the deflection island on the southern Eakring Road approach which is unacceptable. Vehicles wishing to gain access would be required to negotiate through the flow of traffic on the southern arm approach. This is unacceptable. Any removal of islands to accommodate the vehicle movements would also have a detrimental effect on pedestrian routes/safety.
- The over-run area around the central island is not a feature that would be looked upon favourably. Without a kerbed perimeter it will be used by ahead vehicles, straightening their path through the junction and eroding the deflection and, consequently, the speed reducing nature of the geometry. If the over-run area were bound by a kerbing it can then present a hazard to 2-wheelers over-running it. It is also a maintenance liability.
- I think that, due to the above factors (especially the private access issue) the roundabout is not a suitable solution and ADC should consider other options.

A614 Ollerton Road/Mickledale Lane

- This is a crossroads not a T-junction. Inkersall Lane cannot be left under priority control within a signalled junction, especially on such a busy, high speed road. The layout and operation is over simplistic. The right turn into Inkersall Lane will also have to be signalled – it cannot be left as a gap-seeking turn on this speed of road and with a fully signalled facility on the opposite arm. The junction will need to be reassessed (and expanded) to produce a mitigation proposal which deals with the extra traffic and does not introduce other new hazards.
- No account appears to have been taken of the forward visibility on the A614. The approach alignment may restrict visibility to the primary traffic signal heads.
- The traffic flows in the PM peak have been incorrectly assigned – the A614 north flow should have 932 vehicle going ahead rather than turning left into Mickledale Lane.

- NCC are looking at a traffic signalled junction at this location as part of capacity/ safety improvement potentially funded from LTP. This will, ultimately, supersede the development proposal being suggested by ADC. If ADC can develop a proposal which mitigates their additional traffic and meets all safety requirements and provide an estimated cost then could this figure be sought as a CIL contribution to the potentially larger NCC LTP scheme?

A614 Ollerton Road/ A617 Kirklington Road

- The modelling carried out appears to be incorrect in terms of the A617 west approach where the lane movements are split with left turn only in the left hand lane and ahead+right turn in the right hand lane. Arcady modelling assumes uniform usage of the whole give-way line width. This is fine when lane proportions are reasonably equal but it becomes a problem when they are not. In the AM peak the lane use is split 256 left hand lane and 649 right hand lane (28/72% split). In the PM the splits are 304 in the left lane and 579 in the right lane (34/66% split). Consequently the Arcady model will over-estimate the capacity of this approach and under-estimate the queues and delays. This can be addressed by referring to a paper by Barbara Chard of JCT Consultancy (Arcady health Warning) which details ways in which this can be addressed.
- Notwithstanding the above, the submitted results show a degradation of performance on the critical A614 north approach. No alteration is proposed as it is claimed: "The additional traffic as a result of the proposed development is unlikely to increase the potential for accidents". Firstly the capacity issue is being ignored and, secondly, the predicted queue length puts the last vehicle closer to the dip in the A614 and may increase the likelihood of shunt accidents.

In view of the above comments, this application needs revision, as the Highway Authority is unable to support the proposals as submitted.

Revised comments received 21 February 2018:

Revised Illustrative Layout Plan

The following comments relate to drawing no. P17-0010 002 Rev. G (illustrative layout), which provides a T-junction access layout instead of the roundabout previously considered. The application site is located within a 30 mph zone. There may need to be amendments to the internal road layout at the detailed stage, i.e. clarification as to the extent of adopted highway within the site.

The required visibility splays of 2.4m x 43m are achievable from the proposed access, as shown on drawing no. ADC1579/003-P2.

A Stage 1 Road Safety Audit has been carried out. It is considered this development will generate additional pedestrian crossing movements due to a retail unit being included within this proposal. Therefore, the following improvements in the vicinity of the development are considered reasonable to make the development acceptable in terms of highway and pedestrian safety:

- A pedestrian facility to the site due to the increased pedestrian movement
- The provision of a footway on the eastern side of Eakring Road, from a point at the existing footway at Mickledale Lane junction, running north as far as the Route 6 cycleway.
- Improvements to the existing bus stop infrastructure

Subject to the following conditions being imposed, there are no highway objections:

1. No part of the development hereby permitted shall take place until details of the access road(s) widths, visibility splays, surfacing, lighting, parking and turning facilities within the site, have been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure the development is constructed to adoptable standards.
2. No development shall commence on any part of the application site unless or until a suitable access has been provided at Eakring Road as shown for indicative purposes on drawing P17-0010.002 Rev. G to the satisfaction of the Local Planning Authority. Reason: In the interests of highway safety.
3. No dwelling forming part of the development hereby approved shall be occupied unless or until improvements have been made to the existing highway infrastructure to provide bus stop improvements (inc. shelters, real time displays, raised kerbs etc) in accordance with details to be first submitted and agreed in writing by the LPA. Reason: In the interests of highway/pedestrian safety and to promote sustainable travel.
4. No dwelling shall be occupied unless or until a new footway on the eastern side of Earking Road from Mickledale Lane junction in a northerly direction up to Route 6 cycleway has been provided as shown for indicative purposes on drawing ADC-1579-003-P2 to the satisfaction of the Local Planning Authority. Reason: In the interests of pedestrian safety.
5. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided, as shown on dwg. no. ADC1579-003-P2. The area within the visibility splays referred to in this condition shall thereafter be kept free of obstruction, structures or erections exceeding 0.6m in height. Reason: To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.
6. No part of the development hereby permitted shall be brought into use until a pedestrian crossing facility on Eakring Road has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of pedestrian safety.

A614 Ollerton Road/Mickledale Lane

The applicant has provided a Transport Assessment and has suggested the signalisation of the A614/Mickledale Lane junction, for which a plan has been submitted. For the avoidance of doubt, however, the applicant is not proposing to pay for or deliver the traffic signal improvement at this junction as an improvement scheme at this location is included on a list of projects to be funded by Newark and Sherwood DC through the district wide Community Infrastructure Levy. This application, in combination with other proposed developments in Bilsthorpe, is expected to lead to a detrimental impact at this junction. Therefore, the District Council are requested to consider whether the improvement of the A614/Mickledale Lane junction should be a priority for delivery from the NSDC CIL fund.

Notes to Applicant

In order to carry out the off-site required you will be undertaking work in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Mr David Albans 0115 804 0015 for details.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

- a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
- b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

Correspondence with the Highway Authority should be addressed to:-

Notts County Council, Welbeck House, Darwin Drive, Sherwood Energy Village, New Ollerton, Notts. NG22 9FF For the attention of Mr D. Albans.

NCC Planning Policy – Thank you for your letter dated 30th June 2017 requesting strategic planning observations on the above informal enquiry. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make.

National planning context

In terms of the County Council's responsibilities the following elements of national planning policy and guidance are of particular relevance.

Waste

The National Planning Policy for Waste (NPPW) sets out the Government's ambition to work towards more sustainable and efficient resource management in line with the waste hierarchy. Positive planning is seen as key to delivering these waste ambitions through supporting sustainable development. This includes ensuring that waste management is considered alongside other spatial planning concerns and helping to secure the re-use and recovery of waste wherever possible.

Paragraph 8 of the NPPW states that:

'When determining planning applications, all planning authorities should ensure that:

- *the likely impact of proposed non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- *new, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development, and, in less developed areas, with the local landscape. This includes providing adequate waste storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*
- *the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.'*

In Nottinghamshire, relevant policies are set out in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (December 2013).

Minerals

Section 13 of the National Planning Policy Framework (NPPF) covers the sustainable use of minerals. Paragraph 142 points out that minerals are *'essential to support sustainable economic growth and our quality of life.'*

Paragraph 143 requires that, in preparing Local Plans, local planning authorities should:

- *'define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-minerals development, whilst not creating a presumption that resources defined will be worked; and define Mineral Consultations Areas based on these Minerals Safeguarding Areas;*
- *set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place'.*

In Nottinghamshire, these areas are defined in the emerging Nottinghamshire Minerals Local Plan and supported by Policy DM13, which also covers prior extraction.

In terms of the role of local planning authorities in planning for minerals, paragraph 144 of the NPPF states that:

'When determining planning applications, local planning authorities should:

- *not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes'.*

The national Planning Practice Guidance provides further information on the role of district councils in this regard, stating that *'they have an important role in safeguarding minerals in 3 ways:*

- *having regard to the local minerals plan when identifying suitable areas for non-mineral development in their local plans. District Councils should show Mineral Safeguarding Areas on their policy maps;*
- *in those areas where a mineral planning authority has defined a Minerals Consultation Area, consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and*
- *when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.'*

Transport

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all developments which generate significant amounts of movement to be supported by an appropriate Transport Assessment and a Travel Plan. It also states that it should be ensured that such developments are *'located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'*.

Education provision

Paragraph 72 states that:

'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.'*

Transport and Flood Risk Management

The County Council as Highway Authority and Local Lead Flood Authority is a statutory consultee to Local Planning Authorities and therefore makes separate responses on the relevant highway and flood risk technical aspects for planning applications. In dealing with planning applications the Highway Authority and Local Lead Flood Authority will evaluate the applicants proposals specifically related to highway and flood risk matters only. As a consequence developers may in cases where their initial proposal raise concern or are unacceptable amend their initial plans to incorporate revisions to the highway and flood risk measures that they propose. The process behind this can be lengthy and therefore any initial comments on these matters may eventually be different to those finally made to the Local Planning Authority. In view of this and to avoid misleading information comments on planning applications made by the Highway Authority and

Local Lead Flood Authority will not be incorporated into this letter. However should further information on the highway and flood risk elements be required contact should be made directly with the Highway Development Control Team and the Flood Risk Management Team to discuss this matter further with the relevant officers dealing with the application.

Public Health

Appendix 1 sets out the local health report for the site and identifies that many of the health indicators are *similar to and not better than the England average*.

The National Planning Policy Framework (NPPF) seeks to promote healthy communities. Paragraphs 69-78 of the NPPF sets out ways in which the planning system can play an important role in facilitating social interaction and create healthy inclusive environments. Planning policies should in turn aim to achieve places which promote:

- Safe and accessible environments
- High quality public spaces
- Recreational space/sports facilities
- Community facilities
- Public rights of way

The Nottinghamshire Joint Strategic Needs Assessment (JSNA) provides a picture of the current and future health needs of the local population:

<http://jsna.nottinghamcity.gov.uk/insight/Strategic-Framework/Nottinghamshire-JSNA.aspx>

This states the importance that the natural and build environment has on health.

The Nottinghamshire Health and Wellbeing Strategy sets out the ambitions and priorities for the Health and Wellbeing Board with the overall vision to improve the health and wellbeing of people in Nottinghamshire:

<http://www.nottinghamshire.gov.uk/caring/yourhealth/developing-health-services/healthandwellbeing-board /strategy/>

The 'Spatial Planning for Health and Wellbeing of Nottinghamshire' document approved by the Nottinghamshire Health and Wellbeing Board in May 2016 identifies that local planning policies play a vital role in ensuring the health and wellbeing of the population and how planning matters impact on health and wellbeing locally. In addition a health checklist is included to be used when developing local plans and assessing planning applications:

<http://www.nottinghamshireinsight.org.uk/insight/news/item.aspx?itemId=44>.

It is recommended that this checklist is completed to enable the potential positive and negative impacts of the pre application on health and wellbeing to be considered in a consistent, systematic and objective way, identifying opportunities for maximising potential health gains and minimizing harm and addressing inequalities taking account of the wider determinants of health.

Obesity is a major public health challenge for Nottinghamshire. Obesity in 10-11 year olds in this area is similar to the England average Obesity levels for this It is recommended that the six themes recommended by the TCPA document 'Planning Health Weight Environments' – http://www.tcpa.org.uk/data/files/Health_and_planning/Health_2014/PHWE_Report_Final.pdf are considered to promote a healthy lifestyle as part of this application. The six themes are:

- Movement and access: Walking environment; cycling environment; local transport services.
- Open spaces, recreation and play: Open spaces; natural environment; leisure and recreational spaces; play spaces.
- Food: Food retail (including production, supply and diversity); food growing; access.
- Neighbourhood spaces: Community and social infrastructure; public spaces.
- Building design: Homes; other buildings.
- Local economy: Town centres and high streets; job opportunities and access.

Due to the size of the development it is recommended that planners discuss this development as part of the Mid Nottinghamshire Local Estates Forum and also consult with Newark and Sherwood Clinical Commissioning Group to consider any additional healthcare requirements e.g. S106 / CIL. Given that limiting long term illness or disability is significantly worse than the England average, the development needs to ensure that it is age friendly providing good access to health and social care facilities

Minerals and Waste

In their consideration of the planning policy context, the applicant should consider the Nottinghamshire Minerals Local Plan (adopted and emerging plans) and the Nottinghamshire and Nottingham adopted Waste Local Plan (remaining, saved policies) and adopted Waste Core Strategy as these form part of the development plan for the area. It is noted that there is some reference to minerals and waste in the submitted documents, however, we would draw particular attention to the following.

In terms of the Waste Core Strategy, the proposed development is not considered to give rise to issues in terms of safeguarding our existing waste management facilities (as per Policy WCS10). However, as set out in Policy WCS2 of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.'

Strategic Highways

The applicant has supplied a Transport Assessment and has suggested the signalisation of the A614/Mickledale Lane junction. The applicant has prepared a sketch layout plan to this effect in the TA. For the avoidance of doubt however the applicant is not proposing to pay for or deliver the traffic signal improvement at this junction because an improvement scheme at this location is included on a list of projects to be funded by Newark and Sherwood District Council through the district wide Community Infrastructure Levy. This application for residential development in Bilsthorpe will, in combination with other proposed development in the village, lead to a detrimental impact at the A614/ Mickledale Lane junction. In which case the district council are requested to consider whether the improvement of the A614/Mickledale Lane junction should be a priority for delivery from the NSDC CIL fund.

Travel and Transport

General Observations

The planning pre-application covers an area of land to the East of Eakring Road in the village of Bilsthorpe and is for up to 75 dwellings and a small scale retail development. Access appears to be via a new roundabout replacing the existing junction of Eakring Road and Mickledale Lane. The walking distance to the closest bus stops is approximately 150 metres from the centre of the site.

Bus Service Support

Transport & Travel Services (TTS) has conducted an initial assessment of this site in the context of the local public transport network.

The Transport Assessment for this site states “There are two frequent bus services within walking distance of the site.” The residents of Bilsthorpe are served by two commercial services operated by Stagecoach. Both services operate to an hourly frequency. Service 28b operates between Mansfield and Eakring whilst the Sherwood Arrow service links Bilsthorpe with Nottingham and Ollerton. This service operates to Worksop and Retford on alternate hours.

In addition to these service Bilsthorpe is also served by the following less frequent services, which also pass the development site:

Service 227 (Newark – Edwinstowe) – Wednesday and Friday

Service 331 (Ollerton – Bilsthorpe)

At this time it is not envisaged that contributions towards local bus service provision will be sought.

The County Council would expect all properties to have free introductory bus travel made available to them. This along with other sustainable travel measures should be set out in a site Travel Plan, the details of which can be discussed with Transport Strategy.

Current Infrastructure

The location of existing bus stops NS0033, NS0058 and NS0643 will need to be considered when designing the roundabout access to this proposed development. Should any of the bus stops require relocation then this would be at the developer’s cost.

The current infrastructure observations from Transport & Travel Services photographic records are as follows:

NS0058 Eakring Road – Both Ways Bus Stop Pole and Raised Boarding Kerbs.

NS0908 Eakring Road – No current stop infrastructure. Combined with NS0058 - Both Ways stop.

Possible Infrastructure Improvements

Transport & Travel Services request the following bus stop improvements:

NS0058 Eakring Road – Real Time Bus Stop Pole & Displays including Associated Electrical Connections and Enforceable Bus Stop Clearway.

NS0908 Eakring Road – New footway constructed from roundabout to bus stop, Real Time Bus Stop Pole & Displays including Associated Electrical Connections, Bus Shelter, Solar Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearway.

The County Council will request that a planning obligation be added to state the below:

No part of the development hereby permitted shall be brought into use unless or until the enhancements to the two bus stops on Eakring Road (NS0058 and NS0908) have been made to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles & displays including associated electrical connections, bus shelter, solar lighting, raised boarding kerbs and enforceable bus stop clearways.

Reason: To promote sustainable travel.

The County Council will also request that a planning obligation be added to include the relocation of bus stops should this be required. This requirement will be assessed at the planning stage.

Ecology

In support of the application, an Extended Phase 1 Habitat Survey was conducted by Applied Ecological Surveys Ltd. dated June 2017. This also includes a protected species risk assessment and search for invasive species.

The habitat survey indicates that the site is dominated by agricultural grassland with areas of ruderal vegetation and a hedgerow border. There are no existing buildings on the site. Overall, the site is of limited nature conservation value.

In terms of protected species:

- No bat survey was contained within the habitat survey, however section 5.3.2 details that one is currently underway. NCC request no decision is made on this application until these surveys have been submitted, so that any recommendations for mitigation can be incorporated into the proposals.
- Minimal vegetation clearance is detailed in the Design and Access statement (e.g. to facilitate site access), however we request a standard **condition** controlling vegetation clearance during the bird nesting season (March to August inclusive).

In terms of mitigation:

- The vegetated embankment along the eastern boundary of the site, should be protected during the works, as should the hedgerows onsite to be retained. Appropriate measures should be put in place during construction works, as highlighted in section 6.6 of the Habitat Survey.

The proposals submitted do not include a landscaping plan for the development. NCC welcome the inclusion of open space within the development. NCC request a **condition** providing further details of the landscaping plan, in particular:

- A detailed Landscaping Plan, using native species of tree and shrub appropriate to the local area within the open spaces and surrounding the attenuation area, selected with reference to the Sherwood Landscape Character Area species list available at:

<http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>.

- In particular, new hedgerows along the site frontage and around areas of public open space should be native, hawthorn dominated hedgerows to mitigate for the loss of hedgerow at the site access, which trees should include pedunculated oak, silver birch, rowan and field maple.
- We request that the 'Gateway Landscaping Area' is seeded with a native wildflower mix (e.g. Naturescape N1 mix or Emorsgate Seeds EM2), and 'The Green' area be seeded with a native grass mix which can tolerate a higher rate of mowing (e.g. Naturescape N14 or Emorsgate Seeds EL1). The Attenuation Area should be seeded with a wet grassland mix (e.g. Naturescape NV7 or Emorsgate Seeds EM8).

In addition, conditions should require:

- The production of a simple Landscape Management Plan, setting out how the open space areas will be managed, noting that Gateway Landscaping Area and Attenuation Area should be left uncut between April and August inclusive (save for informal mown paths etc.).
- The Habitat Survey section 6.7 suggests further measures which could be implemented within the development to enhance the site for nature conservation. We would welcome the inclusion of these, in particular;
 - That 13cm x 13cm gaps are left in garden fences/walls to allow the movement of hedgehogs.
 - That integrated bat and bird boxes are incorporated into the fabric of a proportion (25%) of the proposed dwellings/their garages. The latter should target house sparrow, starling and swift.

Finally, it seems inevitable that new residents will use the Bilsthorpe Multiuser Route, which heads west from the northern end of the site towards Sherwood Pines. It is suggested that a S106 agreement is used to make a contribution towards the upkeep of this route. Discussions should be held to this effect with the NCC Green Estates team.

Green Estates

The National Cycle Route 645 running west from the development site across the 614 towards Sherwood Forest (mentioned briefly in the Transport/Travel Plans) is actually a Notts County Council owned multiuser route (MUR) known to us as the Bilsthorpe Line MUR. Our landholding begins at Eakring Road and runs west and is formally accessed from the west side of Eakring Road. However, there is a squeeze beside the vehicular barrier under the road bridge. Therefore, the MUR is accessible from the unrestored track bed east of Eakring Road, which is immediately adjacent to the development. Currently the whole area, including fields, is heavily used for dog walking.

If/when the potential, future pedestrian links are created it is suggested that it will be necessary for the developer to arrange for restoration with the owner of the track bed east of Eakring Road. This will then create a fully restored connection with the MUR under the Eakring Road. Inevitably this will increase use of the area, particularly by people walking dogs. Therefore, NCC suggest that

dog waste and/or litter bins would be required at the access points from the development on to the restored track. Hopefully this would minimise the impact of more dog walking and ensure that the existing bins that NCC pay to have emptied would not come under increased pressure. Unfortunately, resources are not available to increase the number of bins or frequency of emptying on the County Council site.

Developer contributions

Should the application proceed, the County Council will seek developer contributions in relation to its responsibilities in line with the Council's adopted Planning Obligations Strategy and the Developer Contributions Team will work with the applicant and the Local Planning Authority to ensure all requirements are met. Please contact Andrew Norton, Developer Contributions Practitioner in the first instance (andrew.norton@nottsc.gov.uk or 0115 9939309) with any queries regarding developer contributions.

In terms of education, a proposed development of 85 dwellings would yield an additional 18 primary and 14 secondary places. Nottinghamshire County Council would therefore wish to seek an education contribution of £206,190 (18 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development. In respect of secondary education, the proposed development is within the catchment of The Dukeries Academy for which any contributions would be covered under CIL regulations. Further information about the contributions sought for them can be found in Appendix 2.

In respect of bus stop infrastructure, the current level of facilities at the specified bus stops are not at the standard set out in the Council's Transport Statement for Funding. The stop denoted as NS0908 in the supporting statement has no infrastructure, and this will be established as a new stop, together with the improvements specified at stop NS0058. The specified improvements are necessary to achieve an acceptable standard to promote sustainable travel, and make the development acceptable in planning terms. The improvements are at the nearest bus stops which are situated adjacent to the site, so are directly related to the development, and are fairly and reasonably related in scale and kind to the development (85 dwellings). Based on this and the supporting information provided it is considered that the request for a planning obligation for bus infrastructure is justified and meets the three statutory tests. Further information about the contribution sought is available on request.

The developer contributions detailed above are necessary in order for the proposed development to be considered acceptable and as such the County Council would wish to raise objections to this application unless these contributions are secured.

As these developer contributions are sought in relation to the County Council's responsibilities it is considered essential that the County Council is a signatory to any legal agreement arising as a result of the determination of this application.

Conclusion

It should be noted that all comments contained above could be subject to change, as a result of ongoing negotiations between the County Council, the Local Planning Authority and the applicants. These comments are based on the information supplied and are without prejudice to any comments the County Council may make on any future planning applications submitted for this site.

NCC Flood – No objection

Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA raise the following issues:

The site is potentially affected by a pluvial surface water flow path from north to south and needs to be considered by the developer.

The developer should be aware that the highway drain in Eakring Road is only for highway drainage and not available for the overall site surface water, and the surface water drainage system will need to address the outfall in accordance with the National Planning Policy Framework.

For the Lead Local Flood Authority general guidance is

- 1.1 Drainage from the site should be via a sustainable drainage system.
- 1.2 The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
- 1.3 For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area.
- 1.4 For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
- 1.5 The site drainage system should cater for all rainfall events upto a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new dwellings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.

NCC Ecology – In support of the application, an Extended Phase 1 Habitat Survey was conducted by Applied Ecological Surveys Ltd. dated June 2017. This also includes a protected species risk assessment and search for invasive species.

The habitat survey indicates that the site is dominated by agricultural grassland with areas of ruderal vegetation and a hedgerow border. There are no existing buildings on the site. Overall, the site is of limited nature conservation value.

In terms of protected species:

- No bat survey was contained within the habitat survey, however section 5.3.2 details that one is currently underway. We request no decision is made on this application until these surveys have been submitted, so that any recommendations for mitigation can be incorporated into the proposals.

- Minimal vegetation clearance is detailed in the Design and Access statement (e.g. to facilitate site access), however we request a standard **condition** controlling vegetation clearance during the bird nesting season (March to August inclusive).

In terms of mitigation:

- The vegetated embankment along the eastern boundary of the site, should be protected during the works, as should the hedgerows onsite to be retained. Appropriate measures should be put in place during construction works, as highlighted in section 6.6 of the Habitat Survey.

The proposals submitted do not include a landscaping plan for the development. We welcome the inclusion of open space within the development. We request a **condition** providing further details of the landscaping plan, in particular:

- A detailed Landscaping Plan, using native species of tree and shrub appropriate to the local area within the open spaces and surrounding the attenuation area, selected with reference to the Sherwood Landscape Character Area species list available at: <http://cms.nottinghamshire.gov.uk/home/environment/landimprovements/landscapecharacter.htm>.
- In particular, new hedgerows along the site frontage and around areas of public open space should be native, hawthorn-dominated hedgerows to mitigate for the loss of hedgerow at the site access, which trees should include pedunculated oak, silver birch, rowan and field maple.
- We request that the 'Gateway Landscaping Area' is seeded with a native wildflower mix (e.g. Naturescape N1 mix or Emorsgate Seeds EM2), and 'The Green' area be seeded with a native grass mix which can tolerate a higher rate of mowing (e.g. Naturescape N14 or Emorsgate Seeds EL1). The Attenuation Area should be seeded with a wet grassland mix (e.g. Naturescape NV7 or Emorsgate Seeds EM8).

In addition, **conditions** should require:

- The production of a simple Landscape Management Plan, setting out how the open space areas will be managed, noting that Gateway Landscaping Area and Attenuation Area should be left uncut between April and August inclusive (save for informal mown paths etc.).
- The Habitat Survey section 6.7 suggests further measures which could be implemented within the development to enhance the site for nature conservation. We would welcome the inclusion of these, in particular;
 - o That 13cm x 13cm gaps are left in garden fences/walls to allow the movement of hedgehogs.
 - o That integrated bat and bird boxes are incorporated into the fabric of a proportion (25%) of the proposed dwellings/their garages. The latter should target house sparrow, starling and swift.

Finally, it seems inevitable that new residents will use the Bilsthorpe Multi-user Route, which heads west from the northern end of the site towards Sherwood Pines. It is suggested that a **S106 agreement** is used to make a contribution towards the upkeep of this route. Discussions should be held to this effect with the NCC Green Estates team.

Further comments 9 October 2017:

A Bat Survey Report has now been supplied, although the September 2017 visit is still outstanding. This confirms that the boundaries of the site are used by foraging and commuting bats.

Recommendations for mitigation are made in Section 5 of the report, and the following should be secured by conditions:

- The provision of a sympathetic lighting strategy which avoids illumination of the woodland edge and site boundaries, to be developed in accordance with the text box in section 5.3 of the report
- The provision of integrated bat boxes in the fabric of a proportion (20%) of the proposed dwellings/their garages, as per section 5.5 of the report.

NCC Landscape – No comments received.

NCC Rights of Way - Thank you for your consultation for the above planning application. I have attached a copy of the working copy of the Definitive Map, indicating the recorded public rights of way in the vicinity of the proposed development site.

No recorded public rights of way are affected by the proposal and I therefore have no objection to the application. This does not preclude public rights being proven to exist at a later date.

NCC Archeology – No comments received.

Natural England – Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process.

We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Nottinghamshire Wildlife Trust – No comments specific to this application.

Environment Agency – This application is in flood zone 1, therefore is LLFA requirement for surface water.

Trent Valley IDB – The site is outside of the Trent Valley Internal Drainage Board district and catchment. There are no Board maintained watercourses in close proximity to the site.

Severn Trent Water – With reference to the above planning application the Company's observations regarding sewerage are as follows.

I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.

Condition

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.

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

NB. We have clean water apparatus within the proposed application site, the developer will need to contact Severn Trent Water New Connections Team as detailed below to assess their proposed plans for diversion requirements.

Anglian Water - No comments received.

NSDC Conservation - Have read through the geophys report and desk based assessment and cannot see any material reason to ask for further work to be undertaken.

Newark and Sherwood CCG - No comments received.

Representations have been received from 4 local residents/interested parties which can be summarised as follows:

- The council has in the past year had applications for 172 dwellings in Bilsthorpe – this application would see the number of dwellings increase to 257
- The village cannot cope and none of this is social housing
- There is not the infrastructure to cope in terms of schools, doctors, shops etc.
- Vehicles would increase which would affect road safety
- The Plasma Gas Factory has 100 lorries daily using the roads
- It can take 10-15 minutes at peak times to get out of the village at the A614 / A617 junction

- Bilsthorpe is become a known black spot because of solar farms, turbines, waste oil, the gas factory, land fill and types of facilities for people with special needs
- Bilsthorpe does not need more housing – it is a village not a town
- The retail unit is on the boundary of the development and will impact existing local residents through additional noise and traffic
- The position of the retail units would take away human rights which include the respect to privacy and family life and the protection of property
- Cars will park on the main busy road
- Children use the local St Johns Ambulance for meetings and so additional traffic would be dangerous
- The retail shop should be within the estate itself
- The village already has 3 retail shops
- The application will be the end of a village location with no compensation for existing residents
- There are always parked up on Eakring Road causing issues
- More cars will create road safety issues

An additional letter of support has been received on the basis of the revised illustrative layout submitted during the life of the application:

- Happy to see that the retails unit has been moved and replaced with an area of green space
- Should the new plan go ahead, the original objection would be removed

Comments of the Business Manager

Principle of Development

Members will be aware that the starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan *unless* (emphasis added) material considerations indicate otherwise.

Notwithstanding the current process of Plan Review, at the current time the Adopted Development Plan for the District is the Core Strategy DPD (2011) and the Allocations and Development Management Policies DPD (2013).

The application site is located within the village envelope of Bilsthorpe and comprises a mixed use allocation site (Policy Bi/MU/1). The allocation envisages a mixed use development providing around 75 dwellings and retail development. Specific requirements of Policy Bi/MU/1 are for the consideration of an appropriate design which addresses the site's gateway location as well appropriate phasing of retail and residential uses and pre-determination archaeological investigations.

Despite the acceptance of the development in principle on the basis of this site allocation, it is noted that the current application before the LPA for determination seeks a greater quantum of residential development than the originally envisaged 75 dwellings (the application seeking consent for up to 85 dwellings). As is clarified through the comments of Planning Policy; the main aim of the allocations process was to deliver the minimum number of dwellings to satisfy the requirements of the Core Strategy and thus a greater delivery of housing is not necessarily resisted in principle subject to the proposal being able to satisfy the relevant policy requirements.

Members are aware of the current position in respect to the Council’s ability to demonstrate a five year housing land supply. It is not considered necessary to rehearse the full position in the context of the current application save to say that the Authority is confident that it is able to demonstrate a five year housing supply against what it and the other authorities in Nottinghamshire to be an appropriate OAN figure of 454 dwellings per annum. Nevertheless, in line with the recently published Housing White Paper which promotes a requirement to boost housing supply, the positive determination of housing schemes on allocated sites remains fundamental to sustaining a healthy housing land supply position.

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 original application was accompanied by an indicative site layout plan which has annotated the disposition and amount of each proposed land use as follows. It is appreciated that the illustrative layout has been amended during the life of the application but this has not fundamentally changed the disposition of uses (albeit the land occupied by access infrastructure would be marginally reduced).

	<i>Area (Hectares)</i>
Residential Developable Area	2.835
Retail Area	0.163
Open Space	0.556
Attenuation Area	0.223
Access Infrastructure	0.085
<i>Total</i>	3.862

On this basis the development would deliver an average of 30 dwellings per hectare which would be compliant with Core Policy 3. It is fully acknowledged that the exact mix, type and tenure of the development are a matter to be determined at reserved matters stage. The supporting documentation is relatively silent on this matter other than stating that the development will incorporate a range of residential development ranging from coach houses and semi-detached properties to detached properties. I am satisfied that the proposal demonstrates the capability to deliver a scheme of appropriate density and housing mix, the details of which would be assessed and agreed at reserved matters stage.

Mixed Use Disposition and Phasing

Policy Bi/MU/1 identifies the aspirations for the site to deliver a mixed use development of residential and retail delivered through an appropriate phasing mechanism. The policy is not prescriptive as to the amount or type of retail development envisaged but as is confirmed by the comments of colleagues in Planning Policy, the intention behind the allocation was that the retail offer would meet the local day to day needs in line with Core Policy 8. It is noted that the Publication Amended Core Strategy seeks to amend the wording of CP8 such that retail units

outside of a defined centre, with a floorspace of 350m² or more, are subject to an impact assessment proportionate to the scale and type of retail floorspace proposed. The retail floorspace proposed by the current application (280m²) would fall below the suggested threshold and thus would not warrant a need for a retail assessment.

I note the concerns raised during the original consultation period in respect of both the positioning of the retail unit and the lack of need for an extra unit noting alternative provision in the village. However, the delivery of a retail use has been accepted by the site allocation. It is my officer view that the positioning shown on the indicative site layout (i.e. adjacent to the site entrance) is the most appropriate. In this location, the retail unit offers the opportunity to serve the occupiers of the proposed residential use as well as the existing community surrounding the site. Its position close to the site access also means that the occupiers of the proposed residential scheme would not be disproportionately disturbed by traffic movements associated solely with the retail unit.

I concur with the implication of policy colleagues that the retail provision should be restricted by condition to ensure that a detailed scheme meets the function of the local needs. Equally I consider it necessary to control the phasing of the development to secure the delivery of the retail unit before the occupation of the majority of the residential development. This could be appropriately incorporated within the associated S106 legal agreement.

Impact on Character

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.

It has been accepted through allocation of the site that the site characteristics will be fundamentally changed through the introduction of a mixed use development. Whilst it is acknowledged again that the current proposal is submitted as outline only with matters of layout, scale and landscaping to be agreed at a later date, it is equally acknowledged that Policy Bi/MU/1 specifically refers to site specific factors which need to be taken into consideration through the design evolution of the site.

There is an implicit recognition of the site's contribution to the character of the area in terms of the wording of the policy allocation which requires consideration of a design which *'addresses the site's gateway location and manages the transition into the main built up area'*.

Matters of landscape character are also addressed elsewhere in the development plan. Specifically, Core Policy 13 states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The application submission has been accompanied by a Landscape and Visual Appraisal dated June 2017. The document has identified 8 viewpoints on which to assess the development with the aim of determining the likely effects of the proposed development before subsequently considering proposed mitigation measures to inform the design evolution of the application submission.

The LVIA confirms that the site is within the Mid-Nottinghamshire Estates Farmlands with Plantations specifically Policy Zone MN24 Rufford Park Estate Farmlands with Plantations. The landscape condition within this PZ is defined by the guidance as poor. It has an incoherent pattern composed of industrial and agricultural elements which give an overall visually interrupted area. The landscape sensitivity is defined as very low.

The submitted LVIA concludes the following:

'The visual envelope for the site is restricted by the landscape setting and settlement edge and is contained to the east, west and south, by mature tree belts and the existing settlement of Bilsthorpe including the new residential development at The Hawthorns to the south of the site off Eakring Road. The local topography also serves to contain views of the site and any proposed development on it.

Some limited physical landscape impacts will give rise to perceived changes in landscape character at a site level. The landscape mitigation strategy (and overall masterplan) makes provision for the retention of landscape features and elements. Other permanent changes to the landscape will include alterations to the landform at a site specific level (with the nature of the overall landform retained) and the permanent change in land use.

A range of representative visual receptors have been used to inform the LVA. Overall the selected viewpoints and subsequent analysis demonstrate that the site and proposed development will be visible from a very localised area only, and also seen in the context or from the context of the existing built environment.

Overall the scale and form of proposed development is likely to result in only limited change at a localised level and potential landscape and visual effects are not likely to be significant. Furthermore, the proposals for green infrastructure and landscaping will deliver a number of enhancements in terms of the physical landscape and landscape character. As such the proposed development is considered to be acceptable in landscape and visual terms.'

The above assessment is deemed appropriate in the context of the proposed development. There is no doubt that a scheme for residential development as proposed would alter the existing character of the site. The development would necessitate not only the built form of the dwellings and the retail unit, but also internal infrastructure such as the road network and boundary treatments between the dwellings and on the boundaries of the site itself. It is noted however that the scheme would also include features of a more rural characteristic such as the areas of open space. The approach to assimilating the development with the open landscape to the north is considered appropriate in the context of the site being at a gateway location as identified by Policy Bi/MU/1. It is noted that it was originally intended for the attenuation pond to be at the north of the site which may have been preferable in visual impact terms but I appreciate that this was deemed unfeasible on the basis of technical work and I do not consider that this need to be fatal. The landscape buffer belt at the north of the site will assist in softening the visual impact of the built form noting that the indicative layout ensures that the dwellings are set into the site boundary intervened by both the aforementioned landscaping area and the highways access to the dwellings.

Any reserved matters application would need to be accompanied by full landscape plans which would allow the LPA the opportunity to consider in detail the landscape implications of the proposal.

Impact on Highways

Within the overarching roles that the planning system ought to play the NPPF indicates that there are a set of core land use planning principles which should underpin the decision making process. Specifically in relation to transport these principles include:-

“Actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focussing significant development in locations which are or can be made sustainable”.

Although the application has been submitted in outline form, agreement of the access details are being sought at this stage.

The application submission was accompanied by a Transport Assessment and Travel Plan by ADC Infrastructure. This demonstrated a single vehicular access to the site through a new 4-arm roundabout junction at the existing Mickledale Lane / Eakring Road junction. The site access carriageway was demonstrated as an approximate 6m width with 2m wide footways either side. However as is outlined by the original consultation response of NCC Highways, fundamental issues were raised with this approach. On this basis the agent has been in discussions with the Highways Authority throughout the life of the application and on this basis a revised indicative layout has been submitted and a further period of consultation undertaken.

The revised access approach demonstrates a T-junction approach from Eakring Road north of the existing access to Mickledale Lane on the opposite side of Eakring Road. In terms of the site specific impacts of the current proposal the Parish Council remain of the view that the proposed access arrangements are inadequate. Reference is made to children having to cross the road to access the school but as has been confirmed verbally to the Parish Council the latest plans showing the access also show the provision of a proposed footway along the site frontage and a proposed uncontrolled pedestrian crossing to the north of the access.

The revised details have also been assessed by the Highways Authority with their comments listed in full above. The original objection has been removed on the basis that the proposal is acceptable subject to conditions in terms of ensuring provision is made for the additional pedestrian movements which would likely arise from the proposed retail unit. This includes the need for the provision of an additional pedestrian crossing facility on Eakring Road.

The applicant has made clear endeavours to work with the LPA and the Highways Authority during the life of the application. The latest position of the Highways Authority is that the proposed access could be considered safe in highways terms. The internal road layout would be subject to final agreement through the reserved matters application. The proposal is compliant with Spatial Policy 7 and the relevant elements of Policy DM5 subject to conditions.

It is fully appreciated that the Parish Council has significant concerns in relation to the traffic issues in Bilsthorpe. These concerns are not just in relation the potential traffic implications of the current proposal but also the cumulative impacts potentially arising from other approvals in the village. This has also been referenced by the comments of NCC Highways with the suggestion that

the A614 / Mickledale junction should be a priority for delivery. Officers can confirm that the junction is on the CIL 123 list for delivery but equally acknowledge that this does not provide assurances to the timescales for delivery. Whilst it may be a reasonable request for the LPA to reconsider the priorities of the CIL list, this is not something that can be done through the current determination process and it would be unreasonable for the LPA to hold a decision for this application to allow these discussions to take place.

Impact on Ecology and Trees

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.

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.

As is confirmed through the Habitat Survey, there are 10 non-statutory local wildlife sites within a 2km radius of the application site; the closest being Bilsthorpe Colliery identified for its importance to breeding wading birds which is situated to the north east of the application site (approximately 35m away at its closest point).

The site is also located within the 5km buffer zone identified in Natural England's Indicative Core Area (ICA) and proposed Important Bird Area (IBA) boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total and that the Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014.

There is a 5km buffer zone around the combined ICA and proposed IBA, as agreed by Natural England, within which possible adverse effects of any development should be properly considered.

It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards.

The original application was accompanied by an Extended Phase 1 Habitat Survey. It should be noted that this survey makes no reference to evidence of Nightjar or Woodlark. This report recognised ongoing works in respect of additional surveys which were subsequently submitted during the life of the application and subject to a further period of consultation with the relevant parties.

The site comprises a site field supporting improved agricultural grassland – an agricultural mix that is cut annually. The site is bounded along its western edge by a continuous hedgerow and on its northern and southern edges by scattered scrub. The eastern edge of the site is bordered by dense scrub and amenity woodland planting beyond the site boundary. The survey concludes that none of the woodland is required to be removed to facilitate the development proposals.

The survey includes reference to previous ecological records as well as confirming species of flora and fauna which were identified during the field survey. It is stated that the site supports a limited range of habitat types but has some potential for bats and birds to be present. It is acknowledged that there is potential that residential properties in close proximity to a woodland edge could have an impact on foraging and community bats. Nevertheless the updated bat survey submitted during the life of the application found that bat activity across the site was low, generally being restricted to the woodland edge to the east and the other boundaries.

The original survey makes a number of recommendations from para. 6.4 including the recommendation that vegetation clearance should be undertaken outside of the bird breeding season unless a walkover survey is undertaken prior to clearance. Reference is also made to the benefits of habitat enhancement which is further discussed by the comments of NCC Ecology listed above.

NCC Ecology do not raise an objection to the proposed development subject to the imposition of conditions. The suggestion of a contribution towards the Bilsthorpe Multi-User route is discussed further in the appraisal section on Developer Contributions below but for the avoidance of doubt is accepted as being secured through any associated Section 106 agreement. Having assessed the details of the relevant surveys, I am minded to agree with the stance that the site is overall of limited nature conservation value. Nevertheless, through appropriately worded conditions, the application presents the opportunity to deliver biodiversity enhancements which would protect / increase the ecological value of the site.

On balance, I am satisfied that the proposals would not unduly impact on the biodiversity of the area and opportunities to conserve and enhance biodiversity can be secured through conditions. The proposals therefore comply with the aims of Core Policy 12, Policy DM7 and the guidance in the NPPF.

Impact on Amenity

A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered. I appreciate that matters of amenity (notably in terms of the proposed retail unit) have been raised as a concern during the consultation process and indeed there will be undoubtedly be amenity implications in comparison of the existing and proposed land uses. As shown on the indicative layout, the retail unit would be towards the south of the site close to the St Johns Ambulance building with existing residential dwellings intervened by the highway or proposed attenuation area (if the indicative layout comes forward as suggested). Eakring Road is a busy road and I do not consider that the noise and movements associated with a small retail unit would amount to detrimental amenity impacts above and beyond those established by the existing circumstances surrounding the site. Nevertheless, these matters will be more appropriately assessed in full at reserved matters stage when the full implications of the development are available.

Impact on Flooding / Drainage

Core Policy 9 requires new development proposals to pro-actively manage surface water. The land is classified as being within Flood Zone 1. As such it is not at risk from flooding from any main watercourses. The applicant has submitted a Flood Risk Assessment (FRA) and Drainage Strategy as part of the submission in accordance with the requirements of NPPF and NPPG. The FRA indicates that 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 (given the site is already within the lowest risk zone) and as such the location of the proposed development is considered appropriate in terms of flood risk.

In terms of the proposed drainage strategy the report confirms that due to differing permeability, soakaways would only be viable in certain areas of the site. The area of open space intended to be delivered as part of the development is considered suitable for a large communal soakaway; the exact proportions of which would be determined at detailed design stage. Where soakaways are not feasible drainage will be provided via a large attenuation pond which will outfall via a new connection to the highway drain in Eakring Road. I note the comments of NCC Flood that this could potentially be problematic but in any case this connection will be agreed under Section 102 of the Water Industry Act 1991 with Severn Trent Water as the statutory undertaker. The strategy confirms that a developer enquiry response has been received from Severn Trent Water which confirms that foul flows from the development could be accommodated in the public sewer. On the basis of the details submitted, I am confident that the applicant has provided adequate evidence to confirm that the development proposed would be appropriate in flood risk and drainage impacts. Exact details would need to be confirmed through any subsequent reserved matters application.

Impact on Archaeology

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.

The site is some distance from the boundary of the Conservation Area, and there is no obvious inter-visibility between the Conservation Area and the site. However, Policy Bi/MU/1 requires the investigation of potential archaeology of the site. The application is accompanied by an archaeological desk based assessment and archaeological geophysical survey. The survey revealed little of potential interest within the site boundary and on that basis does not recommend further archaeological investigation.

NCC Archaeology has been consulted on the application but unfortunately no response has been forthcoming. The report has been fully considered by officers including conservation expertise and there is no dispute to the conclusions reached. On the basis of the submitted desk based assessment, I am satisfied that the applicant has met the requirements of the allocation policy and do not consider it necessary to request further works by condition.

Land Contamination

NPPF paragraph 121 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. This has been addressed through a Desk Study with the application which has been assessed by colleagues in Environmental Health. It is noted that, due to the proximity of the former colliery sludge lagoons and infilling of land on site that has occurred, a series of intrusive investigations and targeted soil sampling including gas monitoring is recommended. It is considered that it would be appropriate to attach a condition in respect of matters of land contamination.

Developer Contributions

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' set out the approach for delivering the infrastructure necessary to support growth. The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

The Planning Statement accompanying the original application referred to a Section 106 Head of Terms which stated an intention to deliver contributions towards Affordable Housing; Education; Sports and Community Facilities; and Health Facilities. Reference to viability is made in terms of the Affordable Housing contribution but this was not qualified at the outset. Meetings during the life of the application began to advance the likelihood of presenting a viability case with a Viability Assessment undertaken by Harworth Estates received 5th September 2017. This has then been supplemented with further clarification and updated appraisals following responses from the Independent Review discussed below. This includes a revised Appraisal dated 25th January 2018 which factors in the changes in the access arrangements (i.e. the financial savings associated with no longer installing a roundabout).

The National Planning Policy Framework says that plans should be deliverable and that the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. The NPPG makes clear that this policy on viability also applies for decision taking and makes clear that decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible.

With this in mind, the Council has commissioned an independent viability expert to critically appraise the applicant's submission (prepared with Savills as their viability consultant) and to provide independent advice to the Council in respect of viability. One of the key concerns raised through the original comments of the Council's independent advice was that the land price quoted in the original viability case should be discounted by a range of 10-20%. It is fully acknowledged however that the discounting of the land is a subjective matter i.e. there isn't a fixed sum by which the land should be discounted. Despite a suggestion through ongoing discussions (notably a

revised position presented on December 19 2017) that the applicant would be willing to discount the land by 20% the latest offer is that the land would be discounted by just 8.5%. This is clearly disappointing given that the latest position should in theory allow a greater discount (or at the very least increased contributions) given the cost savings associated with the road infrastructure. The Council's independent consultant has taken the opportunity to discuss this with the applicants directly. The rationale behind the decision is that the compromised offer of 5% Affordable Housing (discussed in further detail below) was reluctant in any case and actually amounted to a greater impact on profit than the Developers were prepared to entertain. Thus when the costs for the access arrangements were reduced, the stance taken was that the savings should be factored into the perceived 'lost profit.' Officers have carefully considered this position and indeed as is discussed below, this has formed the basis for further negotiations to reach the final offer.

For the avoidance of doubt, the scheme is being presented on the basis that it cannot deliver a policy compliant development. It is presented that if a policy compliant scheme were to be delivered the Profit margin would be 5.58% rendering the scheme unviable. The following section examines the policy requirement of potential developer contributions. These are shown in summary in the table at **Appendix 1**. For each potential contribution I have set out the policy position, the developers offer and our position/commentary on each.

Affordable Housing

I note the comments of the Parish Council in respect of Affordable Housing which state that 30% affordable housing on new housing development in Bilsthorpe is felt to be unnecessary. However, this does not override the policy stance of Core Policy 1 which requires that 30% on-site affordable housing is provided which should reflect local housing need and viability on individual sites, overall reflecting a mix of 60% social rent and 40% intermediate. For 85 dwellings 30% equates to 26 dwellings. However, as is implied above, the Developer has from the outset suggested that it would not be policy compliant in this respect. The offer for Affordable Housing presented is 5% of the overall scheme amounting to 2 Intermediate units and 2 Affordable Rent units (i.e. a 50:50 split).

The response of the independent review suggests an acceptance of this percentage in principle but does make the comment that sensitivities could mean that the tenure mix could be varied to enhance the overall number of affordable units by including a higher percentage of higher value affordable units if there was a need to achieve a higher percentage. This approach has been discussed with colleagues in Strategic Housing. Essentially if the LPA were to push for a higher percentage of affordable units on the basis that they could be through a discounted sale process, this would not necessarily meet the affordable needs of the community. For example, it may be plausible to increase the numerical percentage of units but on the ground this would mean that Registered Providers operating in the area would be unlikely to take the properties on. It would be for the developer to sell the properties at a discounted rate (say 25%) but this would not necessarily make the dwellings affordable to the local community. On this basis, officers find it more appropriate to promote securing Intermediate and Affordable Rent units which would give the LPA a greater degree of control and subsequently better meet the affordable needs of the community.

Community Facilities

For developments of 10 or more dwellings a contribution towards community facilities can be sought which is based upon £1,384.07 per dwelling (indexed as of 2016), equating to £117,645.95

for the entire 85 units. This requirement has been factored into the viability appraisal at an amount of £100,406 thereby representing a shortfall of £17,239.95. It is not clear through the submission why this element of the contributions is not policy compliant and thus further clarification has been sought during the life of the application. Officers have secured that the savings associated through not making a library contribution (discussed below) and savings associated with no longer installing a roundabout can be transferred to a community facilities contributions allowing the proposal to be policy compliant in this respect.

Members will note that the Community and Sports Manager has requested a full SPD contribution to be spent towards the refurbishment of Bilsthorpe Village Hall and former Squash and Sauna Centre (now a community heritage and resource centre). The buildings need major upgrades including toilets and kitchen refurbishment, new plaster, windows, flooring and wiring as well as a redecoration both internally and externally. This is confirmed by the comments of the Parish Council. The negotiated offer is deemed more than reasonable to achieve these objectives.

Education

The Council's SPD on 'Developer Contributions and Planning Obligations' provides that contributions towards primary school education can be sought from planning applications for 10 or more dwellings.

The comments of Local Education Authority suggest that the development would yield an additional 18 primary and 14 seconding places. A contribution of £206,190 (18 x £11,455) has therefore been sought. It is noted that this amount actually exceeds the latest figures from the Developer Contributions SPD but it is equally noted that no 2016 indexing figures have been formally provided and thus presumably this amount has taken the latest indexing into account.

Aside from issues of viability, the education contribution has been subject to discussions during the life of the application on the basis that other approvals in the village for housing development have been done so on the basis that the education system can accommodate the additional pupils (specifically the approval at Oldbridge Way for up to 113 dwellings reference (16/01618/OUTM)). Whilst it is a legitimate query as to why this development now requires a contribution, officers note that the position of NCC Education in commenting on the current application is within a different academic year and thus it is plausible that the school intake position has altered. It is deemed a reasonable position that a development of 85 additional residential units would impose a greater pressure on education provision. Notwithstanding the debates throughout the life of the application, the latest viability position presented factors in the full education contribution as requested and the scheme is therefore policy compliant in this respect.

Health

For developments over 65 dwellings (or where a development places an extra demand upon local health care) a contribution of £982.62 per dwelling (figure includes indexation to 2016) towards health can also be sought through the planning application as set out in our SPD. This amounts to £83,522.70 for the entire 85 units, a figure which has been incorporated in full through the viability appraisal.

Despite a lack of specific comment from the health bodies as to exactly where the monies would be spent towards, it is notable that contributions have been sought on a previous scheme within the village and it is considered entirely reasonable that a development for up to 85 residential units would add pressure to the health system. Officers therefore maintain that the health

contribution should be secured in full and discussions will be ongoing with the relevant bodies in terms of the wording of the associated Section 106 legal agreement should permission be forthcoming.

Libraries

The Council's SPD allows for contributions towards library stock at a cost of £47.54 (based on 2016 indexation) per dwelling. The maximum contribution based on 85 dwellings would be £4,040.90. However, Nottinghamshire County Council who manage the public libraries have confirmed that no contribution would be sought in respect of library provision. Officers therefore consider it reasonable to utilise the £3,906 accounted for library stock in the viability appraisal towards other contributions as discussed above.

Open Space

A development of up to 85 dwellings is required to make a contribution towards open space in the form of provision for Children and Young People; Amenity Green Space and Natural and Semi-Natural Green Space. The indicative site layout incorporates on site provision in the form of a Gateway Landscaping Area; an area referred to as 'The Green' and an Attenuation Area. The original application submission states that open space accounts for 0.556 hectares of the site and the attenuation area as 0.223 hectares. It is noted that the actual figures may differ slightly given the changes made to the indicative layout throughout the life of the application but given that the application is submitted in outline only, it is not considered necessary to seek an updated position.

The requirements of open space provision are outlined by the SPD in **Appendix 1**. The comments of the Parks and Amenities Officer outlined in full above are noted in terms of referencing the lack of provision indicated for Children and Young People. It is suggested that the linear layout of 'The Green' may be unsuitable for such provision. It is Officers view that at an outline stage it would not necessarily be appropriate to seek exact details of the equipment which would come forward. I remain to be convinced that 'The Green' would not be able to accommodate useable equipment in principle. Subject to careful wording within the Section 106 I am satisfied that the proposal could be delivered as policy compliant in this respect.

The requirement of the SPD for Children and Young People and Amenity Green Space amounts to 2,754m² in total for on-site provision. This amounts to 0.2754 hectares and therefore demonstrates that the proposal could provide appropriate on site provision in land take terms. This could be secured through the wording of the Section 106.

Comments have been received from NCC in respect to the potential impact of the development on the Bilsthorpe Multi-User trail. This has been subject to ongoing discussions and it has been clarified that the monies requested would be sought towards the installation of additional bins at existing locations; funding additional litter picks and the alteration of a barrier to formalize pedestrian access. The sum of £19,053 has been factored into the viability offer presented by the Developers.

Transport

The SPD is clear that contributions towards Transport will be negotiated on a site by site basis. The comments of NCC confirm that no contributions towards local bus stop provision will be sought in respect to the current application. Reference is made to the potential for bus stop improvements

at two locations. The Developer has accounted for Public Transport in their viability position and therefore it is reasonable that the improvements to existing bus stop provision can be secured through condition.

Overall Negotiated Position

The above discussion can be summarised through the following table:

Contribution	Negotiated Position	Policy Compliant?
Affordable Housing	5% provision on site	No
Community Facilities	£117,645.95	Yes
Education	£206,190	Yes
Health	£83,522.70	Yes
Open Space	On site provision + Contribution of £19,053 towards the Bilsthorpe Trail Contribution	Yes
Transport	£64,000	Yes
Total	£490,411.65	

As is confirmed above, the viability position presented has been fully assessed by an Independent Consultation on behalf of the Council. The original response received outlined that the methodologies used were not unreasonable in principle provided that account was taken of the discounted land value as referred to above. The response summarised that on the whole the appraisal was fair and reasonable with the exception of a number of points as below:

- *Profit: At 20% Profit on GDV across all housing tenures and commercial, the appraisal is assuming too much profit take than would normally be assumed. The profit should be reduced to 20% Profit on OM GDV, 6% Profit on AH GDV and 15% Profit on GDV (equivalent to 20% on costs).*
- *Land Value: Whilst the approach in principle is not unreasonable the scheme cannot be delivered unless 0% affordable housing is achieved. In this instance the risk of not achieving consent is higher and a discount equal to risk should be applied to the land value, say 10-20% which would reduce the land price in the appraisal from £2,302,469 (£27,088 per unit) to £2,072,222 - £1,841,975 (£24,379-£21,670 per unit) may be necessary to consider balancing return to land owner and mitigation of the scheme in terms of the S106/affordable housing.*
- *The programme is slow for an 85 unit scheme being 42 months of sales. The market is not strong in this location which is accepted. There is no direct evidence available to suggest that the programme must be speeded up however, other than comparable of schemes tested of a similar size and value elsewhere in the country.*

Members should note that the overall offer has evolved through discussions in that the Developer now intends to deliver 5% affordable housing (the original position was that no affordable housing would be provided). A discounted land value of 8.5% and a profit of 18.86% on Gross Development Value has allowed for this offer. Clearly this still falls short of the original comments outlined above. However, the latest response from the Viability Consultant acting on behalf of the Council acknowledges that discounting land value is a subjective matter and one which, if the LPA were to resist on the basis of, may be at risk in terms of robustly defending through appeal. Officers fully acknowledge that the scheme as presented would not be policy compliant falling significantly short of the 30% requirement for Affordable Housing. This must weigh negatively in the overall

balance to the proposal. However, weight must also be attached by the decision maker to the position on viability as presented through the NPPF and its associated guidance. The applicant has cooperated with discussions throughout the life of the application in terms of increasing the affordable offer from nothing to 5% and supplementing the remainder of contributions to ensure that the scheme is otherwise policy compliant. On the basis of the expert advice received from the Councils Independent Consultant, Officers are minded to reluctantly accept the offer presented. It is of course for Members as the decision makers to consider whether such a shortfall of affordable housing provision should be accepted on an allocated site.

CIL

The Council's adopted Community Infrastructure Levy confirms that for residential development, Bilsthorpe is rated zero. The retail element of the scheme would however be liable to a contribution of £100 per square metre. The exact amount would be calculated as part of the reserved matters application.

Overall Balance and Conclusion

The application site has been allocated for a mixed use of residential and retail development. It is acknowledged that the application exceeds the site allocation in respect to its residential delivery by 10 units but this is not considered to be fatal in principle. To the contrary, the additional units would further assist in boosting the housing supply within the District which must attach significant positive weight in the overall balance.

The proposal has evolved during the life of the application notably in respect to the access arrangements sought which remain to be the only matter for agreement at outline stage. The revised comments of the Highways Authority confirm that the T-junction access arrangement now promoted would be suitable to serve the development. On this basis their original objection has been removed.

It is notable from the above appraisal that one of the other key matters of discussion throughout the life of the application has been in respect to viability. The applicant has presented a case whereby the development sought cannot be viably delivered as policy compliant. The final negotiated offer is that the proposal would be policy compliant in all respects except for the delivery of affordable housing. Clearly a residential development for up to 85 units which delivers just 5% of affordable housing (amounting to 4 units on site) is not a position that the LPA would ordinarily entertain. However, I am mindful of the advice which has been provided by an Independent Viability Consultant which has accepted the principle of this offer (and indeed allowed for the LPA to increase the original offer presented through negotiations).

It is a fine balance to play as to whether such a lack of affordable housing provision can allow for a site to be considered sustainable in its delivery. However, in the context of the evidence provided, officers are minded to accept that the benefits of the scheme, in terms of delivering a potential 85 units and a retail unit as envisaged by the site allocation process, would carry substantive determinative weight which allows a recommendation of approval subject to conditions and indeed a Section 106 legal agreement which would ensure that the proposal would be otherwise policy compliant.

RECOMMENDATION

Approve, subject to the following conditions and the completion of a S106 Agreement as set out above in this Report.

Conditions

01

Application for first approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

The first reserved matters application should be accompanied by a Phasing Plan (in line with indicative details shown on Plan reference P17-0010_002 No. 03 Rev. G) detailing the development to come forward in each phase or sub phase of the development. This plan should be re-submitted and updated where necessary through subsequent reserved matters applications. Details of the appearance, landscaping, layout (including internal accesses) and scale ('the reserved matters') for each phase or sub phase of the development demonstrated by the agreed Phasing Plan shall be submitted to and approved in writing by the local planning authority before development in that phase or sub phase begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal to comply with the requirements of Section 92 of TCP Act 1990, as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

03

Any details submitted in relation to reserved matters for landscaping within any phase or sub phase pursuant to Condition 2 shall include a schedule (including planting plans and written specifications, 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 and shall include details of a management plan. In particular, new hedgerows along the site frontage and around areas of public open space should be native, hawthorn dominated hedgerows to mitigate for the loss of hedgerow at the site access, trees should include pedunculated oak, silver birch, rowan and field maple. The 'Gateway Landscaping Area' should be shown to be seeded with a native wildflower mix (e.g. Naturescape N1 mix or Emorsgate Seeds EM2), and 'The Green' area should be shown to be seeded with a native grass mix which can tolerate a higher rate of mowing (e.g. Naturescape N14 or Emorsgate Seeds EL1). The Attenuation Area should be shown to be seeded with a wet grassland mix (e.g. Naturescape NV7 or Emorsgate Seeds EM8).

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

04

All hard and soft landscape works for each phase or sub phase shall be carried out during the first planting season following commencement of that phase/ in accordance with the approved implementation and phasing plan for each phase including as approved by the associated reserved matters approval. The works shall be carried out before any part of the phase or sub phase is occupied or in accordance with a programme which shall firstly be agreed in writing 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.

05

The development hereby permitted authorises the erection of no more than 85 dwellings.

Reason: To define the planning permission as the technical studies submitted as part of the application assume a maximum number of 85 dwellings.

06

The development hereby permitted authorities no more than 3,000ft² of gross retail use as indicated on the Indicative Layout reference P17-0010_002 No:01 Rev. G. The use hereby permitted is restricted to an A1 usage unless evidence of a demand for an alternative usage is submitted to and agreed in writing by the local planning authority.

Reason: To define the planning permission and to ensure appropriate development takes the form agreed by the authority and thus results in a satisfactory form of development.

07

No development shall be commenced within any phase or sub phase pursuant to Condition 2 until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings (respectively) for that phase or sub phase 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.

Reason: In the interests of residential and visual amenity in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

08

No development shall take place within any phase or sub phase pursuant to Condition 2 until a Construction Method Statement for that phase or sub phase has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for;

- i. access and parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
- v. wheel washing facilities,
- vi. measures to control the emission of noise, dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from construction works

viii. hours of operation

ix. a scheme to treat and remove suspended solids from surface water run-off during construction

The approved Statement shall be adhered to throughout the construction period.

Reason: To ensure amenity of neighbouring residential properties is maintained throughout construction.

09

Any subsequent reserved matters application within any phase or sub phase pursuant to Condition 2 should contain a housing mix and type which reflects the housing needs of the area at the time of submission for that phase or sub phase in accordance with details to be first agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To define the planning permission and to ensure appropriate development takes the form agreed by the authority and thus results in a satisfactory form of development.

10

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 August 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).

11

No development shall take place within any phase or sub phase pursuant to Condition 2 until a scheme for ecological mitigation ('the Ecological Mitigation Scheme') for that phase or sub phase has been submitted to and approved in writing by the District Council. The Ecological Management Scheme shall include recommendations relating to bats, birds, and badgers as set out in the Extended Phase 1 Habitat Survey received 22nd June 2017; Bat Survey Report received 26th September 2017; and the Updated Bat Survey Report received 13th October 2017. The agreed scheme shall be implemented in full. For the avoidance of doubt the scheme shall include that 13cm x 13cm gaps are left in garden fences/walls to allow the movement of hedgehogs; that integrated bat and bird boxes are incorporated into the fabric of a proportion (25%) of the proposed dwellings/their garages targeting sparrow, starling and swift; and the provision of a sympathetic lighting strategy which avoids illumination of the woodland edge and site boundaries, to be developed in accordance with the text box in section 5.3 of the Extended Phase 1 Habitat Survey report.

Reason: In order to enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework (2012).

12

The development hereby permitted shall not commence within any phase or sub phase pursuant to Condition 2 until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority for that phase of sub phase. 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.

13

No development shall take place within any phase or sub phase pursuant to Condition 2 until details of a sustainable surface water drainage scheme based on the Flood Risk Assessment (report No P17-025 Rev # dated June 2017) for that phase or sub phase has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and timetable. The scheme to be submitted shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for implementation of the scheme in relation to each phase of the development; and,
- iii) provide a management and maintenance plan for the scheme, for the lifetime of the development, which shall include the arrangements for adoption of the scheme by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that adequate provision is made for the sustainable drainage of the development.

14

No dwelling shall be occupied until a scheme for the provision of improvements to bus stops NS0058 Eakring Road and NS0908 Eakring Road has been submitted to and agreed in writing by the LPA. The scheme shall be implemented in full thereafter. For the avoidance of doubt, in respect to NS0058 this shall include details of real time bus stop pole and displays including associated electrical connections and enforceable bus stop clearly. For NS0908 the details shall include a new footway constructed from the access to the bus stop; details of real time bus stop pole and displays including associated electrical connections; bus shelter; solar lighting; raised boarding kerbs; and enforceable bus stop clearway. The details shall also include a timescale for implementation.

Reason: To promote sustainable travel.

15

The development hereby approved shall be carried out in accordance with the Measures and Incentives and subsequent Implementation and Monitoring details (Sections 7 and 8 respectively) of the ADC Infrastructure Travel Plan dated June 2017 unless otherwise agreed in writing by the local planning authority. For the avoidance of doubt these measures include the appointment of a Travel Plan Co-Coordinator prior to occupation of the development and the retention of this role until five years after first occupation.

Reason: In the interests of sustainable transport and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.

16

Unless otherwise agreed by the Local Planning Authority, development must not commence within any phase or sub phase pursuant to Condition 2 until Parts A to D of this condition have been complied with for any phase or sub phase. 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:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o 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.

17

Details submitted pursuant to the first application for approval of reserved matters consent shall include a draft information leaflet to be distributed to all new residents within the development regarding the ecological value of the local area and the sensitivities of woodlark and nightjar, requesting that dog walking after dusk, during the breeding season within the key areas for nightjar, is avoided. Once approved by the local planning authority, the information leaflet shall form part of the 'welcome pack' to be distributed by the developer of the site to first occupants following legal completion.

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

18

Notwithstanding the submitted indicative site masterplan, all site highway layouts should comply with the Highway Authority design guidance current at the time of application for reserved matters unless otherwise agreed by the Highway Authority and shall be submitted to and agreed in writing by the LPA.

Reason: To ensure the development is constructed to safe, adoptable standards.

19

No development shall commence within any phase or sub phase pursuant to Condition 2, nor shall any equipment machinery or materials for the purpose of the development hereby permitted, including works of site clearance, be brought onto the site until all existing trees and hedges to be retained as shown on a plan for that phase or sub phase have been protected by fencing in line with BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations, pursuant to a scheme that shall previously have been submitted to and approved in writing by the local planning authority. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved protection measures shall not be removed other than in accordance with a timetable that shall previously have been submitted to and approved in writing by the local planning authority.

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).

20

No development shall commence within any phase or sub phase pursuant to Condition 2, until details of the access road(s) widths, visibility splays, surfacing, lighting, parking and turning facilities within that phase or sub phase, have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in accordance with the approved details before the development of that phase or sub phase is first brought into use.

Reason: To ensure the development is constructed to adoptable standards.

21

No dwelling shall be occupied until a scheme for the provision of improvements to bus stops NS0058 Eakring Road and NS0908 Eakring Road has been submitted to and agreed in writing by the LPA. The scheme shall be implemented in full thereafter.

No development shall commence on any part of the application site until a suitable access has been provided at Eakring Road as shown for indicative purposes on drawing P17-0010.002 No. 01 Rev. G to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

22

No part of the development hereby permitted shall be brought until a scheme for the provision of a new footway on the eastern side of Earking Road from Mickledale Lane junction in a northerly direction up to Route 6 cycleway as shown for indicative purposes on drawing ADC-1579-003-P2 has been submitted to and agreed in writing by the LPA. The scheme shall be implemented in full thereafter.

Reason: In the interests of pedestrian safety.

23

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided, as shown on dwg. no. ADC1579-003-P2. The area within the visibility splays referred to in this condition shall thereafter be kept free of obstruction, structures or erections exceeding 0.6m in height.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.

24

No part of the development hereby permitted shall be brought into use until a scheme for the provision of a pedestrian crossing facility on Eakring Road has been submitted to and agreed in writing by the LPA. The scheme shall be implemented in full thereafter.

Reason: In the interests of pedestrian safety.

Informatives

01

In order to carry out the off-site works required, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act.

02

You are advised to consider whether there are opportunities to incorporate innovative boundary measures to restrict public access and cat access to the areas important for woodlark and nightjar when submitting details relating to the reserved matters.

03

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 residential development hereby approved as the development type proposed is zero rated in this location. The retail element of the proposal would however be liable to CIL, details of which would be calculated through the relevant reserved matters application.

04

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).

05

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

- a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
- b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

06

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

BACKGROUND PAPERS

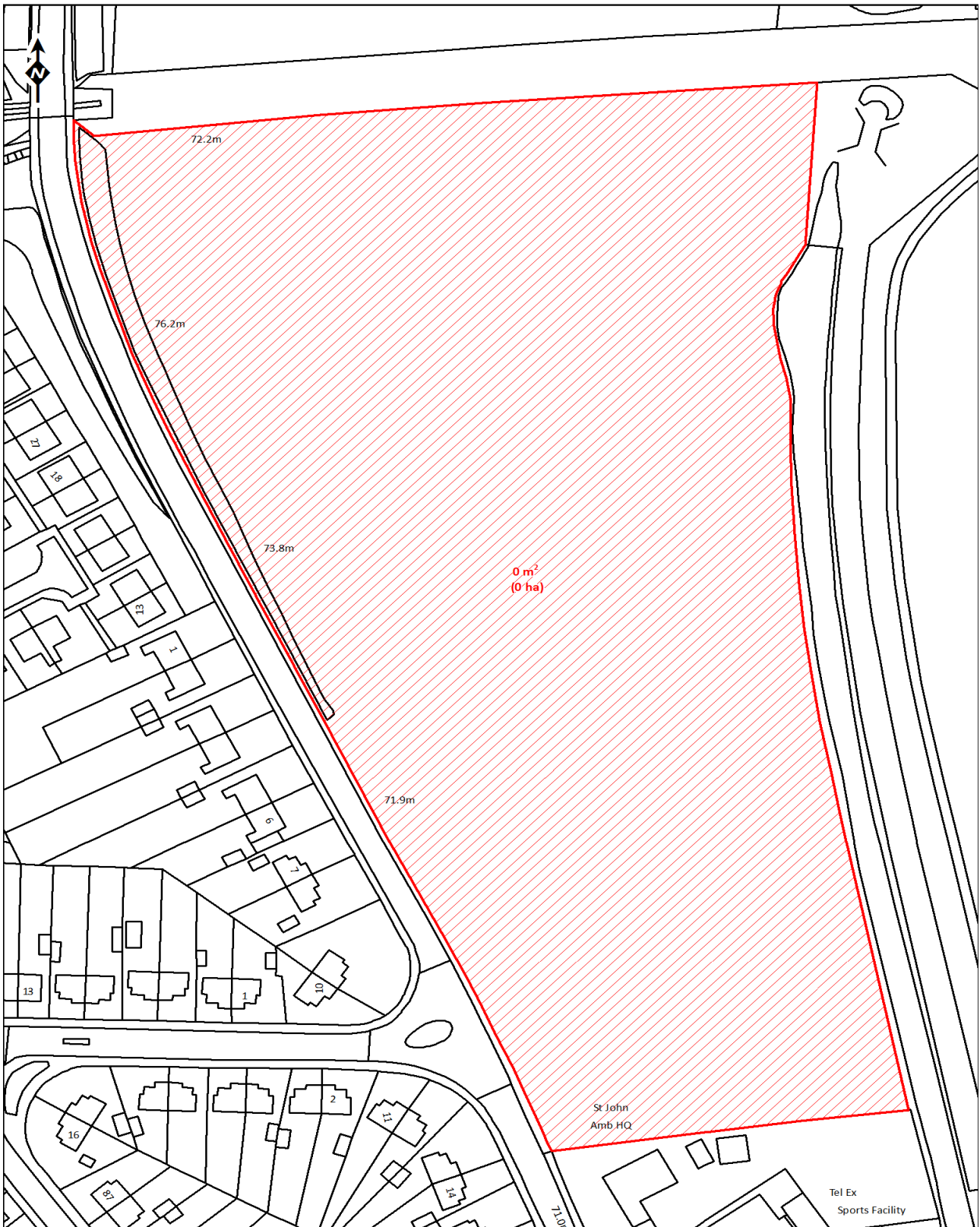
Application case file.

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.

Matt Lamb
Business Manager – Growth & Regeneration

Committee Plan - 17/01139/OUTM



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale



Appeal Decision

Hearing held and site visit made on 17 October 2017

by Brendan Lyons BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2018

Appeal Ref: APP/B3030/W/17/3169590

Land to the south of Bilsthorpe Road, Eakring, Nottinghamshire NG22 0DG

- 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 Dr Chris and Louise Parsons against the decision of Newark & Sherwood District Council.
 - The application Ref 16/00819/FULM, dated 16 May 2016, was refused by notice dated 6 October 2016.
 - The development proposed is described as the erection of nine environmentally sustainable eco homes, publicly accessible wildlife area and associated development including landscaping, allotments, sustainable drainage reed bed and pond system, pv panels, cycle storage, electric car recharging facilities.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of nine environmentally sustainable eco homes, publicly accessible wildlife area and associated development including landscaping, allotments, sustainable drainage reed bed and pond system, pv panels, cycle storage, electric car recharging facilities at land to the south of Bilsthorpe Road, Eakring, Nottinghamshire NG22 0DG, in accordance with the terms of the application Ref 16/00819/FULM dated 16 May 2016, subject to the conditions set out in the schedule annexed to this decision.

Procedural matters

2. It was confirmed at the Hearing that the above description of development, which is set out in the submitted Statement of Common Ground ('SoCG') and was used in the Council's decision notice and on the appeal form, should be taken in preference to the description included on the original planning application form.
3. At the opening of the Hearing, a signed and dated legal agreement was submitted. The agreement between the landowners, the Council and Eakring Parish Council forms a deed of planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The merits of the obligation, which provides covenants on the intended local occupancy and future management of the proposed housing, are considered later in this decision.
4. Not long after the Hearing was closed, judgement was handed down by the High Court in the case of *Braintree District Council v Secretary of State for*

*Communities and Local Government & Others*¹, which considered the interpretation of the term “isolated homes in the countryside” within paragraph 55 of the National Planning Policy Framework (‘NPPF’). The main parties to the appeal were given additional time to comment on the relevance of this judgment. The views expressed on both sides have been taken into account in reaching this decision.

Main Issues

5. The main issue in the appeal is whether the site would provide a suitable location for the proposed development, having regard to national and local policy on the location of rural housing.

Reasons

6. The appeal site, comprising some 3.8 hectares in area, forms part of a large arable field at the western outskirts of the rural village of Eakring. The site is bounded to the north by Bilsthorpe Road, which is a main approach to the village from the nearby A614 road, and to the south by agricultural land, which includes the large turbines of the Stonish Hill wind farm. To the east, the site is close to a complex of large agricultural buildings that serve the appellants’ farming operation and several small businesses. Part of those buildings and some cottages on the opposite side of Bilsthorpe Road lie within the Eakring Conservation Area. The site is crossed by two branches of public footpath, one of which leads to a local landmark, the Mompesson Cross.
7. Permission is now sought to erect nine houses arranged along one side of a short cul-de-sac road taken off the existing farm access. The houses are described as “eco homes” and are intended to have very low energy usage. They would be single storey, with slightly sloping green roofs, on which solar pv panels would be placed. The layout would be of two adjoining groups, one comprising two pairs of houses and the other a pair and a row of three. The houses would be faced by planted bunds, with the area between the bunds and the enhanced hedge boundary potentially to provide future allotments. The remainder of the site would be laid out as a meadow, but with a reed bed pond, bog area and woodland tree planting at the western end, and would be open to public access.

Local policy

8. It is agreed that for the purposes of this appeal the development plan comprises the policies of the Newark & Sherwood Core Strategy (‘CS’), adopted in March 2011, and of the Allocations and Development Management Development Plan Document (‘ADMDDP’) adopted in July 2013. The Council has recently submitted for examination an Amended Core Strategy (‘ACS’), but only limited weight can be given to the emerging policies at this stage.
9. The development strategy of the CS seeks to focus most new housing in Newark, as the Sub-Regional Centre, and in lesser amounts in Service Centres and Principal Villages. A notional allowance of 200 units is identified for Other Villages in rural areas, one of which is Eakring.

¹ Braintree District Council v Secretary of State for Communities and Local Government & Others [2017] EWHC 2743 (Admin)

10. CS Policy SP3 deals with rural areas and sets criteria for development beyond Principal Villages, one of which is that new development should be within the main built-up areas of villages which have local services and access to larger centres. The policy states that development “away from the main built-up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting, such as agriculture and forestry”, and that any such proposals are to be covered by the policies of the ADMDPD.
11. In this case, there is no dispute that Eakring has a small range of services, in the form of a church, public house and village hall, and has reasonably good bus services to larger centres. In granting permission for a number of new housing proposals in the village, the Council has accepted that the village is a suitable location for some development.
12. Policy SP3 does not define settlement boundaries for Other Villages, so that the location of any particular site relative to the “main built-up area” becomes a matter of judgement in each case. The supporting text to the policy explains that the term “main built-up area” would normally refer to the buildings and land which form the core of the village, and would not include more dispersed “outlying development” nearer the village edges.
13. I agree with the Council that this distinction is evident in the case of Eakring. Development on the north side of Bilsthorpe Road becomes more dispersed towards the village edge. A recent appeal decision² concluded that Cherry View and Apple Cottage, which is opposite the appeal site access, lie outside the main built-up area. On the south side of the road, the appellants’ farm buildings and their belt of tree screening provide a clear buffer to the denser village core. In my assessment, the evidence of the historic existence of small cottages further to the west, said to have been built on common land at the roadside, is not significant to the judgement of the village’s current extent, which must be made on its form as found today.
14. I acknowledge that there is scope for different views in making this judgement. However, even if it were held that the main built-up area extended to the farm access, I consider that there is little ground for dispute that the appeal field marks a clear transition from the village to the surrounding agricultural land and that the appeal site thus forms part of the open countryside.
15. Control of development in the open countryside is delegated by CS Policy SP3 to ADMDPD Policy DM8, which reiterates the CS restriction on development “away from the main built-up areas of villages”. New dwellings which are not for specific rural workers are only to be permitted when they would be of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and would be sensitive to the defining characteristics of the local area.
16. Considerable evidence was tendered both in writing and at the Hearing on the environmental performance of the proposed houses, and the degree to which the proposed construction should be seen as innovative. In the face of conflicting expert opinion, it is difficult to reach definitive conclusions on these technical issues. The designers of the scheme have been able to draw on the experience of a nearby project at Hockerton, which I was able to visit after the

² Appeal Ref APP/B3030/W/17/3168428

Hearing, supplemented by independent appraisal, while the Council's advisers were able to provide convincing evidence on the application of national and international standards, in particular "PassivHaus".

17. On the balance of the evidence, I consider it likely that the proposed dwellings would be effective in achieving their objective of very low running costs for their occupants. However, I find that the methods to be employed should be regarded as an evolution of previous technology, which itself forms part of a considerable body of experience in earth-sheltered and high thermal mass buildings. None of the measures put forward as special identifiers of the proposed construction appeared either alone or in combination to meet the high bar expected to satisfy the policy requirement for innovation.
18. Furthermore, the policy requires all proposals to demonstrate the highest standards of architecture. I recognise that an efficient response to functional issues can have a powerful inherent strength to form the basis of exceptional architecture, and that this is intended as a modest project and not as a flamboyant showpiece. Nevertheless, I consider that in order to achieve the highest standards of architecture a proposal must go well beyond functional considerations to result in a work that is also deeply satisfying at an aesthetic level. The appeal proposal's simple design and layout do not in my view come near to achieving the highest standards sought by the policy.
19. Because of its low profile and sheltering by bunds and planting, the proposal would be sensitive to the rural character of the site and would not harm its immediate setting. The anticipated view from the Mompesson Cross illustrates this. But the introduction of the proposed development would not represent a significant enhancement to the setting.
20. For these reasons, I find that the proposal would not meet the exceptions allowed for new dwellings in the countryside and would be contrary to ADMDPD Policy DM8.

National policy

21. The issue of consistency with national policy and guidance is among the most important material considerations. The CS was adopted prior to publication of the NPPF, so that in accordance with NPPF paragraph 215 the application of CS policies will be affected by their degree of consistency with NPPF policies. The independent review of the CS commissioned by the Council from the government-backed Planning Advisory Service ('PAS')³ found the CS settlement hierarchy and spatial distribution of growth to be in conformity with the NPPF. I agree that the strategy of focussing most development in the most accessible settlements is broadly consistent.
22. With regard to CS Policy SP3, the review notes that NPPF paragraph 55 is less restrictive in the location of new housing, being based on support for the vitality of rural communities and allowing the possibility of housing in the countryside subject to special circumstances, whereas Policy SP3 seeks to direct new development to the main built-up areas of villages. However, this critique does not acknowledge that Policy SP3 does contemplate some development outside villages, but that proposals are to be addressed by the ADMDPD.

³ PAS: Plan Review –Newark and Sherwood District Council Adopted Core Strategy February 2015

23. The ADMDPD was adopted after publication of the NPPF, so its policies have been tested for consistency. The exceptions allowed by Policy DM8 for new dwellings in the countryside closely reflect those set out by NPPF paragraph 55. Despite the slight difference in wording (“away from... villages” rather than “isolated”), the policy’s effect of controlling development in the countryside can be taken as fully consistent. Although the Council now suggest that paragraph 55 was not a primary consideration in their decision, the reason for refusal of the planning application cites conflict both with paragraph 55 and with Policy DM8, without distinction between them.
24. In considering the application of paragraph 55, the recent High Court judgement referred to above has accepted the Secretary of State’s submission that the word “isolated” should be given its ordinary objective meaning of “far away from other places, buildings or people; remote”⁴. The judgement related to an appeal which had allowed an individual new dwelling on a site within the outskirts of a village that did not have a defined settlement boundary. The sole point at issue was whether “isolated homes” should mean “homes which were remote from services and facilities”⁵. The judgement concluded that this was too narrow an interpretation. A dwelling close to other homes in a dispersed village could contribute to the viability of rural communities, by the social effect of its proximity⁶ and by the use of services in nearby larger villages⁷, and would therefore accord with paragraph 55 guidance.
25. The appellants in the present case seek to find parallels with the circumstances of the judgement case, drawing attention to the comparable range of services in Eakring and the similar or closer distance from larger centres. I acknowledge the Council’s point that the site in the High Court case was within the wider settlement, with dwellings to each side of it, whereas the current site is outside. However, the judgement places the emphasis on proximity and draws attention to the Planning Practice Guidance (‘PPG’) advising against restriction of housing development in some settlements and expansion of others⁸.
26. It is not disputed that the appeal site is within easy walking distance of the village pub and bus stops, and the church and hall are not much further. I agree that the appeal site is not therefore “far away” from these services, and in the light of the judgment cannot be regarded as “isolated”, notwithstanding the degree of visual separation from the built-up area of the village. The tests set for isolated dwellings by paragraph 55 would not apply and the proposal should be weighed for its contribution to the vitality of rural communities.
27. The PPG advises that a thriving rural community depends, in part, on retaining local services and community facilities, including public houses and places of worship, and that rural housing is essential to ensure viable use of these local facilities⁹. The appeal proposal would help to support viable use of the limited services in Eakring and the wider range available in nearby settlements.
28. The proposal would also offer housing for rent with occupancy restricted to those with a clear connection to Eakring and neighbouring parishes (other than

⁴ Paragraphs 7, 24

⁵ Paragraph 7

⁶ Paragraph 27

⁷ Paragraph 28

⁸ PPG paragraph ID 50-001-20140306

⁹ PPG paragraph ID 50-001-20140306

the larger village of Bilsthorpe) for a minimum period of 15 years, and future sales would have an element of discount to assist affordability.

29. The application was not supported by a specific housing needs study, but relied on the evidence of the SHMA and previous district-wide studies of need and stock analysis. This was augmented by the response to the appellants' own local consultation, which was said to have revealed a number of expressions of interest in occupying the proposed houses. The Council argues that a rigorous parish-level housing needs study is required, and that the most recent such formal study, which was carried out in 2015, is still relevant. This showed 5 households in the village in need of new housing, including 3 seeking 2-bedroom or bungalow types. The Council point out that recent permissions granted within the village have gone some way to addressing that need.
30. Nevertheless, the SCG acknowledges that the proposal could help to contribute towards local need, which in this instance would encompass several parishes. Although lacking documented evidence, I accept that the availability of small units for rent would be attractive to younger people and some "downsizers", with the likely low energy costs a particular incentive to these groups, thereby increasing opportunity for such people to remain in the local area, and contribute to the social dimension of a sustainable community.
31. The proposal would also provide some publicly accessible open space at the transition between the village and the open countryside, with potential benefit to the whole community, in a setting with greater ecological diversity than the current intensively cultivated field. I accept the necessary access arrangements could be secured by means of a planning condition, as outlined by the appellants.
32. For the above reasons, and having regard to the High Court judgement, I find that the appeal proposal would contribute to the rural area's economic and social vitality. The proposal would accord with national policy as set out by NPPF paragraph 55.

Other matters

33. Referring to one of the core principles of the NPPF, the judgement sees national policy as striking a balance between recognition of the intrinsic character and beauty of the countryside, and the support for thriving rural communities. In this instance, the Council's objection to the site's incursion onto the countryside appears to be largely one of principle. There is no objection to the effect on landscape character and appearance. As earlier outlined, I agree that the low-profile design of the row of dwellings would sit relatively unobtrusively in the landscape, partly absorbed by the effect of earth sheltering and mounding, and potentially subject to further softening by the treatment of the site's southern boundary, which could be secured by a landscape condition. There would be no adverse effect on the character and appearance of the countryside.
34. The Council also accepts that the ecological value of the site would be enhanced from its current condition as an intensively cultivated field. I agree that the proposed additional hedge and woodland planting, pond and habitat creation would represent an ecological enhancement in accordance with national and local policy, notwithstanding the addition of some residential use. The provision and management of these measures can be secured by conditions.

35. A short length of the site frontage directly adjoins the Eakring Conservation Area. The character of the conservation area, as outlined by the Council, is as medieval settlement within open countryside, which retains its pattern of streets and some plot boundaries. As one edge of the countryside at the western approach to the village, the appeal site forms part of the area's setting that defines the contrast with the built-up village core. The main parties agree that the change from open field to residential and public access land would have an effect on the setting but that this would be mitigated by the proposed design and layout and by enhanced planting. I accept that the proposal would thus largely preserve the site's contribution to the area's heritage significance, so that there would be no appreciable harm to the character or appearance of the conservation area. Similarly, the screening of development and the maintenance of an open aspect would ensure no harm to the modest significance of Apple Cottage, which has been identified as a non-designated heritage asset.
36. The County Council made no objection to the application on rights of way grounds, but has now raised concern that the proposal would conflict with the use of existing public footpaths. I accept the Council's conclusion that any interference could be resolved following the grant of planning permission by a footpath diversion secured through appropriate legal process.

Housing land supply

37. The appellants argue that the Council cannot demonstrate a five-year supply of deliverable housing sites, so that in accordance with the guidance of NPPF paragraph 49 development plan policies relevant for the supply of housing should be considered out-of-date, and the 'tilted balance' outlined by NPPF paragraph 14 should apply to the assessment of the appeal.
38. The Council acknowledge that the housing requirement of 740 dwellings per annum ('dpa') set by the CS was a constrained figure dictated by former regional strategy. In the light of the subsequent NPPF approach that housing should be planned to meet the Objectively Assessed Need ('OAN') in each Housing Market Area ('HMA'), the Council now seeks to rely on a requirement derived from the OAN identified by a Strategic Housing Market Assessment ('SHMA') prepared for the Nottingham Outer HMA authorities in 2015. The SHMA's OAN for Newark & Sherwood is 454 dpa.
39. Applying this figure, the Council's most recent assessment of the housing land supply, as at 1 April 2017¹⁰, calculated a five-year requirement of 2878 dwellings, including a 20% buffer to reflect previous under-delivery, which would equate to 576 dpa. Against this the Council estimates a deliverable supply of 3567 units, or 6.2 years' supply.
40. The appellants do not offer their own estimate of the necessary five-year requirement or of the available supply of deliverable sites. Their challenge is based on the outcome of an appeal allowed in January 2016 for 48 dwellings at a site at the edge of Farnsfield¹¹, which is a Principal Village in the CS settlement hierarchy. The Inspector in that appeal concluded that the CS figure was out of date and, while acknowledging the importance of the SHMA then about to be published, accepted the appellant's submission that the

¹⁰ Statement of Five Year Housing Land Supply (01.04.17) Published July 2017

¹¹ Appeal Ref APP/B3030/W/15/3006252

correct level of OAN lay in the range of 500-550 dpa rather than 454 dpa. At an OAN of 550 dpa and with some reductions to the Council's then predicted delivery, the Inspector concluded that the deliverable supply was between 4 and 5 years'.

41. In response to that appeal decision, both Nottinghamshire HMAs jointly produced a Position Statement¹² which sought to confirm the robustness of the SHMA figures by addressing the specific concerns that had led the Inspector to allow for a higher OAN. It is not clear if this evidence was before the Inspector who determined a later appeal to which the current appellants also refer, which allowed a proposed single house within an Other Village¹³, concluding that there were insufficient grounds to dispute the Farnsfield assessment of supply.
42. Two other appeals referred to by the appellants for sites in Coddington¹⁴ did not reach conclusions on the supply position. However, in dismissing a more recent appeal for up to 30 dwellings at the edge of Blidworth¹⁵, which is a CS Principal Village, the Inspector accepted the Council's submission that there had been changes since the Farnsfield decision, in terms of the response outlined above, the progression of the CS review and the delivery of additional housing. As well as the April 2017 supply position, he took account of sensitivity tests which showed that the Council could achieve a 5.3 years' supply against a requirement of 500 dpa, and of 4.6 years' against a requirement of 550 dpa, but that the latter was mainly due to the increased shortfall arising from the higher requirement and could be addressed by a slightly increased windfall allowance. As these figures covered the upper range of the Farnsfield Inspector's concerns, he decided that it was reasonable from the evidence to conclude that the Council could demonstrate a five-year supply.
43. The Council has confirmed that the recently submitted ACS is based upon an OAN of 454 dpa. The Council accepts that full weight cannot be given to this figure until the new plan has successfully passed through the examination process. However, by reaching this stage the figure derives greater weight than it may have been allowed in earlier appeals. The evidence suggests that the SHMA figure remains the only fully evidenced OAN for the full HMA¹⁶, and gains some support from the lack of modification to its figures for the neighbouring Ashfield District at a recent examination.
44. The correct requirement will be determined as part of the ACS examination. In the interim, from the evidence before me, I endorse the conclusions of the Blidworth Inspector that the Council can clearly meet the SHMA OAN and that the sensitivity tests, which the Council confirm remain current, give sufficient confidence that the higher levels of OAN suggested by the Farnsfield decision could be met, albeit with minor reassignment of provision in the case of the highest figure. On that basis, and in the absence of any detailed evidence to the contrary, I conclude that the Council can demonstrate a five-year deliverable supply of housing land. Therefore, the relevant policies of the development plan are not out-of-date and the tilted balance set by NPPF paragraph 14 is not engaged. The appeal decision must be determined in

¹² Nottingham Core HMA, Nottingham Outer HMA: Position Statement July 2016

¹³ Appeal Ref APP/B3030/W/16/3158075

¹⁴ Appeals Ref APP/B3030/W/16/3151592; APP/B3030/W/16/3168578

¹⁵ Appeal Ref APP/B3030/W/17/3168018

¹⁶ The Farnsfield appellants' estimation being based only on Newark & Sherwood District

accordance with the development plan unless other material considerations indicate otherwise.

Planning balance

45. I have found that the proposal would conflict with ADMDPD Policy DM8, which seeks to regulate the limited degree of development in the countryside envisaged by CS Policy SP3. While these policies are not out of date by virtue of an inadequate supply of housing land, the CS policy's consistency with the NPPF was already flagged by the Council's own assessment, and their restrictive approach to development that is not in an isolated location must now be seen as at odds with the interpretation of national policy provided by the High Court judgement. As a result, the appeal proposal's conflict with development plan policy is a matter of greatly reduced weight.
46. The appeal proposal would offer particular benefits in terms of the houses' environmental performance and their support for the economic and social viability of the rural community, underpinned by their controlled occupancy, low running costs and restricted sales values, and by the creation of ecologically enhanced publicly accessible green space. I consider that these are matters of considerable weight, which cumulatively provide material considerations that support a conclusion other than in strict accordance with the development plan.
47. I recognise the Council's concern that significant encroachment into the countryside could result in an unsustainable pattern of development, contrary to the balance sought by the NPPF. But I am satisfied that this decision would not create a strong precedent in that respect, especially as the particular benefits of the current proposal are not likely to be frequently replicated. The merits of any future proposals would have to be assessed in the light of prevailing national and local policy at that time.

Conditions and obligation

48. The Council's proposed conditions were debated and generally agreed at the Hearing. Subject to some amendments and amalgamation in order to enhance precision and enforceability, I consider the proposed conditions to be reasonable and necessary and to meet the tests set by the NPPF.
49. In addition to the standard commencement condition, a condition specifying the approved plans is needed to provide certainty of the permitted form of development. Conditions requiring approval of finished floor levels, external materials, hard and soft landscape treatments and their implementation, and the design and implementation of any boundary treatments are necessary to ensure the rural character and appearance of the area would be protected. Details of habitat creation and enhancement, including the provision of artificial roosting and nesting boxes, the protection of existing trees and nesting birds, and the provision and management of external lighting are all necessary to ensure that the ecological and biodiversity interest of the site would be protected and enhanced.
50. As outlined above, a condition is necessary to secure the provision and management of public access to the site, which would require a separate agreement. The same condition is necessary to secure other elements that would deliver the development's environmental credentials, including

allotments, sustainable drainage, pv panels, cycle storage and electric car charging facilities. Similarly, delivery of the environmental performance of the houses themselves needs to be ensured by a condition requiring an independent as-built assessment, and any necessary mitigation. While noting the Council's concern that the proposal would not be tailored to meet acknowledged independent standards, I find the condition proposed would provide a reasonable means of ensuring delivery.

51. Conditions are needed in the interests of safe access for vehicles and on foot to ensure provision of the shared access drive, vehicle and cycle parking and public footpaths after any necessary diversion as outlined above.
52. Owing to the site's sensitive location and the importance of retaining predicted environment and design standards, a condition is exceptionally justified to withdraw "permitted development" rights for specified classes of development that could significantly affect the appearance or performance of the completed buildings.
53. The occupancy and future management and sale of the houses are to be controlled by the submitted obligation. The Council is party to the S106 agreement that would secure these arrangements and raises no objection to this means of delivery, with the involvement of the Parish Council in a monitoring role. Effective delivery would be necessary to address the conflict with the development plan. With that, I consider that the agreement would meet the tests for planning obligations set by the CIL Regulations¹⁷ and by the NPPF paragraph 204.

Conclusion

54. For the reasons set out above, and having taken account of all matters raised in written submissions and at the Hearing, I conclude that the appeal should be allowed and planning permission granted subject to the above conditions and in the light of the completed obligation.

Brendan Lyons

INSPECTOR

¹⁷ Community Infrastructure Levy Regulations 2010, Reg 122(2)

Annex

Appeal Ref: APP/B3030/W/17/3169590

Land to the south of Bilsthorpe Road, Eakring, Nottinghamshire NG22 0DG

Schedule of conditions Nos. 1-16

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan (1:2500)
EEB Site Plan 005
EEH permissive access – 003
EEH dwellings 1,2,3 001
EEH dwellings 4,5 001
EEH dwellings 6,7 001
EEH dwellings 1,2,3,4,5 001
EEH dwellings 6,7,8,9 001
EEH site plan - just homes 003
EEH site plan 003.
3. No development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
4. No development shall be commenced until a full schedule of the external materials to be used in the development (including the provision of samples upon request) has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
5. 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) 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 as part of a scheme designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
 - b) existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
 - c) proposed finished ground levels or contours including details of the retaining wall;
 - d) hard surfacing materials;
 - e) minor artefacts and structures (for example, furniture, play equipment, refuse or other storage units, signs, lighting etc);

- f) proposed and existing functional services above and below ground (for example, drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc);
- g) retained historic landscape features and proposals for restoration, where relevant.

The approved soft 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 current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping shall be implemented prior to first occupation of the site.

- 6. No part of the development shall be brought into use until details of any 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 any individual plot on site shall be implemented prior to the occupation of that dwelling and shall be retained thereafter.
- 7. No development shall be commenced until full details of a Habitat Creation and Enhancement Scheme (HCES) have been submitted to and approved in writing by the local planning authority. The HCES shall be based upon the recommendations contained within the Preliminary Ecology Appraisal by Ramm Sanderson dated March 2016 and shall include details of the enhancements to the hedgerows, details of the creation of the wetland area (including sectional drawings to show the depths and extent of excavation). These details shall also include:
 - a) purpose, aims and objectives of the scheme;
 - b) a review of the site's ecological potential and any constraints;
 - c) description of target habitats and range of species appropriate for the site;
 - d) selection of appropriate strategies for creating/restoring target habitats or introducing target species;
 - e) selection of specific techniques and practices for establishing vegetation;
 - f) sources of habitat materials (e.g. plant stock) or species individuals;
 - g) method statement for site preparation and establishment of target features;
 - h) extent and location of proposed works;
 - i) aftercare and long term management;
 - j) the personnel responsible for the work;
 - k) timing of the works;
 - l) monitoring;
 - m) disposal of wastes arising from the works.

All habitat creation and/or restoration works shall be carried out in accordance with the approved details and timetable unless otherwise agreed in writing by the local planning authority.

8. Prior to first occupation of any of the dwellings hereby approved a minimum of five bat roosting boxes (such as Schwegler 2F and/or 2FN or similar as may be agreed) and a minimum of five bird nest boxes (such as Woodcrete 1B bird nest boxes, each with a 32mm hole or similar as may be agreed) shall be installed on site with precise details of the locations and height of installations to be first approved in writing by the local planning authority. The approved artificial nest and roost boxes shall thereafter be retained for the lifetime of the development.
9. No hedgerow or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive).
10. 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 and measures to minimise the impacts on the ecological value of the site. 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.
11. No development shall be commenced until a detailed scheme for the laying out (including where appropriate providing details of the design, quantum, and materials) and maintenance for the lifetime of the development of the following elements have been submitted to and approved in writing by the local planning authority:
 - a) The publicly accessible wildlife areas;
 - b) Allotments;
 - c) Sustainable drainage reed bed and pond system, including measures to ensure residents are fully informed of the correct management of waste water;
 - d) PV panels;
 - e) Cycle storage;
 - f) Electric car recharging facilities.

These elements shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained for the lifetime of the development.

12. Prior to first occupation of each dwelling hereby permitted, an independent assessor (whose appointment funded by the site developer must have previously been approved in writing by the local planning authority) shall complete an Assessment of the design standards of the buildings and an appraisal demonstrating how the detailed construction meets the predicted performance standards set out in the submitted Revised Technical Report Version 1.4 and the Energy & Sustainability Review by MES Solutions dated 14 February 2017, and the Assessment shall be approved in writing by the local planning authority.

Should that Assessment indicate that the dwellings would not meet the standards set out in the submitted documents, appropriate mitigation shall

be undertaken to ensure conformity with the standards. Prior to first occupation of each dwelling, or in accordance with an alternative timetable to be agreed in writing with the local planning authority, the developer shall then submit to the local planning authority a Final Assessment Report issued by the independent assessor indicating that the development would meet the performance standards.

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

14.Prior to the occupation of any dwelling hereby permitted, the shared private driveway shall be laid out to a minimum width of 4.8m with turning facilities suitable to accommodate a refuse vehicle in accordance with a plan to be first submitted to and approved in writing by the local planning authority.

15.No development shall be commenced until details to confirm the treatment and continued legal status of public rights of way on the site have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site prior to first occupation of any dwelling and retained thereafter.

16.Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), 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: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows;

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof;

Class C: Any other alteration to the roof of a dwellinghouse;

Class D: The erection or construction of a porch outside any external door of a dwellinghouse;

Class E: Development within the curtilage;

Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse;

Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse;

Class H: The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse;

Or Schedule 2, Part 2 of the Order in respect of:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class C: The painting of the exterior of any building.

Class F: The installation, alteration or replacement on a building of a closed circuit television camera to be used for security purposes;

Or Schedule 2, Part 14 of the Order in respect of:

Class A: The installation, alteration or replacement of microgeneration;
Class B: The installation, alteration or replacement of standalone solar for microgeneration within the curtilage of a dwelling house or block of flats;
Class C: The installation, alteration or replacement of a microgeneration ground source heat pump within the curtilage of a dwellinghouse or block of flats;
Class D: The installation, alteration or replacement of a microgeneration water source heat pump within the curtilage of a dwellinghouse or a block of flats;
Class E: The installation, alteration or replacement of a flue, forming part of a microgeneration biomass heating system, on a dwellinghouse or a block of flats;
Class F: The installation, alteration or replacement of a flue, forming part of a microgeneration combined heat and power system, on a dwellinghouse or a block of flats;

unless permission has first been granted by the local planning authority in the form of a separate planning permission.

APPEARANCES

FOR THE APPELLANT:

Jon Pope	Director, GPS Planning and Design Ltd
Simon Tilley	Hockerton Housing Project Trading Ltd
Chris Jones	MES Building Solutions
Dr Chris Parsons	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Clare Walker	Senior Planner
Sukhjinder Chohan	Planning Officer
Debbie Dickinson	Policy Planner
Kevin Robinson	Planning Officer
Kit Knowles	Sustainability consultant, EcoSpheric
Lucy Formoy	Architect, Guy Taylor Associates

INTERESTED PERSONS:

Linda Tift	Councillor, Newark & Sherwood District Council
Marisha Curry	Chairman, Eakring Parish Council
Len Haslam	Local resident

DOCUMENTS

- 1 Section 106 Agreement dated 16 October 2017
- 2 Legal note: Terms of Section 106 Agreement
- 3 Appeal decision APP/B3030/W/17/3168578:
Brownlows Hill, Coddington NG24 2QA
- 4 Appeal decision APP/B3030/W/16/3151592:
The Plough, Main Street, Coddington NG24 2PN
- 5 Planning committee report, 6 December 2016, Application 16/01745/FUL:
Land adjacent to Cherry View, Bilsthorpe Road, Eakring
- 6 Appeal decision APP/A3010/W/17/3172614:
Land adjacent to the village hall and recreation ground at The Drive,
Barnby Moor DN22 8QU
- 7 Legal note: Procedure for discharge of proposed planning condition 13 –
Public access
- 8 Letter from Council dated 8 January 2018
- 9 Letter from GPS Planning and Design Ltd dated 8 January 2018

PLANS

- A Location of site of appeal ref APP/B3030/W/17/3168428
- B Local Plan 1999 Inset Map 18: Settlement and conservation area
boundaries for Eakring
- C Location of other sites in Eakring granted permission for housing

APPENDIX 1

Developer Contributions 17/01139/OUTM – Eakring Road, Bilsthorpe

Contribution	SPD Requirement	Anticipated contribution	Monitoring Contribution
<i>Affordable housing</i>	30%	5% on site (2 Intermediate units and 2 Affordable Rent units)	Physical Obligation (based on 1 site visit) - £66
<i>Community Facilities</i>	£1,384.07 per dwelling (<i>based on 2016 updated indexing</i>)	£117,645.95 based on full quantum of dwellings.	Financial Obligation - £240
<i>Education</i>	£2,406 per dwelling (<i>based on 2013 original indexing</i>)	£206,190 based on full quantum of dwellings	Financial Obligation - £240
<i>Health</i>	£982.62 per dwelling (<i>based on 2016 updated indexing</i>)	£83,522.70 based on full quantum of dwellings	Financial Obligation - £240
<i>Libraries</i>	£47.54 for stock per dwelling (<i>based on 2016 updated indexing</i>)	£0	
<i>Open Space</i>	IF on site contributions: <ul style="list-style-type: none"> Provision for children and young people – 18m² per dwelling – 1,530m² based on full quantum of dwellings 	Minimum provision of 2,754m² of on-site provision for Children and Young People and Amenity Green Space. Contributions to Bilsthorpe Multiuser Route - £19,052.74	Physical Obligation (based on 3 site visits) - £198 Financial Obligation - £240

- Amenity Green Space – 6m² per person – **1,224m²** based on full quantum of dwellings
- Natural and Semi-Natural Green Space- all residents should live within 300m of an area of between 0.2ha and 1ha in size

IF off site contributions:

- Provision for children and young people £927.26 per dwelling *(based on 2016 updated indexing)*
- Amenity Green Space £282.94 per dwelling *(based on 2016 updated indexing)*
- Natural and Semi Natural Green Space £102.66 per dwelling *(based on 2016 updated indexing)*
- Contributions to Bilsthorpe Multiuser Route *(specific consultee request to the application)*

IF all off site:

- | | | | |
|--|---|--|--|
| | <ul style="list-style-type: none">• Children and Young People - £78,817.10 + maintenance• Amenity Green Space - £24,049.90 +maintenance• Natural and Semi Natural Green Space - £8,726.10 +maintenance | | |
|--|---|--|--|

Agenda Item 8

PLANNING COMMITTEE – 6 MARCH 2018

AGENDA ITEM NO. 8

Application No:	17/01698/FUL	
Proposal:	Erection of single storey extension	
Location:	Mirical Emblems Ltd., Mansfield Road, Blidworth NG21 0LR	
Applicant:	Mr R Dul	
Registered:	15 September 2017	Target Date: 1 December 2017

This item is brought to committee as a departure from the Development Plan and the view of the Business Manager that a committee determination is appropriate.

The Site

The proposal site is located to the northern edge of Blidworth and is located in the Green Belt. The site is formed by the existing print works which is housed with a building originally built as a Miners Welfare Dance Hall in connection to the colliery at Blidworth. The site has Tippings Wood a Local Nature Reserve to the north, the recreational sports fields to the east and south east and an existing office building to the south/ southwest. To the west is Mansfield Road and an open field with residential development beyond.

Relevant Planning History

97/50282/FUL - Change of Use of Social Club and Snooker Hall to form workshop for the production of badges – Approved 17 February 1997

02/00595/FUL - Proposed extension to existing facility – Approved 7 November 2002.

10/00961/FUL - Erection of office extension and bin store – Approved 2 September 2017.

The Proposal

The proposal is for a single storey extension (with smaller single storey link) to the west (front) of the existing printing building. The extension would have maximum dimensions of circa 17m width and 25m depth with an eaves height of circa 3m and a ridge height of circa 5m. The proposed link would be flat roofed and would measure 5.6m in width and 3.6m in depth and would have maximum height of 3.6m taking account of changes in land levels. The proposal would extend toward Mansfield Road and would provide approximately 445 square metres of additional production and design space.

A Preliminary Ecology Survey has been deposited with the application together with an additional supporting statement in relation to the history and operation of the business and employment matters.

Departure/Public Advertisement Procedure

Occupiers of six properties have been individually notified by letter. A site notice has also been displayed near to the site and the application advertised as a departure. As the proposal falls below 1000 square metres of additional floor space should the application be supported it would only require referral to the Secretary of State if it is considered to result, by reason of its scale or nature or location, to have a significant impact on the openness of the Green Belt.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 3: Rural Areas
Spatial Policy 4A: Extent of Green Belt
Spatial Policy 4B: Green Belt Development
Spatial Policy 7: Sustainable Transport
Core Policy 6: Shaping our Employment Profile
Core Policy 9: Sustainable Design
Core Policy 12: Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM8 – Development in the Open Countryside
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012

National Planning Policy Guidance

The appraisal of the scheme takes into consideration the above planning policy framework and other material considerations.

Consultations

Blidworth Parish Council – No objections raised.

NCC Highways Authority – The application site is of sufficient size to accommodate this extension, whilst still retaining adequate parking provision. It is stated in the application form that an additional 6 employees are expected as a result of this proposal, which should not impact significantly on the available parking within the site.

Therefore, there are no highway objections to this application.

NSDC Conservation Officer-

Legal and Policy Considerations

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). 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 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. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

Significance of Heritage Asset(s)

Mirical Emblems Ltd is not located in a Conservation Area, but it is on the fringes of a large area within Blidworth identified as nondesignated heritage asset on the Historic Environment Record (HER). This relates to the planned settlement built for workers at Colliery Pit, opened in the late 1920s. Furthermore there are two non-designated heritage assets located within immediate proximity to the application site, a local interest building that formed part of the colliery social apparatus and secondly the remains of a brick kiln to the west of the site. The application site is a modern light industrial unit with no identified heritage values.

Assessment of Proposal

Conservation does not object to the proposal. There is only a limited consideration of impact on the streetscene, and as such the building, while proposed in non-traditional materials, is not discordant with its surroundings. Furthermore there is no impact on the surrounding non-designated heritage assets, including the brick kiln, the local interest early C20 building or the wider setting of the planned settlement.

In this context, the proposal is not considered to cause harm to the character of the conservation area. The proposal therefore is in accordance with the objective of preservation set out under sections 72, part II of the 1990 Listed Building and Conservation Areas Act, and complies with heritage policies and advice contained within the Council's LDF DPDs and section 12 of the NPPF.

Nottinghamshire Wildlife Trust- We are no longer able to provide the level of free ecological planning advice as we have previously, as explained in our letter to your Authority of the 23rd June 2016, so we are focussing our limited time on the most potentially ecologically damaging applications. You will be aware that it is your duty under the NPPF and the NERC Act to ensure that you can determine applications based on a sound understanding of the ecological implications and the adequacy of any proposed mitigation or compensation.

NCC Ecology Officer – No response received.

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

NSDC Local Plans Officer - The application site is entirely located within the Green Belt, and as per national policy inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt, and those aforementioned special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The construction of new buildings should be considered as inappropriate, however exceptions to this include the proportionate extension/alteration of existing buildings and the limited infilling or the partial or complete redevelopment of brownfield land (whether redundant or in continuing use) where there is no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The original unit was 595 sqm and has subsequently been enlarged by further 400 sqm and 95 sqm extensions (cumulatively a 83.2% increase in its footprint), add in the additional 446 sqm proposed here and this would result in a cumulative 158.2% increase on the footprint of the original unit.

There is no rule of thumb as to what constitutes proportionate expansion, this is unfortunately a matter of judgement, however it does indicate a level of expansion which goes beyond what I consider national policy to envisage. Indeed the expanded operation would be unrecognisable from its original form. Much like in the open countryside there is a level of expansion (individual or cumulative) beyond which it would be reasonable to expect a proposal to relocate to a more suitable location, and in this respect we have allocated a significant amount of employment land including in the west of the District.

Notwithstanding the above the second exception allows for the partial or complete redevelopment of brownfield land where there is no greater impact on openness. The application site is in continuing use, is brownfield in nature and the proposed unit would be facilitated through the redevelopment of a portion of the existing car park. Consequently should you be content that the proposal would not result in any greater impact on the openness than the existing development, and on the purpose of including land within the designation, then the proposal would appear acceptable in Green Belt terms. Whilst openness primarily refers to the absence of development I would accept that there are landscape and visual considerations which contribute towards this. In terms of the footprint of development there would be no greater impact on openness, given that the proposal constitutes the partial redevelopment of the existing hard surfaced car park. Nevertheless you will still need to be content that it would not lead to any greater impact with regard to landscape and visual considerations. In terms of the second element of the test I would not consider that the proposal would have a greater impact than the existing development on the purposes of including land in the Green Belt.

If the proposal does not meet the exceptions to inappropriate development then it would need to represent very special circumstances which clearly outweigh the potential harm to the Green Belt. I would consider 'very special' circumstances to necessarily represent a high threshold, and so by definition successful proposals ought to be rare in nature. Clearly if the bar was to be set too low this could lead to the incremental undermining of the Green Belt. In respect of employment development I would therefore expect the economic benefits to be of such significance that they clearly outweigh the harm to the Green Belt. My own view is that whilst the proposal would

clearly have some localised economic benefit it would still fall well below the level which would represent the very special circumstances outlined in national policy. I am unaware of any other potential considerations which would lead me to a different conclusion.

NSDC Economic Growth Officer – details of available alternative accommodation was provided for the applicant to review and comment on and the following assessment of the benefits of the development provided:

Blidworth is an ex mining community with poor public transport links and therefore limited work opportunities for those living in the area without access to a car. On the national index of multiple deprivation it falls within the 25% most deprived wards. The population is approx. 4,500.

There are some areas within Newark and Sherwood that have relatively high rates long-term illness and disability. The highest rate is an area of Blidworth stretching from the end of Burma Road to Dale Lane. This area has one of the 5% highest rates in the country and is ranked 1,599th out of 32,844. Other areas fall within the 10% highest, including two other areas within Rainworth and Blidworth ward area. Therefore any business that can support new employment opportunities, including apprenticeships assists in providing opportunities for those looking for work.

The opportunity to safeguard 48 jobs and create a further 6 which may include an apprentice is crucial in Blidworth, where most businesses employ a small number of people across a range of industry sectors. As Business Manager Economic Growth I support the proposal.

No representations have been received from local residents/interested parties.

Comments of the Business Manager

Principle of Development – Impact on the Green Belt

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD (Adopted 2011), forms the Development Plan for Newark & Sherwood. The application site is located outside of the village of Blidworth and falls within the Nottingham-Derby Green Belt.

Guidance on the protection and requirements for Green Belt applications is provided with section 9 of the NPPF. Paragraph's 87- 89 are of particular relevance to the proposal.

Paragraph 87 advises "As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances".

Paragraph 88 provides "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

Paragraph 89 advises that:

“local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”.

In regards to the above I as requested you have provided the details of the development of the site including the floor areas and volumes of the various parts of the building.

As I understand it the original building is as built in 1996 and had a size of 595m² floor area and 3200m³ volume. As such this is our starting point against which the subsequent extensions should be considered.

So taking each in turn the building has been extended:

Phase	Floor Area (m ²)	Floor area % increase	Cumulative Floor area % increase	Volume (m ³)	Volume % increase	Cumulative Volume % increase
Phase 1 (Original Building)	595	N/A	N/A	3200	N/A	N/A
Phase 2 (2008)	400	67	67	2000	62.5	62.5
Phase 3 (2011)	95	15	82	345	11	73.5
Proposal	445	75	157	2010	63	136.5

Given the proposal constitutes cumulative additions to the building of an additional 157% above the original floor area or 136.5% above the original volume it would be my opinion that the proposal constitutes a disproportionate addition to the original building.

The Planning Policy response has suggested that the proposal could also be considered under the following criteria “limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”. Openness is considered to be an absence of built form, in this respect it is considered that the proposal cannot be considered to not impact upon openness.

Given the above I must consider the proposal as inappropriate development in the Green Belt.

Paragraph 88 provides for the next step when inappropriate development has been identified. It allows for development to be supported where there are very special circumstances which outweigh the harm by means of inappropriateness and any other harms identified. It is therefore necessary to apply the tests of the development plan to identify whether any other harms exist and then to establish whether there is a case for very special circumstances which in order to provide sufficient support to enable support of the proposal must outweigh the harm by means of inappropriateness and any other harm identified.

Other harm

Design/Density/Impact on Character of the Area

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). 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 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. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

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.

In this respect I note that the Conservation Officer confirms that "Mirical Emblems Ltd is not located in a Conservation Area, but it is on the fringes of a large area within Blidworth identified as nondesignated heritage asset on the Historic Environment Record (HER). This relates to the planned settlement built for workers at Colliery Pit, opened in the late 1920s. Furthermore there are two non-designated heritage assets located within immediate proximity to the application site, a local interest building that formed part of the colliery social apparatus and secondly the remains of a brick kiln to the west of the site. The application site is a modern light industrial unit with no identified heritage values".

The existing building is constructed in red brick under profiles metal sheeting roof and that the proposal is to match these materials. The building is located adjacent to the tree cover of the Tippings Wood Local Nature Reserve and has built form to the south as such I do not consider that there would be any appreciable impacts upon the character of the area. The proposal is therefore considered to be acceptable in regards to design, density and impacts upon the character and form of the locality and non designated heritage asset. The proposal is in accordance in this respect with policies CP9 and DM5 of the development plan and the guidance in the NPPF.

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 development proposals should ensure no unacceptable reduction in amenity. New development that cannot be afforded an adequate standard of amenity should also be resisted.

With regards, to scale, massing and location I do not consider that there are likely to be any significant impacts upon amenity of the neighbouring uses. The Council's Environmental Health Officer has been consulted on the proposal and has not raised any concerns in relation to impacts upon neighbouring occupiers level of amenity. It is therefore considered that the proposal is in accordance in this respect with Policy DM5 and the guidance in the NPPF.

Highways Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that the vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I note that the proposal does not alter the vehicular access location and that the Highways Authority have confirmed that the site would retain sufficient car parking provision. As such I consider that the proposal is acceptable in this respect and in accord with the requirements of Policies SP7 and DM5 of the Development Plan.

Flooding/Drainage

Policy DM5 and Core Policy 9 require that proposals pro-actively manage surface water and Core Policy 10 seeks to mitigate the impacts of climate change through ensuring that new development proposals taking into account the need to reduce the causes and impacts of climate change and flood risk.

The site is not located in an area of increased flood risk however a layout plan should be submitted to include details of proposed drainage of surface water including the use of appropriate surface treatments in highway design in order to comply with Policy DM5.

Ecology

Paragraph 118 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged. Core Policy 12, and development management Policy DM7 seek to ensure proposals conserve and enhance the biodiversity of the District.

The site abuts a local nature reserve at Tippings Wood. On this basis it is considered that there is potential for the site to be used by the local ecology. A Preliminary Ecological Appraisal (PEA) has been carried out. The PEA finds that "Potential impacts of the proposed works are considered to be minimal. There will be loss of a small area of grassland and, as the grassland offers some, albeit extremely limited, habitat for amphibians, including great crested newt, there is some potential for disturbance and/or harm. The survey at 6.1.2 a) adds that it is considered extremely unlikely that a great crested newt would be found within the grassland, mainly due to the large expanse of more suitable habitat available to them within the adjacent LNR. Recommendations are included for precautionary mitigation and appropriate compensation for the loss of the habitat and the PEA provides for mitigation, compensation and enhancement measures. It is considered that, subject to an appropriate condition to ensure that these measures are incorporated into the development, that the proposal is acceptable in regards to protecting and enhancing ecological interest and biodiversity of the site.

Assessment of Other Harm

The proposal is not considered to result in any other harm.

Case for "Very special circumstances"

The applicant has forward a case for very special circumstances based upon a need for the company to expand to remain competitive in the market and to be able to continue to grow and secure existing and additional employment for the locality. The combined Group employs, as of the end of 2017, a total of 58 people of which 45 are permanently based at Blidworth. The applicant has provided details of the employment profile with the majority of employees being local to the site. The company requires the additional accommodation space to allow for modernisation of their production process and to take advantage of the latest machinery in the printing field. The proposal would result in the immediate addition of 6 employees and allow the company to compete within the industry helping to secure 51 jobs in the locality.

Evidence of a search of other accommodation available within a 10 mile radius of the site has been undertaken with further sites identified by the Council's Economic Development Officer. A 10 mile radius is considered to be a suitable search area and is reasonably justified on the basis that the company has a 10 mile relocation clause within its employee contracts. The search has found a number of potential alternative accommodation units available in the area however on review none of the available units are suitable being either too large or too small in accommodation size or over multiple floors. It is accepted that the business in question has specific accommodation requirements due to its operations having a 50/50 split of office based design and customer care services and also printing operations within the site. Given this and the lack of alternative sites being revealed this is considered to be strong material consideration in requiring expansion.

Notwithstanding the comments of the internal policy officer, which are duly noted, the consultation with the Council Economic Development Officer has revealed strong support for the proposal. The site is located within a severely deprived area falling within 25% of most deprived wards in the country. The site also falls within the 5% highest disability rate in the country. The Economic Development Officer also draws attention to the lack of public transport links and reliance on private motor vehicle as a main mode of transport. In this respect the proposal is well located to the public transport services which Blidworth does possess and is walkable for residents within the settlement. The supporting information indicates that the majority of employees are local with 36% living in Blidworth or Rainworth. The Economic Development Officer goes on to

advise that “The opportunity to safeguard jobs and create a further 6 which may include an apprentice is crucial in Blidworth, where most businesses employ a small number of people across a range of industry sectors”. The response goes on to confirm that as Business Manager Economic Growth they support the proposal. Given the economic climate of Blidworth and the contribution the existing business makes not only to local employment but also with trickle down benefits of local expenditure and economic activity it is considered that in this particular instance great weight can be afforded to both the retention of employment levels and also that increased opportunity for economic growth is to be supported”.

Conclusions and Planning Balance

Paragraph 88 of the NPPF requires “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

The assessment has identified that the proposal is for development which is considered to be inappropriate within the Green Belt. It has further identified that there are no other harms to the Green Belt and that there is a case for very special circumstances in this particular instance based upon the development being required to allow the company to continue to remain competitive in its marketplace and that this will both secure existing employment and allow for expansion with the addition of 6 new employees. The proposal is supported by the Council’s Economic Development Officer on the basis of the locality being amongst the most deprived in the district and the benefits of job creation and retention for the local economy. It is therefore considered that these economic benefits of the proposal in what is identified as a deprived location are such that that, in this instance, they do amount to very special circumstances which outweigh the harm by means of inappropriateness and that no other harms exist. It is therefore recommended that the application be supported and consent granted for the extension as proposed.

It is not considered that referral to the Secretary of State is required in this instance as the proposal is not considered to result in a significant impact on the openness of the Green Belt as concluded in the assessment of ‘Other Harm’ above.

RECOMMENDATION

That full planning permission is approved subject to the following condition(s)

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:

Proposed Ground Floor Plan Drawing Reference 16554.01 1 of 3
Proposed elevations Drawing Reference 16554.02 2 of 3 Rev A
Site Plans Drawing Reference 16554.03 3 of 3 Rev B

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 approved shall be carried out in accordance with the Mitigation Recommendations and Compensation and Enhancement Recommendations outlined in Section 6 of the Preliminary Ecological Appraisal (PEA) prepared by EMEC Ecology dated November 2017.

Reason: In the interest of conserving and enhancing ecological interest at the site.

04

No development shall be commenced until [details] 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.

Bricks
Roofing Material

Reason: In the interests of visual amenity.

Notes to Applicant

01

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).

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.

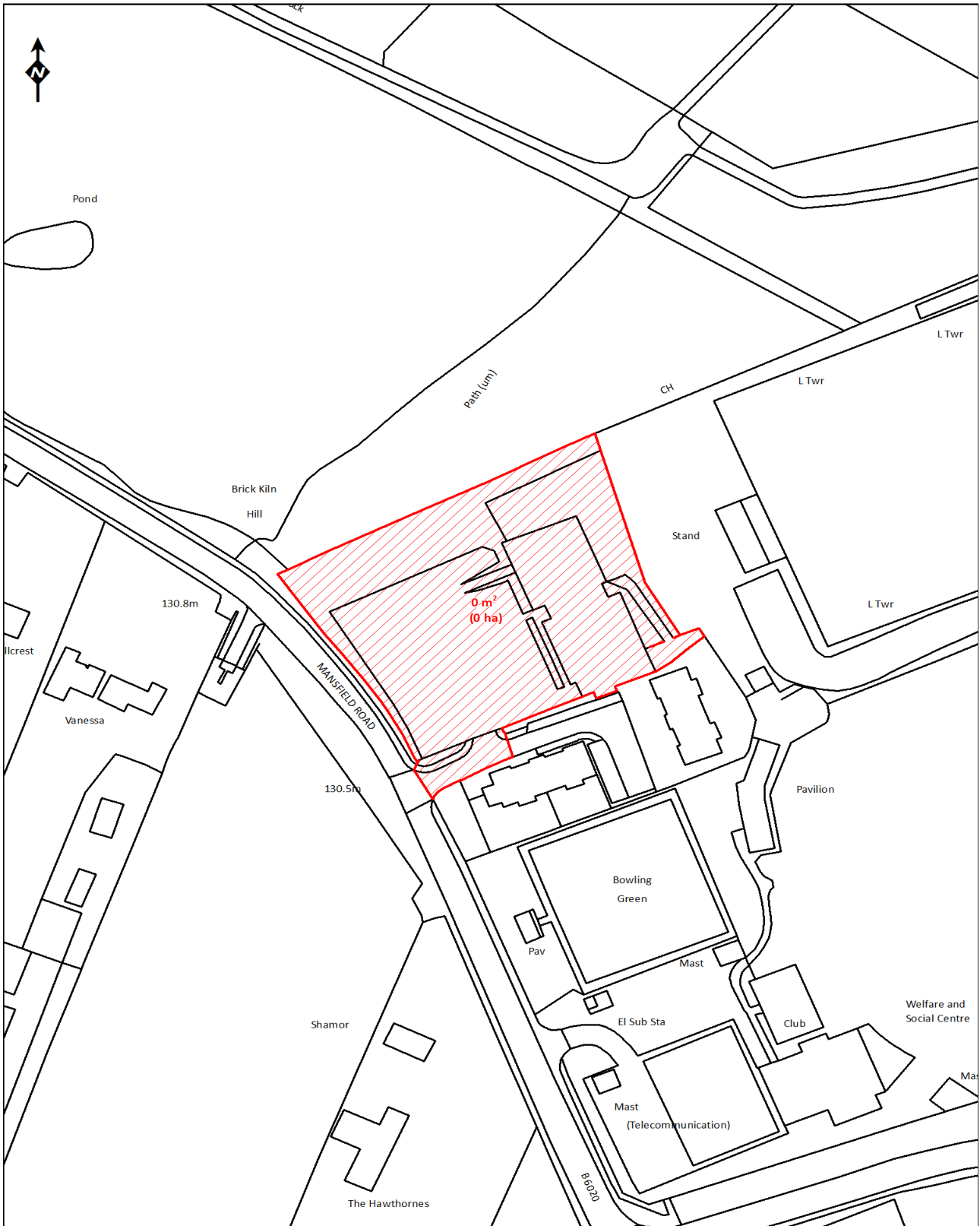
For further information, please contact Kevin Robinson on ext 5541.

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

Matt Lamb

Business Manager – Growth & Regeneration

Committee Plan - 17/01698/FUL



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	17/01797/FUL (originally submitted as an outline application)		
Proposal:	Construction of 5 no. ecological low carbon bungalows, including new car garage for existing dwelling, following demolition of existing farm buildings.		
Location:	The Farmstead, Maplebeck Road, Caunton,		
Applicant:	D & B Maskill		
Registered:	30 November 2017	Target Date: 25 January 2018	
		Extension of Time Agreed until 7 March 2018	

This application is presented to the Planning Committee for determination as the officer recommendation differs from the views of Caunton Parish Council.

The Site

The application site lies to the north of Maplebeck Road within the parish of Caunton and comprises c0.74 hectares of land. The site is a former farmstead (called The Farmstead) and is occupied by a modern chalet bungalow (single storey but with rooms within its roof) its associated curtilage and former agricultural land. The dwelling itself is set back from the highway by c24m.

To the north of the host dwelling and outside of its immediate garden curtilage there are a four former agricultural buildings; these are single storey and small scale in nature. The northern part of the site, which is not in residential curtilage, comprises mainly tall ruderal herbs and plantation woodland whilst to the site frontage (south) the land (excluding the residential curtilage) comprises amenity grassland with scattered trees.

The topography of the site slopes gently down from Maplebeck Road to the north towards the 'The Beck' a local watercourse and the A616. The site frontage is formed by a managed native hedgerow c2m in height intersected by the existing vehicular access which comprises brick pillars with metaled gated. Currently there appears to be insufficient waiting room to allow a vehicle to pull safely off the highway to enter the site. Native hedgerows also form the other site boundaries.

To the north of the site is the A616 whilst a Severn Trent Water pumping station/sewerage works is situated to the east. Agricultural fields lie to the south and west.

Just outside the red line boundary - the northern tip of the site lies within Flood Zones 2 and 3 and the entire site lies within an area prone to surface water flooding.

Relevant Planning History

35/910853 – 'Change of use of redundant agricultural buildings for storage/workshop facilities' at The Farmstead was refused on 14 October 1991.

The Proposal

As originally submitted outline consent was sought. However upon advice from officers the applicant amended the scheme and now seek full planning permission for five, two bedroom single storey dwellings.

All plots are single storey and indicate the use of photovoltaic panels (amount not yet specified) on a sedum roof, and utilise features such as air source heat pumps and underground rainwater harvesting tank.

Each plot would have an attached garage with car charging point and cycle storage with accommodation as follows; entrance hallway, open plan kitchen/dining/living area (except plot 5 which has kitchen/diner separate from living area), storage areas, utility/larger/plant room, a bedroom with en-suite, a further bedroom and a bathroom and outside patio area.

The following revised plans were received on 30 November 2017:

1739-106 (Garage – Plan and Elevations) double with mono pitch roof
1739-201 (Plot 1 Elevations)
1739-101 (Plot 1 Floor Plan)
1739-202 (Plot 2 Elevations)
1739-102 (Plot 2 Floor Plan)
1739-203 (Plot 3 Elevations)
1739-103 (Plot 3 Floor Plan)
1739-204 (Plot 4 Elevations)
1739-103 (Plot 4 Flood Plan)
1739-205 (Plot 5 Elevations)
1739-105 (Plot 5 Floor Plan)
1739-001 (Site Location Plan)
1739-050 (Existing Block Plan)
1739-060 (Block Plan)
1739-100 (Site Plan)
1739-300 (Model Views)
1739-301 (Plot 1 – 3D views)
Passivhaus Proposal (24/10/2017, by Waterman Building Services Ltd)

The application is supported by the following documents as originally submitted and which remain of relevance;

- Sustainability Analysis dated 17th August 2017 by Waterman Building Services Limited.
- Planning and Design and Access Statement by Grace Machin dated September 2017
- Arboricultural Report & Impact Assessment by AWA Tree Consultants dated September 2017
- Flood Risk Statement and Drainage Strategy (Revision A) by TD Infrastructure Ltd, September 2017
- Preliminary Ecological Appraisal by Brindle & Green, September 2017
- Site Photographs
- Swept Path Analysis (Drawing 17-0421-002)
- Proposed Access Arrangements (drawing 17-0421-002)

Departure/Public Advertisement Procedure

A site notice has also been displayed near to the site and an advert has been placed in the local press with the formal consultation period ending on 12th January 2018 (as agreed with the Parish Council).

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 3 – Rural Areas
- Spatial Policy 7 - Sustainable Transport
- Core Policy 2 – Rural Affordable Housing
- 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 14 – Historic Environment
- Core Policy 13 – Landscape Character

Allocations & Development Management DPD

- Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM4 - Renewable and Low Carbon Energy Generation
- Policy DM5 - Design
- Policy DM7 - Biodiversity and Green Infrastructure
- Policy DM8 – Development in the Countryside
- Policy DM9 - Protecting and Enhancing the Historic Environment
- Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- National Planning Practice Guidance PPG (March 2014) in particular the section on Starter Homes
- The Newark and Sherwood Landscape Character Assessment SPD

Consultations

Caunton Parish Council – 12/01/2018: ‘Caunton Parish Council considered the above application at its meeting last night and, of the councillors who voted, unanimously resolved to support the proposal and welcomed the use of a potentially redundant farmstead on which buildings had previously stood.’

NCC Highways Authority – Previously commented in respect of the outline scheme on 30/10/2017 as follows:

No objections: This is an outline application for the construction of 5 x 2 bed dwellings following demolition of the existing farm buildings. The dwelling known as The Farmstead is to be retained.

The drawing demonstrating the proposed access arrangements (drawing no. 17-0421-002) provides an improved access width of 5m. For 6 dwellings this is required to be a minimum width of 5.8m for a distance of 5m behind the highway boundary (4.8m with 1m added as it is bounded on both sides).

Adequate visibility splays have also been demonstrated, along with 2m x 2m pedestrian splays. There are adequate parking facilities provided within the site.

The site would benefit from a wheelie bin collection point near to, but not within, the public highway.

Therefore, there are no highway objections subject to the following:

1. The shared private driveway shall be laid out to a width of not less than 5.8m for at least 5m back from the rear of the highway boundary and shall provide for vehicle parking and turning areas in accordance with details to be first submitted to and approved in writing by the LPA. The vehicle parking and turning areas shall not be used for any purpose other than the parking and turning of vehicles. **Reason:** In the interests of highway safety.
2. Pedestrian visibility splays of 2m x 2m shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times. **Reason:** In the interests of highway and pedestrian safety.
3. No part of the development hereby permitted shall be brought into use until the proposed driveway has been surfaced in hard bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary. The surfaced driveway shall then be maintained in the approved hard bound material for the life of the development. **Reason:** To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
4. Prior to the occupation of any dwelling hereby approved, a wheelie bin collection point shall be provided near to but not within the public adopted highway to serve the development in accordance with details to be submitted to and approved in writing by the Local Planning Authority. **Reason:** In the interests of highway safety.

NCC Lead Local Flood Risk Authority – ‘Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.

As a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.

2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting/pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.'

Trent Valley Internal Drainage Board – 14/12/2017 - No further comments to previous advice.

20/10/17 - 'The site is within the Trent Valley Internal Drainage Board district.

The Board's consent is required to erect any building or structure (including walls and fences) whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or edge of any Board maintained culvert.

The Board's consent is required for any works, whether temporary or permanent, in, over or under any Board maintained watercourse or culvert.

The erection or alternation of any mill dam, weir or other like obstruction to the flow or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent.

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The boards consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within the planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

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

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

Environment Agency – Consulted in relation to the foul drainage proposals:

"The site is underlain in the northern part by superficial deposits of alluvium, associated with the adjacent watercourse called 'The Beck'. The alluvium is underlain by solid geology of the Mercia Mudstone. The borehole to the east of the site abstracts from the Nottingham Castle Sandstone which is the sandstone bedrock underlying the Mercia Mudstone. At this location there is a significant thickness (approximately 100m) of Mercia Mudstone acting as an impermeable geological barrier between the surface and the sandstone aquifer.

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

Condition: Infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality. A scheme for surface water and foul water disposal needs to be submitted to and approved by the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure there is no risk from the proposals to the nearby public water abstraction borehole.

INFORMATION:

The applicant should be aware that inside SPZ1 we will require all sewage effluent discharges (new or existing) to hold a permit. The requirement for a permit for this particular development should be discussed with the permitting support centre (PSC-WaterQuality@environment-agency.gov.uk)

Please provide a copy of the subsequent decision notice.”

NSDC (Environmental Health) – ‘This application includes the construction of a new residential dwelling at a former farm. Agriculture is a potentially contaminative land-use and such land can possibly be used for a wide variety of potentially contaminative activities including: non-bunded fuel storage, repair and maintenance of agricultural machinery/vehicles, storage of silage and other feed, slurry tanks/lagoons, disposal of animal waste and disposal of asbestos. There is clearly the potential for the site to have been contaminated from this former use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.’

Nottinghamshire Wildlife Trust – No response

Severn Trent Water – No response

NSDC Strategic Housing – Object:

“Core Strategy/Affordable Housing Supplementary Planning Document

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 qualifying amount of dwellings is 10 and above therefore there is no requirement for affordable housing provision on the proposed site (The Farmstead, Caunton).

EVIDENCE OF HOUSING NEED

The application site is located within the village of Caunton 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 subsidized housing such as social /affordable rented or shared ownership. Caunton is a high value area where many people are unable to secure housing that is affordable. For market housing, reference is made to a preference or demand where it may be possible to meet that preference or demand through existing housing stock i.e. it would be difficult to identify a proven local need for a two bedroom dwelling if the housing stock in Caunton has a good supply of this type of housing and they appear on the open market for sale. Currently there are 2 properties on the open market for sale (1 x 2 bedroom and 1 x 4 bedroom) that would contribute to meeting this demand.

A Parish Housing needs survey was undertaken in Caunton (2009) which indicated a demand for affordable housing. The survey supports 2 shared ownership properties. Evidence from the Council's housing register indicated a need for rented housing. To meet this demand 6 new build affordable homes have recently been completed, owned and managed by Nottingham Community Housing Association. These properties have been developed on an 'exception' site to accord with Council policy.

The survey at that time did not seek to or provide an evidence for a demand or preference for market housing. Therefore there is no indication of any need for market dwellings at a local level that would satisfy the criteria of SP1. I can refer to the District Wide Housing Needs Survey (Sub Area Report) 2014 which indicates the size of properties preferred in the market sector. The Sutton on Trent sub area indicated there is a preference for 49 x 2 bedroom dwellings, however this figure covers ten villages including Caunton and therefore does not provide evidence at a local level that would carry sufficient weight in determining the application.

CONCLUSION

The proposal provides 5 x 2 bedroom properties for market sale. The site appears to be in the open countryside and therefore indication of a need should carry significant weight. The applicant has not provided any sourced evidence of a housing need in this location that has not been met already. There may be some demand on the open market for these properties but this does not constitute a local need. I shall defer to the planning officer to determine how much weight should be applied to the application in terms of need."

One representation has been received objecting to the development on the grounds that this a creeping ribbon development along a country road.

Comments of the Business Manager

5 Year Housing Land Supply

It is noted that the applicants Planning Policy Statement states that the Council may not have a five housing land supply and that the Development Plan should not be considered up to date. This is strongly disputed, as reflected consistently by the approach of this Council since June of last year and as also evidenced by recent appeal decisions. I offer the following brief summary of the position.

This Council, as Local Planning Authority (LPA), has dealt with a number of housing planning applications in recent years. The issue as to whether an LPA has a 5 year housing land supply (HLS) is of significant importance when dealing with planning applications for housing development, particularly in terms of the NPPF, weighting of Development Plan policies, and the need for housing delivery when weighted against other material planning considerations, with the 'tilted balance' potentially coming into play.

As an LPA we have been challenged in the past on our ability to demonstrate a 5 YHLS, notably in January 2016 (a Public Inquiry appeal decision in Farnsfield) and November 2017 (the Public Inquiry which concluded its sitting days on the 17th November 2017 with a decision now awaited from the Secretary of State). Whilst coincidentally within the same settlement within Newark and Sherwood District, both appeals, and the evidence heard at them (given the passage of time), demonstrate that things have considerably moved on in terms of material planning considerations to which this Authority must have regard in its decision-making.

The adopted Core Strategy (March 2011) details the settlement hierarchy which will help deliver sustainable growth and development within the District. As detailed in Spatial Policy 1 of the Core Strategy 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. The policy goes on to confirm the lowest tier of the hierarchy as 'other villages' in the District. In such areas development is considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas).

It is a matter of fact that the housing requirements set out in the Council's adopted Core Strategy (which set a target for delivery of 740 dwellings per annum) was based on the now abolished Regional Plan. It is also a matter of fact that housing delivery should now be planned, in accordance with both the NPPF and Housing White Paper, using an evidence-base of Objectively Assessed Need (OAN). It has been accepted by the appellants in both of the quoted appeals above, and by applicants/appellants in multiple other applications and appeals that the Council's housing requirements is significantly below the 74-dpa figure. Thus the figure of 740 per annum is no longer relevant for decision-making and 5 year land supply determination. It remains the OAN.

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Within the NPPF, Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, "*boost significantly the supply of housing*". Paragraph 17 states further that the planning system should "*proactively drive and support sustainable economic development to deliver new homes...that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area.*" The NPPF indicates that this will be achieved first and foremost, by local planning authorities, "*using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period.*"

The need for housing remains an important material planning consideration in the planning decision making of the Council, as LPA, as underlined within the National Planning Policy Framework (NPPF) and most recently the Housing White Paper and November 2017 Budget. The White Paper itself promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology. The White Paper clearly (re)endorses a plan-led system both in making clear for communities the quantum of development required and in how they can assist in identifying appropriate sites and densities to ensure delivery. The role that neighbourhood planning plays as part of this is also noted.

The Council has for many years been committed to ensuring that the plan-led system prevails. The Council was the first in Nottinghamshire to have a set of LDF plan documents adopted in the form of a Core Strategy (March 2011) and Allocations and Development Management Policies DPD (July 2015). The Council were also the first authority in the Country to adopt the Community Infrastructure Levy (December 2011). The Council also has a track record of working proactively with applicants to secure planning permission in the right place and in the right form. This is evident in the numerous planning consents granted on a range of both allocated and non-allocated sites and the fact that national, regional, and local housebuilders are actively building across the District.

Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district's overall housing growth, principally in three Sustainable Urban Extensions (SUEs). There remains a commitment in spatial development terms to deliver significant housing numbers via the SUE's. By their very nature, these have taken longer to be brought to market. However, Land South of Newark (Core Strategy Site NAP2A) now has 2 no. national housebuilders involved, the first of which is building and the second of which will commence in March (a total of 599 units can be erected with the infrastructure now in). Consent has recently been issued to a national housebuilder for the Fernwood SUE (Core Strategy Site NAP2C) for 1050 houses (reserved matters application expected imminently) with an application for another 2 no. housebuilders pending. NSDC are confident that the SUE's can and will now deliver significant housing, proving that the Core Strategy and its spatial distribution of Growth is deliverable, and that previous delays have been overcome. This is a matter which has also been rehearsed recently in an appeal in Rushcliffe (Ref. APP/P3040/W/16/3143126 – an outline application for 65 dwellings in Aslockton), with the appeal having been dismissed on 25 October 2016.

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, has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dwelling per annum (dpa) (using 2013 as a base date). The Examination in Public to test the SHMA has now taken place, with the appointed Inspector raising no questions or qualifications on the issue of either the FOAN or spatial distribution of growth across the District. The figure of 454 dpa is the only full FOAN available in NSDC that has regard to the housing market area, as required by both the NPPF and the Housing White Paper.

The aforementioned Appeal in Farnsfield in January 2016 (Farnsfield 1) was allowed on the basis that this Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the *evidence available to them at the Inquiry* (emphasis added), a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of up to 550 dwellings per annum. The Council applied for leave to Judicially Review (JR) the Inspector's decision but this was not granted. Since the JR the Council has re-visited the OAN with its consultants and its two neighbouring Councils, all of whom are confident they can robustly defend the OAN at an EIP and that the planning appeal inspector was incorrect.

Moreover, this Council has now had its Plan Review DPD Examined (EIP). Ashfield, one of our HMA colleagues has also already had its EIP, following which it has been confirmed that no main modifications have been requested by the Inspector in relation to the OAN.

It is acknowledged that the OAN and consequently housing target for the District cannot attract full weight until after examination of the Development Plan. However, the OAN and issues around delivery have moved on considerably, with the EIP Inspector not raising any additional matters.

The OAN across the HMA has been reconsidered following Farnsfield 1, specifically addressing the points which persuaded the original inspector to conclude that an OAN of up to 550 would be appropriate. The OAN of 454 remains the only robustly and recently assessed figure before us as decision-makers to determine the appropriate figure against which 5 year delivery should be assessed. Indeed, Members will recall that Officers have consistently advised that a 5 year land supply against a 454 OAN could likely be demonstrated. However, uncertainly with respect to the weight which could be attached to the OAN, together with a lack of information on in-year completions (as you know at the end of each municipal year officers review and ultimately publish actual new housing completion information), a 'pragmatic' approach was recommended. This entailed an approach whereby having a 5 year land supply was accepted, but that could support schemes which fell immediately adjacent to main built up area boundaries and village envelopes within the settlement hierarchy (which Caunton is not), which are *acceptable in all other technical and environmental respects* (emphasis added) and which will demonstrably boost housing supply in the short term (including imposing shorter timeframes for implementation and demonstration of no other site impediments e.g. infrastructure costs or contamination). This position was to be re-assessed as the Plan Review progresses.

The Council's position on new housing delivery was captured in July 2017 when its annual monitoring information was published. This identified that both stalled and new sites were contributing to an increased build-out rate. Indeed, based on housing completions as of 31st March 2017 the authority confirmed that it has a 6.2-year supply based on a housing target of 454 dwellings per annum.

Moreover, all 3 of the HMA Council's remain fully committed to the OAN figures we have each adopted, with Ashfield and ourselves having concluded Examination, and Mansfield progressing. On this latter point Members may have noted that Mansfield have been identified in a Written Ministerial Statement dated 16 November 2017 have been identified as an Authority who has made unsatisfactory progress on Plan Review. In light of this it is likely that Mansfield will be keen to progress their Local Plan at speed, on the basis of the Preferred Approach which has recently concluded its consultation period, utilising the figures set out in the SHMA as their housing requirement.

This position has also been confirmed by a recent (August 2017) appeal hearing decision which has accepted that this Council has a 5 year housing land supply against a target of both 454 and 500 dwellings per annum. Even on a 550 OAN the Inspector in that case concluded that any shortfall would most likely be made up by windfall schemes. An appeal in January 2018 also confirms that this Council has a 5 year land supply.

Given this position the Council considers that limited weight should now be attached to the Farnsfield Inspector's decision from 2016. To the contrary the OAN of 454 remains robust and against this it is considered that there is a 5 year housing land supply. Consequently, the policies of the Development Plan are up-to-date (also having regard to the PAS review of the Core Strategy Policies and in attaching weight to the fact that the Allocation and Development Management DPD Policies were independently examined and found sound post NPPF adoption) for the purpose of decision making.

The Principle of Development including an assessment of Sustainability

The starting point in assessing this scheme is with the Development Plan. Core Policies 1, 2 & 3 set out the settlement hierarchy in the District. Spatial Policy 1 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). Caunton village falls into this 'other village' category. There is no defined settlement boundary for these villages and it is a matter of judgement as to whether sites are within or outside of the village. The overall approach to the Settlement hierarchy and the spatial approach to development does not change as a result of the Council's recently Examined Plan Review.

In this case the application site lies clearly outside of the village (the village itself is some distance to the east and is contained to the eastern side of the A616 road) and in my opinion lies within the open countryside.

The final paragraph of Spatial Policy 3 states that: *"Development away from the built up areas of villages in the open countryside will be strictly controlled and restricted to uses which require a rural setting such as agricultural and forestry....The Allocations & Development Management DPD will set out policies to deal with such applications."* As such Policy SP3 acts as a signpost to Policy DM8 of the A&DM(DPD) which is up to date given it postdates the NPPF. DM8 (post NPPF and "fully consistent" with it according to a recent Eaking appeal) states that development in the countryside will be strictly controlled and limited to a number of exceptions. In relation to new build dwellings it only allows those for rural workers or where they (reflecting paragraph 55 of the NPPF) are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and that are sensitive to the defining characteristics of the local area. I do not consider that the proposal meets either of these exceptions and is clearly therefore contrary to the adopted and up-to-date Development Plan in the form of Policy DM8. Indeed, the agent does not appear to promote an argument to the contrary.

The applicant considers that the LPA should assess the proposal on basis of paragraph 49 of the NPPF such that housing is considered in the context of the presumption in favour of sustainable development. I am mindful that the NPPF also represents a material planning consideration,

notably the 3 dimensions to sustainable development with the economic, social and environmental roles that it plays. I set out the role this scheme will make to these limbs, albeit it remains important to consider this against the Development Plan starting position, as made clear by Section 38(6) of the 2004 Act.

In terms of the economic role I note that the NPPF states that the planning system should help to *“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure”*

I acknowledge that the proposal for housing would play an economic role by temporarily supporting the construction sector. The additional residents could also help support local businesses. However, I believe this would be at the expense of the environmental role as I shall explore in more detail shortly. In my opinion, contrary to the above quoted paragraph from the NPPF, the land is not the right place and fails to respect the plan-led system which this District has followed, promoted, and worked hard with communities to produce to allow logical and transparent decision-making.

I also accept that the scheme would have a social role in the provision of housing which is needed generally within the district over the plan period and is required nationally in a general sense. That said, adequate provision has been made with a sustainable and co-ordinated growth strategy as enshrined in the Council’s LDF (such growth is indeed over-provided for in terms of site allocations). In addition, I do not consider the scheme can be said to be of exceptional high quality or have accessible local services, as is explored later.

Sustainability/Whether the site is isolated

In terms of the social role of sustainability, development is expected to support *‘strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.’* Paragraph 55 provides that *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities....Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances...”*

The village itself has a limited range of services and facilities comprising a Primary School and two Public Houses. However there is no convenience/grocery shop and it has limited access to bus services and for occupiers of the dwellings proposed there would be a reliance on the use of the private car in my opinion.

Irrespective of the clear conflict with Policy DM8 I consider, in addition, that the site in question is isolated. The existing dwelling on the site has previously been associated with an agricultural use on the land and is physically divorced from the village with the site lying over 600m to the west of the edge of the settlement. There is no footway along either Maplebeck Road, the A616 (a busy road with a 60mph speed limit) nor indeed Manor Road which is the nearest road that would lead walkers to the core of the village. These sections of highway are also unlit. Whilst I acknowledge that there is a grass verge to the side of the carriageway, I consider that the distance combined with the absence of street lighting and a footway would be sufficient to dissuade those travelling

to/from the site (to the village) from walking in favour of using private motor vehicles as envisaged by Spatial Policy 7 of the Core Strategy. The presence of the busy A616 would in my opinion likely act as a visual and psychological barrier making residents feel isolated from the village and potentially make a walking journey to the village, hazardous and residents would also likely feel vulnerable given the absence of a footway. This in my view all counts against the scheme in terms of the environmental dimension of sustainable development.

Landscape/Visual Impacts

The application has not been accompanied by a Landscape and Visual Impact Assessment (albeit some imagery has been provided to demonstrate visual appearance) and I have therefore made my own assessment in respect of its impact upon the landscape and its visual impact.

The proposed site is within the Mid Nottinghamshire Farmlands Policy Zone (MNPZ 29) 'Caunton Meadowlands' character area as defined within the Council's Landscape Character Supplementary Planning Document (SPD). The landscape generally within the zone is gently undulating tending to slope towards The Beck. Visual features tend to be medium distance views to frequently wooded skylines although often enclosed by vegetation following The Beck and there is a mixture of intensive arable fields with strongly trimmed hedges and low intensity farming with permanent improved pasture. The landscape condition is described as very good with few detracting features and landscape sensitivity is defined as high. The policy action for the zone is to 'Conserve'. In relation specifically to 'built features', the policy action is as follows:

- *Conserve the rural character of the landscape by limiting any new development to within the settlements of Caunton and Norwell;*
- *Maintain use of vernacular materials, style and scale in any new developments;*
- *Promote measures for reinforcing the traditional character of existing farm buildings using vernacular building styles.*

The existing form and village of Caunton is not evident as you approach the site from the A616. The Beck (watercourse) lies to the north of the site and the topography within the site here slopes down towards it as is typical for this area. The application site currently comprises a dwelling that is one-and-a-half storey and is set within a large plot which is currently largely open (there are small-scale outbuildings of what appear to be a hangover from its previous agricultural use) with trees and hedgerows planted along its boundaries. The proposal would result in 6 dwellings (including the existing) developed in depth in a rural landscape that is gently undulating. It is noted that the low lying dwellings would be c4m in height and would have green roofs (sedum) in an attempt to assimilate these into the landscape. However surrounding each new dwelling is a high curved (natural stone) wall that encloses the plot which is somewhat alien to the landform and character in my opinion. The design nor use of materials accord with the policy actions of reinforcing traditional character, using vernacular styles or indeed limiting new development to within the villages.

The proposed development would be separated from the existing eastern edge of the village and I am concerned that this development in depth and the form of the dwellings would not be in keeping with the settlement character of the local landscape and does not reflect the policy actions by introducing a different form of development to that currently experienced in the rural landscape identified within the local character assessment. I am also concerned that the localised change in land use would have an adverse effect upon the local landscape character in relation to the experience of approaching the existing village from the west. The proposed modern

development and associated tree structure planting would alter the rural character. Visual impacts to residents, footpath (to the north) and road would be localised. There would be a level of containment by the existing hedgerow site boundaries with occasional trees and I note the low lying nature of the proposed dwellings. However the layout and form would be visible and apparent and would stand out over this vegetation. Overall I consider that the impact would have a degree of harm in terms of landscape impact and the proposal conflicts with Spatial Policy 3, Core Policy 9 and Core Policy 13 of the NSDC Core Strategy and DM5 of the Allocations and Development Management DPD.

Design/Layout and Sustainability Credentials of the Scheme

Policy DM8 provides that new dwellings in the open countryside will only be allowed where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area. This is broadly in line with paragraph 55 of the NPPF. The Council recognises that an inspector's decision in respect of Land to the South of Bilsthorpe Road in Eakring (APP/B3030/W/17/3169590), dated 23rd January 2018, concluded that policy DM8 of the Allocations and Development Management Plan Document, and Policy SP3 of the Core Strategy, are inconsistent with paragraph 55 of the NPPF and out of date, so that the weight given to any conflict with them should be greatly reduced. The Council respectfully disagrees with the inspector's conclusion, which it considers to be unlawful. At the time of writing the Council intends to challenge the decision under section 288(1) of the Town and Country Planning Act 1990. Pending the determination of its claim, the Council will proceed on the basis that Policy DM8's approach to controlling development in the countryside for the purpose of promoting a sustainable pattern of development in accordance with Spatial Policy 3 is fully consistent with the Framework. Policy DM8 will therefore be accorded full weight.

On a more general note, CP9 requires developments to achieve a high standard of sustainable design and layout of an appropriate form and scale to its context complementing the existing built form and landscape environments. DM5 also requires that the districts rich local distinctiveness should be reflected in the scale, form, mass, layout, design, materials and detailing of the development. One of the 12 core principles in the NPPF also states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

As is clear from the policy context, all developments are expected to be to a high standard of design, however for dwellings in the countryside the bar is set very much higher such that dwellings must be exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area. Having considered the proposal I find that it does not meet the high threshold as follows.

Exceptional Quality/Innovative Nature of Design

Exceptional is defined as being unusual/not typical whereas quality means 'the standard of something as measured against other things of a similar kind/the degree of excellence of something' (Oxford Living Dictionaries). I acknowledge that the scheme proposed does have elements of being unusual and is certainly not typical of the area. There is a sculpted landform feel (given the roof slopes) and their low form attempts to respect the gently undulating landscape form. However the series of asymmetric shapes in the intensity proposed will have an effect on

the landscape and in my view the scheme does not fully respond to it. The buildings are a series of what are rather harsh modular buildings in appearance with high curtain walls which appear to be higher than the sedum roofs giving them a dominant presence and contrast that appear incongruous. The curtain wall is suggested as being stone, supposedly to make them feel part of the landscape. However stone is not the predominant building material for this area. It is acknowledged that the D&A Statement suggests these heavy walls could be built in another natural material, but this lack of clarity and design ethos does not convince me that the scheme as proposed has been properly considered for this particular environment.

Innovative or the introducing of new ideas is another part of the policy test. The proposed plans show the dwellings to have eco-friendly features including photovoltaic panels (amount not yet specified) on a sedum roof, and would utilise features such as air source heat pumps and underground rainwater harvesting tank. The sustainability analysis report submitted in support of the application also states there is a fundamental focus on sustainability with low energy design of the construction and systems used such as high insulation, good air tightness and passive solar heating. The report is rather generalised and talks about principles rather than specifics and does not appear to apply the technologies it refers to, to the proposals being considered to a developmental stage. It makes statements that the dwelling will be designed and constructed to reduce thermal bridging, which will decrease excess heat loss and condensation in the structure. It states that *'natural ventilation with heat recovery will be used in the property is to minimise energy usage. This will save on energy usage from fans and mechanical ventilation. The system design should reflect different requirements for the summer and winter occupancy.'* It provides that south facing glazing will allow maximum passive solar gain, which assist the heating in the winter months and *'to avoid the buildings from potentially overheating in the summer months, vertical shading devices are to be provided which minimise the solar gain at peak times....Using daylight will reduce the need for electric lighting in the property, minimising the demand in daytime hours.'* The proposed green (sedum) roofs are also intended to provide additional insulation. The report does not develop the proposals such that there are no specifics such as the amount of solar pv panels proposed. The document entitled Passivhaus Proposal states that the dwellings would be Passivhaus certified which is a worldwide certified energy performance standard and states that over 30,000 buildings have achieved Passivhaus standard since 2000. It does not state which of the 3 tiers (Passivhaus original, Passivhaus Plus and Passivhaus Premium) the proposals would meet.

Whilst it is accepted that the proposal has clear eco-friendly technologies, no clear evidence other than anecdotal (such as specific modelling information, window specifications, detailed heat recovery information, data for thermal bridges etc) has been submitted to assure me that the dwellings would be able to meet the Passivhaus standard (for the avoidance of doubt a pre-assessment could have been provided). In any event the technologies referred to are not new nor are they particularly innovative or exceptional. Indeed these have been done many times before (over 30,000 times). In terms of its low energy design, I therefore remain to be convinced that the proposal is of such quality as to meet the provisions of the policy tests.

Highest Standards of Architecture

The appellant has not provided information as to how this scheme would reflect the highest standards in architecture. It is subjective on what constitutes the highest standards of architecture, however, architecture is a discipline which goes beyond the functional realm and is a careful consideration of form, space and light and how this relates to the context in which it sits, including the social, ecological and historical attributes. The applicant indicates that the bespoke design has been carefully considered for the semi-rural setting. The D&A Statement states at 4.3:

'Each proposed new 'bungalow' consists of a wrap-around external wall, with a sedum roof on top. The external walls of each dwelling have been designed to extend into the private garden space where they 'fall away' into the landscape. This helps create some privacy and also a sense of enclosure for the living spaces (as they all face south which is in direct view of the entrance road). The heavy walls could be a rough stone or another natural material to make them feel grounded and part of the landscape. When viewed from Maplebeck Road, the passer-by will have glimpsed views of the natural walls, the green roofs of the bungalows and the photovoltaic cells, which are to be provided to further enhance the environmental credentials of this development.' and; *'The anticipated design, materials, siting and vernacular detailing of the proposed dwellings have been considered in the context of the character and appearance of Maplebeck Road and the wider locality of Caunton and other local villages. It is hoped that the careful consideration of this context, along with a desire to produce a high standard and quality of design will ensure that this development provides a strong contribution to the built and natural environment, whilst delivering a bespoke, innovative and highly sustainable addition to the local housing stock.'* (para 4.8).

It is not considered that the scheme put forward can accord with this element of the policy either.

Significantly enhance the immediate setting?

The existing site contains 4 small scale agricultural buildings including two Nissan huts and two breeze block type structures, all of which are single storey and modest in size and scale. These are relatively contained within the central section of the site, north of the host dwelling. The proposal seeks to erect 5 dwellings of single storey design (but at 4m these would be almost double the height of existing built form- where there is some) and locate the majority of these where there is no building currently, to create a cul-de-sac of 6 including the host dwelling. I do not consider that this can be said to be enhancing their immediate setting, let alone significantly so. On the contrary I would suggest that the scheme would actually have a negative effect on the setting of the area as I concluded earlier in this report. The existing buildings whilst of little merit are not so visually harmful as to require removal and the new buildings would be an alien form of development being a modern cul-de-sac in the countryside.

In conclusion, having considered the design and layout of the proposed scheme I do not consider that it meets with any of the above tests within DM8. When assessed against CP9 I still consider the proposal would fail against policy given the landscape impacts.

Highways Matters

Spatial Policy 7 of the Core Strategy amongst other things requires proposals to minimize the need for travel through measures such as travel plans or the provision or enhancement of local services and facilities; provide safe, convenient and attractive accesses for all; be appropriate for the highway network in terms of volumes and nature of traffic generated and avoid highway improvements which harm the environment and character of the area. DM5 mirrors this.

I note that the Highways Authority have not raised objections to the scheme in terms of highway safety. However I remain concerned that in the interests of sustainability the development of this site, away from the village and services and the lack of a lit footway means that occupiers would all be reliant on the private car for their transport needs and to this end I find conflict with SP7 as identified previously.

Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

The application has been accompanied by a Preliminary Ecological Appraisal dated September 2017. This provides assessment and recommendations in relation to the ecological value of the site. As the report concludes, there are a number of habitats on site that have the potential to support a number of protected or notable species which the appraisal goes on to consider.

In relation to habitats, it has been recommended that a 6m buffer zone south of The Beck should be constructed (water voles and white claw crayfish). I am satisfied that the proposal adheres to this recommendation with the dwellings being well over this distance from The Beck. It is also recommended that in order to prevent harmful run off to The Beck associated with construction works and development, a water collection scheme should be incorporated. This could take the form of SuDS network or attenuation pond. No details have been provided but I note that it could be subject to a condition as there is the scope within the site to provide this.

Evidence of breeding birds was found in Building 4 and nearby hedgerows and shrubs. If minded to approve I am satisfied that clearance works could avoid bird breeding season and this could be controlled by condition.

With regard to roosting bats, badgers and reptiles, reasonable avoidance measures have been recommended such as a working method statement for all contractors, a hibernacula for reptiles as per 7.3, 7.5 & 7.6. Again these are all capable of being secured by condition.

The ecological appraisal states at 7.4 that *'It is undecided as to what proportion of the commuting and foraging habitat features on site are to be retained as part of the development. It is recommended that the native hedgerows on site are retained, where possible, and a buffer zone of 3m is established between retained hedgerows and any development. If a large proportion of the native hedgerows which line the western, southern or northern site boundaries are to be removed then these features should be subjected to a bat activity survey to establish the significance of these commuting routes on site. If significant hedgerow removal is planned **only**: Transect and/or fixed point surveys during May to September'*

Having reviewed the layout against what would need to be removed, I do not consider this would amount to large proportions of habitat. Plots 3 & 4 would involve the loss of tall ruderals and amenity grassland and Plot 5 would involve the loss of tall ruderals and some woodland plantation but this is not a significant amount. Further the site is capable of retaining the majority of its native hedgerows. As such it appears that further surveys in respect of foraging and commuting bats aren't required. Matters such as sympathetic lighting could be secured by condition.

The ecological appraisal recommends that to reduce the risk of soil erosion, compaction and harmful run off, the development should be supported by a soil management plan that seeks to protect, maintain and improve the efficiency of the soils on the site; a matter which could be controlled by condition. Likewise a recommended Construction Environment Management Plan could also be secured by condition.

A number of ecological enhancements such as the installation of sparrow terraces, bird boxes and bat tubes are recommended and could be conditioned if minded to approve the scheme.

I am satisfied that the ecological appraisal provides a sound basis upon which I am able to assess the scheme. Subject to the imposition of a number of conditions relating to the matters noted above, I conclude that the proposal accords with the identified policies in respect of ecological matters.

Impact upon Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Indeed 'always seeking to secure a good standard of amenity for existing and future occupants of land and buildings' is one of the 12 core planning principles set out in the NPPF.

There are no other dwellings in the vicinity and I am satisfied there would be no harm cause to any existing dwelling including the host dwelling.

Flood Risk and Drainage

Core Policy 9 (Sustainable Design) provides that development should 'through it's design, pro-actively manage surface water, where feasible, the use of Sustainable Drainage Systems.' CP10 seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

The site lies within Flood Zone 1 which is at lowest risk of flooding. I note from consultee responses that there is nothing to suggest that surface water disposal cannot be adequately disposed of in a sustainable way. A foul drainage assessment form was submitted upon request given that a package treatment plant is proposed to deal with foul sewage. The Environment Agency has made clear that infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality and do not object subject to a condition that requires a scheme for surface water and foul water disposal to be agreed.

Housing Mix and Need

CP3 provides that development densities should normally be no lower than 30 dwellings per hectare net. It goes on to say that development densities below this will need to be justified, taking into account individual site circumstances. CP3 also states that the LPA will seek to secure new housing which adequately addressed the local housing need of the district, including family housing of 3 bedrooms or more, smaller houses of two bedrooms or less and housing for the elderly and disabled population. Mix will be dependent on the site location (in terms of settlement), local circumstances, viability and any local housing need information.

Paragraph 50 of the NPPF states that "To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning 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 (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)

- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand...”

The Development Plan (in terms of the policies identified below) reflects and is compliant with the NPPF. The Council has sought to plan for a mix for communities and has identified the size, type and range of housing that is required taking into account local demand as is reflected in the above policies.

In relation to the density of the development, this is well below the average density one would normally expect for development sites. However given this is a rural location, this is not an average development site (or in my view a development site at all) and therefore in my submission to comply with the plan policy would in itself be harmful in this location.

Whilst there is no mix provided as such, in that all 5 units would be 2 bedroom bungalows, there is a general need district wide for smaller houses of 2 bedrooms or less and housing for the elderly and disabled. This scheme could contribute to the overall need for smaller houses and being all on one level may be suitable for the elderly and disabled, albeit there remains a debate as to whether this is the right location to erect such houses for the potentially less mobile given their reliance on the private car. However I do not find that the ‘mix’ of units in itself to be unacceptable.

In terms of the whether there is a local need for such housing, I note that the applicant in their Design and Access Statement has main several anecdotal references to specifically targeting the identified local needs of the area. At 6.6 it states *‘...It is anticipated that this scheme will deliver a range of 2 bedroomed bungalows, which are specifically targeted to meet the identified local needs of the area, specifically those looking for a communal, environmentally conscious lifestyle.’* At 7.8 it states *‘The proposed small scale residential scheme seeks to target evidenced housing requirements and will deliver in the short term, thereby assisting to meet an ongoing housing need in this location’* at 8.2.1 it states *‘The proposed residential use of the Site is based upon a need to deliver smaller new homes in this location, to meet an identified rural housing need’* and at 8.3.1 *‘Given the enhanced appearance and significant environmental benefits associated with this proposal, along with the delivery of much needed new low carbon homes, it is considered that the proposed amount of new built form offers substantial overall benefits to the locality.’* Etc.

I am not aware of any evidence to suggest there is ‘much needed’ low carbon homes in the district, albeit I accept that houses that promote sustainability credentials rather than not, would be beneficial. Neither am I aware of an up-to-date local housing needs survey specific to Caunton Parish. I note that the Strategic Housing Officer advises that the last survey was undertaken in 2009 which identified a demand for affordable housing and that consequently to meet the need, 6 new build affordable homes have been completed as an exception site to accord with Policy CP2. Core Policy 2 provides for ‘exception’ site housing. Such sites should be in, or adjacent to the main built-up area of villages and meet the requirements set out in Spatial Policy 3 Rural Areas relating to Scale, Need, Impact and Character of Development. Exception sites are expected to relate to 100% affordable housing sites, which this is not and given it is not adjacent to the village would fail in that respect too.

There appears to be no indication of any need for market dwellings at a local level. Within the District Wide Housing Needs Survey (Sub Area Report) 2014 which indicates the size of properties preferred in the market sector, the Sutton-on-Trent sub area (which includes Caunton parish) indicates there is a preference for 49 x 2 bedroom dwellings. However this figure covers ten villages (including the more sustainable Principal Village of Sutton-on-Trent) and therefore does

not provide evidence at a local level (i.e. Caunton) that would carry significant weight in determining the application. To conclude, I do not find that there is an overwhelming requirement (or indeed any substantive requirement for dwellings in Caunton parish) for housing that it warrants departing from the Development Plan.

Impact on Trees

Policy CP12 and DM5 seeks to protect and enhance natural features where possible. CP9 requires 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.'*

There are a number of trees and groups of trees within the application site. An Arboricultural Report has been submitted in support of the application. This identifies that most trees are assessed as being category C with just 2 being assessed as being in category B (retention desirable); T2 a Sycamore tree located to the site frontage and T14 a Birch which is located centrally within the site, adjacent to (south of) proposed plot 5. Most of the trees would be retained as part of the proposals including the category B trees. During construction trees would need to be protected but this has been shown on a Tree Impact Plan and could be conditioned. Overall, I am satisfied that there would be no undue harm to trees that would warrant a reason for refusal.

Planning Balance and Conclusion

The applicant has advanced an argument that the Council doesn't have a 5 year supply of housing, a matter which this Council strongly disputes and which has been supported by appeal Inspectors. On the contrary, the Council's position is that we do have a 5 year supply of housing, that we can robustly demonstrate this and therefore the Development Plan is up to date for the purposes of decision making in terms of the supply of housing.

The application proposes a scheme for 5 new dwellings in the countryside. It is not an affordable housing 'exception site' as it is not on the edge of the village and doesn't provide for any genuinely affordable dwellings. Having assessed the scheme against the Development Plan I have concluded that the scheme does not meet any of the exceptions listed within Policy DM8 (which as rehearsed above is considered to be up-to-date, post NPPF, and carry full weight) as to why development away from the built settlement should be permitted. This is equally the case when assessed against the NPPF, a material consideration, albeit the Development Plan should in any event be the primary decision-making tool in an overall balance. Whilst proposing some clear climate change friendly construction methods, there is a lack of evidence to show that the dwellings proposed are capable of achieving a high standard (not just Passivhaus standard which is advocated, but not proven, by the applicant) and in any event the technologies proposed with Passivhaus are not particularly new or innovative and the dwellings are not considered to be of such quality that they would be exceptional, of the highest standards or architecture or indeed appropriate for their context, contrary to DM8.

There is no evidenced identified shortage of market housing to meet local needs for Caunton. In any event, I would suggest that even if there were such a need evidenced, it would not justify encroachment in the countryside in this instance which would be a departure from the Development Plan given the harm. In concluding this I give weight to the location of the site which is considered to be unsustainable being set away from the village in an isolated position with no footway available to the village, on the opposite side of a main road that permits traffic at national speed limit.

I have also concluded that the development of the site in this way would have an adverse impact on the landscape and visual appearance of this rural setting and the intensity of the design and layout/form is considered to be incongruous and would not significantly enhance the landscape setting.

Whilst the impacts on the highway, ecology and trees are acceptable, this does not override the harm identified. Taking all matters into account the proposal is considered to be unsustainable and the harm caused would, when taken in the round, outweigh the limited benefits of the scheme. The proposal is therefore recommended for refusal.

RECOMMENDATION

That full planning permission is refused for the following reason(s)

Reasons for Refusal

01

The proposed development would result in additional dwellings within the open countryside, in an isolated location outside of the main built up area of Caunton. Policy DM8 of the Allocations and Development Management DDP (2013) strictly controls and limits the types of development in the countryside. The proposal does not accord with any of the exceptions listed. This policy is consistent (as tested in adopting the DPD) with the National Planning Policy Framework (NPPF).

The NPPF additionally states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Locationally, the site is physically divorced from Caunton village, which has some limited facilities (a village in the bottom tier of the Districts settlement hierarchy) with the site lying over 600m to the west of the edge of the settlement with no footpath link connecting the two. Occupiers of the proposed dwellings would therefore be reliant on the private car for day to day facilities, such as the ability to access the local convenience store and employment etc. The distance to these facilities and the physical and psychological barrier of the A616 are considered likely to make occupiers of the development feel isolated.

The site is not considered to constitute an affordable housing exception site in accordance with CP2 (Rural Affordable Housing) as it does not lie in or adjacent to a settlement nor does it promote affordable housing. The proposed new dwellings would be an unacceptable form of development in the open countryside and the design and innovation of the proposal, whilst having clear merits, is not on this occasion of such an exceptional quality or innovative nature sufficient to constitute the special circumstances required to outweigh the unacceptable nature of the proposal in the open countryside. The proposal is therefore considered to be contrary to Policies SP3, SP7 (Sustainable Transport), Core Policy 9 (Sustainable Design), Core Policy 13 (Landscape Character), DM5 (Design) and DM8 of the Development Plan as well as being contrary to the National Planning Policy Framework (NPPF) a material planning consideration.

Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

You are advised that as of 1 December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

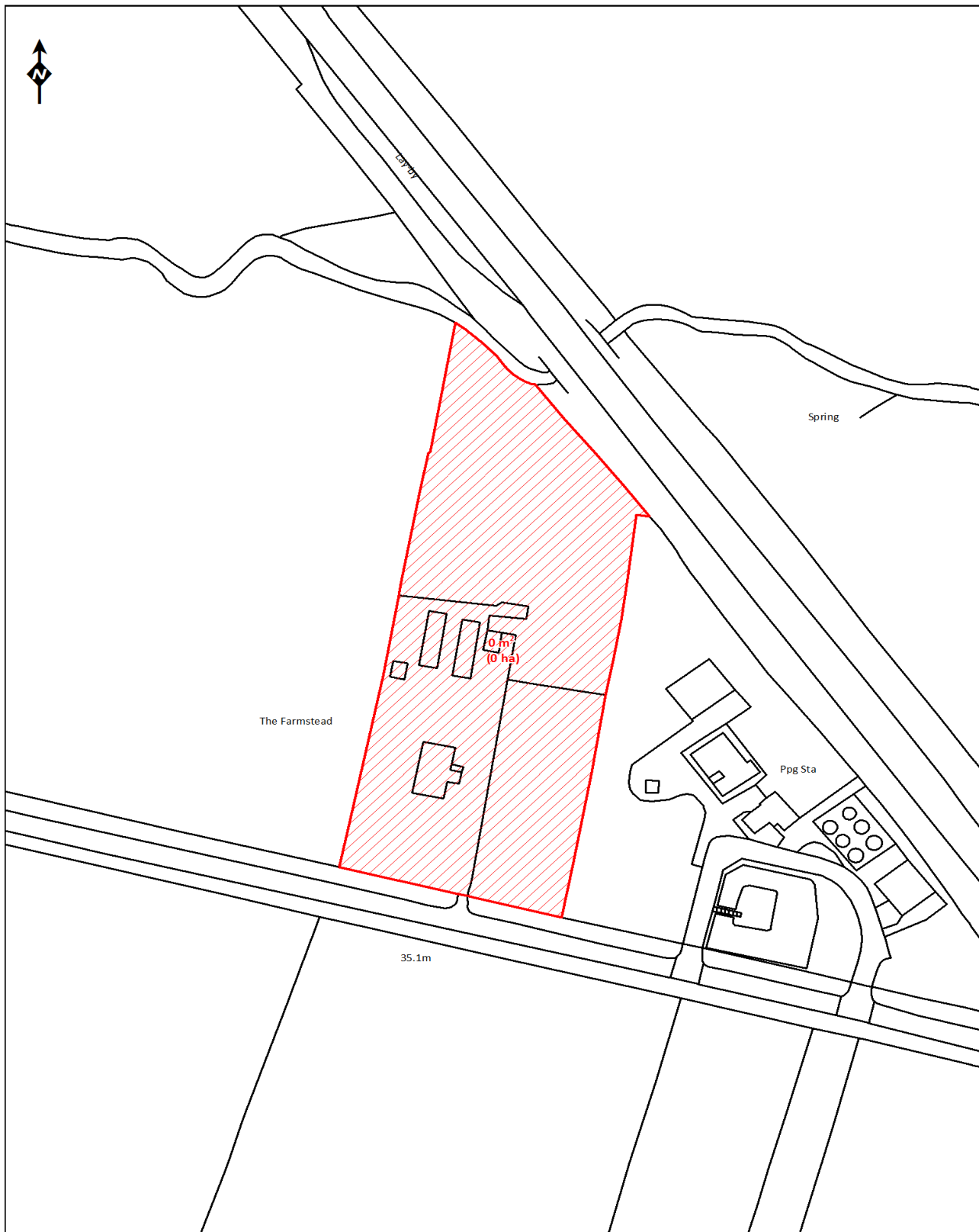
BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on ext 5834.

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

Matt Lamb
Business Manager – Growth and Regeneration



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

Agenda Item 10

PLANNING COMMITTEE – 6 MARCH 2018

AGENDA ITEM NO. 10

Application No:	17/01839/FUL	
Proposal:	Demolition of shed and erection of 1 No. 4 bedroomed house	
Location:	Land At Rear 37 Easthorpe, Southwell, NG25 0HY	
Applicant:	Mr Jason Templeman	
Registered:	30.10.2017	Target Date: 25.12.2017
		Extension of Time Agreed Until 31.03.2018

This application is being referred to the Planning Committee for determination by the local ward member Cllr. Laughton as he considers there to be conflicting Conservation advice between the current application and the site at Platts Orchard. The Town Council has also supported the proposal which differs to the professional officer recommendation.

The Site

The application site relates to a linear plot approximately 0.16 hectares in extent to the north of, and accessed from Easthorpe. The site is within the urban boundary of Southwell as defined by the Proposals Map in the Allocations and Development Management DPD. The access to the site is within the designated Conservation Area but the majority of the site is outside of this Area albeit the western boundary abuts the Conservation Area boundary.

The site is to the rear of 37 Easthorpe; a Grade II listed building. The majority of the properties fronting Easthorpe are listed buildings. The immediate surroundings are largely residential in nature albeit there are dispersed commercial uses such as public houses.

A small proportion of the site, including the highways access, is considered as being within Flood Zone 2 and 3 as designated by the Environment Agency. The majority of the site where built form is proposed is within Flood Zone 1.

As existing the site is currently undeveloped, although there is a small wooden outbuilding along the western boundary and piles of waste building material within the site. The boundaries to the access road are established by an attractive brick wall and the gable ends of the two properties (37 and 39) which front Easthorpe. The boundaries of the site itself are characterised by hedging (with the exception of the southern boundary shared with 37 Easthorpe which forms a recently constructed brick wall). The hedging to the western boundary is relatively dense in nature and incorporates a number of mature trees reaching a significant height. There is a slight change in land levels within the site with the residential development along Potwell Close set at a slightly lower level.

Relevant Planning History

16/01437/FUL - Residential Development : 3(No.) Two Bedroom Bungalows. *Application withdrawn prior to determination.*

09/00496/FUL - Erection of 1 four bed roomed house. *Application withdrawn prior to determination.*

01/00018/FUL - Proposed three new dwellings. *Application refused.*

97/51763/FUL – Erect Bungalow and Garages. *Application refused.*

96/51592/RMA - Erect Bungalow. *Application refused.*

93/51557/OUT – Erect Bungalow. *Application approved.*

92/51022/OUT – Erect Bungalow. *Application refused.*

There have also been recent approvals (2013) for renovation works and a new garage at the host dwelling 37 Easthorpe.

The Proposal

The application seeks full planning permission for a detached four bedroom dwelling. The dwelling is designed as a two storey property with a maximum pitch height of approximately 8.4m and eaves height of approximately 4.1m. Materials proposed are red clay pantiles and mixed red facing brickwork. The dwelling would be orientated with the principle elevation facing eastwards featuring a recessed gallery landing. The overall footprint of the proposed dwelling would be approximately 102m².

The submitted site plan annotates the provision of two parking spaces following the demolition of an existing outbuilding. Existing hedges along the eastern boundary and part of the western boundary are shown to be retained with a proposed new fence of approximately 1.8m along the northern boundary and the remainder of the western boundary.

Departure/Public Advertisement Procedure

Occupiers of 34 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.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan

Policy SD1 – Delivering Sustainable Development
Policy E1 – Flood Risk Assessments and Mitigation
Policy E2 – Flood Resilient Design
Policy E3 – Green Infrastructure and Biodiversity
Policy E6 – Climate Change and Carbon Emissions
Policy DH1 – Sense of Place
Policy DH3 – Historic Environment
Policy TA3 – Highways Impact
Policy HE1 – Housing Type and Density

Newark and Sherwood Core Strategy DPD

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 6: Infrastructure for 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
SoAP 1: Role and Setting of Southwell

Allocations & Development Management DPD

Policy So/HN/1 – Southwell Housing Need
Policy DM1- Development within Settlements Central to Delivering the Spatial Strategy
Policy DM3 – Developer Contributions and Planning Obligations
Policy DM4 – Renewable and Low Carbon Energy Generation
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM10 – Pollutions and Hazardous Materials
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Southwell Conservation Area Appraisal 2005

Consultations

Southwell Town Council –Southwell Town Council considered application 17/01839/FUL Land Rear 37 Easthorpe Southwell and agreed unanimously to support this proposal. The committee is unsure of the Conservation Officer's comments.

Southwell Civic Society – This proposal is for further backland development.

We are concerned that the site and the adjacent bungalows in Potwell Close were flooded in the July 2013 flood event.

The Flood Report whilst identifying likely causes of flooding does not demonstrate how flooding can be prevented on the site or from adding to the flooding problems already experienced in the town. The report merely makes suggestions but does not state exactly how this can be achieved. Keeping the net discharge from the site to the current green field rate is irrelevant if the site is subject to surface water and fluvial ingress.

In Appendix D of the applicant's Flood Report the second drawing Figure 4-8 clearly shows that where the proposed house is to be situated the flood level was between 0.5m and 0.75m.

The Environment Agency Map for Surface Water flooding clearly shows the strip of land forming the site to be subject to a 1:100 year event. The corresponding map for Rivers and Sea shows part of the site within Zone 3. In 2013 the site and the adjacent Potwell Close were flooded and from local knowledge the flood waters from Easthorpe flowed through the site down to the Potwell Dyke.

The application can only be confidently assessed when JBA Consulting's remodelling of the Southwell Area catchments is complete and the report published.

In any event the application should not be considered until a fully engineered and detailed drainage solution is submitted. This cannot be left to later to be sorted out by imposing "Conditions".

There appears to be no appraisal of the biodiversity as required under the NP policy E3 especially in relation to the hedgerow which may also be of historic importance and certainly of landscape value for adjoining houses.

There are already sufficient houses allocated (NSDC Allocations and Development Management Options Report) to meet Southwell's housing needs until 2033.

NSDC Conservation – The proposal site is the plot associated with number 37 Easthorpe, which is a Grade II listed building. The proposal site is partly within and immediately adjacent to the Conservation Area of Southwell.

Statutory Background

Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 is relevant; in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting, or any special features of architectural or historic interest which it possesses.

Case law has shown that in this context 'preserve' means causing no harm and that the statutory duty here is a high test, and not simply a material planning consideration like any other.

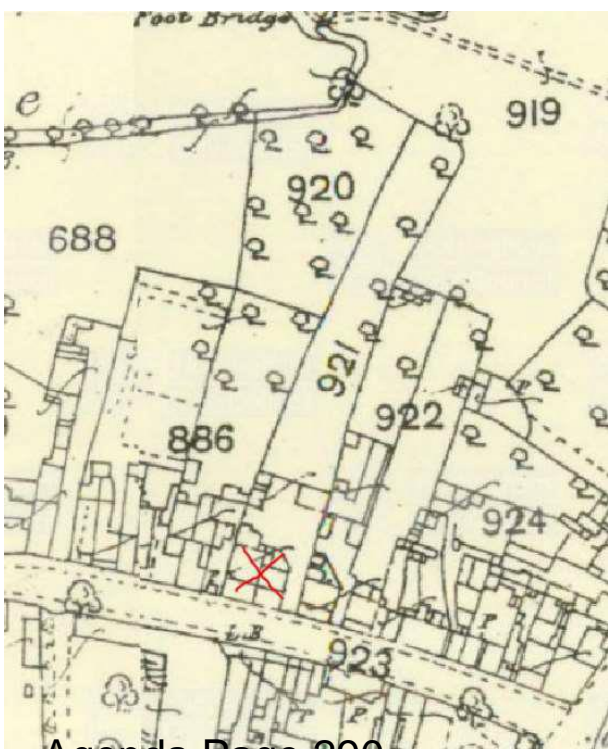
It is acknowledged that the application site falls mostly out of the Conservation Area, however development here affects a heritage asset which forms part of the Conservation Area (i.e. the listed building) and development directly adjacent to the Conservation Area could still have an impact on the character and appearance of the Conservation Area. As such, the decision maker should still be mindful of Section 72 (1) which states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'.

Site description and significance

37 Easthorpe is Grade II listed (listed under 35 Easthorpe) and is described as formerly two houses, now one house, dating back to the early C18, with possible timber framing. While the historic building is a relatively simple and vernacular cottage, I wonder if it may have once been a higher status building, owing to its relatively wide plot and the fact it addresses the road (see below). The site is notable for its distinctive long, narrow plot. Historic map evidence shows the plot to have existed in this overall form since at least the Tithe Map of 1840, as below (the cottage being marked by a red cross for ease of identification):



The first OS map of 1875-85 shows a similar long narrow plot, marked as being in the same ownership (again, the listed building is marked by a red cross):



These long narrow plots are known as burgage plots within towns and toft and croft plots in more rural areas and were laid out in medieval times, when land was owned and managed in long narrow strips, usually set at right angles to thoroughfares. The 'toft' was used for the house, the 'croft' as a smallholding for the toft. This leads to a distinctive historic pattern in towns and villages of successive narrow strips of land running at right angles to a road, with development clustered at the street front and sometimes stretching part way down the plot, with open land to the rear. Because of the narrow width of these strips most buildings ended up being sited gable end onto the road and having long narrow ranges stretching down the plot. Only the wealthy could afford to accrue more than one plot next to each other, allowing a wider plot and therefore a building which addressed the street front, rather than sitting gable end onto the road. This kind of wider plot and house position can be seen at number 37 Easthorpe, hinting at a possible higher status past than its current cottage appearance would suggest.

Vestiges of these medieval plots are seen through most of our historic towns and villages and can be seen today in Easthorpe and throughout the historic core of Southwell. They are indicative of a system of land division which ceased with the enclosures of the C18 and C19 and are an important part of the legibility and understanding of settlements with a medieval origin.

Burgage/toft and croft plots are very much part of the historic interest of the town of Southwell, and as they directly influenced the plan form of the settlement are also part of the appearance of Southwell. The survival of burgage plots contributes to both the character and appearance of the Conservation Area of Southwell and the setting of this listed building.

This is reinforced in the Southwell Conservation Area Appraisal (July 2005) which states that [emphasis added], 'The most important features contributing to its designation as a conservation area are the presence of the Minster Church, *its well-preserved historic layout*, the high proportion of listed building and unlisted building of quality, its strong character areas and its attractive landscape setting' (pg 2). The importance of the historic plan form of Southwell is therefore identified as a key element of the area's overall significance. The site falls within the Easthorpe character area, and the Appraisal explains its former agricultural and semi-rural origin, which despite the tight urban form on the street frontage still survives in areas of open land to the rear of the street, describing how to the north of Easthorpe areas of open land survive in the gardens of properties along the road (p 41-42). The summary section on p 42 states that, 'the open areas that provide the setting of the conservation area should not be developed'.

The survival of this medieval plot at 37 Easthorpe is a feature of historic interest in its own right and is a positive feature in the setting of the listed building, giving historic context and showing that its setting, in plan form terms, is relatively unaltered.

This application has allowed a better understanding of the significance of this plot, such as when the Conservation Area is next reviewed the boundary should logically be expanded to include the whole of the plot associated with number 37.

Impact of this application

I note this is a more evolved version of the application in 2016 for three bungalows, and while this is a less harmful scheme it remains, in my opinion, harmful.

I accept that the proposed new structure is linear, so in this respect is angled with the plot.

However, the tradition of long narrow structures lining narrow medieval plots is seen from the street front stretching back, usually in a solid or almost unbroken row. This would be a stand-alone structure, some distance from the garage of 37 and even further from the main house and the main road, so it doesn't read as a part of the street front development. Being linear in form and position is therefore not enough to make this seem like a natural addition, and it would still read as back-land development.

I accept its positioning would allow views down the plot from the public realm, but limiting a consideration of impact to publically accessible viewpoints is too narrow when considering impact on heritage assets, especially when planform itself is being considered. This visibility makes this a less harmful scheme than one which would block the view, but does not in itself *remove* the harm.

The proposed structure is substantial in footprint and scale, being a more imposing structure than the cottage historically was. This is a confusion of historic hierarchy, in so much as the principal building was usually at the street front end of the plot, with attached outbuildings of lesser status serving it to the rear.

I also object to the proposed form of the new building, which is a pastiche threshing barn. Again, this completely confuses the site, giving the impression of a historic farmstead where there is none. A threshing barn of this size would have related to a substantial farmstead of other outbuildings and what would usually be a significant farmhouse. While there are former farm buildings throughout Southwell, and in this respect I can see the reference for this building, it is a confusing pastiche to use on this site.

I do stress, however, that a change in the house design would not mitigate my concerns to the point of supporting the application.

I have considered the point that there is already a small outbuilding here, which is of such a rundown state that its replacement could potentially enhance the site. However, the size of a commensurate replacement would make it still no more than an outbuilding (maybe residential annex at best) in scale and status. Any more than this size would bring back into play the issues I have highlighted above.

I appreciate there are some historic buildings behind the street frontage development in this area, but these are generally built to serve the main street frontage building, so are ancillary in nature. I also appreciate a new house has been approved to the rear of 39, but there were apparently site specific circumstances here which do not necessarily set the precedent for back land development at this plot.

Conclusions

Overall I object to this application. I think it will harm the setting of the listed building by dividing up its historic toft and croft plot, which relates strongly to the history and development of the building, it will create a confused hierarchy for the site and is of a pastiche style that further harms the interpretation of the site. I also appreciate that any approval here could give rise to the very real possibility of further piecemeal division and development of this plot, further compounding this harm. As an asset within the Conservation Area, harm to the significance of this listed building will also cause harm to the character and appearance of the Conservation Area. I also consider this to be harmful development within the setting of the Conservation Area, harming the appreciation of the toft and croft plots which are an important part of the Area's character and rivalling the primacy of street front development with harmful back land development.

Under the terms of the NPPF I would regard this harm to the significance of the Listed Building and Conservation Area to be less than substantial, but any harm is contrary to the statutory test of the 1990 Act.

I would regard this proposal as being contrary to the Planning (Listed Building and Conservation Areas) Act 1990, Policy CP14 and SoAP1 of the Core Strategy and DM9 of the Allocations & Development Management DPD.

While I appreciate the site is mostly outside of the Conservation Area I do believe the Southwell Neighbourhood Plan should carry some weight here, which under Policy DH3 states that, 'Development within the Southwell Conservation Areas must meet the guidance within the current and any future Conservation Area Appraisal and the requirements of the relevant NSDC Core Strategy and Neighbourhood Plan policies in relation to the conservation and enhancement of the historic environment in Southwell. Development proposals will be expected to respond to the particular characteristics of the individual Conservation Area within which they are located.'

I trust this adequately explains and justifies why Conservation objects to this application.

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

NCC Highways Authority – This proposal is for one dwelling served by an existing access, which has been recently improved and currently serves two dwellings.

The access width at the rear of the footway is acceptable, however, it tapers further into the site. In view of this, for one additional dwelling it may be considered unreasonable for the Highway Authority to recommend refusal.

Therefore, there are no highway objections subject to the following:

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles. Reason: To ensure adequate parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

NCC Lead Local Flood Authority - Current preliminary comments: Object for the following reasons:

1. The proposals do not identify a robust method of disposing of surface water from the development.

It is also recommended that any proposals are constructed using flood resilient techniques as parts of the site are at risk of flooding and these techniques should be detailed in any further submissions.

Revised comments received 28 December 2017:

No Objections subject to the following:

1. No construction works shall start until a detailed surface water design is submitted to and approved by the LPA. This design should be based on the rainwater harvesting and soakaway

proposals contained within the Flood Risk Assessment and be supported by a BRE365 complaint soakaway design.

Environment Agency – Thank you for referring the above application which was received on 6th November 2017.

Environment Agency position

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason

The FRA submitted with this application does not comply with the requirements set out in the National Planning Policy Framework (NPPF) and paragraphs 030 - 032 of the Planning Practice Guidance (PPG). The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

1. Take the impacts of climate change into account
2. Consider the effect of a range of flooding events including extreme events on people and property.
3. Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.

Overcoming our objection

1. Your FRA states that the expected flood level for a 1 in 100 year climate change flood is 25.0 metres above Ordnance Datum. However, this is the topographic ground level of the site and therefore does not account for the flood depths shown on the maps you have included in your FRA Appendix from the Southwell Flood Study 2015. The map showing the modelled flood depth for the 1 in 100 year climate change (20% allowance) event gives a flood depth at the location of the proposed house of around 0.1-0.25 metres. The map showing the modelled flood depth for the July 2015 event gives a flood depth at the location of the proposed house of around 0.5-0.75 metres.
2. Government climate change guidance, available online at <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, gives the climate change allowances which should be taken into account when planning new developments. In Nottinghamshire we would expect finished floor levels to be set with a freeboard above the 1 in 100 year 30% climate change modelled flood level, with flood resilience up to the 1 in 100 year 50% climate change flood level. This data is not available for the current site, so we would expect you to estimate the level from the current data. In this case, the modelled July 2015 event flood depths are the most severe flood which has been mapped, and could be considered a proxy for a more severe climate change flood. For this site the floor level would therefore be 25m AOD 0.75m 0.6m = 26.35m AOD. Flood resilience measures should be incorporated to a higher level which you estimate to be equivalent to the 1 in 100 year 50% climate change flood level.

3. When considering access and egress within your FRA you should consider the depth of flood water, and therefore the flood hazard, along the escape route from the property to higher ground.

You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

Revised comments received 6 February 2018:

Thank you for the additional information received on the 22nd January 2018. After review of the information the Environment Agency is satisfied to remove our objection. Our revised response is detailed below:

Environment Agency Position

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) January 2018, Reference ME/103B/FRA, Armstrong, Stokes and Clayton Limited and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 26.05m above Ordnance Datum (AOD).
2. Flood resilient construction as described in section 8.5 of the FRA to a minimum of 26.35m above Ordnance Datum (AOD).

Reason

Ensure reasons are site specific and related to planning policy. This can be provided as free text or based on the following prompts.

1. To reduce the risk of flooding to the proposed development and future occupants.

To reduce the impact on the occupants should floodwater enter the property during an extreme flood event.

Severn Trent Water – No comments received.

Anglian Water – No comments specific to this application.

Trent Valley IDB – The site is within the Trent Valley Internal Drainage Board district.

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

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

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

Representations have been received from 11 local residents/interested parties which can be summarised as follows:

Principle of Development

- A good quality building would improve the current site
- Further development will possibly lead to an over sufficiency of large empty properties
- The proposal is backland development

Flooding

- The site was flooded in 2007 and 2013 and any development of this site should mitigate future risks
- The very large increase in impermeable surfaces could have a detrimental effect on water run-off
- Powell Close was severely flooded in 2013 leading to elderly residents having to be re-homed
- The application should not be considered until a fully engineered and detailed drainage solution is submitted
- There does not appear to be a plan for flood risk assessment and mitigation
- The FRA includes incorrect statements re: previous flood events
- Anything built on the site is likely to increase the risk of flooding

Amenity

- This development will have a negative impact on neighbours through an increase housing density, loss of privacy, overshadowing and loss of wildlife habitat
- The proximity of the proposed development will directly affect the views and outlook of at least 8 properties on Powell Close and the views from 39a Easthorpe
- There will be more noise pollution

Development around the Site

- There has been extensive redevelopment of the existing listed building and plot – it is not clear whether the wooden shed referred to in the current application which has been moved is regarded as a listed building
- The extension at the existing property is neither appropriate to location nor does it enhance the natural and built environment
- The newly built garage is large enough to be converted to a dwelling – if this happens this development would mean four large properties using the existing driveway

Character

- The building design does nothing to enhance the locality
- The area was delineated as an historically and environmentally important urban green space

Impact on Highways

- The construction of another property will cause continued disruption
- The road is dangerous will poor visibility

- Easthorpe is an extremely busy road and is already tightly packed with cars
- Lorries will add to the chaos

Other Matters

- The wording on the site plan refers to three bungalows
- There does not appear to be an appraisal of biodiversity as required under policy E3 of the neighbourhood plan
- The previous owners included a covenant on the land to prevent future use of the plot
- The maps used are inaccurate and omit buildings that have been in place since the mid 1990s and 2006

Comments of the Business Manager

Principle of Development

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 10th October 2017 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

The adopted Neighbourhood Plan for Southwell outlines an overall support for residential development within the town, through meeting the strategic requirements for growth whilst maximizing the benefits for the community (Objective 6). Spatial Policy 1 of the Core Strategy outlines the settlement hierarchy for the District identifying Southwell as a Service Centre. It is intended that Service Centres will act as a focus for service provision for a large local population and a rural hinterland. As such residential development within the site is acceptable in principle provided the proposal accords with 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 following the Independent Examination which took place on February 1st and 2nd 2018. 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 Southwell 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.

Housing Type and Density

Core Policy 3 of the Core Strategy states that development densities should normally be no lower than an average 30 dwellings per hectare net. The current proposal for a single dwelling within the site area of 0.16 hectares would fall well below the aspirations of Core Policy 3. However I do not consider that it would be appropriate to negotiate a greater housing density within the site given the surrounding constraints such as heritage assets and the potential implications to the highways network which are discussed further below. It should be noted as is referenced by the site history that a scheme for three bungalows has been previously withdrawn owing to issues identified through determination.

Policy So/HN/1 is clear in seeking, subject to local site circumstances and viability, the majority of new housing on allocated and windfall sites as 1 or 2 bed units. This was adopted in 2013 based on an earlier 2009 housing evidence base. This applies to all housing developments in Southwell irrespective of whether they are market or affordable. However, in 2014 new Housing Market information became available (in the Housing Market Needs Sub Area Report) for market dwellings. This made clear that there is a greater need for houses of 3 or more bedrooms than there was for properties of two bedrooms or less (48/52% split in favour of 3 beds or more). This is an important material consideration and indeed one that has been referenced by a recent appeal decision in Southwell (Brooklyn, Lower Kirklington Road APP/B3030/W/17/3179351). On this basis I do not consider that it would be justifiable to resist the application purely on the basis that it does not propose a 1 or 2 bed dwelling.

Impact on Character

The application site is set to the rear of 37 Easthorpe adjacent to the designated Conservation Area (although the access to the site falls within the Conservation Area designation). The proposal would introduce built form into a currently undeveloped site (notwithstanding the small outbuilding to be demolished), fundamentally changing the character of the site. Policy DM5 is clear 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. Policy DM5 also confirms that, where local distinctiveness derives from the presence of heritage assets, as in the case in the context of this proposal, development will also need to satisfy Policy DM9.

It is noted that the majority of the site is outside of the designated Conservation Area (CA) albeit the access road from Easthorpe falls within the CA and thus the application has been advertised on this basis. 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. Policy DM9 reminds us that proposals should be compatible with the fabric of historic buildings. Commentary surrounding Policy DH3 of SNP confirms the Prebendal houses of the Historic Town Centre form one of the features that creates the central attraction for residents and visitors. It is stated that these features must not be compromised by development. This is carried through to the wording of the Policy DH3 which states:

'Within the Historic Town Centre the established layout of large houses within their own extensive grounds must be retained and that the surviving Prebendal plots must not be subdivided.'

It is fully appreciated that the site is not within the Historic Town Centre as identified by the Proposals Map within the SNP nor does it represent a prebendal plot explicitly referred to. However, the stance nevertheless demonstrates that the Neighbourhood Plan illustrates an

understanding of how a building's historic boundary can be part of its significance which can be subsequently harmed through inappropriate development.

Notwithstanding that the proposed dwelling would be outside of the designated CA, in being directly adjacent to it, it could still have an impact on the character and appearance of the Conservation Area, and so the decision maker should still be mindful of Section 72 (1) which states that '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*'. Moreover, the development has the potential to affect the setting of numerous listed buildings along Easthorpe (notably the 'host' dwelling to which the site is associated).

As is acknowledged through the comments of internal conservation expertise, the plot forms a long burgage plot to which preservation is of importance. These plots are an important part of the legibility and understanding of settlements with a medieval origin and are very much part of the historic interest of Southwell as they directly influenced the plan form of the settlement. The site itself is notable for its distinctive and historic long, narrow plot. This is summarised by the Conservation Officer comments repeated for completeness below:

The survival of this medieval plot at 37 Easthorpe is a feature of historic interest in its own right and is a positive feature in the setting of the listed building, giving historic context and showing that its setting, in plan form terms, is relatively unaltered.

This application has allowed a better understanding of the significance of this plot, such as when the Conservation Area is next reviewed the boundary should logically be expanded to include the whole of the plot associated with number 37.

I note this is a more evolved version of the application in 2016 for three bungalows, and while this is a less harmful scheme it remains, in my opinion, harmful.

I accept that the proposed new structure is linear, so in this respect is angled with the plot. However, the tradition of long narrow structures lining narrow medieval plots is seen from the street front stretching back, usually in a solid or almost unbroken row. This would be a stand-alone structure, some distance from the garage of 37 and even further from the main house and the main road, so it doesn't read as a part of the street front development. Being linear in form and position is therefore not enough to make this seem like a natural addition, and it would still read as back-land development.

I would concur entirely with the above assessment and the justification provided in the policy context including the Southwell Conservation Area Appraisal which explicitly states that '*the open areas that provide the setting of the conservation area should not be developed.*' Additionally Southwell Neighbourhood Plan, at Policy DH3, confirms an expectation that development should respond to the particular characteristics of Conservation Areas.

The application has been accompanied by a Built Heritage Assessment undertaken by Grover Lewis Associates and dated August 2017. The document outlines a sound understanding of the relevant policies to be considered in respect to the effect of the proposal on heritage assets. It also provides a more detailed assessment of the evolution of Southwell acknowledging that the townscape of Easthorpe is characterized by a close-grained townscape of traditional brick building of generally urban scale and character. It is stated that '*many of the former toft and croft plots in Easthorpe and Church Street have also been developed with ancillary outbuildings and domestic cottages to the rear.*' Officers indeed acknowledge that this is the case at 37 Easthorpe through the recent development of the detached garage.

The Built Heritage Assessment goes on to give examples of cases of rear plot development including to the rear of no. 39 Easthorpe (application reference 05/01353/FUL). However, I have attached limited weight to this development in the assessment of the current application given the specific site circumstances which related to this approval (notably the demolition of previous agricultural built form).

During the life of the application officers have taken the opportunity to meet on site with the agent and heritage expertise to discuss the implications of the original consultation comments. During this meeting, further cases were raised as having 'comparable' impacts to the Conservation Area. Indeed Members will note that the reason Cllr Laughton has called the application to Committee is due to a concern that the advice of Conservation Officers in this case is contradictory to that offered through the assessment of other cases in the vicinity. Specifically reference is made to a scheme at Platts Orchard for residential development (reference 17/01688/FUL). For the avoidance of doubt, officers consider the application at Platts Orchard to be materially different from the current submission. Firstly, the application site at Platts Orchard has an extant permission which was allowed at appeal in 2007 following the Council's refusal (which was partially based on heritage grounds). In considering the 2017 application, Conservation expertise have attached considerable weight to this fall back position and consider that by way of comparison, the 2017 scheme represents a better design in terms of the scale of the individual plot. It is also noted that Platts Orchard was not a burgage plot but a historic orchard.

Attention has also been drawn to an existing two storey dwelling at the rear of 67 Church Street which was approved in 2010. Again, after a review of the case history to this application, it is confirmed that this plot also had an extant permission dating from 1987. Given that every application must be treated on its own merits, I do not consider that any of these examples should be afforded significant weight to the consideration of the current scheme which must be determined taking account of the existing Development Plan which has clearly evolved since the stated examples (when factoring in extant permissions).

Overall, it is contended by the Built Heritage Assessment submitted to support the application that:

'Development of part of rear portion of the curtilage of 37 Easthorpe would not necessarily result in a loss of significance to the listed building, provided that the long of the long, narrow 'signature' of the former croft plot is preserved, along with glimpsed views to the land to the rear.'

As is identified by the comments of the Conservation Officer, this rationale is considered too simplistic of an approach when considering historic planform and character.

I accept its positioning would allow views down the plot from the public realm, but limiting a consideration of impact to publically accessible viewpoints is too narrow when considering impact on heritage assets, especially when planform itself is being considered. This visibility makes this a less harmful scheme than one which would block the view, but does not in itself remove the harm.

The comments of the Conservation Officer are also noted in terms of the specific objection to the form of the development proposed noting that the pastiche threshing barn would in itself confuse the site. Officers have attempted to engage with the applicant in terms of presenting a potentially revised scheme (albeit significantly compromised to that currently proposed) but the agent has confirmed that the application should be assessed and ultimately determined in its current form.

The proposal is considered to harm the setting of the listed building and the Conservation Area by introducing back land development which would divide up the historic toft and croft plot and would create a confused hierarchy for the site. The identification of any harm is contrary to the statutory test of the 1990 Act. The proposal is also contrary to Policy CP14 and SoAP1 of the Core Strategy and Policies DM5 and DM9 of the Allocations & Development Management DPD. In addition the proposal is contrary to other material policy considerations notably Policy DH3 of the Southwell Neighbourhood Plan.

Impact on Flooding / Drainage

Based on the latest maps of the Environment Agency, in terms of traditional flood risk (i.e. that from rivers), the majority of the site, including where the footprint of the dwelling would be, is located outside of Flood Zones 2 and 3. Notwithstanding this, it should be noted that the proposed vehicular access into the site is classed as being within Flood Zone 3. Thus in a potential flood event, the implication would be that in order to evacuate the site, occupiers would have to cross the flood plain as identified by the Environment Agency maps. The authority have been presented with this scenario in the past and supported at appeal in the application of the sequential test in the circumstance (APP/B3030/A/08/2075136 decision dated October 2008). It is noted that the development plan has evolved since this time but the principle of resisting development in areas at risk of flooding is a key message within the NPPF:

'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.'

I fully accept that the built form itself would be within an area of the site considered to be within Flood Zone 1 and equally that the dwelling could be designed to avoid flood risk through mitigation techniques such as a raised floor level. Nevertheless the implication of the access being in Flood Zone 3 is that the development would be isolated in a flood event meaning that movements to and from the site would potentially place additional burden to the emergency services.

It is material to note that Southwell has recently experienced a significant flooding event. This included severe flash flooding from the Potwell Dyke and Halam Hill subcatchment watercourses as well as overland surface water flows which affected a significant number of properties. In light of this significant flood event and the more frequent but less severe flooding which is experienced it is crucial that flood risk can be appropriately considered as part of the planning process. Indeed this is reaffirmed by SNP which outlines specific policies in relation to flood risk assessments and mitigation. Recent events have highlighted a clear need for further investigation to be carried out so that the nature and extent of flood risk to the settlement can be fully understood.

In addition to the above, new mapping has been released by the Environment Agency on surface water flood risk. This surface water mapping provides a useful indication of low spots where water is likely to 'pond', where surface water flooding is deeper or shallower, direction and approximate speed of flowing water (indicating flow paths) and the spatial location of surface water flood risk in relation to sites.

The stance for new development is that the applicant should be able to demonstrate to the satisfaction of District Council, the Environment Agency, Nottinghamshire County Council and Severn Trent that flooding issues can be adequately addressed. This assessment should take into account the findings of the surface water flood maps.

I note the level of objection to the scheme summarised above, of which there are numerous references to the implications of the development proposal on surface water flooding in the area. The comments include references to inaccuracies within the submitted Flood Risk Assessment (FRA) report including implying that the site is not prone to flooding from excess overland flows.

The original application was accompanied by an FRA undertaken by Armstrong Stokes & Clayton Limited dated August 2017. It is stated that the Environment Agency mapping is based on the River Greet 2008 hydraulic model and thus is not the most up to date information currently available for Southwell.

Members will note that both NCC as the Lead Local Flood Authority and the Environment Agency originally objected to the application for reasons outlined in full above within the consultation section. However, Members will equally note that, on the basis of additional documents submitted during the life of the application (notably a revised FRA dated January 2018) both parties have subsequently removed their objections.

The revised FRA makes reference to the existing levels within the site and confirms that the site falls generally from south to north within the highest level of the site being the southern boundary where the driveway joins Easthorpe. The flood risk classification as defined by the Environment Agency maps is however acknowledged (in terms of the access being within Flood Zone 3). The stance of the FRA is that the Southwell Flood Study 2015 based on modelling undertaken by AECOM represents the best and most recent model data currently available but that 37 Easthorpe has not experienced flooding to the extent or level indicated by either this study or the Environment Agency flood mapping.

In accordance with Table 2 of the PPG (Flood Risk Vulnerability Classification), residential uses are considered as 'more vulnerable' development. In applying the Sequential Test, such uses should be directed towards areas at a lower risk of flooding. The applicant's case rests on the fact that site specific hydraulic modelling indicated that the site is not at risk of fluvial flooding up to the 1 in 100 year climate change event and could therefore be considered to be located entirely within Flood Zone 1. The difficulty for Officers in appraising this position is that it contradicts the available data from the Environment Agency Flood Risk maps.

Given the clear importance to ensure that residential development could be considered safe for its lifetime in flood risk terms, officers have taken the opportunity to discuss the matter in more depth with the Environment Agency following the submission of their latest response removing their objection. It has been confirmed that, *ideally*, the maps included within the Southwell Flood Study 2015 would have been made available to the Environment Agency so that they could be translated into flood zones on the appropriate maps. It is further stated that although the revised FRA makes reference to local hydraulic modelling this has not been submitted to the Environment Agency either and thus has not been considered in full in respect to this application (but is in any case superseded by the 2015 study).

The Environment Agency has confirmed that, on the basis that the land rises towards the south, they consider that it would be possible to put in a dry access which links from the new dwelling (which could have floor levels raised in flood mitigation terms) to the higher ground of the access. Conditions are suggested in respect to the level of finished floor levels and a flood resilient construction but notably the original objection has been removed.

Members will be aware that it falls for the LPA to apply the Sequential Test. Ordinarily an application of this nature would be resisted on the basis that the proposal fails the Sequential Test given the position of the access within Flood Zone 3. However, officers are conscious that the current application has been accompanied by a level of site specific information that appears to cast doubt over the accuracy of the Environment Agency maps in this particular location. This doubt has been further harnessed by separate discussions with the Environment Agency in which they have confirmed they consider that a safe access and egress could be achieved. Taking these factors into account, officers consider that it would be extremely difficult to resist the application on flood risk grounds without up to date evidence that contradicts the position of the Southwell Flood Study 2015. Officers view is that the Councils case at appeal would be weak particularly noting that no objections have been raised by the relevant expertise. On this basis, the proposal is deemed indefensible to resist on flood risk ground. If the application were to be otherwise approved, appropriate conditions could be attached to ensure the mitigation measures outlined by the revised FRA are implemented in full. It should be explicitly stated that this judgement is taken solely on the basis of the site specific factors of this case including that the foot print of the proposed dwelling is within Flood Zone 1 in its entirety and that the proposed access would be situated on higher ground than the development proposed.

Impact on Highways

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 proposal has been presented on the basis that vehicular access to the site would be gained from an existing access from Easthorpe which currently serves 37 and 39a Easthorpe. The dwelling would be allocated two car parking spaces.

Officers note that on the previously withdrawn application for an additional 3 dwellings, NCC as the Highways Authority raised concerns in respect to Highways Impacts noting that Easthorpe as a busy main road through Southwell suffering from a heavy amount of on-street parking which restricts driver visibility. However, it is a material difference that the current proposal seeks for just one additional dwelling and thus inevitably the highway implications would be reduced. In this context the comments of NCC Highways on the current scheme are noted. These acknowledge that the existing access by which the proposed dwelling would be served has recently been improved. Although it is conceded that the access width tapers further into the site, it is not considered that this would be a determinative issue for one additional dwelling. On this basis, no objections are raised subject to the inclusion of a condition for the provision of the demonstrated parking and turning areas.

Despite the concerns raised through consideration of the previously withdrawn scheme, in the context of the current application for a single dwelling, the proposal is considered acceptable in highways safety terms and compliant with Spatial Policy 7.

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 of the proposed dwelling.

In respect to the amenity provision which would be available for the proposed occupiers, the site is of an ample size such that there would be a generous level of amenity provision.

Moving then to assess the implications of the proposal on existing neighbouring residents, it is noted that, unlike the previously withdrawn scheme for three single storey bungalows, the current proposal relates to the provision of a two storey dwelling.

The existing site boundaries are largely comprised of dense vegetation which in some respects screens the development site on an east-west transect. The site plan submitted to accompany the application details boundary treatment of both existing hedging and new vertically boarded timber fences. Beyond the boundaries of the site there is a dense level of tree cover (notably to the west) but I do not consider that these would be adversely affected by the proposed development.

Officers consider that the most sensitive receptors to the development will be the single storey properties to the east of the development site along Potwell Close. The properties closest to the proposed development would be no. 5 and no. 7 Potwell Close with the closest distance between the existing dwellings and the proposed dwelling of around 21m. The design of the dwelling is noted in that, although the principle elevation would be east towards Potwell Close, the first floor of the property would be served by roof lights and windows on the gable ends (i.e. not towards Potwell Close). It is fully acknowledged that the rear outlook of the bungalows would be altered through the introduction of built form but it is my view that the most likely experienced amenity impact would be of overbearing rather than issues of direct overlooking. I have carefully considered whether the proposed dwelling, at a maximum pitch height of approximately 8.4m would amount to a degree of overbearing or overshadowing which would be detrimental to neighbouring amenity. The proposed development would be sited due west of the bungalows on Potwell Close. Given the orientation, potential overshadowing impacts would be predominantly restricted to the evening as the sun is setting. It is also noted that the closest properties (no. 5 and no. 7 referred to above) are orientated at an angle to the shared boundary such that their line of sight towards the proposed development (more so for the occupiers of no. 5) would be oblique. Given the aforementioned distance of over 20m between the existing and proposed, I do not consider that there would be sufficient grounds to resist the application on detrimental amenity impacts. In reaching this judgment I am mindful of the orientation of the proposed dwelling such that the maximum height would be set away from the shared boundary owing to the pitched roof design. On balance, I find that the proposal complies with the intentions of Policy DM5.

Other Matters

The reference to the recent works undertaken at 37 Easthorpe are not considered material to the determination of the current application. In the same respect, the legal covenants on the land would not have a bearing on the current determination being a private legal matter.

Comments received during consultation in respect to a lack of ecological assessment are noted but to confirm officers do not consider that the proposal would warrant a request for ecological surveys. I appreciate the concern of Southwell Civic Society in respect to the potential ecological value of the hedgerows but the proposed block plan confirms that if the proposal were to be approved, these would be retained.

Overall Balance and Conclusion

The application site forms a historic burgage plot within the urban boundary of Southwell forming part of, and adjacent to, numerous designated heritage assets including the host listed building at 37 Easthorpe and the Conservation Area. The development of this plot in the manner proposed is considered to represent back land development which would destroy the croft element of the plot and radically alter its appearance, which is characterised by street front development with open land behind. The open croft would be replaced by a modern and pastiche development which would harm the setting of the listed building in a way which would harm the special interest of the listed building. It would also erode the character and appearance of the Conservation Area. It is acknowledged that the application site falls mostly out of the Conservation Area, however development here affects a heritage asset which forms part of the Conservation Area (i.e. the listed building) and development directly adjacent to the Conservation Area could still have an impact on the character and appearance of the Conservation Area. As such, the decision maker should still be mindful of Section 72 (1) which states that '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area*'. The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight. Whilst the harm identified in this case is considered to be less than substantial, it nevertheless represents harm. The Act means that a finding of harm to a listed building, or harm to the setting of a listed building, or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. However, the presumption is not irrefutable; it can be outweighed by material considerations powerful enough to do so.

Officers remain concerned in respect of the potential flood issues arising from the proposal. Whilst the above discussion has concluded that, without the support of relevant expertise, matters of flooding would not be robust enough to resist the application in its own right, the fact remains that the latest maps from the Environment Agency show that the access to the proposed dwelling is within Flood Zone 3. Officers consider that this attaches a marginal negative weighting against approval.

The proposal would deliver an additional residential unit in a sustainable location which must afford significant positive weight in the overall balance of the application. However, this is not deemed sufficient to outweigh the aforementioned character and heritage harm which would arise from this proposal. The development is therefore contrary to Core Policies 9 and 14 of the Core Strategy (Sustainable Design and Historic Environment respectively); SoAP1 (Role and Setting of Southwell) of the Core Strategy; Policies DM5 and DM9 of the Allocations and Development Management DPD (Design and Protecting and Enhancing the Historic Environment); Policies DH1 and DH3 of the Southwell Neighbourhood Plan (Sense of Place and Historic Environment respectively); the NPPF which forms a material consideration; its associated guidance within the NPPG; and the Southwell Conservation Area Appraisal Supplementary Planning Document.

RECOMMENDATION

That the application is **refused** for the following reason:

01

The proposal seeks full planning permission for the erection of a single four bed dwelling with associated vehicular access. The dwelling would be situated to the rear of 37 Easthorpe; a Grade II listed building. In addition, the vehicular access to the site is within the designated Conservation Area boundary which also abuts the western boundary of the site.

The development of this plot in the manner proposed is considered to represent backland development which would destroy the croft element of the plot and radically alter its appearance, which is characterised by street front development with open land behind. The open croft would be eroded by a modern and pastiche development which would harm the setting of the adjacent listed building at 37 Easthorpe in a way which would harm the special interest of the listed building. It would also erode the character and appearance of the Conservation Area.

The development is contrary to Core Policies 9 and 14 of the Core Strategy (Sustainable Design and Historic Environment respectively); SoAP1 (Role and Setting of Southwell) of the Core Strategy; Policies DM5 and DM9 of the Allocations and Development Management DPD (Design and Protecting and Enhancing the Historic Environment); Policies DH1 and DH3 of the Southwell Neighbourhood Plan (Sense of Place and Historic Environment respectively); the NPPF which forms a material consideration; its associated guidance within the NPPG; and the Southwell Conservation Area Appraisal Supplementary Planning Document.

The proposal causes harm to the setting and significance of the listed building and the character and appearance of the conservation area. The duties under Sections 66 and 72 place a statutory presumption against granting planning permission where harm to a listed building and conservation area, respectively, has been identified. For the purposes of paragraphs 133 and 134 of the NPPF the harm to the significance of these designated heritage assets has been identified as being less than substantial.

The Local Planning Authority has attached positive weight to the delivery of an additional residential unit which would (albeit marginally) enhance the Districts housing supply in a sustainable location. However, this is not considered to outweigh the aforementioned harm identified through the development of the plot in the manner and design as proposed.

Informative

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

BACKGROUND PAPERS

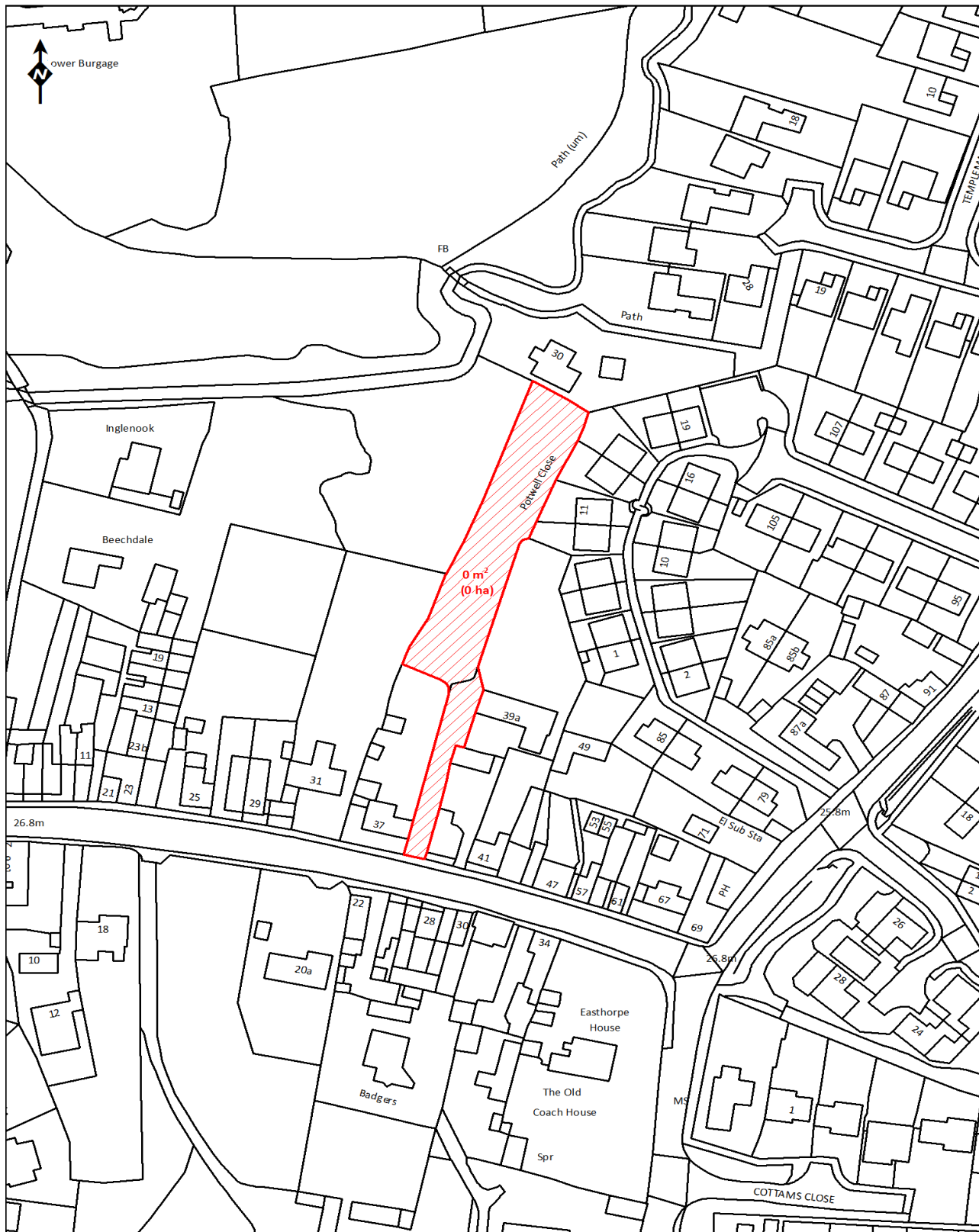
Application case file.

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

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

Matt Lamb
Business Manager – Growth and Regeneration

Committee Plan - 17/01839/FUL



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	17/01882/FULM
Proposal:	Application for variation of conditions 2 and 13 of planning permission 15/01537/FULM (Change of Use of the Railway Lake to Watersport and Scouting Use, incorporating installation of portacabin for changing/training room and installation of septic tank) to allow the portacabin to be 9.6m x 9m, with rear decking area of 4.7m x 11.8m and painted Forest Green rather than clad. In addition retention of 2.35m high compound fence, 2.53m high compound gates and 4 metal storage containers and a timber shed within the compound area. (Retrospective)
Location:	Railway Lake Gonalston Lane Hoveringham
Applicant:	Mr S Day
Registered:	28 November 2017
	Target Date: 27 February 2018
	Extension of time agreed: 09 March 2018

This application is being referred to the Planning Committee by the local ward Member, Cllr. Jackson.

The Site

The application site is situated to the south of Thurgarton and to the north of Hoveringham and comprises a former sand and gravel pit, which was granted consent in February 2016 to be used by the Scout Association as a water sports lake. The conditions relating to this consent have been discharged and the consent implemented. The site is accessed from an access track off Thurgarton/Hoveringham Lane with Thurgarton railway crossing and station situated immediately to the north of the site and the Hanson cement works immediately to the east.

The site comprises a lake, club house (prefabricated porta cabins), boat storage compound and vehicle parking area. The lake is approximately 1.5km in length, 600m in width (at its widest part) and crossed by high voltage overhead electricity pylons at approximately the mid-point.

In accordance with the Environment Agency Flood Zone Mapping; a small proportion of the north western shore line lies within Flood Zone 3, with the lake itself designated as being within Flood Zone 2. The land to the north of the lake, the access track and the grassed area around the lake are all designated as being within Flood Zone 1. The entire site lies close to the boundary but within the Nottinghamshire Green Belt.

The site is not situated within a Conservation Area (CA), with the closest CA being Thurgarton. The southern boundary of the Thurgarton CA is situated approximately 300m to the north of the site. The closest heritage asset to the site is Thurgarton Station which is a Grade II listed property situated approximately 50m to the north of the lake. The closest residential properties to the site are Thurgarton Station, situated approximately 50m to the north, New Farm situated approximately 50m to the east and Rose Cottage situated approximately 130m to the south east.

The site is bound from the roadside by hedging and a 'permissive path' as detailed within the site restoration program runs around the edge of the lake approximately following the line of the drainage ditch. The path is separated from the scout site by post and mesh fencing and lies approximately 80m to the east of the lakeside club house.

Relevant Planning History

17/00711/DISCON - Request for confirmation of discharge of conditions 7 and 9 attached to planning permission 15/01537/FULM; Change of Use of the Railway Lake to Watersport and Scouting Use, incorporating installation of portacabin for changing/training room and installation of septic tank. All conditions discharged June 2017.

16/01253/DISCON - Request for confirmation to discharge conditions 4, 5, 17 and 19 attached to planning permission 15/01537/FULM Change of Use of the Railway Lake to Watersport and Scouting Use, incorporating installation of portacabin for changing/training room and installation of septic tank. All conditions discharged September 2016.

15/01537/FULM - Change of Use of the Railway Lake to Watersport and Scouting Use, incorporating installation of portacabin for changing/training room and installation of septic tank. Approved February 2016.

15/00506/FULM - Change of Use of Railway Lake to Watersport and Scouting Use. Withdrawn July 2015.

11/00212/CMA - Variation of conditions 22 and 24 of planning permission 3/08/0226/CMA to extend the timescale for the completion of restoration works and tree planting. Approved 2011.

93/50782/CMA – Extract sand and gravel and re-phase infill by pulverized ash. Approved 1996.

93830713 – Extraction of sand & gravel, construction of road tunnel and conveyor. Approved 1984.

The Proposal

The application is for full planning permission for the variation of Conditions 02 & 13 of planning permission 15/01537/FULM by way of amending the approved plans and details.

Condition 2 stated: *The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:*

- *Site Location Plan Received 26/8/15*
- *Site Plan Received 26/8/15*
- *Updated Entrance Plan Rev 1 Received 30/9/15*
- *Portacabin Proposed Floor Plans & Elevations Received 26/8/15*
- *Annotated Site Photo Detailing Proposed Site Entrance Received 26/8/15*

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.

Condition 13 stated: *The development hereby permitted shall be constructed entirely of the material details submitted as part of the planning application, stated in Section 11 of the application form and on the approved plans unless otherwise agreed in writing by the local planning authority.*

Reason: In the interests of visual amenity.

Of particular relevance to this application is:

- The variation to the scale and finish of the *Portacabins and associated decking area which are used as the club house.*
The plans as approved detailed the portacabin to be 8.3m x 8.3m and finished in Yorkshire boarding. The portacabins that have been installed are 9m x 9.6m and have been painted Forest Green. The associated decking area was detailed as being 3m deep by 10m wide, the decking area that has been constructed is 4.7m deep and 11.8m wide.
- *The increase in height of the adjacent boat compound gates and fencing.*
The compound fencing and gates were detailed as being 1.8m high. The installed fencing is 2.35m and the gates 2.53m.
- *The retention of 4 metal storage containers and a timber shed within the boat compound*

The parish councils and neighbouring residents raised concerns that the initially submitted application had discrepancies in the measurements and clarification from the applicant was sought. Officers are now confident that the detail contained within the application is accurate having met with the applicant and measured the buildings, fencing and scale of the enclosure on site.

Public Advertisement Procedure

Occupiers of 85 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 Core Strategy Adopted March 2011

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3 - Rural Areas
- Spatial Policy 4A - Extent of the Green Belt
- Spatial Policy 4B - Green Belt Development
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 - Protecting and Promoting Leisure and Community Facilities
- Core Policy 9 - Sustainable Design
- Core Policy 10 - Climate Change
- Core Policy 11 - Rural Accessibility
- Core Policy 12 - Biodiversity and Green Infrastructure
- Core Policy 13 - Landscape Character
- Core Policy 14 – Historic Environment

Allocations and Development Management DPD Adopted July 2013

- Policy DM5 - Design

- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM9 – Protecting & Enhancing the Historic Environment
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2012
 Planning Practice Guidance 2014

Consultations

Hoveringham Parish Council – Objection

Hoveringham Parish Council have discussed the application for variation of conditions 2 and 13 of planning permission-15/01537/FULM and object on the grounds that this is at variance to the original approved application, the site as it is now, is not in keeping with a rural environment, having an industrial look that will not soften in the short term, they feel the original conditions should be enforced.

Thurgarton Parish Council – Objection

Application for variation of conditions 2 and 13 of planning permission 15/01537/FULM to allow a portacabin to be painted rather than clad and the compound fence to be 2.2 m in height (Retrospective). Object. The height of the fence, size of the cabins and the size of the compounds are not in accordance with the existing planning permission or the retrospective application. The cladding, which was part of the existing planning permission, was in keeping with the local vernacular, and to affix this type of cladding would not necessarily require drilling through the metal.

NCC Highways - This application for the variation of conditions 2 and 13 of planning permission 15/01537/FULM is not expected to impact on the public highway, therefore, there are no highway objections.

6 letters of representation have been received, two letters making observations and four letters of objection. The following points have been raised:

- Wooden fencing would look more in keeping with the area. I have no objection to the cabin being painted;
- It is a well-known ruse to apply for planning permission with conditions and then seek to vary these later. To me it is very simple - if planning permission would have been granted initially with these latest applications, then go ahead. If not, they should be refused;
- Objected to the previous application regarding impact on the character of the area and noise and consider these previous fears to be founded;
- The scouts had an obligation to comply with the conditions of the consent granted whether items were donated or not, putting up higher fencing is a complete disregard for the planners;
- Stating that the metal building can't be clad is ridiculous, all metal buildings can be clad using specialist glue products;

- Consider that the scouts are breaking usage condition as the site is being used more intensely than detailed within the conditions, I intend to closely monitor activity levels in 2018 to ensure compliance;
- Wish to remind NSDC that the locals were strongly against this scheme and strong conditions were enforced to try appease concerns;
- Shipping containers were not included within any previous plans;
- The height & colour of the perimeter fence is not sympathetic to this previously beautiful location;
- The dimensions on the submitted information are incorrect. The boat compound is far larger than what is shown on the site layout plan, the building is higher, the decking larger and the septic tank in the wrong location;
- Palisade fencing is available in a range of sizes and the current one should either be replaced or cut down to size;
- The development in no way blends in with the surroundings;
- It is difficult to understand how this has been allowed to develop by NSDC, at least something can be done to ensure the scouts comply with the original consent;
- The site has an industrial look which cladding may help soften.
- People do not travel to the site by public transport and often the car park is full and vehicles are forced to park on the road which results in highway safety concerns
- Should committee seek to approve this application, thereby ignoring all the breaches, a precedent will be set which will be hard to contradict.

Comments of the Business Manager - Growth & Regeneration

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 approved water sports lake cannot be revisited as part of this application.

The application seeks to amend the scale and finish of the previously approved portacabin to be used as a club house and the height of the boundary fencing and gates which secure the boat storage area. The amendments sought are as follows:

- Increase in portacabin clubhouse footprint from 8.3m x 8.3m to 9m x 9.6m (17m² increase in footprint)
- Increase in the footprint of the lakeside decking area from 3m x 10m to 4.7m x 11.8m (55m² increase in footprint)
- Change the finish of the building from the approved stained Yorkshire boarding to a Forest Green painted finish
- Increase the height of the compound fencing from the approved 1.8m to 2.35m (0.55m increase) and gates to 2.53m (0.73m increase)
- Retention of 4 metal storage containers and a timber shed within the boat storage compound

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 design alterations subject to an assessment of site specific issues, which in this instance is considered to relate solely to any perceived impact upon the character of the area.

Impact on the Openness of the Green Belt and Character of the Surrounding Area

The site lies on the eastern edge of the Nottinghamshire Green Belt. The National Planning Policy Framework (NPPF) indicates that most development in the Green Belt is inappropriate. However, there are some exceptions to this and the *'provision of appropriate facilities for outdoor sport, outdoor recreation... as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'* is one of them.

Dealing firstly with the portacabin clubhouse; the increase in scale of the building and associated decking area is not considered to be overly discernible from that previously approved. The decking area is predominantly only visible across the lake to the west and as shown on the supporting photos does not appear overly prominent or out of scale with the clubhouse. As such is not considered the revisions in the scale of the clubhouse and decking significantly impact upon the openness of the Green Belt nor character of the area.

Neighbouring residents have queried the overall height of the clubhouse building; Officers have visited the site and measured all aspects which have been queried by members of the public. The land level drops away to the lake side and clearly the height of the building is greater from the lakeside than the compound side; however the overall height of 3.6m accords with the height indicated on the approved plans.

In relation to the revised finish of the building; it is not considered that the Forest Green painted finish of the building appears overly out of place in its surroundings. The green colour of the building helps it assimilate into its green surroundings. I am also mindful of the backdrop to the site; with the concrete works and factory buildings situated on the western side of Gonalston Lane. On this basis I do not think that the existing finish of the building so significantly detracts from the character of the area to warrant refusal of the application.

In relation to the increased fencing and gate heights; the applicant raised concern that the approved 1.8m boundary treatment may not have been sufficient to deter potential thefts, given the relatively isolated location of the site. The applicant has detailed that the fencing as erected was a charitable gift, which was donated to the scouts and as such they had no control over the height. Given the location of the compound and being mindful of the industrial backdrop to the west of the site, I do not consider that the increase in approximately half a metre in height of the installed fencing so significantly detracts from the character of the area to warrant refusal.

Consideration has been had to the potential for the fencing to be sprayed green to match the clubhouse; however it is Officer's opinion that this if anything may draw more attention to the compound, which in the interests of security is something the Scouts would not want to happen. The applicant has had a number of saplings donated from the Woodland Trust which they have planted around the perimeter of the compound which in time will help screen it. It was noted on site that a number of these appear dead and the applicant commented that more will be planted at the onset of spring to help soften views of the compound.

Four dark metal storage containers have been placed along the northern boundary of the storage compound. Comments have been received stating that the shipping containers were not detailed on the approved plans. Whilst the containers weren't categorically detailed as part of the application, the outline of 4 containers were detailed on the site layout plan submitted on 1/8/17 and approved as part of the discharge of conditions for the site. I am therefore satisfied that no further consent is required for the containers situated within the compound. A small domestic

timber shed has also been placed between the containers which is used to store equipment in; given the scale of the building and the neighbouring storage containers the shed is not readily visible beyond the compound and is not considered to detract from the character of the area.

Overall I am satisfied that the modest increases in scale and finish of the clubhouse and associated decking in addition to the alterations to the boat storage enclosure do not significantly impact upon the character of the area nor openness of the Green Belt. It is therefore considered that the proposed development would accord with Spatial Policy 4B or the Core Strategy and Policy DM5 of the NSDC DPD and paragraph 89 of the NPPF.

Other Matters

The comments regarding the incorrect location of the cess pit and the scale of the storage compound are noted; having reviewed approved plans and visited the site Officers are content that the cess pit has been implemented in accordance with the approved detail and that the scale of the boat compound reflects the approved plans.

The proposed minor changes are not considered to impact upon ecological interest, highway safety nor neighbouring amenity. There are no further material considerations that would warrant refusal.

Given that the proposal relates to variation of a condition attached to a previous approval it is necessary to repeat all relevant conditions for clarity. In the instance where conditions have been previously discharged the conditions are re-worded to ensure that development is implemented in accordance with the approved details.

Recommendation

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

Conditions

01

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

- Site Layout Plan received 08/02/18
- Site Location Plan Received 28/11/17
- Supporting statement with photos showing portacabin finish received 24/11/17
- Updated Entrance Plan Rev 1 Received 30/9/15
- Annotated Site Photo Detailing Proposed Site Entrance Received 26/8/15

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.

02

Notwithstanding the planning permission hereby granted, the lake known as Railway Lake shall not be used by any motorised pleasure craft, with the exception of motorised safety craft, of which up to 4 may be present on the water at any one given time.

Reason: In the interests of amenity

03

Development shall be undertaken in accordance with the walkover survey undertaken by BJ Collins approved by correspondence dated 15 June 2017 under discharge of condition application ref: 17/00711/DISCON.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

04

The culvert required to implement the access shall be constructed in accordance with Bridge section drawing dated 24/3/16 as approved correspondence dated 15th June 2017 under discharge of condition application ref: 17/00711/DISCON.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

05

The development hereby permitted shall be undertaken in full accordance with the Recommendations and Precautionary Working Practices as set out in sections 5.1.2, 5.2.2, 5.4.2 and 5.5 of the Protected species survey dated July 2015 (prepared by Scarborough Nixon) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

06

Development shall be undertaken in accordance with the Railway Lake Management Plan 2017 – 2022 Rev 1 received 7/6/17 as approved correspondence dated 15 June 2017 under discharge of condition application ref: 17/00711/DISCON.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity.

07

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

08

Development shall be undertaken in accordance with the detailed contained within the Railway Lake Management Plan 2017 2022 Rev 1 received 7/6/17 and as detailed on the Environmental Impact Map as approved correspondence dated 15th June 2017 under discharge of condition application ref: 17/00711/DISCON.

Reason: To ensure the conservation of protected species in accordance with the aims of the NPPF and Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

09

The access shall be located in accordance with the submitted 'annotated site photo' and constructed in accordance with the submitted 'Station Road Access Design Rev.1' drawing offering 6m wide entrance, 10m radii and visibility splays of 2.4m x 185m to the north and 2.4m x 125m to the south. No other part of the development shall be commenced until the access has been provided.

Reason: In the interests of highway safety and to provide adequate access for construction vehicles.

010

No part of the development hereby permitted shall be commenced until the new access mouth (up to the edge of the gravel driveway) has been constructed with a hard bound surface.

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

011

The lake known as Railway Lake shall not be floodlit or illuminated in any way, unless express planning permission has first been granted by the local planning authority.

Reason: In the interest of the character of the surrounding area.

012

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

Reason: In the interests of visual amenity.

013

The activities hereby approved shall only be undertaken during the following times; weekday evenings 1700 – 2100, up to 3 days a week and weekends 0900 – 1600 during the months of April to September inclusive.

Reason: So as to not cause an unacceptable impact upon local or residential amenities.

014

A log of all boat usage shall be maintained at the lake. The log shall record the time, date and number of boats on the water. The log shall be kept up to date and made available to an authorised officer of the Local Planning Authority within 2 working days of a written request for inspection.

Reason: To allow the Local Planning Authority to monitor and confirm all such movements, including in the event of any complaint concerning regattas being received by the Local Planning Authority.

015

No more than 75 persons shall be undertaking water based activities at any given time.

Reason: So as to not cause an unacceptable impact upon local or residential amenities

016

Landscape planting shall be undertaken in accordance with site layout plan 2016 received 1/8/16 as approved correspondence dated 15th June 2017 under discharge of condition application ref: 17/00711/DISCON and as detailed on site layout plan received 15/1/18.

Reason: In the interests of visual amenity and biodiversity.

017

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 current or next planting season with others of similar size and species unless otherwise agreed in writing by 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.

018

Parking on site shall be as detailed on site layout plan 2016 received 1/8/16 as approved correspondence dated 15th June 2017 under discharge of condition application ref: 17/00711/DISCON.

Reason: In the interests of the character and appearance of the area

Notes to Applicant

01

In order to carry out the new access works, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Alternatively, works may be carried out on your behalf by Nottinghamshire County Council at an agreed cost without a need to enter into Agreement. Please contact david.albans@nottscc.gov.uk for details.

02

Safety literature as regards level crossings should be made available to users of the site.

03

Further to the comments received from Network Rail on 09/09/15 the applicant is advised to contact the asset protection team to discuss the proposed delivery route to site of any required abnormal loads. The asset protection team can be contacted on tel 01904 389678 or email tony.rivero3@networkrail.co.uk

04

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to

avoid work potentially affecting nesting birds during the period 1 March to 31 August in any year, although birds can nest either side of this period.

05

The comments received from Trent Valley Internal Drainage Board dated 12/10/15 should be noted. For clarity, any works within 9m of any watercourse controlled by the board, works to increase the flow of water to any watercourse or erection of a dam, weir or other obstruction to the flow or erection or alteration of any culvert would require the board's prior written consent.

06

The applicant shall inform users of the site of the most appropriate route for accessing the site; via Station Road accessed from the A612, to reduce the thoroughfare of traffic through the villages of Hoveringham & Thurgarton.

07

The applicant and the local parish councils shall undertake quarterly meetings to discuss activities and operations on the lake, in the interests of maintaining good working relationships.

08

The applicant is advised that all planning permissions granted on or after the 1 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

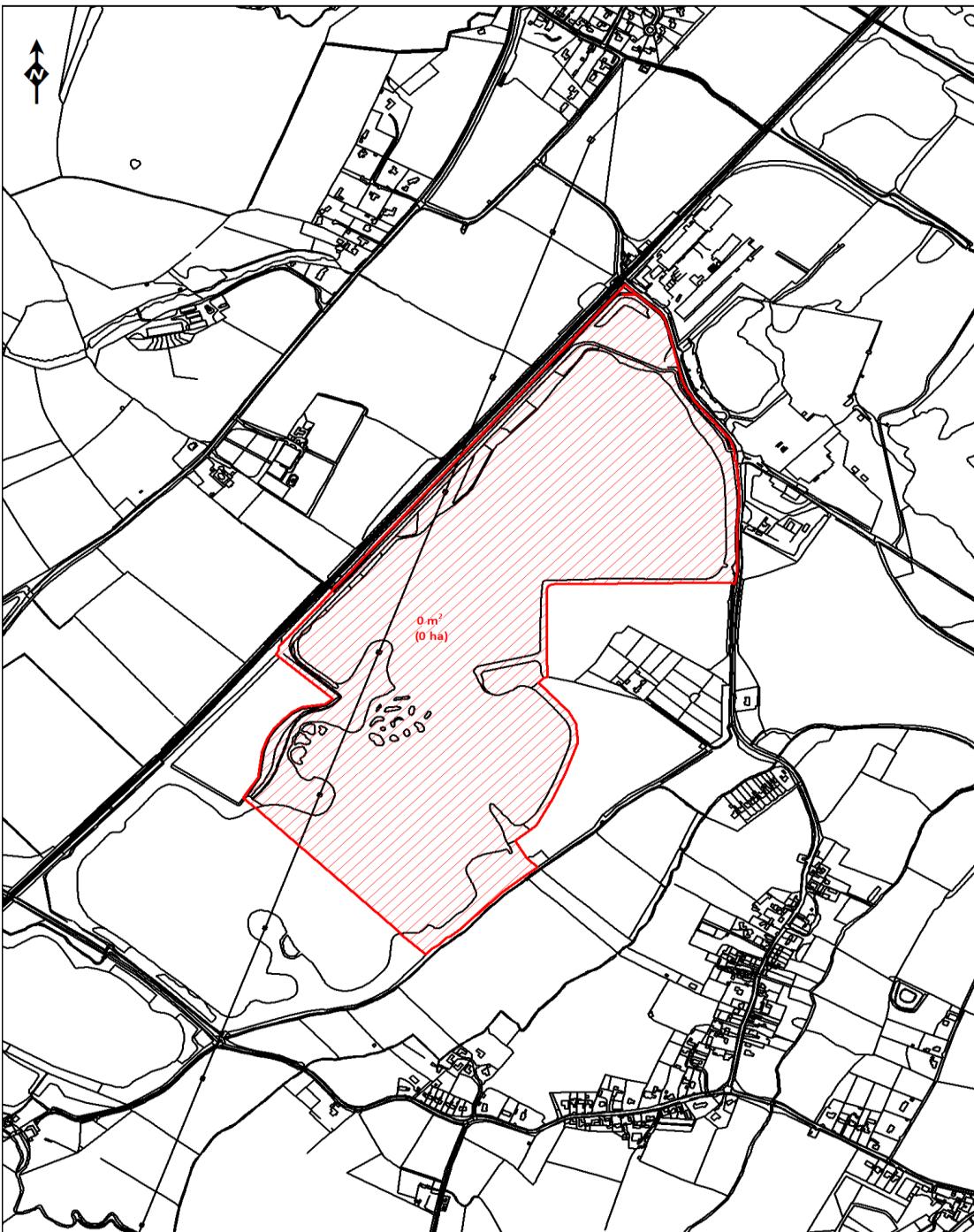
Application case file.

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.

Matt Lamb

Business Manager – Growth & Regeneration



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	17/02105/FUL	
Proposal:	Erection of 9 bungalows	
Location:	Majeka Wellow Road Ollerton	
Applicant:	Mr J Pitkin	
Registered:	08.12.2017	Target Date: 02.02.2018
		Extension of Time Agreed: 09.03.2018

This application is being referred to the Planning Committee in line with the adopted scheme of delegation as the officer recommendation differs from the views of Ollerton Town Council.

The Site

The site is an area of open paddock located to the rear of a line of housing development fronting the south side of Wellow Road on the south eastern edge of Ollerton. The site includes the curtilage of the property known as 'Majeka' a single storey detached dwelling with access from Wellow Road only gained through the property curtilage. The site sits opposite the new development on Kingfisher Way granted consent in 2015 for 147 new dwellings. The site is approximately 0.5 hectares and 'L shaped' widening at its southernmost point. It is flat and open, laid to rough grass and demarcated by hedge planting to its east and west boundaries and post and wire fencing to its southern boundary. Adjoining the site to the east and west is further paddock land; to the north are the rear gardens of the residential properties fronting Wellow Road and to the south open countryside.

The site is located within, but on the southern edge of, the Ollerton settlement urban boundary as identified in the Allocations and Development Management DPD with agricultural land bounding to the south. The site is designated as being within Flood Zone 1 in accordance with Environment Agency mapping and is detailed as being prone to surface water flooding.

The land contains a timber stable building and dilapidated garage building on the north western boundary and the site is currently used to graze a horse. A high voltage power line runs across the field from east to west. There are two storey properties to the east and west of the site and new residential properties are currently under construction opposite the site on Kingfisher Way. Properties in the vicinity are constructed from a variety of materials, however predominantly red brick and pantiles.

Relevant Planning History

16/00815/RMA - Reserved matters application for Plot 1 (Access, Appearance, Landscaping, Layout and Scale) – Approved 2016 not implemented but extant until July 2018

16/00814/FUL - Householder application for demolition of annex, alterations to dwelling and erection of detached garage to front and creation of new vehicular access. Approved 2016

11/00704/OUT - Erection of 5no 1.5 storey detached dwellings. Refused 2012 due to inappropriate density but allowed on appeal in 2013

The Proposal

The proposal seeks full planning permission for the construction of 9 single storey properties. Plans have been revised during the lifetime of the development reducing the garaging for the properties from double to single garages.

The dwellings are all detailed as being 3 bed units with a mix of integral and stand-alone garaging. It is proposed that the dwellings be constructed of a mix of red bricks with concrete roof tiles.

The single storey annexe building to the front of Majeka and approximately 2m of the western gable wall of the host dwelling itself would be demolished to facilitate the construction of the new access on the western boundary of the site. In addition the garage to the rear of the property and the existing stable would be demolished to accommodate the development. A new garage was granted consent for construction to the front of Majeka in 2016. The existing high voltage power line would be re-routed underground and a small electricity sub-station provided with the site to the southern boundary of the host dwelling.

The application is supported by an ecology assessment and a contaminated land assessment.

Departure/Public Advertisement Procedure

Occupiers of 11 properties have been individually notified by letter.

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

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 DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Ollerton Town Council – Objection

At the meeting of the Town Council's Planning Committee last night, following careful consideration the members voted unanimously to object to the proposal on the following grounds:

1. Highways

Highways - This development will add to the existing traffic problems on Wellow Road, in particular due to the access being in close proximity to the housing development on the opposite side of Wellow Road.

2. Location

Site - further objections were raised due to this being a backland development.

The members of Ollerton & Boughton Town Council strongly request that these comments be taken into account when the application is considered by members of NSDC Planning.

NCC Highways Authority – No objection subject to conditions.

This proposal is for the construction of 9 dwellings with associated garages served by a new access onto Wellow Road, which is subject to a 30mph speed limit. The provision of the access will require alterations to 'Majeka'. Adequate visibility splays are provided on dwg. no. 186.12.02 Rev. D. It is recommended that a suitable wheeled bin storage area be provided close to but not on Wellow Road.

There are no highway objections to this proposal subject conditions.

NSDC Waste, Litter & Recycling – No response received

NSDC Environmental Health (contaminated land) – No objection

With reference to the above development, I have received a Combined Phase I Desk Study and Phase II Exploratory Investigation report submitted by the consultant (Geodyne 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 describes the intrusive sampling that was carried out and confirms from the results obtained that the site can be considered uncontaminated.

I generally concur with the findings of the assessment. Should you wish to discuss the above comments further I can be contacted on extension 5430.

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

NCC Ecology - I have had a look at the Extended Phase 1 Ecological Assessment report (dated August 2017). Overall, the site appears to be of fairly low ecological value, but as you have identified, the report has recommended further surveys for reptiles and bats. It is always difficult to go against recommendations made in reports such as these, where I have no direct experience of the application site. However, a few thoughts as follows:

As a general rule, surveys for protected species should not be conditioned, as per paragraph 99 of Government Circular 06/2005. This states (with my emboldening): ***“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted. In appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a licence under the procedure set out in section C below”***. In this case, the fact that the report has indicated that further surveys are required represents a ‘reasonable likelihood’ of the species being present.

That said, it would appear that the majority of the site does not represent suitable habitat for reptiles, being short-grazed paddock; reptile habitat appears to be limited to longer vegetation along the western boundary, beyond which there is a (currently undeveloped) area of rough grassland and scrub. I suspect that, should reptile surveys take place and reptiles be found to be present, only a small population would be recorded, and that mitigation recommendations would centre on a passive displacement exercise, whereby site clearance is undertaken in such a way that any reptiles present are encouraged to move off into the area to the west. Therefore, I would not be unduly concerned by a condition requiring the submission of a Reptile Method Statement setting out how a prior to commencement development passive displacement exercise will take place, and in the absence of further surveys.

Bats present more of an issue to my mind, as the report is rather vague about the roosting potential offered by the buildings present on site, stating *“A number of buildings were located to the north of the site, in addition to neighbouring residential properties. Though signs and evidence of bat activity were not observed on the site, these features hold potential for bat roosting”*. It is therefore unclear which buildings are deemed to have potential for roosting bats, and why - I would normally expect the buildings to be described, and for potential roost features to be clearly identified. Given that bats are a European Protected Species and subject to the strictest level of protection (in contrast to reptiles occurring in Nottinghamshire which are protected under domestic legislation and only from ‘deliberate killing’), I think further consideration of this matter is required at this stage. I would therefore suggest that a more detailed assessment of these buildings is undertaken, prior to the determination of the application, in the form of a Preliminary Bat Roost Assessment (carried out by a bat ecologist). Such an assessment can be carried out at any time of year, but it should be noted that if evidence of, or potential for roosting bats is found, then emergence re-entry surveys may well be required, which are seasonally constrained.

In addition, I have attached some standing advice, of which some (e.g. protection of retained hedgerows during construction, landscaping including new hedgerows, and provision of integrated nest boxes) is relevant in this case.

One letter of correspondence received neither objecting nor supporting raising the following points:

- The boundary hedging is important for wildlife, the plans indicate no changes to this boundary and it is important that it remains.

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*”.

It is relevant to acknowledge that at the present time, the LPA is well advanced in the process of a plan review and is currently awaiting the outcome of the hearing undertaken at the beginning of the month. 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 Ollerton 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.

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD (Adopted 2011), forms the Local Plan for Newark & Sherwood. Ollerton is designated as a Service Centre within the Settlement Hierarchy set out under Spatial Policy 1 of the Core Strategy. Spatial Policy 2 of the Core Strategy sets out that 40% of housing growth within Service Centre’s will be focused in Ollerton. The principle of new housing development on land considered to be on the edge of but within the main built up area of the settlement is therefore appropriate subject to any proposals having regard to the current use of the site and according with wider local and national planning policy considerations which are discussed further below.

Notwithstanding the above position, it is notable that the outline consent granted in 2013 by the inspectorate for 5 No. 1 ½ storey dwellings remains extant until July 2018 given the granting of consent for the reserved matters for 1 of the plots in July 2016.

Design/Density/Impact on Character of the Area

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 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.

Density

The 5 1 ½ storey dwellings were previously refused outline consent by Members who considered that 5 units across the 0.5ha site resulted in an insufficient site density; 10 dwellings per hectare. The decision was appealed by the applicant and the subsequent inspector raised no objection to this proposed density and the scheme was duly approved. The current scheme of 9 single storey units represents the same site area of 0.5ha as that previously considered, however the footprints of the dwellings and site layout have been revised to accommodate 9 units, resulting in approximately 18 dwellings per hectare density. Whilst this density still falls short of the 30 dwellings per hectare outlined in Core Policy 3, it is acknowledged that the scheme proposes single storey units and that a density of 10 dwellings/ha has previously been considered to be acceptable by the inspectorate. It is therefore considered that the proposed density is acceptable and would not appear out of keeping with the surrounding area and would provide a transition from the lower density on the proposed development site on the southern side of Ollerton Road in comparison to the higher density of new build properties on Kingfisher Way to the north.

Design

With regards to design; the layout shows 2 different styles of bungalow across the site notably 7 x Haselmere and 2 x Salisbury, with 8 x single detached garages and 1 of the properties benefiting from integral garaging. The variation in design and orientation of the properties is considered to result in sufficient design interest and the plot spacing appears satisfactory to avoid an overly dense site layout. Materials proposed are red brick and tile which would blend in with that of surrounding dwellings. The proposed development is therefore not considered to detract from the character of the area.

Mix

Requests have been made to the applicant to amend the mix of dwellings on the site to incorporate some 2 bed units. However, the applicant has responded to state that the inclusion of 2 bed units on the site would result in viability issues and that they have already received significant interest in the units with approximately half of them sold subject to planning being granted.

In accordance with the Sub Area Housing Report of 2014, Ollerton resides within the Sherwood sub area where the largest demand shown is for 3 bed units (247) followed by 2 bed (177) and 4 bed (65). Furthermore the report showed the highest demand to be for bungalows (408) followed by detached and semi-detached properties. It therefore is considered unreasonable given the scale of the site as a whole and the findings of the sub area report to seek the inclusion of smaller units across the site and therefore in this instance the provision of nine 3 bed single storey properties is considered to be acceptable.

Limited landscaping and boundary treatment information has been provided as part of the submitted documentation and therefore in the interests of ensuring a satisfactory finish to the scheme it is recommended that further information is sought in relation to these two elements which can be secured by way of condition.

The comments from the town council in relation to backland development are noted; however it is considered that the principle of development on the site has been established by the 2013 appeal decision and the proposed site footprint for this development broadly aligns with that of the scheme previously deemed acceptable by the inspectorate.

The proposed development is not considered to detract from the character of the area and would accord with policy DM5 of the DPD.

Impact on Neighbouring Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity. New development that cannot be afforded an adequate standard of amenity should also be resisted. The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

The proposed layout offers a satisfactory degree of amenity for future residents on the basis that the proposed dwellings would be single storey in their construction, with reasonable separation distances and garden areas between the plots. Furthermore, the dwellings would be situated a sufficient distance away from existing neighbouring properties to ensure that they would not result in overlooking, overbearing or loss of light. The closest amenity relationship would be that between the host dwelling known as Majeka and Plot 1 of the proposed development. The window to window distance of these plots would be approximately 22m which is considered an adequate distance in the context of single storey development.

As such it is considered that the proposed development would offer a satisfactory degree of amenity for existing & future residents. On this basis the proposal is considered compliant with the relevant elements of Policy DM5.

Highway Matters

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The proposal would result in the demolition of the building contained to the front of Majeka and part of the dwelling itself to facilitate the provision of the new access. Whilst the objections raised by the Town Council are noted in relation to traffic volumes being increased by the proposed development, NCC Highways have reviewed the proposed layout and have raised no objection subject to the imposition of a number of conditions.

The proposed layout has been revised following comments from NCC Highways to provide a bin collection point within proximity to the highway boundary and an access gate has been removed. However, it is notable that the access width is not sufficient for the access road to be adopted meaning that bin collection lorries will not be able to maneuver within the site. This creates an issue for the proposed occupiers particularly towards the south of the site where they would have to walk some distance to place their bin at the appropriate point close to the site access. Despite consultation no response has been received from the Waste Team albeit it is evident that this would be an undesirable aspect of the development. Officers have carefully considered whether it would be reasonable to insist on revised access arrangements (previously raised as an issue at pre-application stage) or indeed resist the application purely on this basis. However, given the extant permission on the site where the Inspector allowed a similar arrangement (i.e. plots towards the south of the site served by a narrow access) it is not considered reasonable to refuse (and potentially be required to defend at appeal) the proposal purely on this basis.

The site as proposed would provide a single garage for each property with space for a further 2 vehicles to the front of the garage areas. Satisfactory turning facilities have also been provided within the site to ensure the development would not result in any highway safety concerns. The proposed development is therefore considered acceptable and would accord with the requirements of Spatial Policy 7 and DM5 of the Core Strategy and DPD respectively.

Flooding/Drainage

Policy DM5 and Core Policy 9 require that proposals pro-actively manage surface water and Core Policy 10 seeks to mitigate the impacts of climate change through ensuring that new development proposals taking into account the need to reduce the causes and impacts of climate change and flood risk.

The site is located with Flood Zone 1 on the Environment Agency's mapping relating to flooding from rivers and sea and therefore under the definitions within the NPPF in an area of low probability for flood risk. Given the site is less than 1Ha no flood risk assessment has been submitted in support of the application. However, the site is shown as being within an area prone to surface water flooding. Drainage details have been provided as part of the application documentation and subject to the imposition of the measures outlined it is not considered that the proposal would result in any surface water management concerns.

Ecology

The site is grassed with trees & hedging marking the boundaries. The application has been supported with an Extended Phase One Ecological Assessment dated August 2017 and a follow on Bat Building Assessment undertaken by Ramm Sanderson dated February 2018. The initial survey concluded that the site could demonstrate potential for reptiles and bats to be present and requests that further survey work be undertaken. In accordance with paragraph 99 of Government Circular 06/2005 any survey work should be undertaken prior to the determination of any application.

I am however mindful that an extant consent exists on the site for 5 x 1 ½ storey dwellings and no reference to ecology was made in the determination of this application. I have sought further comments from ecology colleagues at NCC who have reviewed the initially undertaken survey. They have concluded that the site in the majority does not appear to represent suitable habitat for reptiles and in this instance would be satisfied for further survey work and if required displacement mitigation to be submitted post decision of the application. Colleagues did however feel that insufficient information had been presented in relation to the presence of bats on the site. At the request of the applicant a follow on survey has been undertaken by Ramm Sanderson to assess bat potential from the buildings contained on the site. This survey concluded that of the 4 buildings on site; the annexe building to the front of Majeka and the garage building to the rear (buildings 2 & 3) which are proposed to be demolished to facilitate the construction of the new access road present negligible interest to bats. The host property Majeka (building 1) would have a small section of the western gable wall demolished and the property as a whole represents low potential with the open stable (building 4) to the rear demonstrating moderate potential. Whilst the dwelling and stable respectively demonstrate low and moderate potential no evidence of bats was discovered as part of the assessment.

Notwithstanding this the survey recommends that an ecologist be present on site should any bats be discovered in the process of demolishing the section of the western gable wall of Majeka and that further nocturnal surveys are undertaken in relation to the stable. As detailed above it is always advised that surveys in relation to protected species be undertaken prior to the determination of an application. However, I am mindful of the information presented within the recommendation section of the report and that the site benefits from an extant consent and am therefore confident that in this instance a suitably worded condition could be attached to any consent to allow works on site to commence with the stable retained until such time as further surveys can be undertaken in April/May. Should any bats be discovered on site mitigation could be provided within that area of the development site (plot 9) which would not prohibit the delivery of the scheme proposed as a whole.

In addition to the above, paragraph 118 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged. With this in mind, it is recommended that new habitats be provided as part of the future development of the site through appropriate planting and installation of bat and bird boxes which shall be secured by way of condition.

Subject to condition it is not considered that the development of the site would result in significant harm to ecological interest and the proposal would accord with the requirements of policy DM7 of the DPD.

Contaminated Land

An assessment of the land for contaminants has been undertaken which has been reviewed by colleagues within Environmental Health. No concerns in relation to land contamination have been raised and as such it is considered unlikely that the proposal would result in concerns relating to land contamination.

Affordable Housing

The Council's Core Strategy (2011), Affordable Housing SPD (June 2013) and Developer Contributions and Planning Obligations SPD (2013) will seek to secure the provision of 30% on site affordable housing where the thresholds are met. In this instance given that the proposal is for a net increase of 9 dwellings with a combined floor space of less than 1000m² the threshold has not been met and no affordable housing contributions are being sought.

CIL

The application site falls within a zeroing charging area for CIL and as such the development is exempt from any contributions in this respect.

Overall Balance and Conclusions

The proposal relates to the opportunity to deliver 9 single storey properties within an area shown as part of the sub regional housing report to be in need of such properties within an identified sustainable location. Subject to condition the proposed development is not considered to result in harm to the character of the area, residential amenity, highway safety, flood risk nor ecological interest. It is not considered that there are any further material considerations that would warrant refusal of the application.

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:

- Site plan Dwg No. 186.12.02 Rev E received 2/2/18
- Single garage Rev A received 19/1/18
- Bungalow type: Salisbury 3B16G + single garage Rev A received 19/1/18
- Bungalow type Haselmere 3B14V Rev A received 19/1/18
- Bungalow type: 3B16R detached garage Rev C received 19/1/18

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 illustrated on material details plan received on 16/11/17 unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

The shared private driveway shall be laid out to a width of not less than 4.8 metres and shall provide for vehicle parking and turning areas in accordance with dwg. No. 186.12.02 Rev. E. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.

Reason: In the interests of highway safety.

05

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 highway boundary for the life of the development in accordance with details to be first submitted to and approved in writing by the LPA.

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

06

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with dwg. no. 186.12.02 Rev. E. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.

07

No part of the development hereby permitted shall be brought into use until the pedestrian visibility splays of 2m x 2m are provided in accordance with dwg. no. 186.12.02 Rev. E. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6m above the carriageway level at all times.

Reason: In the interests of highway safety.

08

Prior to the occupation of any dwelling hereby permitted, details of the wheelie bin collection point as detailed on site plan Dwg No. 186.12.02 Rev E shall be provided to and approved in writing by the LPA. The approved details shall thereafter be retained for the life of the development.

Reason: In the interests of highway safety.

09

No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be retained for the life of the development.

Reason: In the interests of highway safety.

10

Development shall be undertaken in accordance with the details contained on External Works and Private Drainage Layout plan Dwg No. 186.12.20 Rev A unless otherwise agreed in writing by the local planning authority.

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

11

Prior to the commencement of development the site shall be assessed for the presence of reptiles and a reptile method statement submitted to and approved in writing by the local planning authority setting out how any reptiles discovered would be passively displaced from the site. Development shall thereafter be undertaken in accordance with the submitted survey and agreed detail.

Reason: In the interests of maintaining and enhancing biodiversity.

12

No development shall commence until such time as an Ecological Watching Brief in relation to the partial demolition of 'Majeka' has been submitted and agreed in writing with the Local Planning Authority. Development shall thereafter proceed in accordance with the recommendations of the brief.

Reason: in the interests of maintaining and enhancing biodiversity.

13

No development shall commence in relation to the area of land proposed to be occupied by plot 9 as identified on Site Plan Rev E received 2/2/18 until such time as the stable identified as B4 in the in the Bat Building Assessment undertaken by Ramm Sanderson February 2018 has been the subject of two nocturnal bat surveys, undertaken by a suitably qualified ecologist as per the recommendations detailed on page 14 of the above report. Should any bats be discovered during the surveys, an appropriate scheme of mitigation shall be submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter proceed in accordance with the recommendations of the undertaken surveys and reports.

Reason: in the interests of maintaining and enhancing biodiversity.

14

No building on site shall be occupied until details of bat and bird boxes and/or bricks have been submitted to and approved in writing by the local planning authority. The nest boxes/bricks shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintaining and enhancing biodiversity.

15

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

16

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.

means of enclosure;
details of the proposed electricity substation building;
car parking layouts and materials;
hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

17

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.

18

No development shall take until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for;

- i. access and parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
- v. wheel washing facilities,
- vi. measures to control the emission of noise, dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from construction works
- viii. hours of operation
- ix: a scheme to treat and remove suspended solids from surface water run-off during construction

The approved Statement shall be adhered to throughout the construction period.

Reason: To ensure amenity of neighbouring residential properties is maintained throughout construction.

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after 1 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.

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

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 VIA, in partnership with Notts County Council, tel: 0300 500 8080 to arrange for these works to be carried out.

04

The minor access reinstatement works referred to in Condition 9 above involves work on the highway and as such requires the consent of the Highway Authority. Please contact 0300 500 8080 to arrange for these works to be carried out.

BACKGROUND PAPERS

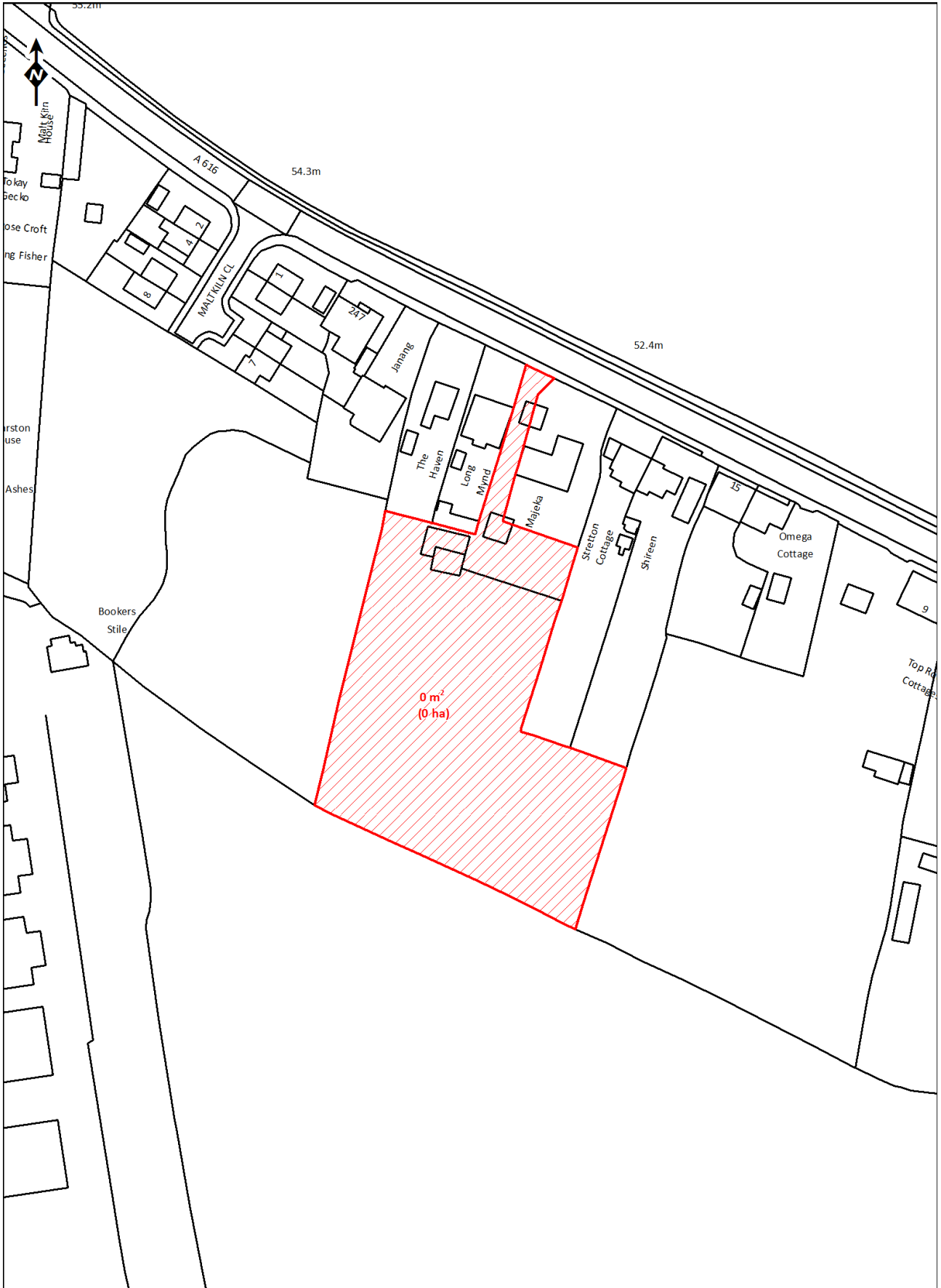
Application case file.

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.

Matt Lamb
Business Manager – Growth & Regeneration

Committee Plan - 17/02105/FUL



Application No:	17/02139/OUT
Proposal:	Outline permission for 6 new homes for local people with a specific housing need; and provision of dedicated car parking for the Village Hall, areas around the Village Hall incorporating extension to building and new amenity area for the local community to use
Location:	Field Reference Number 7919, Caunton Road, Hockerton, Nottinghamshire
Applicant:	Mr R Craven Smith Milnes
Registered:	1 December 2017
	Target Date: 26 January 2018
	Extension of Time Agreed until 7 March 2018.

This application is presented to the Planning Committee for determination as the officer recommendation differs from the views of Hockerton Parish Council.

The Site

The application site lies on land at Wheatgrass Hill to the north of the A617 within the parish of Hockerton and comprises c0.29 hectares of land. The majority of the site is part of a larger agricultural field. The west corner of the site contains Hockerton Village Hall which is a historic building of local interest and therefore is a non-designated heritage asset.

To the north west of the site are Grade II Listed Banks Cottages which are located on a corner plot at the junction of Caunton Road and the A617. A mature tree is located just within the application site adjacent to the boundary with Banks Cottages. To the rear of these cottages is a site on which a house is currently under construction (application number 17/01177/FUL). The wider agricultural field is located immediately adjacent to the north east and south east boundaries of the site. The A617 forms the south west boundary of the site and is separated from the narrow pavement by a c1 metre high brick wall. A small section of hedgerow is located adjacent to the south boundary of the site.

The Old Rectory is located across the A617 from the application site. Beyond this is the Grade II* Listed Church of St Nicholas (located off Church Lane).

The topography of the application site slopes gently down towards the A617.

Relevant Planning History

No relevant planning history.

The Proposal

The application seeks outline planning permission with all matters reserved for subsequent approval except for access for:

- the erection of 6 new homes for local people with a specific housing need. House type sizes shown on the plans range from 73.2 sqm – 96.1 sqm;
- provision of dedicated car parking for the village hall;
- areas around the Village Hall incorporating extension to building and new amenity area for the local community to use.

A new access would be created centrally within the site off the A617. Part of the existing brick boundary wall would be removed and rebuilt 0.6 metres high to provide visibility splays. The illustrative plans indicate a cul-de sac arrangement with the village hall expansion and parking area located to the east of the site and the proposed dwellings to the north and east. Each new dwelling would have a minimum of 2 parking spaces and the village hall would have 12 car parking spaces.

The application is supported by the following documents:

- Transport Assessment
- Planning Policy Statement
- Housing Needs Report
- Design and Access Statement
- Arboricultural Report
- Topographical Survey
- Illustrative site plans and street scenes
- Draft S.106 Legal Agreement

Departure/Public Advertisement Procedure

A site notice was displayed near to the site on 13/12/2017.

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 3 – Rural Areas
- Spatial Policy 7 - Sustainable Transport
- Core Policy 2 – Rural Affordable Housing
- 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 Delivering the Spatial Strategy
- Policy DM4 - Renewable and Low Carbon Energy Generation
- Policy DM5 - Design
- Policy DM7 - Biodiversity and Green Infrastructure
- Policy DM8 – Development in the Countryside
- Policy DM9 - Protecting and Enhancing the Historic Environment
- Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- National Planning Practice Guidance PPG
- The Newark and Sherwood Landscape Character Assessment SPD
- Newark and Sherwood Amended Core Strategy DPD 2017

Consultations

Hockerton Parish Council –

Comments received 29.01.2018:

I'm writing to confirm that Hockerton Parish has voted 26-13 in favour of supporting the planning proposal.

Comments received 01.02.2018 in reply to a request from the Officer for more information regarding the use of the Village Hall:

Having discussed your email with the Hockerton Parish Chairman who has held a position of office within the village for over 8yrs; he strenuously explained to me that the village hall has been the subject of discussion in most parish meetings he's been party to. Comments have been made regarding its improvements, renovation, rebuilding, uses etc.

Unfortunately it is currently deemed unsuitable for much use because there is no running water, no toilet facilities, no vehicular access, no kitchen facilities and no heating. It's not that attractive to many! But it has historic charm and bounds of potential if given respect and opportunity.

It's an historic building (circa 1824) within the village, (it was originally the village school) and has the capacity to become the heart of a village community that continues to grow with the further housing developments. Hockerton has grown by over 30% in the last 2-3yrs and is set to expand again with NSDC's continued granting of planning permissions.

Hockerton is proud of its identity and doesn't want to be subsumed by Kirklington or other local villages, evidenced by there having been very little enthusiasm to join activities at Maplebeck or Kirklington when offered. Getting Hockerton residents to use our hall is hard but there is very little appetite for villagers to travel to other villages - it's simply too inconvenient.

However, an extended Hockerton village hall with modern facilities will have the potential to transform the village and provide a community heartbeat for many generations to come. That's what this planning application is about - building hope and opportunity in a village that has suffered some blows...

The demise of the church has been harshly felt. Hockerton also very nearly lost the pub (we successfully applied for an Asset of Community Value) recently and losing the Hall through a continued lack of investment or development will further disenfranchise the village and take it a step closer to becoming a ghost town that offers nothing. This ambitious application offers hope and regeneration of this rural village.

The use of the Hall consists of weekly "Bin day" meetings where locals meet for board games and darts in the Hall when taking their bins out of a Wednesday evening. It is used for parish meetings every other month, and local art classes, specialist talks and demonstrations.

Of course, its use is hindered and restricted by the lack of facilities and this is exactly why this ambitious proposal needs due consideration and respect. The planning proposal offers an extension which will provide further meeting spaces, toilet and kitchen facilities and encourage further use. A recent article on www.hockerton.com asked villagers what uses the Hall could be put to if it has such facilities - the list was impressive and diverse. It showed there is ambition within Hockerton for a suitable village hall and this proposal address that ambition.

The proposal includes a car park. Car parking will enable villagers, who currently dare not risk walking on the narrow or non-existent pavements to the Hall, the opportunity to become part of the community activities. Also, those at the village extremities will be able to engage in community activities but are currently cut adrift because they are unable to walk into the village from all 4 directions as there are no pavements; and of course an unsuitable village hall. Guest speakers and visitors from outside the village are often invited to village meetings (Cllr Bruce Laughton being a frequent guest) and the only option is to park at the Spread Eagle pub which is a private business. Therefore the proposal for a car park within the development is essential.

The proposed playground will bring life to the heart of the village as families will be able to drive to, park and play in a safe secure, purpose built area.

This joint proposal offers such potential to Hockerton and hope for many of its current residents but also the future ones.

As the recent village survey demonstrates, the village voted to support this development but it did so on condition that the village hall improvements were part of any permission granted. This is very much a joint planning application and the village's support would undoubtedly be revoked should the improvements to the Hall, car park and playground be dismissed.

NCC Highways Authority –

Comments received 05.01.2018:

This is an outline application with access details to be determined. The access proposal as shown on drawings 1745-070-A and 17-0560/001/A are not acceptable in the context of this site and existing road/traffic conditions.

To enable vehicles to enter and leave the A617 freely and minimise delays & the risk of shunt accidents the access should have 6m (min.) radii; not a dropped kerb arrangement as shown.

Visibility splays should be provided within the public highway to protect them from being obstructed. The front boundary wall should be set along the splay lines rather than in front of them (albeit they are specified at 0.6m to allow sight over them). The proposed scheme does not offer enough confidence that, over time, the splays won't be compromised by obstructions behind the wall.

Pedestrian access is very poor. The existing footway adjacent to the site is very narrow (perhaps less than 1 metre) and no footway widening has been proposed. Also the proposed shared surface and access arrangement means that pedestrians walking in the access close to the mouth of the junction are vulnerable as cars enter the site. Similarly any vehicle entering/leaving car spaces close to the mouth are vulnerable to collision.

It is considered that the access road would remain privately owned/maintained. Therefore a bin collection point would be needed and lighting and drainage matters would need further consideration.

In conclusion, the submitted scheme is unacceptable and should be refused on the grounds of highway safety.

Comments received 14.02.2018:

Further to comments made on 5th January 2018, a revised drawing has been received (no. 17-0560/001 Rev. C). This drawing addresses concerns previously raised. No objections are raised subject to the following conditions:

- Access layout details for the proposed development shall comply with drawing 17-0560/001 Rev. C. For the sake of clarity this includes the new footway provision along the site frontage and provision of visibility splays.
Reason: In the interests of highway safety.
- 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 from rear of the 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.).
- No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 10 for a distance of 5m from rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety.
- No part of the development hereby permitted shall be brought into use until a new footway and informal crossing point(s) have been provided on the A617 as shown for indicative purposes only on drawing 17-0560/001 Rev. C. to the satisfaction of the Local Planning Authority.
Reason: In the interests of pedestrian safety.

- 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 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.

Note to Applicant -

In order to carry out the access and footway works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottsc.gov.uk for details.

Environment Agency – The Agency has no objections to the proposed development but wishes to make the following comments.

Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank – the applicant should be aware that if a septic tank is being proposed then the following link indicates that by 2020 some new and existing septic tanks will need to be upgraded or replaced. Further information is found at this link: <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-a-surface-water>

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within a Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply, spring or borehole.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at:

[PPG4: Sewage treatment and disposal where there is no foul sewer](https://www.gov.uk/permits-you-need-for-septic-tanks)
<https://www.gov.uk/permits-you-need-for-septic-tanks>

NCC Lead Local Flood Risk Authority – Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.

As a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

Trent Valley Internal Drainage Board – The site is outside of the Trent Valley Internal Drainage Board district and 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.

Severn Trent Water – I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition:

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.

Suggested Informative:

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Historic England – no response received.

NSDC Conservation Officer – The proposal site is adjacent to Bank Cottages which are Grade II listed. The Village Hall, a 19th century building, is of local interest and therefore is a non-designated heritage asset.

The old Rectory on the opposite side of the road is also of local interest and has group value with the Church of St Nicholas, a Grade II* listed building. The Church is a landmark building within the historic core of Hockerton which includes other historic buildings such as Manor Farmhouse (Grade II listed) and Manor Barn (Grade II listed). The proposal site is capable of possessing archaeological potential.

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, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

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 (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.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

In accordance with Annex 2 of the NPPF, Local Interest buildings and areas of archaeological interest are non-designated heritage assets. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under paragraph 135 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Significance of Heritage Asset(s)

Hockerton is a small village, two miles north by east of Southwell. It can trace its history back to the medieval period when the manor was owned by Johannes de Walor in 1183, and afterwards passed to the families of Botiler and Criche.

The proposal site comprises open fields rising northwards and is prominent on approach to the village from the Newark direction. The Village Hall is a modest, but pleasant mid-19th century single storey structure in red brick with a clay pantile roof and delicate metal casement windows. There is a date stone on the front which says 1843. The building was designed as a school and was built by Major General Whetham who succeeded to the Hockerton Estate in 1839. There is a low red brick wall partially along the roadside frontage, measuring approximately 30m in length.

Bank Cottages to the west were listed in May 1986 and are Grade II. The list entry advises: "Pair of cottages. Late C18 and 1811. Red brick. Pantile roofs. Each cottage with right gable red brick stack. Dentil eaves. Both cottages 2 storeys, 2 bays each, the cottage on the right being lower. Left cottage has 2 Yorkshire sashes under segmental arches on each floor, between the 2 floors is an ashlar plaque dated 1811. The right C18 cottage has a doorway with plank door and to the right a single glazing bar Yorkshire sash both under segmental arches. Above right is a single glazing bar Yorkshire sash. To the rear of the left cottage is a lean-to."

The parish church of St Michael was listed in August 1961 and is Grade II*. The list entry states: "Parish church. C12, C13, C14, restored 1876 by Hodgson Fowler. Ashlar. Plain tile roofs with decorative ridge. Chancel, nave and porch with coped gables and single decorative ridge crosses. Tower, nave, south porch and chancel. Embattled diagonally buttressed tower of 2 stages with bands, upper stage C14, set on a chamfered plinth with moulded band over. Single worn gargoyle on each side. West side has a moulded arched doorway with hood mould and decorative label stops. Above is a single restored C14 arched 3 light window with cusped panel tracery, hood mould and human head label stops. Above is a single small blocked trefoil arched opening. There are 4 arched C14 bell chamber openings each with 2 arched and cusped lights. The west side has a single and the south side 2 rectangular lights. The north nave is set on a shallow chamfered plinth, the western most side with a moulded band continuing from the tower. Blocked moulded arched doorway with hood mould and label stops. Above and to the right is a single pointed arched light. To the left is a single C14 3 light window with arched and cusped lights under a flat arch with hood mould and human head label stops. The chancel is set on a chamfered plinth and has in the north wall a blocked arched doorway with hood mould and to the left a single C14 window with 3 arched and cusped lights under a flat arch. The east chancel has a single C14 window with 3 arched and cusped lights, mouchettes, flat arch, hood mould and label stops over is a flush relieving arch. To the right is a carved C14 grotesque head. The buttressed south chancel has a single restored window with 3 arched and cusped lights and tracery under a flat arch. The dressed coursed rubble

south nave is set on a low ashlar plinth and is buttressed to the right. Single restored C14 window with 3 arched and cusped lights, tracery and flat arch. To the left is a single small chamfered arched C12 light. The porch is set on a chamfered plinth and has an arched entrance with hood mould and impost bands. The side walls each have single small arched lights. Inner Caernarvon arched doorway with stoup in the east wall and decorative wooden bench end inscribed "O M 1599". to the left of the porch is a single C13 lancet with hood mould. Interior. Double chamfered tower arch, chamfering to arch only. Unmoulded C12 chancel arch. The south chancel has an arched recess with hood mould and label stops, and inner worn decoratively carved C14 niche, probably the remains of an Easter Sepulchre. Restored C16 alms box. Some bench ends C16 decorated with carved indents with C19 replicas, font and remaining furniture C19. In the north chancel is an oval marble plaque to John Augustine Finch, 1780. The memorial to John Whetham, 1781, has an oval inscription plaque with fluted brackets supporting an entablature surmounted by a decorative urn with shroud draped over. The apron has a decorative shield. In the tower is a board detailing "Donation To The Poor of Hockerton" dated 1832."

The old Rectory is mid-19th century and contemporary with the former school hall. It is a good example of its type and makes a positive contribution to the setting of the Church.

Whilst there is no identified archaeological interest within the proposal site, the limited ground disturbance and proximity to the historic core of the settlement could mean that there is archaeological potential within the site. There is, for example, extensive archaeological interest to the southeast of the proposal site in an area identified as a former medieval shrunken village. The Historic Environment Record (HER) advises: "There are some irregular banks and ditches just east of the village. They resemble those at Crow Field, Bingham and Whimpton Moor, Ragnall and are probably traces of Med village buildings. Mounds in a field on the W side of the road to Upton, near farm buildings at the S end of Hockerton, and at right angles to Long Gulley, are possibly crofts of the Med village. At SK 717562, faint traces of a possible sunken way and banks running SW. An old road running NW-SE has small quarries on both sides. Along the NE side next to the main road are traces of what may be building sites. Possible village contraction."

Assessment of Proposal

The proposal seeks outline permission for 6 new homes for an identified local need (draft heads of terms provided). The proposal also allows for improving the village hall, with a substantial extension, dedicated parking and new amenity area for the local community to use. The outline application reserves all matters other than access.

Conservation objects to the proposed development.

The indicative details suggest that development of this type could cause harm to the historic environment:

- It is acknowledged that there is potential public benefit in improving the village hall facilities. The indicative details suggest that the extension will be significantly larger than the host building in plan-form and scale, which will result in a dominating impact, undermining the architectural interest of the heritage asset. The loss of the second casement window on the east wall, and the loss of views of the building in open aspect along the A617 on approach from the east is adverse furthermore. The indicative details fail to demonstrate that an extension could be accommodated sensitively. No explanation is given as to the needs of the local community and why an extension would need to be of this scale;

- The intensity of development will result in a significant change to the open rural setting of Bank Cottages and the group comprising the listed Grade II* Church of St Michael and the old Rectory. Whereas the existing open setting of the field is a positive aspect of their collective setting, by virtue of its indicative scale, form and layout, the development will erode the rural setting of Bank Cottages and the Rectory/Church composition. Fundamentally, the intensity of the development will introduce a negative aspect to the setting of these heritage assets. It is acknowledged that existing green infrastructure provides some mitigation in this context, and the development might be capable of further landscape softening. However, impact on the listed buildings here is not purely limited to direct intervisibility, and our experience of the landscape around the assets is material in this case. On balance, we feel that the indicative layout and intensity of development will cause some direct harm to Bank Cottages and indirect harm to the setting of the Church of St Michael. Adverse impact is perceived to the setting of the village hall and Rectory as non-designated heritage assets;
- The indicative street scene and layout suggest a configuration which shall dominate the entrance to the village. Whilst it is acknowledged that Plot 1 reflects historic cottage vernacular, the combination of large detached blocks to the rear in an irregular plan-form (noting the use of wide gables, multiple L plans and general detachment of dwellings) fails to demonstrate assimilation into the local environment.

Summary of Opinion

The proposal is harmful to the significance of the heritage assets comprising the village hall, Bank Cottages, the old Rectory and the Church of St Michael. The scheme therefore conflicts with the objective of preservation under section 66 of the Act and heritage advice contained within paragraphs 131, 132, 134 and 135 of the NPPF and DM9 of the Council's LDF DPD.

If the above concerns were to be addressed, the intensity of development would be reduced, and indicative details would be provided showing how the village hall could be improved sensitively and the design and layout of new buildings could otherwise better preserve rural openness and the setting of heritage assets.

Notwithstanding the above comment, the applicant would benefit from discussing their proposal with a suitably qualified archaeologist.

NSDC Strategic Housing – The application site is not located within the village of Hockerton, 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, but within the open countryside. If Officers decide the site is within the village of Hockerton then the proposal would 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. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group.

The applicant commissioned a Housing Needs survey for the parishes of Hockerton and Kirklington in September 2017 to support the application. The survey provides information regarding affordable housing need and those people with a preference for an alternative dwelling in the respective parishes. One respondent stated that they needed an affordable dwelling and currently the applicant has not identified the dwelling in the proposal or that this will be secured by a Registered Provider who is able to offer a shared ownership tenure. I acknowledge that this is an outline application and therefore this detail may not be available.

The remaining respondents to the survey demonstrate a preference for three bedroom dwellings which this application seeks to address. It should be noted that the survey evidence does not constitute a housing need, only an indication of demand. As the survey is split between two parishes I am unable to comment on the need for an individual parish. I shall defer to the Planning Officer to determine if they will include demand from an additional village towards identifying demand for the application site.

Many of the district's villages face a shortfall of smaller, particularly two bedroom properties for younger people that are affordable to purchase. I am unaware of the values for the proposed site but given the generous proportions of the proposed dwellings, there may be affordability issues for some first time buyers and young families but I note that many survey respondents' current accommodation is too large and there is a preference to downsize.

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. Hockerton is a high value area where people may be unable to secure housing that is affordable. For market housing, reference is made to a preference or demand where it may be possible to meet that preference or demand through existing housing stock i.e. it would be difficult to identify a proven local need for a three bedroom dwelling if the housing stock in Hockerton has a good supply of this type of housing and they appear on the open market for sale. Currently there are 5 properties for sale on the open market (Rightmove Jan 18) consisting of 2 x 5 bedroom, 4 x 1 bedroom and 2 x 3 bedroom. Some of the advertised properties could meet the demand in the Housing Needs Survey although values range from £650,000 to £375,000.

Conclusion: The survey has identified a need for one affordable dwelling and a preference from 5 respondents to the survey for alternative accommodation. The need for an affordable dwelling is accepted and I note that five respondents to the survey have expressed a preference for smaller dwellings than they currently occupy. This does not however in general constitute housing need and therefore I defer to the Planning Officer on the weight the evidence provided by the applicant is given in the decision making process, and given that the site may be considered to be in the open countryside.

NSDC Parks and Amenities – As a development of more than 5 dwellings in a minor village this scheme should include public open space provision in the form of children's playing space. I note that the application details mention a new area of amenity open space and that the site layout plan appears to show this as an area adjacent to the proposed village hall extension. I am not aware of any existing designated children's playing space in Hockerton and would thus suggest that the possibility of providing some sort of play provision on the newly created open space should be discussed with the applicant.

NSDC Tree Officer – Request a survey of trees on the west boundary in accordance with the recommendations within BS5837-2012 in order to evaluate potential constraints on development that may limit the number/size of proposed dwellings.

NSDC Access Officer – As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings and that consideration be given to incorporating 'accessible and adaptable' dwellings within the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards with reference to the topography of the site to ensure that they provide suitable clear unobstructed inclusive access to the proposal. In particular, 'step-free' access to and into the dwellings is an important consideration and an obstacle free suitably surfaced firm level and a smooth 'traffic free' accessible route is important to and into the dwellings from facilities such as car parking and from the site boundary without pedestrians being required to walk along roadways. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, corridors etc. all designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc.

The proposed car park should be carefully considered where appropriate carefully laid out and signed provision for disabled motorists should be incorporated. BS8300:2009 gives information in respect of proportion and layout of spaces. In this regard, a smooth firm 'void free' non-slip even surface is an important provision.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.

Neighbours/Interested Parties –

Four letters of representation have been received. Main issues raised include:

- An approval of this application will open the flood gates for more applications to infill all the fields in the village.
- This is a greenfield site in a rural location;
- Access to the site is from a very busy main road and will add danger;

- The village hall has been restored three times in the last forty years but despite this it has only occasional use. Use is compromised by the road;
- Pavement is narrow and unsafe;
- The applicant has already secured planning permission for housing within the village envelope which goes further than addressing the needs set out in the submitted Housing Needs Survey;
- 12 dwellings have been built or approved in the village since 2015;
- The local needs survey is deeply flawed;
- There is a need for low cost housing – this proposal does not meet that need;
- No details of septic waste or surface water disposal have been submitted and this is a problem in the village.

Comments of the Business Manager

5 Year Housing Land Supply

It is noted that the applicant's Planning Policy Statement states that the Council may not have a five housing land supply and that the Development Plan should not be considered up to date. This is strongly disputed, as reflected consistently by the approach of this Council since June of last year and as also evidenced by recent appeal decisions. I offer the following brief summary of the position.

This Council, as Local Planning Authority (LPA), has dealt with a number of housing planning applications in recent years. The issue as to whether an LPA has a 5 year housing land supply (HLS) is of significant importance when dealing with planning applications for housing development, particularly in terms of the NPPF, weighting of Development Plan policies, and the need for housing delivery when weighted against other material planning considerations, with the 'tilted balance' potentially coming into play.

As an LPA we have been challenged in the past on our ability to demonstrate a 5 YHLS, notably in January 2016 (a Public Inquiry appeal decision in Farnsfield) and November 2017 (the Public Inquiry which concluded its sitting days on the 17th November 2017 with a decision now awaited from the Secretary of State). Whilst coincidentally within the same settlement within Newark and Sherwood District both appeals, and the evidence heard at them (given the passage of time), demonstrate that things have considerably moved on in terms of material planning considerations to which this Authority must have regard in its decision-making.

The adopted Core Strategy (March 2011) details the settlement hierarchy which will help deliver sustainable growth and development within the District. As detailed in Spatial Policy 1 of the Core Strategy 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. The policy goes on to confirm the lowest tier of the hierarchy as 'other villages' in the District. In such areas development is considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas).

It is a matter of fact that the housing requirements set out in the Council's adopted Core Strategy (which set a target for delivery of 740 dwellings per annum) was based on the now abolished Regional Plan. It is also a matter of fact that housing delivery should now be planned, in accordance with both the NPPF and Housing White Paper, using an evidence-base of Objectively Assessed Need (OAN). It has been accepted by the appellants in both of the quoted appeals above, and by applicants/appellants in multiple other applications and appeals that the Council's housing requirements is significantly below the 74-dpa figure. Thus the figure of 740 per annum is no longer relevant for decision-making and 5 year land supply determination. It remains the OAN.

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Within the NPPF, Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, *“boost significantly the supply of housing”*. Paragraph 17 states further that the planning system should *“proactively drive and support sustainable economic development to deliver new homes....that the country needs. Every effort should be made objectively to identify and then meet the housing...needs of an area.”* The NPPF indicates that this will be achieved first and foremost, by local planning authorities, *“using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area,...including identifying key sites which are critical to the delivery of the housing strategy over the plan period.”*

The need for housing remains an important material planning consideration in the planning decision making of the Council, as LPA, as underlined within the National Planning Policy Framework (NPPF) and most recently the Housing White Paper and November 2017 Budget. The White Paper itself promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology. The White Paper clearly (re)endorses a plan-led system both in making clear for communities the quantum of development required and in how they can assist in identifying appropriate sites and densities to ensure delivery. The role that neighbourhood planning plays as part of this is also noted.

The Council has for many years been committed to ensuring that the plan-led system prevails. The Council was the first in Nottinghamshire to have a set of LDF plan documents adopted in the form of a Core Strategy (March 2011) and Allocations and Development Management Policies DPD (July 2015). The Council were also the first authority in the Country to adopt the Community Infrastructure Levy (December 2011). The Council also has a track record of working proactively with applicants to secure planning permission in the right place and in the right form. This is evident in the numerous planning consents granted on a range of both allocated and non-allocated sites and the fact that national, regional, and local housebuilders are actively building across the District.

Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district's overall housing growth, principally in three Sustainable Urban Extensions (SUEs). There remains a commitment in spatial development terms to deliver significant housing numbers via the SUE's. By their very nature, these have taken longer to be brought to market. However, Land South of Newark (Core Strategy Site NAP2A) now has 2 no. national housebuilders involved, the first of which is building and the second of which will commence in March (a total of 599 units can be erected with the infrastructure now in). Consent has recently been issued to a national housebuilder for the Fernwood SUE (Core Strategy Site NAP2C) for 1050 houses (reserved matters application expected imminently) with an application for another 2 no. housebuilders pending. NSDC are confident that the SUE's can and

will now deliver significant housing, proving that the Core Strategy and its spatial distribution of Growth is deliverable, and that previous delays have been overcome. This is a matter which has also been rehearsed recently in an appeal in Rushcliffe (Ref. APP/P3040/W/16/3143126 – an outline application for 65 dwellings in Aslockton), with the appeal having been dismissed on 25 October 2016.

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, has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dwelling per annum (dpa) (using 2013 as a base date). The Examination in Public to test the SHMA has now taken place, with the appointed Inspector raising no questions or qualifications on the issue of either the FOAN or spatial distribution of growth across the District. The figure of 454 dpa is the only full FOAN available in NSDC that has regard to the housing market area, as required by both the NPPF and the Housing White Paper.

The aforementioned Appeal in Farnsfield in January 2016 (Farnsfield 1) was allowed on the basis that this Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the *evidence available to them at the Inquiry* (emphasis added), a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of up to 550 dwellings per annum. The Council applied for leave to Judicially Review (JR) the Inspector's decision but this was not granted. Since the JR the Council has re-visited the OAN with its consultants and its two neighbouring Councils, all of whom are confident they can robustly defend the OAN at an EIP and that the planning appeal inspector was incorrect.

Moreover, this Council has now had its Plan Review DPD Examined (EIP). Ashfield, one of our HMA colleagues has also already had its EIP, following which it has been confirmed that no main modifications have been requested by the Inspector in relation to the OAN.

It is acknowledged that the OAN and consequently housing target for the District cannot attract full weight until after examination of the Development Plan. However, the OAN and issues around delivery have moved on considerably, with the EIP Inspector not raising any additional matters.

The OAN across the HMA has been reconsidered following Farnsfield 1, specifically addressing the points which persuaded the original inspector to conclude that an OAN of up to 550 would be appropriate. The OAN of 454 remains the only robustly and recently assessed figure before us as decision-makers to determine the appropriate figure against which 5 year delivery should be assessed. Indeed, Members will recall that Officers have consistently advised that a 5 year land supply against a 454 OAN could likely be demonstrated. However, uncertainly with respect to the weight which could be attached to the OAN, together with a lack of information on in-year completions (as you know at the end of each municipal year officers review and ultimately publish actual new housing completion information), a 'pragmatic' approach was recommended. This entailed an approach whereby having a 5 year land supply was accepted, but that could support schemes which fell immediately adjacent to main built up area boundaries and village envelopes within the settlement hierarchy (which Caunton is not), which are *acceptable in all other technical and environmental respects* (emphasis added) and which will demonstrably boost housing supply

in the short term (including imposing shorter timeframes for implementation and demonstration of no other site impediments e.g. infrastructure costs or contamination). This position was to be re-assessed as the Plan Review progresses.

The Council's position on new housing delivery was captured in July 2017 when its annual monitoring information was published. This identified that both stalled and new sites were contributing to an increased build-out rate. Indeed, based on housing completions as of 31st March 2017 the authority confirmed that it has a 6.2-year supply based on a housing target of 454 dwellings per annum.

Moreover, all 3 of the HMA Council's remain fully committed to the OAN figures we have each adopted, with Ashfield and ourselves having concluded Examination, and Mansfield progressing. On this latter point Members may have noted that Mansfield have been identified in a Written Ministerial Statement dated 16 November 2017 have been identified as an Authority who has made unsatisfactory progress on Plan Review. In light of this it is likely that Mansfield will be keen to progress their Local Plan at speed, on the basis of the Preferred Approach which has recently concluded its consultation period, utilising the figures set out in the SHMA as their housing requirement.

This position has also been confirmed by a recent (August 2017) appeal hearing decision which has accepted that this Council has a 5 year housing land supply against a target of both 454 and 500 dwellings per annum. Even on a 550 OAN the Inspector in that case concluded that any shortfall would most likely be made up by windfall schemes. An appeal in January 2018 also confirms that this Council has a 5 year land supply.

Given this position the Council considers that limited weight should now be attached to the Farnsfield Inspector's decision from 2016. To the contrary the OAN of 454 remains robust and against this it is considered that there is a 5 year housing land supply. Consequently, the policies of the Development Plan are up-to-date (also having regard to the PAS review of the Core Strategy Policies and in attaching weight to the fact that the Allocation and Development Management DPD Policies were independently examined and found sound post NPPF adoption) for the purpose of decision making.

The Principle of Development including an Assessment of Sustainability

The starting point in assessing this application is the Development Plan. Core Policies 1, 2 and 3 set out the settlement hierarchy in the District. Spatial Policy 1 details the settlement hierarchy to 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 are 'other villages' within which development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). The settlement of Hockerton falls into this 'other village' category. There is no defined settlement boundary for these villages and it is a matter of judgement as to whether sites are within or outside of the village. The overall approach to the Settlement hierarchy and the spatial approach to development does not change as a result of the Council's recently Examined Plan Review.

Spatial Policy 3 provides that local housing need will be addressed by focusing housing in sustainable, accessible villages. It states that 'Beyond Principal Villages, proposals for new development will be considered against the following criteria' then lists location, scale, need, impact and character for consideration. It goes on to say that development away from the main built-up areas of villages, in the open countryside will be strictly controlled and restricted to uses which require a rural setting such as agricultural and forestry and directs readers to Policy DM8 of the Allocations and Development Management DPD for policies that will then apply. As such Policy SP3 acts as a signpost to Policy DM8 of the A&DM(DPD) which is up to date given it postdates the NPPF (the recent Eakring appeal decision confirms that that Policy DM8 is "fully consistent" with the NPPF). Consideration of the Newark and Sherwood Amended Core Strategy DPD 2017 reaffirms this stance.

The Council recognises that an inspector's decision in respect of Land to the South of Bilsthorpe Road in Eakring (APP/B3030/W/17/3169590), dated 23rd January 2018, concluded that policy DM8 of the Allocations and Development Management Plan Document, and Policy SP3 of the Core Strategy, are inconsistent with paragraph 55 of the NPPF and out of date, so that the weight given to any conflict with them should be greatly reduced. The Council respectfully disagrees with the inspector's conclusion, which it considers to be unlawful. At the time of writing the Council intends to challenge the decision under section 288(1) of the Town and Country Planning Act 1990. Pending the determination of its claim, the Council will proceed on the basis that Policy DM8's approach to controlling development in the countryside for the purpose of promoting a sustainable pattern of development in accordance with Spatial Policy 3 is fully consistent with the Framework. Policy DM8 will therefore be accorded full weight.

As SP3 villages do not have defined village envelopes, it is a critical consideration in the determination of this application as to whether the application site is located within the main built-up area of the village or beyond. If it is beyond it is, as a matter of policy (in accordance with Policy SP3) within the open countryside. The supporting text to Policy SP3 states that the main built-up area 'would normally refer to the buildings and land which form the core of the village where most housing and community facilities are focused. Often villages have outlying development which, whilst part of the village, does not form part of the 'main built-up area'; proposed new development which results in the joining of such areas to the main built-up area should be resisted.

The existing built form and village of Hockerton is not evident as you approach the site from the east along A617 until you reach the Old Rectory (opposite the application site). Dwellings prior to this are considered to be remote or are set back/screened in such a way that they are not highly visible in the street scene. The village Hall is the first building on entry into the built up area of Hockerton that can be viewed on the north side of the road. The site is clearly part of a wider open field and the site is therefore within the open countryside in my judgement. The primary policy and most relevant in this case is therefore DM8 which is up to date. Paragraph 14 of the NPPF is not engaged and the titled balance does not apply.

DM8 states that development in the countryside will be strictly controlled and limited to a number of exceptions. In relation to new build dwellings it only allows those for rural workers or where they (reflecting paragraph 55 of the NPPF) are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and that are sensitive to the defining characteristics of the local area. I do not consider that the proposal meets either of these exceptions and the proposal is not therefore considered to represent sustainable development contrary to the Development Plan and its aims to create a sustainable pattern of development within the District.

Equally, the Agent has not submitted any justification with the application to demonstrate that the proposal meets these exceptions. They do however put forward a case that other material considerations are relevant in this case in terms of the proposal addressing a local need for new dwellings in the settlement and that significant weight should be attached to the community/public benefits of the scheme in relation to the village hall. These matters are explained further in the 'Other Material Considerations' section of this report.

Sustainability

Furthermore, the applicant considers that the LPA should assess the proposal on the basis of paragraph 49 of the NPPF such that housing is considered in the context of the presumption in favour of sustainable development. I am mindful that the NPPF also represents a material planning consideration, notably the 3 dimensions to sustainable development with the economic, social and environmental roles that it plays. Recent case law (East Staffs BC v SSCLG [2017]) deals substantively with the interpretation of the wording "presumption in favour of sustainable development", and reaffirms the primacy of the development plan and that any reliance placed upon the phrase "golden thread" in order to justify a wider presumption in favour of sustainable development is wholly misconceived. The NPPF does not contain a general "presumption in favour of sustainable development", which can be set against the statutory presumption in favour of the development plan in section 38(6) of the 2004 Act.

In terms of the social role of sustainability, development is expected to support '*strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.*' Paragraph 55 provides that "*To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities....Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances...*"

Hockerton itself has a limited range of services and facilities other than the Village Hall which forms parts of the application site (notwithstanding its aforementioned suitability for use); a public house; and gym/wellness centre. The church is no longer used as a church. Whilst there are bus services to Newark I would still expect residents of Hockerton to be reliant on the use of the private car. Despite this, the larger settlement of Southwell (located c2km away) is relatively easily accessed from the village through the existing highway network and contains the schools and other services most likely to be used by the residents of Hockerton.

The policy objective of promoting sustainable development in rural areas by locating them where it will enhance or maintain the vitality of rural communities is to be secured through the plan-led system (paragraphs 17(1) and 196 of the NPPF). As such, it is necessary to strike the balance between recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it" (Para 17(5) of the NPPF). The two goals are interrelated. To that end, the LPA, is entitled to decide that a sustainable pattern of *development* may involve the restriction of development in countryside even though it might not be regarded as "isolated" in the terms of paragraph 55 of the Framework.

This Council has set policies within its Development Plan that plan for development in the right places with the majority of growth expected to take place in the sub regional centre, service centres and principal villages. A notional allowance of 200 dwellings was set for SP3 villages (notwithstanding that this site is not considered to fall within the village) but this relates to a period of 20 years (up until 2026) and covers 69 settlements. As of April 2017 there have been 122 completions and 225 commitments in the form of planning permissions, therefore together this notional allowance has already been exceeded and there is no reliance upon these villages (or indeed the countryside) to provide the growth that the Development Plan envisages.

Indeed, Hockerton had 57 households according to the 2011 Census. Since then there have been 10 completions within the village (representing a 17.5% increase in households overall) and there are also 13 commitments (which would represent a 40% increase in households overall in Hockerton). This is beyond the level of growth anticipated for Hockerton.

In terms of the economic role I note that the NPPF states that the planning system should help to *“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure”*

I acknowledge that the proposal for housing would play an economic role by temporarily supporting the construction sector. The additional residents could also help support local businesses. However, I believe this would be at the expense of the environmental role as I shall explore in more detail shortly. In my opinion, contrary to the above quoted paragraph from the NPPF, the land is not the right place and fails to respect the plan-led system which this District has followed, promoted, and worked hard with communities to produce to allow logical and transparent decision-making.

Whilst it is appreciated that the site would play a social role in terms of boosting housing supply (as detailed further in the ‘Other Material Considerations’ section of this report), this would be by a very minor degree and would be at the expense of further encroachment of the village into the countryside which I believe this would be at the expense of the environmental dimension of sustainable development. I explore the environmental impact including impact of heritage assets in more detail later in this report.

The issue of determining whether a site is within a settlement or not is important in relation to precedent also. This site is like many other sites on the fringe of a rural settlement. Whilst the site is not ‘isolated’ insofar as the distance to the village itself, the site itself has the appearance of open countryside given that it is part of a larger agricultural field. This could also be repeated elsewhere in many other situations.

Overall, the proposal is not considered to represent sustainable development. For the avoidance of doubt, the proposal has not been assessed against the provisions of Core Policy 2 (Rural Affordable Housing) given that the proposal has not been submitted as a wholly affordable housing exception site.

Impact upon Visual Amenity including the Setting of Listed Buildings and Non-Designated Heritage Assets

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.

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

In relation to landscape impacts, the proposed site is within the Mid Nottinghamshire Farmlands Policy Zone (MN PZ 34) 'Hockerton Village Farmlands' character area as defined within the Council's Landscape Character Supplementary Planning Document (SPD). The landscape generally within the zone is very gently undulating. Visual features tend to be medium distance views to frequently wooded skylines although often enclosed by vegetation and there is a mixture of intensive arable fields with strongly trimmed hedges and low intensity farming with permanent improved pasture. The landscape condition is described as good with a few detracting features including the A617 and landscape sensitivity is defined as moderate. The policy action for the zone is to 'Conserve and Reinforce' with policy actions to conserve the rural character of the landscape.

Due to the rising gradient of land, it is considered likely that the proposed development would be highly visible and prominent in the street scene, and would be seen as encroachment into a currently open field forming part of the wider open countryside.

In relation to heritage impacts, the Conservation Officers' comments are set out in full in the 'Consultations' section above. They raise concern that the indicative details of the proposed extension to the village hall and housing layout would fail to demonstrate that an extension could be accommodated sensitively. Whilst it is acknowledged that the detailed design of the proposal would be subject to further consideration at the reserved matters stage, this does not overcome the Conservation Officers concerns in relation to the principle of the intensity of development. They consider the proposal to result in a significant change to the open rural setting of Bank Cottages and the group comprising the listed Grade II* Church of St Michael and the old Rectory. Whereas the existing open setting of the field is a positive aspect of their collective setting, by virtue of its indicative scale, form and layout, the development would erode the rural setting of Bank Cottages and the Rectory/Church composition. Fundamentally, the intensity of the development would introduce a negative aspect to the setting of these heritage assets. It is acknowledged that existing green infrastructure provides some mitigation in this context, and the development might be capable of further landscape softening. However, impact on the listed buildings here is not purely limited to direct intervisibility, and our experience of the landscape around the assets is material in this case.

In relation to archaeology, the Conservation Officer has identified that there could be potential for archaeological remains to be present. In the absence of a desk based archaeological assessment, it is recommended that a suitably worded condition would ensure no adverse impact in accordance with planning policy.

Overall, I am concerned that the proposal would result in encroachment into the open countryside to the detriment of the visual amenity of the rural landscape and would be harmful to the significance of the heritage assets comprising the village hall, Bank Cottages, the Old Rectory and the Church of St Michael. The scheme therefore conflicts with the objective of preservation under section 66 of the Act, the aims of the NPPF and Core Policy 9, 13 and 14 of the Core Strategy and Policies DM5 and DM9 of the DPD. This in my view all counts against the scheme in terms of the environmental dimension of sustainable development.

Impact on Highway Safety

Spatial Policy 7 of the Core Strategy amongst other things requires proposals to minimize the need for travel through measures such as travel plans or the provision or enhancement of local services and facilities; provide safe, convenient and attractive accesses for all; be appropriate for the highway network in terms of volumes and nature of traffic generated and avoid highway improvements which harm the environment and character of the area. DM5 mirrors this.

Despite an original objection, I note that the latest position of the Highways Authority which have not raised objections to the scheme in terms of highway safety subject to a number of conditions relating to the construction and use of the proposed access. As such, the proposal is not considered likely to result in any adverse impact upon highway safety.

Impact on Trees and Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

A Tree Survey has been submitted with the application. There is one Category B tree located within the application site and is considered to have amenity value. The small section of hedge to the front of the site is a Category C hedge. Indicative plans show the retention of the tree and hedge and it is considered that suitably worded conditions could ensure their protection in accordance with the requirements of policy.

No ecology survey has been submitted with the application. However, because the majority of the site is currently arable land and no demolition of buildings/limited removal of natural vegetation is proposed, it is considered likely that the site has low ecology potential. As such, the lack of information submitted in relation to ecology would not warrant refusal of the application in this instance.

Impact upon Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Indeed 'always seeking to secure a good standard of amenity for existing and future occupants of land and buildings' is one of the 12 core planning principles set out in the NPPF.

The submitted layout indicates that the proposed houses could be sited a sufficient distance from one another as well as from the existing dwellinghouses, so as not to have a detrimental effect on one another. This issue would need to be considered in greater detail when the reserved matters of appearance, layout and scale are applied for, however, I am satisfied that the illustrative layout provides sufficient certainty that the objectives of Policy DM5 can be achieved.

Flood Risk and Drainage

Core Policy 9 (Sustainable Design) provides that development should ‘through its design, pro-actively manage surface water, where feasible, the use of Sustainable Drainage Systems.’ CP10 seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

The site lies within Flood Zone 1 which is at lowest risk of flooding. I note from consultee responses that there is nothing to suggest that surface water disposal cannot be adequately disposed of in a sustainable way.

A package treatment plant is proposed to deal with foul sewage which is the least preferred option in relation to the hierarchy of drainage options as set out in National Planning Practice Guidance. Whilst I have no information before me to demonstrate that there are no alternative drainage option is achievable on site, I note that the Environment Agency raises no objection in principle subject to the potential requirement for a permit. The imposition of a condition would ensure an acceptable scheme for surface water and foul water disposal is submitted to and agreed by the LPA.

Other Material Considerations

Housing Need

CP3 states that the LPA will seek to secure new housing which adequately addressed the local housing need of the district, including family housing of 3 bedrooms or more, smaller houses of two bedrooms or less and housing for the elderly and disabled population. Mix will be dependent on the site location (in terms of settlement), local circumstances, viability and any local housing need information. Paragraph 50 of the NPPF states that “To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning 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 (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand...”

The Development Plan (in terms of the policies identified below) reflects and is compliant with the NPPF. The Council has sought to plan for a mix for communities and has identified the size, type and range of housing that is required taking into account local demand as is reflected in the above policies.

In relation to the density of the development, this is below the average density one would normally expect for development sites (in relation to Core Policy 3). However given this is an open countryside location, this is not an average development site (or in my view a development site at all) and therefore to comply with the plan policy would in itself be harmful in this location.

The applicant commissioned a Housing Needs survey for the parishes of Hockerton and Kirklington in September 2017 to support the application. The full comments of the Strategic Housing Officer are set out in the 'Consultations' section above and concludes that the survey has identified a need for one affordable dwelling and a preference from 5 respondents to the survey for smaller dwellings than they currently occupy. Concern has been raised that the survey evidence does not constitute a housing need, only an indication of demand.

The dwellings would comprise the following (in-line with the findings of the Housing Needs Survey Report):

House Type	Market	Affordable (shared ownership)
Two Storey 3-bed	2	1
Bungalow 3-bed	2	0
Bungalow 2-bed	1	0

A draft S106 Legal Agreement has been submitted with the application to ensure that the proposed new homes are to be built and sold to 'local people' only. However, as previously stated in the 'Principle of Development' section above there are already 13 commitments within the village of Hockerton (ranging from 2 – 4-bed in size). In addition to this, there are currently 5 properties for sale on the open market (Rightmove Feb 18) consisting of 2 x 5 bedroom, 1 x 4 bedroom and 1 x 3 bedroom. Not all of the commitments and advertised properties could meet the demand in the Housing Needs Survey because they exceed 3 bedrooms in size, however it is considered that some of this need could be met.

There is also no guarantee at this stage that the affordable dwelling would be secured by a Registered Provider who is able to offer a shared ownership tenure.

To conclude, I do not find that there is an overwhelming need for housing that would justify development in the open countryside which is contrary to the Development Plan.

Community Benefits

The submitted Planning Policy Statement suggests that significant weight should also be attached to the community/public benefits of the scheme. Indeed, I fully sympathise with the Parish Council's views set out in the Consultations section above. I can see from the size, position and lack of facilities that it may be difficult for the community to maximise the use of the current village hall.

The Design and Access Statement states that the Applicant intends for a separate Agreement between himself and Hockerton Parish Council whereby the land upon which the Village Hall 'extension' is to be built, will be 'gifted' (at nil land value) to the Parish Council. The Applicant is not intending to build the extension or provide the parking themselves. As such, there is no guarantee at this stage that the extension/improvements to the village hall are achievable. Indeed it may be possible for the housing to come forward without the village hall extension (unless prevented through a suitably worded S.106 Agreement).

Furthermore, there has been no cross subsidy argument submitted with the application. As such, it has not been demonstrated that 6 new dwellings are required to make the improvements to the village hall happen i.e. it has not been explored as to whether the land can be purchased by the Parish Council for the extension at market value cost and why 6 dwellings are required to make this happen.

Even if the extension and improvements to the village hall were implemented (presumably at the Parish Council's own cost), Hockerton has a relatively small population and there is no guarantee that the gifting of the land would ensure the viability of the hall in the long term.

To conclude, I do not find that there is an overwhelming benefit to the community that would justify development in the open countryside which is contrary to the Development Plan.

Planning Balance and Conclusion

The applicant has advanced an argument that the Council doesn't have a 5 year supply of housing, a matter which this Council strongly disputes and which has been supported by appeal Inspectors. On the contrary, the Council's position is that we do have a 5 year supply of housing, that we can robustly demonstrate this and therefore the Development Plan is up to date for the purposes of decision making in terms of the supply of housing.

The application proposes a scheme for 6 new dwellings in the countryside. Having assessed the scheme against the Development Plan I have concluded that the scheme does not meet any of the exceptions listed within Policy DM8 (which as rehearsed above is considered to be up-to-date, post NPPF, and carry full weight) as to why development away from the built settlement should be permitted. This is equally the case when assessed against the NPPF, a material consideration, albeit the Development Plan should in any event be the primary decision-making tool in an overall balance.

Whilst a Housing Needs Survey has been submitted with the application, this does not justify encroachment in the countryside in this instance which would be contrary to the Development Plan given the harm. Nor does the provision of an affordable housing unit (which I note is a provision exceeding that which would ordinarily be required by a development of this scale). In concluding this I give weight to the location of the site within an open field which would have an adverse impact on the landscape and visual appearance of this rural setting and would be harmful to the significance of the heritage assets comprising the village hall, Bank Cottages, the old Rectory and the Church of St Michael.

Whilst the gifting of part of the site to the Parish Council to extend and improve the village hall could represent a benefit to the proposal, I am not convinced that the scale of the proposal is the minimum necessarily to enable such benefits to occur. In any event this scheme would not actually deliver the extension so desired by the Parish Council.

Although the impacts on the highway, ecology and trees are acceptable, this does not override the harm identified. Taking all matters into account the proposal is considered to represent unsustainable development and the harm caused would not be outweighed by the benefits of the scheme. The proposal is therefore recommended for refusal.

RECOMMENDATION

That outline planning permission is refused for the following reason:

Reasons for Refusal

01

The proposed development would result in additional dwellings within the open countryside outside of the main built up area of Hockerton. Policy DM8 of the Allocations and Development Management DDP (2013) strictly controls and limits the types of development in the countryside. The proposal does not accord with any of the exceptions listed. This policy is consistent (as tested in adopting the DPD) with the National Planning Policy Framework (NPPF).

The proposal does not accord with any of the exceptions listed. Furthermore, the site is located within an open field and it has not been demonstrated that the development would not result in an adverse impact on the this rural setting which would also be harmful to the significance of the heritage assets comprising the village hall, Bank Cottages, the old Rectory and the Church of St Michael.

The proposal is therefore contrary to the aim of promoting a sustainable pattern of development within the District and is not therefore considered to represent unsustainable development. The harm identified would not be outweighed by the benefits of the scheme contrary to Spatial Policy 3 (Rural Areas), Core Policy 9 (Sustainable Design), Core Policy 13 (Landscape Character) and Core Policy 14 (Historic Environment) of the Core Strategy (2011) and Policies DM5 (Design), DM8 (Development in the Open Countryside) and DM9 (Protecting and Enhancing the Historic Environment) of the Allocations and Development Management Development Plan Document (2013) as well as being contrary to the National Planning Policy Framework (NPPF) a material planning consideration.

Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

BACKGROUND PAPERS

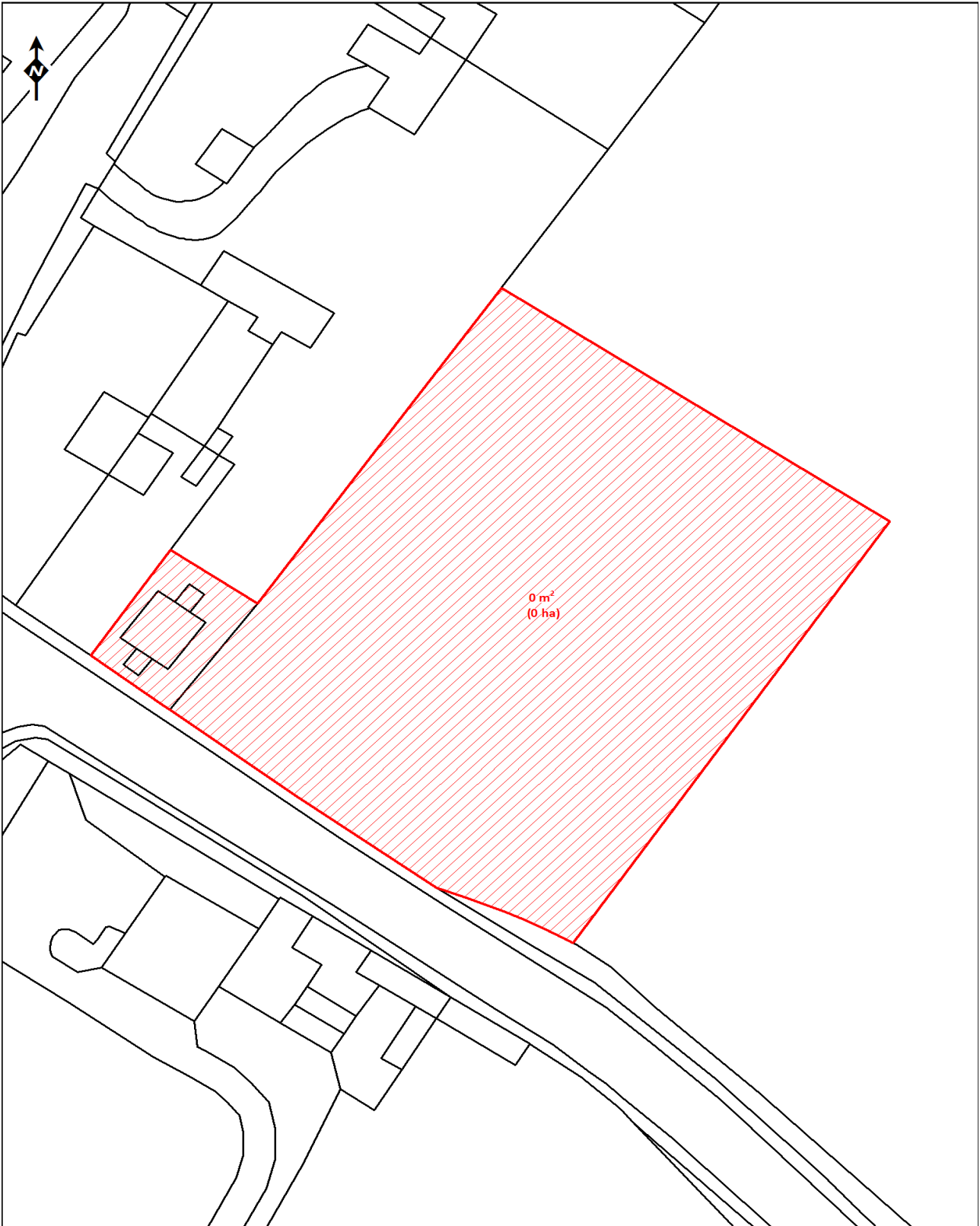
Application case file.

For further information, please contact Helen Marriott on ext 5793.

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

Matt Lamb

Business Manager – Growth & Regeneration



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	17/02249/FUL
Proposal:	Demolition of existing garages/outbuildings and erection of four 3 bedroomed residential dwellings
Location:	Land to the rear of 20 Hill Vue Gardens, Newark, Nottinghamshire
Applicant:	Mrs C Baker
Registered:	11 December 2017
	Target Date: 2 February 2018
	Extension of Time Agreed Until 7 March 2018

This application is presented to the Planning Committee as the Town Council raise objections to the scheme on the grounds of impacts to neighbours which differs from the officer recommendation.

The Site

The site comprises approximately 0.13ha of land within the defined Newark Urban Area. This wedge shaped parcel of land comprises a garage court laid with hardstanding that is accessed off a private driveway. The site is closed off, gated and padlocked and is bound by fencing. There appear to be c22 garages on site which are constructed of brick with corrugated metal sheets to their gently sloping mono-pitch roofs and timber side opening doors. All garages appear to be in a good state of repair and the site itself is well kept indicating that it remains in use.

Access is via a private tarmacked drive that also serves no. 20 Hill Vue Gardens a bungalow (there are no openings on its side elevation facing the drive) which is to the east. No. 1 Hill Vue Gardens to the west of the access point. The driveway is bound by a wall (c1m high with pillars) to the east and black metal railings to the west.

The dwellings to the west are two storey dwellings that back onto the drive and/or the access road. Dwellings to the south of the site are bungalows whilst to the north and north-east is a railway line (east coast mainline). The site lies within a predominantly residential area within a relatively high density area within the suburbs of the town.

Relevant Planning History

01781234 – Two proposed garages, approved 15/12/1978.

02/02239/OUT – Outline permission for residential development with all matters reserved was refused by the Authority on 16th December 2002. However this was later allowed on appeal (APP/B3030B/A/03/1109790) on 22nd July 2003. The Inspector considered the main issues related to 1) the effect of the loss of existing car parking facilities and impact on the safety and convenience of traffic on nearby highways; and 2) the ability of the site to accommodate development with satisfactory living conditions for its future residents with particular reference to noise. He found no conflict with either issue in allowing the appeal.

The Proposal

This application seeks full planning permission for the erection of 4 detached dwellings each with 3 bedrooms and an integral single garage. In order to facilitate the proposed development all of the existing garages on site would need to be demolished which also forms part of the proposal.

All of the plots are detached dwellings of the same design (2 of which are handed) with a hipped roof that has an attached single garage with accommodation above set down at a lower ridge height than the bulk of the dwelling. Accommodation at ground floor comprises an entrance hall, kitchen, w.c storage and living area whilst at first floor is a master bedroom with en-suite, two further bedrooms and a bathroom.

The dwellings have been arranged on site to all front the approaching access drive and a turning head which would be created and each would back onto the railway line to the north and north-east.

The application is accompanied by the following:

- Design and Access Statement by TF Architectural Services Ltd
- Existing site plan 259_2017_01
- Site Location Plan 259_2017
- Proposed Elevations Plot 2 & Plot 3 handed (259_2017_04)
- Proposed Plans Plot 1 & Plot 4 handed (259_2017_05)
- Proposed Elevations Plot 1 & Plot 4 handed (259_2017_06)
- Proposed Plans Plot 2 & Plot 3 handed (259_2017_03)
- Proposed Site Plan (259_2017_02)

Departure/Public Advertisement Procedure

Fourteen neighbours were notified with a consultation expiry date of 3rd January 2018.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 7 – Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

NAP1 – Newark Urban Area

Allocations and Development Management DPD Adopted July 2013

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

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework
- Planning Practice Guidance 2014

Consultations

Newark Town Council – 02/02/18: Newark Town Council's previous comments regarding this application were as follows: 'No Objection was raised to this application provided that on-looking neighbours on both sides of the development do not raise objections'.

At Newark Town Council's Planning Meeting held on 31st January, 2018, the Chairman informed Members that objections had been received by NSDC, from neighbouring properties of the site, therefore altering the previous 'No Objection' to an Objection on these grounds. This change was AGREED.

NCC Highways Authority – 'This application is for the erection of 4 dwellings following demolition of the existing garages/outbuildings. There are no alterations proposed to the existing access onto Hill Vue Gardens.

There are two parking spaces per dwelling, including the integral garaging, as shown on dwg. no. 259.2017.02. It would be beneficial if a bin collection point could be provided near to, but not upon, the public highway.

The Highway Authority would not wish to raise objection to this proposal subject to the following:

1. 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 the parking of vehicles.

Reason: In the interests of highway safety.

2. Prior to the occupation of any dwelling hereby permitted, a wheelie bin collection point shall be provided near to but not upon the public highway to serve the development, to be located in a position to be agreed in writing with the LPA, which shall be retained for the life of the development.

Reason: In the interests of highway safety.'

NSDC – Environmental Health - 'I refer to the above application and would suggest that due to the proximity of the main East Coast railway line that a condition is placed on any approval to erect noise screening to reduce noise from the railway. I would also suggest the requirement to maintain any screening is also conditioned'.

NSDC – Access and Equalities Officer – General observations

Network Rail – No objection but set out requirements which must be met in respect of **drainage**, use of fail safe use of crane and plant, excavations/earthworks, security of mutual boundary, **fencing**, **method statements/fail safe/possessions**, **OPE**, demolition, vibro-impact machinery, encroachment, noise, **soundproofing**, **landscaping**, **lighting** (the ones on bold they say need to be subject to condition albeit no suggested working is provided).

Ten neighbours/interested parties have made comments which are summarised as follows; 2 neighbouring properties support the scheme. The remaining 8 neighbours object on the following summarised grounds:

- Loss of privacy through overlooking;
- Overshadowing and overbearing impact due to insufficient distances between dwellings;
- Loss of light;
- Loss of view;
- Right of way (Access) - The entrance to this proposed site is a narrow driveway which runs along the side of properties to which there is a right of way;
- Although there are a number of garages they have not caused any problems with a minimum amount of vehicles being used on a daily basis. As some of the garages are used for storage i.e. goods and vintage vehicles, so the traffic flow and noise have always been minimal;
- The proposed family houses would mean extra daily traffic and would turn this private driveway into a busy thoroughfare;
- Where will visitors park?
- If there were children in these houses and they were to play on the drive this could be dangerous;
- Who will maintain the driveway, would it be adopted?
- Concerns that construction traffic could damage foundations (a concrete raft given clay soils) of adjacent property;
- Street parking in this area is very congested, people park cars on both sides of the road and some residents rent these garages and they will have to try and park there too if the garages are demolished;
- Would the tree to the rear of the garages need to be felled?
- Adverse on the character of the area through its design, scale and use;
- Represents over-development - the proposed site density is very high in comparison with the surrounding existing plots;
- Detailed comments regarding the relationship between the new dwellings;
- Question if there a safeguarded area for the local rail line?
- Has impact on local flooding been considered? What would the impact be on finished flood levels? Concerns as flooding has occurred of gardens in recent years. There is a dyke /stream that runs along the site;
- Request for clarity on boundary treatments;
- What does the hatched area to the north west of the proposed entrance signify? Is this to be resurfaced? Are levels impacted?
- Are trees outside the site to be safeguarded during construction? Does the driveway of plot 1 require the partial removal of a tree?
- Poor communication - due to the Christmas break only had 2 weeks to comment
- There will 25/30 cars trying to park on already blocked streets if the garages go;
- Application is unwanted by residents;
- General Disturbance - There would be unacceptable intrusion in the form of noise nuisance, general disturbance, and so on for residents;
- Concerns relating to rat infestation and any potential displacement

Comments of the Business Manager

Principle of Development

The LPA is well advanced in the process of a plan review with examination taking place in February 2018. For the avoidance of doubt the Council considers that it has a 5 year housing land supply against the only objectively assessed need (OAN) available and produced independently by consultants and colleague Authorities. Therefore for the purposes of decision making, the Development Plan is considered to be up to date.

Spatial Policy 1 of the Core Strategy outlines the settlement hierarchy for the District identifying the Newark Urban Area as the sub-regional centre. It is intended that the Newark Urban Area be the focus for housing and employment growth in the District. This site lies within the defined urban area for Newark and as such residential development is broadly acceptable in principle subject to a site specific assessment in relation to other impacts.

Impact on Character of the Area

Core Policy 9 requires that developments 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 and requires developments make the most efficient use of land at a level suitable to local character. Policy DM5 provides that the district's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals.

Visually the garages appear to be well kept but they are of no merit so their loss on a visual basis is considered to be acceptable. The proposal is for the erection of four detached two storey dwellings in what is a residential area. Being set down a private access drive, away from the public highway the visibility of the site is more limited from public vantage points albeit I accept that two storey dwellings set behind bungalows (numbers 20 to 22) would be seen from the roadside. However, I do not consider that development on this site would be out of character or harm the appearance of the area. The dwellings are sited to make efficient use of the land but I do not agree with some neighbours that these would appear cramped or represent an overdevelopment of the site.

The bulk and massing of the proposed plots has been reduced through breaking up the heights of the ridge line and the heights would not be overly dominant. The design is in my view adequate.

Mix, Type and Density

Core Policy 3 sets out an average density of 30 dwelling or more are generally expected and lower densities need to be justified. It also sets out that family housing of 3 bedrooms or more, smaller housing of 2 bedrooms or less and housing for the elderly is needed and that the LPA would seek to secure a mix to reflect the local housing need.

The density proposed in this case is almost 29dph and whilst slightly below what is normally expected, I consider it to be acceptable in this context. All 4 dwellings would have 3 bedrooms which meets an identified need for family housing in the district generally. Whilst all units are the same in terms of accommodation, given the mix of dwelling in the area I do not consider that this is fatal to the application and thus it broadly accords with the requirements of this policy.

Impact on Highways Network and Railway

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides that proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 echoes this. SP8 seeks to protect against the loss of community facilities unless it can be demonstrated that the facility is no longer feasible or needed and that there is sufficient provision elsewhere.

Loss of garages and the impact

Indeed I note that residents have raised concerns that the loss the 22 garages would displace parking and lead to issues with much sought after on-street parking. Further information has been sought from the applicant regarding the current useage which is summarised as follows:

- 21 of the garages are rented out. The remaining garages are a wood store, a maintenance store and the office.
- The garages are rented out solely as vehicle storage including two classic cars and 2 motorbikes however some tenants do store items there.
- The garages are rented out to tenants covering the whole of Newark. Approximately 10 or 11 local tenants are from the surrounding streets (Wood Street, Hill View Gardens, Cross Street and Kingsnorth Close.)

The garages are not particularly large and I would suggest it would be difficult to park some modern cars (and allow for exiting) within them. The useage for the parking of cars therefore appears to be relatively modest. Indeed I also note the comments from local residents that suggest that the garages haven't caused any problems with a minimum amount of vehicles being used on a daily basis and that the traffic flow has always been minimal thus being an indicator of a low level use as garages. Notwithstanding this, I note that this was a matter that was rehearsed at the previous appeal which was ultimately allowed. The Inspector states at paragraph 6:

"The appeal site lies within a densely developed area of predominantly late Victorian and early 20th century housing with few off-street parking facilities. The development nearer to the appeal site is more modern and comprises a mixture of bungalows, detached and semi-detached houses which all have provisions for off-street parking. Most of these newer houses have been built on land near the appeal site and close to the railway line."

He goes on to say at para 7;

"...There are currently some 22 lock up garages on the site arranged around a surfaced garage court. At the time of my site visit, which was in the early evening, all the garages were locked and there were no cars present on the site. Also the local streets close to the appeal site were relatively free of parked cars, and even within the more densely developed older housing area nearby there were a significant number of spaces..."

He goes on to conclude in para 8 that:

“...I consider that that the existing car park is of community benefit but that it is necessary to establish any harm that would result from the loss of the facility. In my opinion there is no evidence that local streets are so congested that there would be any harm to the highway safety arising from the loss of the garages within the appeal site.”

Having been to site during the early evening and early morning, I also conclude this to be the case. It appears to me that there is sufficient on street parking for the displaced vehicles within garages and visitors of the new home on the surrounding streets.

The Highways Authority have raised no objection to the scheme subject to two conditions being imposed to 1) require the provision of the parking spaces and 2) require a wheelie bin collection area to be provided which I consider are reasonable, albeit the wording of the conditions has been amended where appropriate.

For all of these reasons I consider that the proposal accords with SP7 and DM5 and there are no grounds to refuse the planning application.

Impacts to the Railway

Network Rail raise no objections to this application subject to the applicant meeting their requirements which can be dealt with via conditions where they have expressed requested this. On this basis I take the view that there would be no detrimental impact to the railway from this development.

Impact on Amenity (including noise)

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Indeed ‘always seeking to secure a good standard of amenity for existing and future occupants of land and buildings’ is one of the 12 core planning principles set out in the NPPF.

I note there are various objections in relation to residential amenity from local neighbours which I address below:

The side elevation of Plot 1 would be located close to (c0.4m) the rear boundary of numbers 9 & 11 Hill Vue Gardens. The dwellings are more elevated (by c1.5m) than the garage site. No. 11 has a conservatory that is not shown on the proposed site plan which extends out approximately 3m closer to the shared boundary. The distance between the main rear elevation of these dwellings and the side of this proposed dwelling would be 15.95m (and so would be c13m taking into account the conservatory). No side windows are proposed so there would be no direct overlooking. I note comments from neighbours that these would be appear dominating and spoil their outlook. Loss of view is a not a planning issue albeit overbearing and overshadowing is. I note there is already a large and mature tree within the ownership of Network Rail to the east which when in leaf would potentially block out some sunlight. Plot 1 which is closer than the tree would also have the potential to obscure some sunlight to nos 9 & 11 during the morning. However I do not consider that this would constitute an unacceptable impact that could sustain a reason for refusal; plot 1 straddles the gardens of both 9 and 11 so the impact on each dwelling is lessened and together with the distances involved I consider that this relationship is acceptable and not dissimilar to many others in sub-urban areas.

Plots 2 and 3 are orientated so it would have oblique views of the rear gardens of properties to its west; however the distance involved are a minimum of 24m so again I do not consider this would amount to unacceptable loss of privacy through overlooking or overshadowing.

The blank side elevation of Plot 4 would be located 11.5m from the bungalow to its south; no. 22 Hill Vue Gardens. This is at the limits of acceptability. However I also note that Plot 4 would straddle the boundaries of numbers 21 and 21 so there would only be a partial impact on both properties such that I do not consider that it would justify a reason for refusal on the grounds of overbearing or overshadowing etc.

I note that concerns have been raised regarding general disturbance to neighbours. Vehicular access would be taken between numbers 1, 3, 5, 7 and 9 HVG and no 20 HVG. In the case of the former their rear gardens act as a buffer distance to protect from noise and general disturbance. NO. 20, a bungalow has its side elevation facing the access with no main habitable windows. In any event I am mindful that the existing site could house up to 22 cars (if at full capacity) and I do not consider that the volume of traffic arising from 4 dwellings is such that this would amount to any detrimental impact upon the neighbours such that could be substantiated on appeal. Indeed this was a matter that appears to have been considered at the previous appeal which was allowed.

In terms of noise from the railway line for the future occupiers, no noise assessment has been provided. However, I consider that the proximity to the railway line is similar to those associated with other dwellings and that if approved a condition to require details to protect future occupiers (for example triple glazed windows could be used to assist and sound dulling fencing along the boundaries) from this would be reasonable. I consider that the proposed dwellings all have adequate areas of outdoor space given the urban context to serve the needs of the eventual occupiers and that the relationship between the new dwellings is acceptable.

Impact on Trees

Policies CP12 and DM5 seek to protect and enhance natural features where possible. Policy CP9 requires 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.'*

There are some trees outside of the application that appear to overhang the boundaries such that some trees could be affected by this proposal. No tree survey have been provided with the application and I consider it unreasonable to request one given that the trees are not within the applicants control and gaining access for such a survey would not be either. The trees affected do appear to be reasonably represented on the layout plan and relate to trees within the garden of a dwelling to the west and trees within the control of Network Rail (the elater of whom themselves have not objected to the scheme). I think it would be reasonable to impose a condition on any permission to require that prior to commencement of development tree protection measures are installed to protect these from harm, and this would be in accordance with the identified policies. I note that no tree is proposed to be removed to facilitate this development and overall its impact on trees can be safeguarded.

Flood Risk/Drainage

Core Policy 9 (Sustainable Design) provides that development should 'through its design, proactively manage surface water, where feasible, the use of Sustainable Drainage Systems.' CP10 seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

The site lies in Flood Zone 1 which is at lowest risk of flooding but is within an area prone to surface water flooding. I have also noted that concerns have been raised regarding flood risk by local residents. This application would not attract the comments from the Lead Local Flood Authority as it is not an area of high risk and it is below the threshold for their comments. However I consider that it would be reasonable to impose a condition relating to a scheme for surface water drainage which could be submitted prior to commencement of development in order to ensure this matter is dealt with and mitigated where necessary. This is also the case for finished floor levels.

Other Matters Raised through the Consultation Process

It is noted that bungalow east of the access to the garage site must have a right of way in order to access their dwelling. This is a civil matter not a planning issue. In any event there is no indication that the right of way would be extinguished if permission is granted. The access drive would not be adopted but would continue to be privately managed as it has previously been, albeit again this is not a planning matter. It is noted that there are concerns that construction traffic could damage the foundations of the adjacent property and whilst I can see no reason why this would be the case, it would also be a private civil matter for the owners to pursue if the need arose. Finally rat infestation is not a planning matter, albeit an unpleasant one. There is other environmental legislation available should this become an issue that a homeowner is unable to resolve for themselves.

Planning Balance and Conclusion

It is considered that residential development is acceptable in principle on this site as it occupies a sustainable location and indeed the principle of residential development has previously been accepted on this site albeit this consent is no longer extant.

The impact upon the character and appearance of the area is considered acceptable with density being comparable with the development in the area. Impact upon residential amenity has been carefully considered and found to be acceptable with is also the case in terms of the impact on trees and flood risk, which can be mitigated. The loss of the garages is regrettable. However it appears that these have a low usage for the parking of local resident's cars such that the impact of their loss would not place an intolerable burden upon the public highway and there would be no harm. The Highways Authority raise no concern in relation to highway safety.

It is acknowledged that the Council's 5YHLS position cannot yet attract full weight until such time as the OAN has been ratified through the Plan Review process. However the Council is of the opinion that it can robustly demonstrate a 5 year land supply and consequently it attracts significant weight in my view and for the purposes of decision making the Plan is up-to-date.

Taking all matters into account I consider that the proposal accords with the Development Plan and subject to the conditions set out below I recommend approval.

RECOMMENDATION

That full planning permission be granted subject to the conditions set out below:

Conditions:

01 (Time for Implementation)

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 (Approved Plans)

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

- Proposed Elevations Plot 2 & Plot 3 handed (259_2017_04)
- Proposed Plans Plot 1 & Plot 4 handed (259_2017_05)
- Proposed Elevations Plot 1 & Plot 4 handed (259_2017_06)
- Proposed Plans Plot 2 & Plot 3 handed (259_2017_03)
- Proposed Site Plan (259_2017_02)

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 (Method Statements/Fail Safe/Possessions)

No development (including demolition) shall be commenced until a Demolition and Construction Method Statement has been submitted to and has been approved in writing by the Local Planning Authority in conjunction with Network Rail. This shall include an outline of the proposed method of demolition and construction, risk assessment in relation to the railway and construction traffic management plan. Where vibro-compaction machinery is to be used in the development, details of the use of such machinery shall be included. The development shall thereafter be undertaken in full accordance with the approved method statement.

Reason: In order to protect the safety, operational needs and integrity of the railway.

04 (Tree Protection Measures)

No development shall be commenced until the trees that overhang the application site boundaries (as indicated on drawing Proposed Site Plan (259_2017_02)) have been protected by the following measures:

- a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;

- b) no development (including the erection of site huts) shall take place within the crown spread of any tree;
- c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- d) no services shall be routed under the crown spread of any tree
- e) no burning of materials shall take place within 10 metres of the crown spread of any tree.

The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

05 (Finished Floor Levels)

The development hereby permitted shall not be commenced until details of the finished floor levels of the dwellings proposed in relation to the existing and finished ground levels of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of residential amenity and in the interests of flood risk mitigation.

06 (Noise protection)

No development shall be commenced until a scheme for protecting future occupiers of the dwellings hereby approved against noise from the adjacent railway through noise mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

- Noise screening to the north-eastern site boundary of the site; and
- Additional measures to the dwellings such as triple glazed windows, or similar.

The approved mitigation details for each dwelling shall be implemented on site prior to its first occupation and the measures shall be retained for the lifetime of the development unless otherwise agreed in writing.

Reason: In the interest of ensuring an adequate standard of residential amenity to future occupiers by mitigating against noise from the adjacent railway line.

07 (Foul and Surface Water Drainage)

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.

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

08 (External Materials)

No development shall be commenced until full details of the external facing materials (bricks, tiles render etc including samples to be provided upon request) 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.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

09 (External Lighting Scheme)

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 to visual and residential amenity as well considering the impact on the adjacent railway line. 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 and railway safety.

010 (Provision of Car Parking Spaces)

Prior to first occupation of each dwelling hereby approved, the vehicle parking for that dwelling shown on drawing no. 259_2017_02 shall be provided on site and thereafter be retained for parking for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that sufficient parking provision is made in the interests of highway safety and to avoid on street parking in the vicinity.

011 (Hard and Soft Landscaping Scheme)

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.

proposed finished ground levels or contours;

means of enclosures (except for the north-eastern boundary which is dealt with by condition 6);

all hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

012 (Landscaping Implementation)

The approved soft 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 current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping scheme shall be implemented on site prior to first occupation unless otherwise agreed in writing 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.

013 (Wheelie Bin Provision)

Prior to the occupation of any dwelling hereby permitted, a wheelie bin collection point shall be provided near to but not upon the public highway to serve the development, to be located in a position to be agreed in writing with the LPA, which shall be retained for the life of the development.

Reason: In the interests of highway safety.

Informative

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.

03

Network Rail wish to make the developers aware of the following matters:

Drainage

In respect of the Drainage Condition, the applicant is advised that all surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a fail safe manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees, Pines (*Pinus*), Hawthorne (*Cretaegus*), Mountain Ash, Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata, Zebrina

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra var, betulifolia*), Lombardy Poplar (*Populus nigra var, italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

The method statement will need to be agreed with:

Asset Protection Project Manager
Network Rail (London North Eastern)

Floor 3B
George Stephenson House
Toft Green
York
YO1 6JT

Email: assetprotection@networkrail.co.uk

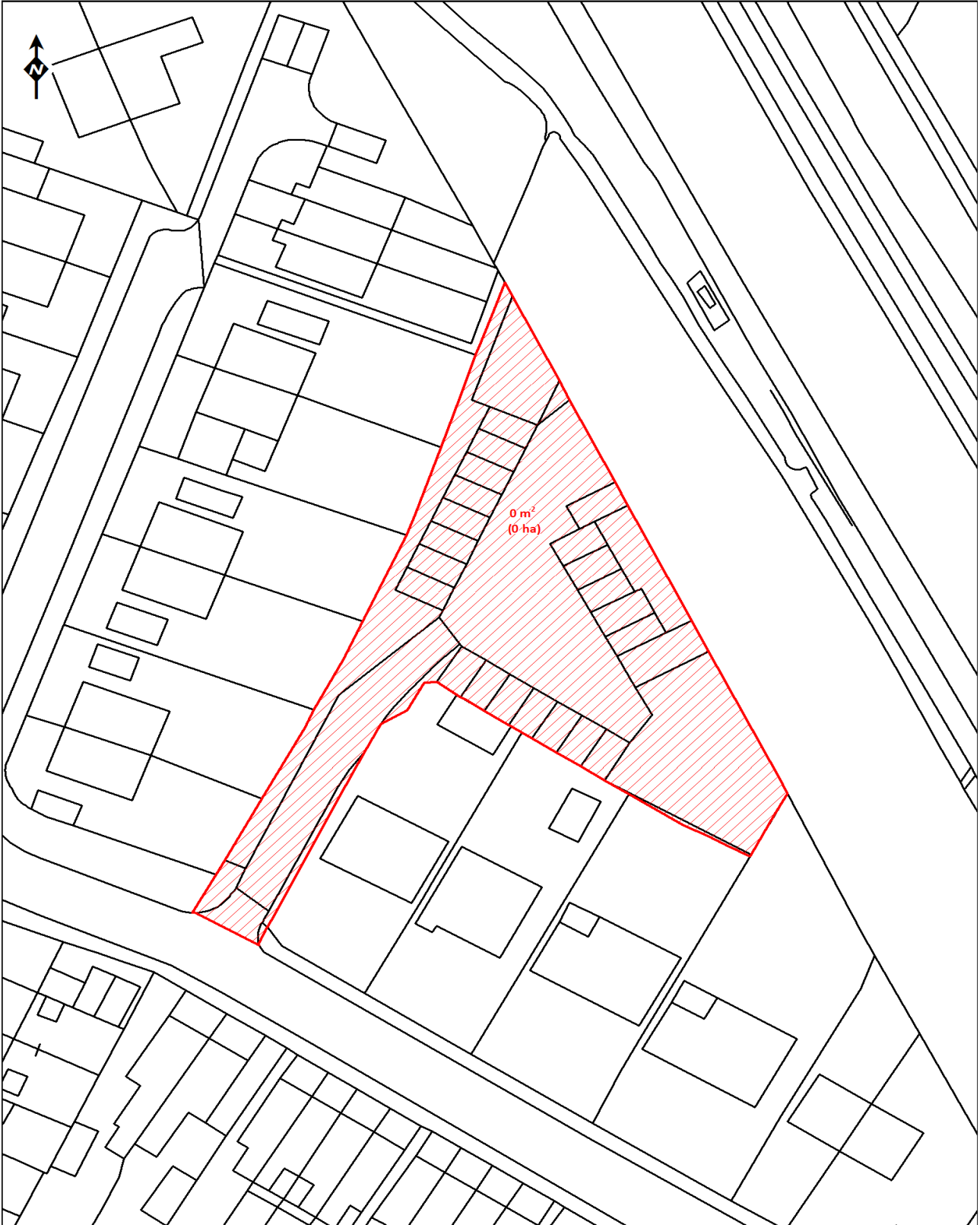
BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on ext 5834.

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

Matt Lamb
Business Manager – Growth and Regeneration



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

Agenda Item 15

PLANNING COMMITTEE – 6 MARCH 2018

AGENDA ITEM NO. 15

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

Members will be aware that 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 Newark and Sherwood Homes (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 (NSH) 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.

For the avoidance of doubt, the remainder of this report remains unchanged from the February Planning Committee Agenda.

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
- Newark & Sherwood Amended Core Strategy 2017

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 then 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 - Growth & 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. Rear windows in No 10 Thorpe Close would be approximately 19m from front facing bedroom & kitchen windows in the southernmost of the pair of semi-detached properties, however views would be across vehicle parking area which would further reduce the potential for window to window overlooking.

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 1 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.

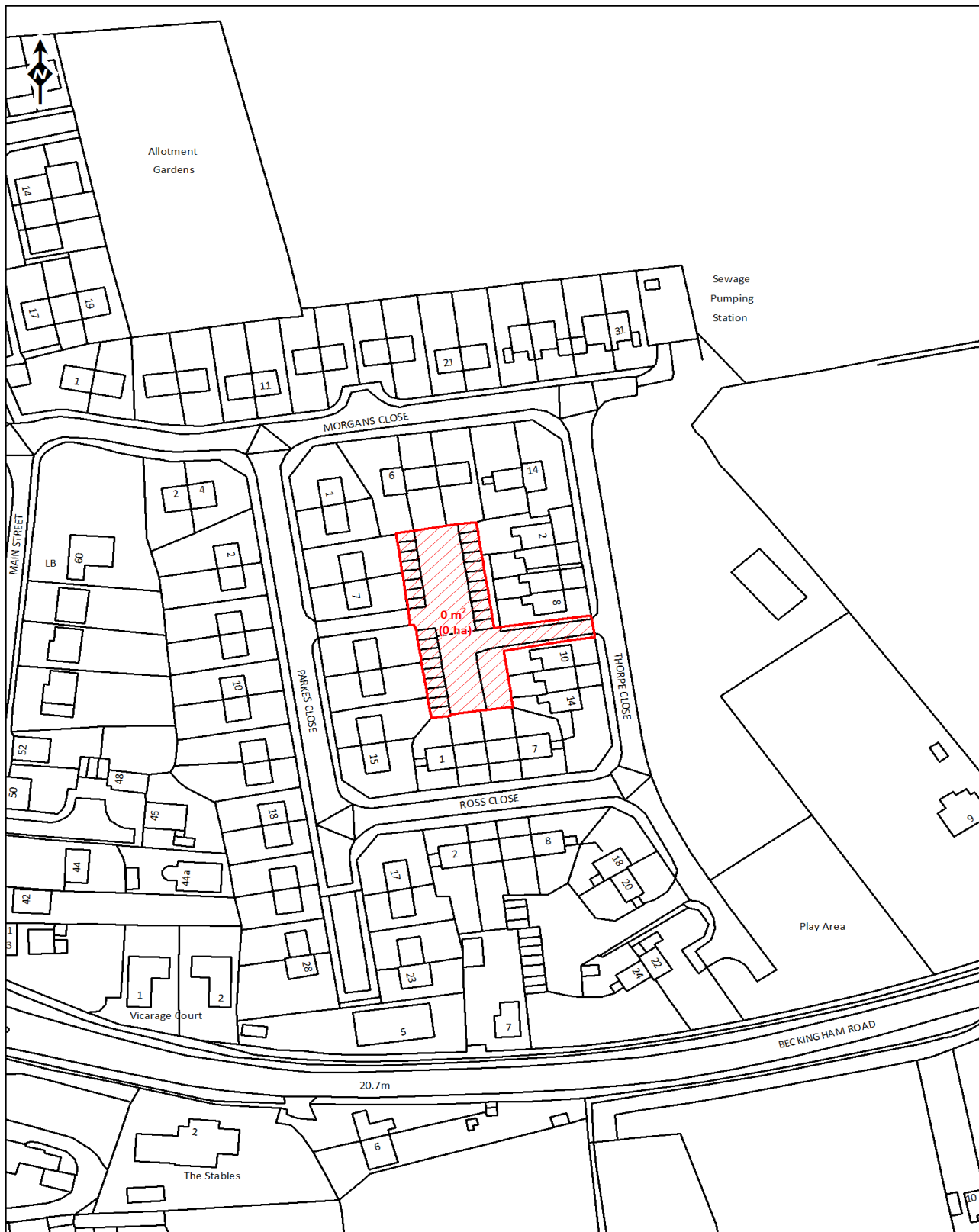
For further information, please contact James Mountain on Ext 5841.

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

Matt Lamb

Business Manager – Growth & Regeneration

Committee Plan - 17/02294/FUL



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

Application No:	17/02308/FUL	
Proposal:	Demolition of existing garages and the development of 1 No. 2-bed bungalow.	
Location:	Garage Units Off, Knotts Court, Main Street, Balderton, Nottinghamshire	
Applicant:	Newark & Sherwood District Council	
Registered:	19 December 2017	Target Date: 27 February 2018

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 (NSH) 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 centrally within Balderton and is therefore within the Newark Urban Area as defined by the Core Strategy settlement hierarchy. The site is comprises a garage court of 8 units in two blocks running roughly north south and is accessed from Bullpit Road. The properties of Knott’s Court sit between the proposal site and Main Street.

The properties in the locality are a mixture of detached semi-detached and terraced with a number of non-residential uses also in evidence including convenience store, public houses, Church of St Giles (a Grade II Listed Building), Children's Nursery, and a veterinary clinic. The site itself comprises 8 number garages and part of the existing rear open space to Knott’s Court. The rear wall of the block of 5 garages forms the western boundary and walling of varying styles and condition to a varying height of approximately 1.5m along with the garage wall to a height of approximately 3.5m (to peak of the mono pitch roof) run along the northern boundary.

The site is not within a conservation area and is designated as being within Flood Zone 1 according to Environment Agency mapping.

Information provided by Newark and Sherwood Homes details the occupancy of the 28 garages as follows;

Unoccupied	0
Occupied by private tenant	5
Occupied by NSDC tenant	3
Sold	0

Relevant Planning History

There is no recorded planning history to the site.

The Proposal

The proposed development seeks planning permission for the erection of one two bedroom bungalow following the demolition of the existing garages on the site. The bungalow would measure 8.65 metres by 8.54 metres and 5.69 metres to the ridge. Access onto Bullpit Road would be taken from the existing vehicular access with two dedicated parking spaces being provided for the property and a further two visitor spaces being provided for both the proposal property and the properties at Knott's Court. The boundaries to Knott's court would be retained as open with the proposal including additional footpaths to link to the existing formal shared space of Knott's Court.

Departure/Public Advertisement Procedure

Occupiers of 12 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 District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement hierarchy
Spatial Policy 2 - Spatial distribution of growth
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

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
- Newark and Sherwood Amended Core Strategy DPD 2017

Consultations

Balderton Parish Council – Members considered that the loss of eight garages for just one small bungalow will have a disproportionate impact on the neighbouring properties by creating further parking problems on the adjacent highway. Main Street and Bullpit Road are already busy owing to the businesses located there. District Council Members are urged to hold a site meeting to fully assess the potential implications of this proposal.

NSDC Environmental Health Officer (contaminated land) – 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 then 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.

The Environmental Health Officer was reconsulted on additional information and provided: I have now had the opportunity to review the submitted Phase 2 Ground Investigation Report, submitted by Collins Hall Green in support of the above planning application. The site investigations provide clear characterisation of the contamination at the site, with subsequent analysis and risk assessment identifying that there are no significant issues with respect to contamination.

Given this evidence, I am in agreement that the on-site soils do not present a potential risk to human health for the proposed use as residential dwellings.

However I note that 300mm topsoil is to be imported into garden areas, I would therefore request continued use of the contamination condition until the chemical suitability of this material has been proven.

Our requirements in terms of imported material are highlighted below:

Any soils being brought onto site for use in gardens or soft landscaping areas will require validity testing to be carried out to ensure suitability. We recommend that an appropriate testing regime of these materials is carried out and should include heavy metals, speciated PAH and other tests dependant on the source of the soil material (such as asbestos screen). The selected testing regime and screening values used for assessing the results shall require approval from this Section.

An appropriate frequency of testing should be carried out to give statistical confidence of the validation results. For garden areas we generally accept a topsoil sample frequency of 1 per 50 cubic metres and a subsoil sample frequency of 1 per 200 cubic metres or a minimum of 3 samples per soil type to give statistical confidence, whichever is the greatest.

For landscaped areas we generally accept a topsoil sample frequency of 1 per 200 cubic metres and a subsoil sample frequency of 1 per 250 cubic metres or a minimum of 3 samples per soil type to give statistical confidence, which ever is the greatest. The topsoil should also conform to BS3882 Specification for topsoil and the source recorded.

Further discussions on the wording of an appropriate condition have confirmed that it is only the potential for unexpected contamination and the control of imported topsoil which require control.

NCC Highways Authority– This proposal is for the construction of a bungalow served by the existing access onto Bullpit Road, following demolition of the existing garage units. There are no alterations proposed to the existing access. Therefore, the Highway Authority would not wish to raise objection subject to the following condition being imposed:

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan, ref. 40860/ID54/003F. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

NSDC Access and Equalities Officer - As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards. In particular, 'step-free' access to and into the dwelling is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible route is essential to and into the dwelling from facilities such as car parking and from the site boundary with reference to the topography of the site. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, accessible sanitary accommodation all carefully designed to facilitate easy access and manoeuvre throughout are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.

Severn Trent Water Authority-

No response received. Any subsequent response will be updated at the meeting.

One letter of representation has been received from a local resident. The comments related to brick at the base of the boundary wall adjacent to the entrance from Bullpit Road. The bricks in question are four number in total and are inscribed T.S, A.S with the two below having 1824 inscribed.

Comments of the Business Manager

Principle of development

The LPA is well advanced in the process of a plan review with examination taking place in February 2018. For the avoidance of doubt the Council considers that it has a 5 year housing land supply against the only objectively assessed need (OAN) available and produced independently by consultants and colleague Authorities. Therefore for the purposes of decision making, the Development Plan is considered to be up to date.

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. Balderton falls within the Newark Urban Area and is the sub-regional centre. Policy SP2 seeks to direct 70% of housing growth to this area. Therefore the principle of developing the site for residential use is considered to be acceptable subject to an assessment of all relevant site specific issues set out below.

Impact upon Visual Amenity and Heritage Assets

Core Policy 9 requires that developments 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 and requires developments make the most efficient use of land at a level suitable to local character. Policy DM5 provides that the district's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals. 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.

Policy CP14 of the Core Strategy 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 or appearance of Conservation Areas. The proposal is located outside of Balderton Conservation Area and has good separation/built form separating the site from the nearby listed buildings at the Parish Church of St Giles and no.9 Bullpit Road. As such it is not considered that there would be any appreciable impacts upon the setting of these heritage assets from the proposal.

The proposal is for a single bungalow property as noted previous situated to the rear of Knott's Court. The locality has a variety of built form with a wide variety of building materials including red and buff brick, render and roofing materials displaying clay, slate and concrete tiles. The proposal is formed by a bungalow property of 8.65m width by 8.54m depth with an eaves height to 2.33m and ridge height of 5.9m. The proposal also has a small gable roof projection to the frontage with a ridge height to 4.3m. The property as proposed is considered to be of an acceptable design and scale to assimilate into the character of the locality. Proposed materials comprise Welford Buff bricks and slate grey Russell Grampian roof tiles which are considered appropriate to the area particularly given the broad spectrum of materials that could potentially be acceptable.

Whilst the proposal represents backland development, given the varied built form of the locality with differing depths of development from road frontages and cul de sac developments it is not considered that there would be a significant impact from the proposal being sited to the rear of Knott's Court. As such the proposal is not considered to be contrary in this respect with Policy DM5.

Overall, it is therefore considered that the proposal would be acceptable in regards to its potential for impact upon the character and form of the locality and would not result in any appreciable impact upon the setting of the heritage assets in the wider area. In this respect the proposal is therefore considered to meet the relevant points in respect to visual and character impacts in accordance with Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the Development Management DPD.

Impact on Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. Indeed 'always seeking to secure a good standard of amenity for existing and future occupants of land and buildings' is one of the 12 core planning principles set out in the NPPF.

The proposal has residential properties to its north, east and south boundaries with a County Council owned Hall to the western boundary. The proposed bungalow is laid out with the main elevations facing toward the east and west. The front (east) elevation has windows serving the kitchen / dining room and second bedroom and would be approximately 16.9m from the rear elevation of 5 - 8 Knott's Court with views potentially achievable (albeit at an oblique angle) from 3 - 4 Knott's Court. This is considered to be at the cusp of acceptability given that this distance is less than the best practice separation distance of 21 metres from main habitable room window to main habitable room window. However, it is noted that the future occupiers would move in with full knowledge of the relationship with existing dwellings. Given this and the off set, notably for the kitchen/dining room, it is not considered that there would be significant impacts of overlooking to such a degree to warrant resistance of the proposal on these grounds.

To the south, the proposed dwelling has only one window opening serving the bathroom. At approximately 10m separation the proposal is not considered to have any significant effect of overlooking in this regard. To the west the proposal has its main living room opening (double doors) and the main bedroom window. At approximately 13.1m to the Hall and with the ability to require suitable boundary treatment it is not considered that this bungalow property would result in a level of overlooking to warrant refusal on these grounds. To the north is a secondary window serving the livingroom. This window would be located approximately 2.2m from the boundary with no.3 Bullpit Road. With the property being single storey it is considered that control of boundary treatments along this boundary would be sufficient to ensure that the proposed dwelling would not result in any significant impacts of overlooking to the neighbouring property at no.3 Bullpit Road.

Given the proposed dwellings are single storey in height, it is not considered that the development would result in overlooking of neighbouring properties subject to appropriate boundary treatment which would be secured by way of condition. With regards to potential for overshadowing or oppressive impacts from the proposal it is considered that given the single storey nature of the dwelling its separation from neighbouring properties and orientation that there would not be effects from overshadowing or oppression to a degree which would warrant refusal on these grounds.

As such, the development is considered to be acceptable in terms of residential amenity and to comply with the above policies and guidance.

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.

The Highways Authority have raised no objection to the proposed development and have requested a condition to secure the proposed parking is provide prior to occupation and retained for this use. The proposal would replace the existing eight garages on the site and therefore would potentially displace the parking provision they provide. However 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 ones 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.

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

Impact on Flooding

Core Policy 9 (Sustainable Design) provides that development should 'through its design, pro-actively manage surface water, where feasible, the use of Sustainable Drainage Systems.' CP10 seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

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 unexpected contamination of the land are noted and shall, along with the content of the required topsoil be controlled by way of condition.

The neighbour comments received in respect of the dated bricks to the base of the wall along the northern boundary are noted. Research has revealed that the bricks in question are likely to have been salvaged from Knott's Court as it was redeveloped into its current layout. As noted earlier is considered prudent to attach a condition to control the boundary treatments of the site and as such it is considered that an informative to this condition can be attached to note that these bricks should be retained in any boundary treatment scheme produced.

Planning Balance and Conclusion

The site is located within Balderton where the principle of development is considered acceptable. The scheme is considered to be on the cusp of acceptability in residential amenity terms, however on balance I am of the view that the impacts would not be so detrimental to warrant refusal of the application. In reaching this view, regard has been given to the fact 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 including the setting of heritage assets (including Listed Buildings) and the character and appearance of the nearby Conservation 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 conditions and reasons shown on the attached recommendation sheet.

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

- Proposed Site Layout - Ref 40860/ID54/003F (Dated 07/07/2017)
- Proposed Plans and Elevations - Ref 40860/ID54/006 (Dated 19/12/2017)
- Proposed Kerbing and Drainage - Drawing Number 100 Revision P03 (received 20.02.2018)

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 part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan, ref. 40860/ID54/003F. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

04

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 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

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.

06

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.

07

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.

08

No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] 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.

Reason: In the interests of residential and visual amenity.

09

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.

Part A: Site Characterisation

An investigation and risk assessment of the unexpected contamination 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.

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.

10

Prior to the importation of any topsoil material the details of validity testing to demonstrate its suitability for use shall be submitted to and approved in writing by the local authority. There after only the approved topsoil material shall be used in developing the site.

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.

11

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).

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).

03

The applicant's attention is drawn to condition 04 in relation to boundary treatments. The existing walling to the northern boundary at the entrance onto Bullpit Road has four date stones from the previous development of Knotts Court. Any boundary treatment proposed should retain these features in situ.

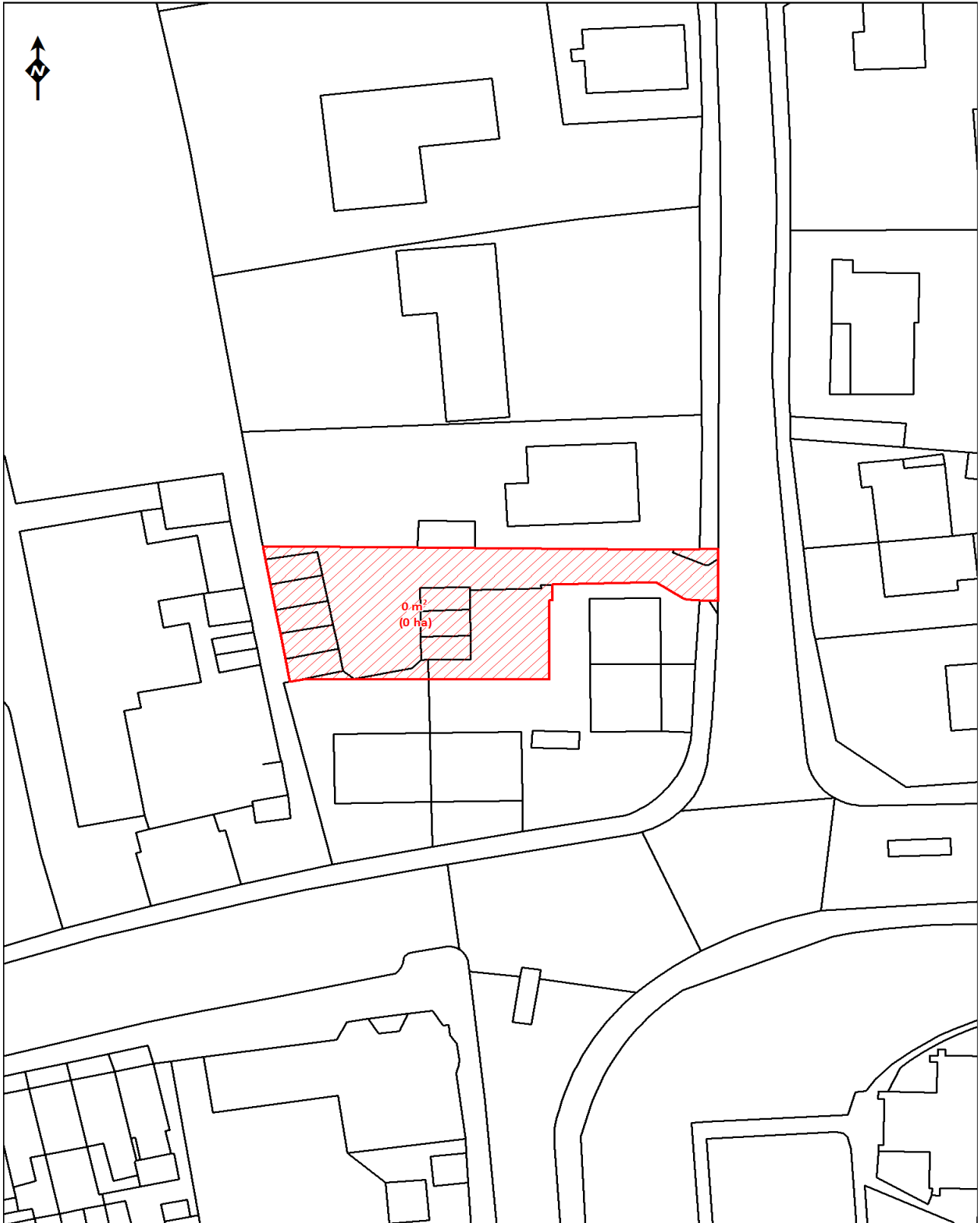
BACKGROUND PAPERS

Application case file.

For further information, please contact Kevin Robinson on ext. 5541.

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

Matt Lamb
Business Manager – Growth & Regeneration



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

Agenda Item 17

PLANNING COMMITTEE – 6 MARCH 2018

AGENDA ITEM NO. 17

Application No:	17/02329/FUL
Proposal:	Householder application for re-modelling of Dairy Shed and addition of a garage
Location:	Church Farm, Main Street, Norwell, Nottinghamshire, NG23 6JN
Applicant:	Mr P McCartin
Registered:	4 January 2018
	Target Date: 1 March 2018
	Extension of time agreed until: 9 March 2018

This application is presented to the Planning Committee at the request of the Ward Member following the concerns raised by Norwell Parish Council.

The Site

Church Farm is an 18th century former farmhouse, group listed with the attached Church Farm Cottage. The site is a long rectangular plot with 2 detached outbuildings, a garden store close to the dwelling and a former milking parlour in the NE corner of the site. The dwelling fronts on to the public highway with an access to the rear via a private driveway to the east, which also serves a modern housing development known as Church Court. The adjoining Church Farm Cottage is located to the west with fields to the north of the site.

Relevant Planning History

17/02330/LBC - Re-modelling of Dairy Shed and addition of a garage (pending consideration)

13/00546/LBC - Demolition of 1970's porch to rear elevation and repairs throughout; new porch canopy, relocate and re-erection of boundary fence & new entrance gate. Internal and external alterations to include new windows, conversion of attached outbuildings and internal re-configuration (permitted 28.06.2013)

11/00728/LBC - Demolition of rear porch, installation of traditional horizontal sash window, repairs to brickwork, installation of 2 no. conservation rooflights to rear roof slope and various internal alterations (permitted 05.07.2011)

10/00903/LBC - General overall restoration and repair to all structural parts of the buildings including windows and doors, the removal of four tiled surround fireplaces and insertion of 2 conservation rooflights to the rear elevation (permitted 27.09.2010)

03/00702/LBC & 03/00703/FUL - Proposed three dwellings, barn conversion to form a dwelling, conversion of cart shed to a garage. Demolition of existing buildings (permitted 23.06.2003)

The Proposal

The proposal seeks consent for alterations to the existing milking parlour to create a garden room and along with an extension to this building to create a garage and office.

The extension will measure 10.8m in length, 6.5m in width and 4.8m in ridge height. It is proposed that the garage will be constructed of brick and slate with timber doors and windows.

The garage would be connected to the milking parlour by a glazed link measuring 1.5m in length, 3.4m in width and 2.6m in height and will be constructed with a flat roof and aluminium-framed glazing.

To the southern elevation of the proposed garage, a mower store and log store are proposed, measuring 3.3m in length, 4.2m in width and will have a mono-pitched roof with a ridge height of 2.9m. This addition will be constructed of brick and pantiles.

The alterations to the milking parlour include the partial removal of the existing frontage between the bays and infilling with black-stained timber cladding, retile the roof using existing roof tiles where possible and reclaimed tiles, reinstatement of timber posts between bays, a new glazed opening in the northern and western elevations and the installation of a log burner. The installation of 2no. rooflights in the western roofslope are also proposed.

The application has been amended during the course of the application to address concerns raised by the internal Conservation Officer. This report and recommendation therefore relates to amended plans received on 12th February 2018.

Public Advertisement Procedure

Occupiers of 6 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)

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM5: Design

Policy DM6: Householder Development

Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Conversion of Traditional Rural Buildings SPD 2014

Consultations

Norwell Parish Council – *object to the proposals on the following grounds:*

1. *The alterations to the existing buildings are so significant as to amount to the creation of a new separate development on the site*

2. *The new garage will have a significant visual impact and is out of character with the surrounding area.*

NSDC Environmental Health Officer – No comments received to date

NSDC Conservation Officer – No objection following amended plans (detailed comments included within the appraisal)

In addition to the above, **a letter has been received from a third party raising objection** to the proposal for the following reasons:

- The design will dominate the western end of Church Court which would result in the loss of the open aspect currently enjoyed
- Issues of safety for Church Court when vehicles enter/leave the garage
- Garage would result in the loss of driveway currently used by all properties that share it
- the introduction of the garage would restrict parking availability along the drive
- Issues relating to land ownership along the private drive leading to Church Court.

Comments of the Business Manager

Principle of Development

Policy DM6 accepts householder development subject to an assessment of numerous factors including that the proposal respects the character of the dwelling and surrounding area, as well as protects the amenity of neighbouring residents.

As the site lies within the Conservation Area for Norwell, and the works relate to a Grade II Listed Building, 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 setting of the Conservation Area and preserve the appearance of important historical buildings.

Impact on the Character of the Area

The NPPF states that good design is a key aspect of sustainable development. Core Policy 9 and Policy DM6 of the DPD require new development to 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. Additionally, Policy DM9 of the DPD and Core Policy 14 of the Core Strategy require applications to at a minimum preserve the character and appearance of conversation areas.

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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 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.

Section 72 of the Act, requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. Furthermore 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.

Turning first to the proposed alterations to the milking parlour, these have been accepted in principle but have been altered to reflect suggestions made by the internal Conservation Officer. For reference, the initial comments received from the Conservation Officer are detailed below,

I welcome the reinstatement of the three bay layout of this building, the historic form of which can still be read in the surviving pad stones. While noting this will radically alter the building's current appearance, I feel it will be a more traditional restoration of this elevation, revealing what was once a cart shed.

I do however have objections about some of the other proposed glazed elements. I note the existing north and rear elevations are blank, which is typical for a cart shed where the openings are usually on one side only. It is unfortunate here that the proposed conversion requires these naturally large openings to be blocked but I am sympathetic to the fact they look otherwise look out onto a shared driveway. In accepting that there will need to be some new openings to bring this building forward for re-use, on balance, I have no objection to the proposed central bay of glazing on the garden facing elevation.

However, I do object to the proposed treatment of the gable of this historic farm building, which sees a fully glazed treatment right into the ridge and verge, creating an appearance and character quite unlike the simple rural outbuilding it is. While I am sympathetic to their desire to maximise views of the countryside beyond, this could be achieved by a much more modest opening, which when installed would not look out of character on a former agricultural building. As such I would suggest a cart shed style opening, either of a segmental brick arch or a sturdy timber lintel, with a simple glazed treatment.

The north-facing gable has been amended to reduce the level of glazing introduced on this elevation and following this, the Conservation officer has raised no objection to the scheme. I would concur with this conclusion, although I would consider it appropriate to condition materials and joinery details to ensure the alterations are appropriate for the historic status of the building and surrounding area.

With regards to the proposed extension to form a garage, I am mindful that the extension is fairly significant in footprint, however it is my view that the site can accommodate this size of structure without resulting in the overdevelopment of the plot. Further to this, the ridge height of the extension will remain subservient to the milking parlour, reducing the overall dominance of the structure within the site and the surrounding area. I am mindful that the garage will be visible from the public realm when stood at the entrance to Church Court, and it will perhaps be more visible owing to the slight increase in land levels up to the proposed location for the garage.

However, owing to the subservient scale and appropriate design of the proposal, I take the view that the garage is unlikely to be overly prominent and therefore will not have an adverse impact upon the Conservation Area. I also note that an existing modern outbuilding (of which I cannot find any planning history for) is proposed to be removed which will be a benefit for the site as it does not reference the historic building and will reduce clutter within the site.

An objection was received during the public consultation exercise regarding the loss of open views currently afforded to Church Court. Having visited the site, I note that these neighbouring properties currently have a largely undisturbed view across to Fauna Follies to the west of Church Farm Cottage, however I would not agree that this is a particularly 'open' view given that there are built structures within close proximity. As such, I am of the view that the introduction of additional built form is not likely to have an adverse impact upon these views or character of the area.

In terms of the impact upon the listed building, the internal Conservation Officer has provided the following comments on the garage,

I have no objection to the principle of creating a new garage structure. I note this is located between the house and former dairy outbuilding, so reads as part of the domestic curtilage of the site and avoids any sprawl into the countryside. While it is to be placed on currently open garden land, it is a very traditional arrangement to see long thin ranges of outbuildings leading out behind traditional cottages and farmhouses. The new garage is read within the built form of the village and at this scale and position is not, in my opinion, an overly intense use of the site or out of character.

I have no objection to the proposed design of this new garage, which is like a simple outbuilding in form and character, with materials that accord with the host building and wider area. While I note it has a wider gable than the milking parlour, I note that the eaves and ridge are set below those of the milking parlour and the roof pitch is comparable. I also note it has been arranged gable end onto the plot, which is a traditional arrangement for outbuildings and mirrors the milking parlour. Overall the form is appropriate and does not dominate the main house or historic outbuilding. While side hung outward opening garage doors are my preference aesthetically, if these create visibility or safety issues then I would accept an up and over garage door but this should have the appearance of a simple plank door when shut. I have no objection to the small lean-to element to this new build garage, which is a fairly traditional style add-on for small stores.

In addition to the above, the Conservation Officer also assessed the small glazed link extension connecting the garage to the milking parlour. Following concerns raised by the Conservation Officer, this has been amended to reduce the overall scale to reduce the visual impact; the amendments are now supported by Conservation and I would concur with their assessment.

Aside from the above, I note the Parish Council's concerns with regards to the development amounting to a separate development within the site, which I assume means the likelihood of a new dwelling within the site. The application submitted shows accommodation incidental to the host dwelling and the LPA must take the applicant's proposal in good faith and on face value that this is their intention. I note that the resultant footprint of the two buildings could amount to the size of an independent dwelling, however this is not what the applicant has applied for and in any event, it is likely that the LPA would raise concerns with regards to heritage, parking and amenity should any independent building be proposed in the future. Furthermore, as stated above, the extension is considered subservient to the host building. It is therefore considered that the Parish's concerns would not substantiate a reason for refusal in this instance.

On the basis of the above, I am satisfied that the proposal is not likely to have an adverse impact upon the Norwell Conservation Area nor the integrity of the Listed Building in terms of design in accordance with Policies CP9 and CP14 of the Core Strategy, Policies DM6 and DM9 of the DPD and Section 12 of the NPPF. I would however recommend that conditions relating to materials and joinery details are conditioned should Members be minded to approve the application.

Impact on Residential Amenity

Policy DM6 of the ADMDPD states planning permission will be granted for householder development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light or over-bearing impacts.

The existing milking parlour and proposed garage will be located away immediate boundaries with neighbouring properties, separated from the nearest neighbouring property (1 Church Court) by approximately 8m. I consider this distance to be sufficient to limit any loss of light or overbearing impacts. Furthermore, only one window is proposed to the eastern elevation overlooking the driveway; this will serving the office store and will provide no more overlooking than the windows currently installed in the milking parlour (which are proposed to be removed as part of the development). As this room will not be primary living accommodation, I am of the view that the neighbour's privacy is unlikely to be adversely affected.

The letter of objection received during the public consultation period refers to 'amenity space' for parking afforded to users of the driveway. This is a land ownership issue and therefore out of the control of the LPA; the garage will open up on to the shared driveway but once the doors are closed, there would be no encroachment of development on to this shared access. It is noted that the local resident feels there would be a loss of parking spaces along the driveway but looking at the properties served by the driveway, they all appear to have parking available within their respective curtilages and therefore this additional parking could be considered to be a benefit for these properties, rather than formal parking spaces.

On the basis of the above, I am satisfied that the proposal is unlikely to have any undue impact upon neighbour amenity in accordance with Policy DM6 of the DPD.

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.

As noted above, I am mindful of comments received regarding parking arrangements for Church Court and have concluded that the proposal is not considered to affect the formal parking allocated to the properties served by this access to the east of the site.

Issues regarding highway safety have also been raised and I have consulted the Highway Authority on this issue, although at the time of writing this report, they have not responded. However, the Highway Authority have recently issued standing advice guidance for the LPA and taking lead from this guidance, development that would not result in a new or alteration to an existing vehicular access on to a street, encroach into the public highway or compromise local parking standards is unlikely to raise a highway objection. The proposal would not result in a change in access or encroachment on to Main Street and there would be sufficient turning area available within the

shared driveway in accordance with the standing advice. Additionally, the proposal is an addition to an existing dwelling and therefore I would not expect there to be any significant increase in vehicular activity along the driveway associated with Church Farm, particularly as they already use this driveway for parking and for access to additional land also within the applicant's ownership to the rear of the site.

On the basis of the above, I am satisfied that the proposal will not have an adverse impact upon highway safety.

Conclusion and Planning Balance

The application seeks to make alterations to the existing milking parlour within the curtilage of the Grade II Listed Church Farm, along with the extension of this milking parlour to create a garage, office, mower store and log store.

Having assessed the proposal, it is concluded that whilst the addition to the milking parlour is substantial, it will remain a subservient addition to the milking parlour and the host dwelling, with no adverse impact to the listed building or the character and appearance of the Conservation Area, in part due to the traditional design and materials proposed. These materials, along with joinery details and repair works, should be conditioned to enable the LPA control over the final appearance of the development, should Members be minded to approve the application.

In terms of amenity and highway safety, concerns have been raised during the public consultation period, however in assessing the application it is concluded that there is sufficient distance between the milking parlour/garage to ensure there are no adverse impacts upon neighbour amenity, whilst it is considered that highway safety will not be compromised; comments regarding parking have been noted, however the issues raised would appear to be civil matters relating to the use of the shared driveway of which the LPA have no control over.

It is therefore recommended to Members that, subject to conditions, the application accords with local and national planning policy and should therefore be approved.

RECOMMENDATION

That full planning permission is granted, 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 plan references;

- Location Plan – PL01 Rev.A
- Proposed Garage – PL03 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

No development shall be commenced until precise 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
- Roofing tiles
- Cladding

Reason: To preserve the special architectural and historic interest of the listed building.

04

No development shall be commenced until such time as a brick sample panel showing brick bond, mortar and pointing technique has been provided on site for inspection and agreed in writing by the Local Planning Authority. Development thereafter shall be carried out only in accordance with the agreed details.

Reason: To preserve the special architectural and historic interest of the listed building.

05

Mortar for the purposes of re-pointing shall be carried out using hydraulic lime or lime putty. The sand mix, colour, texture and pointing finish shall match as closely as possible the historic pointing found elsewhere on the building.

Reason: To preserve the special architectural and historic interest of the listed building.

06

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 windows, doors and their immediate surroundings, including details of glazing and glazing bars.
- Treatment of window and door heads and cills
- Verges and eaves
- Rainwater goods
- Coping
- Extractor vents
- Flues
- Meter boxes
- Airbricks
- Soil and vent pipes

Reason: In order to safeguard the special architectural or historical appearance of the building.

07

Should any repointing be required to the milking parlour, no development shall be commenced in respect of the repointing until details of the extent of the re-pointing of the building, along with details of the mortar to be used, have been submitted to and agreed in writing by the local planning authority. The raking out of loose mortar for the purpose of re-pointing shall be carried out by tools held in the hand and not by power-driven tools. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

08

No development shall be commenced until a methodology, including a full schedule of works, for undertaking repair works for the milking parlour 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 application.

Reason: To safeguard the special architectural and historic interest of the building.

Notes to Applicant

01

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. 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).

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 gross internal area of new build is less 100 square metres.

BACKGROUND PAPERS

Application case file.

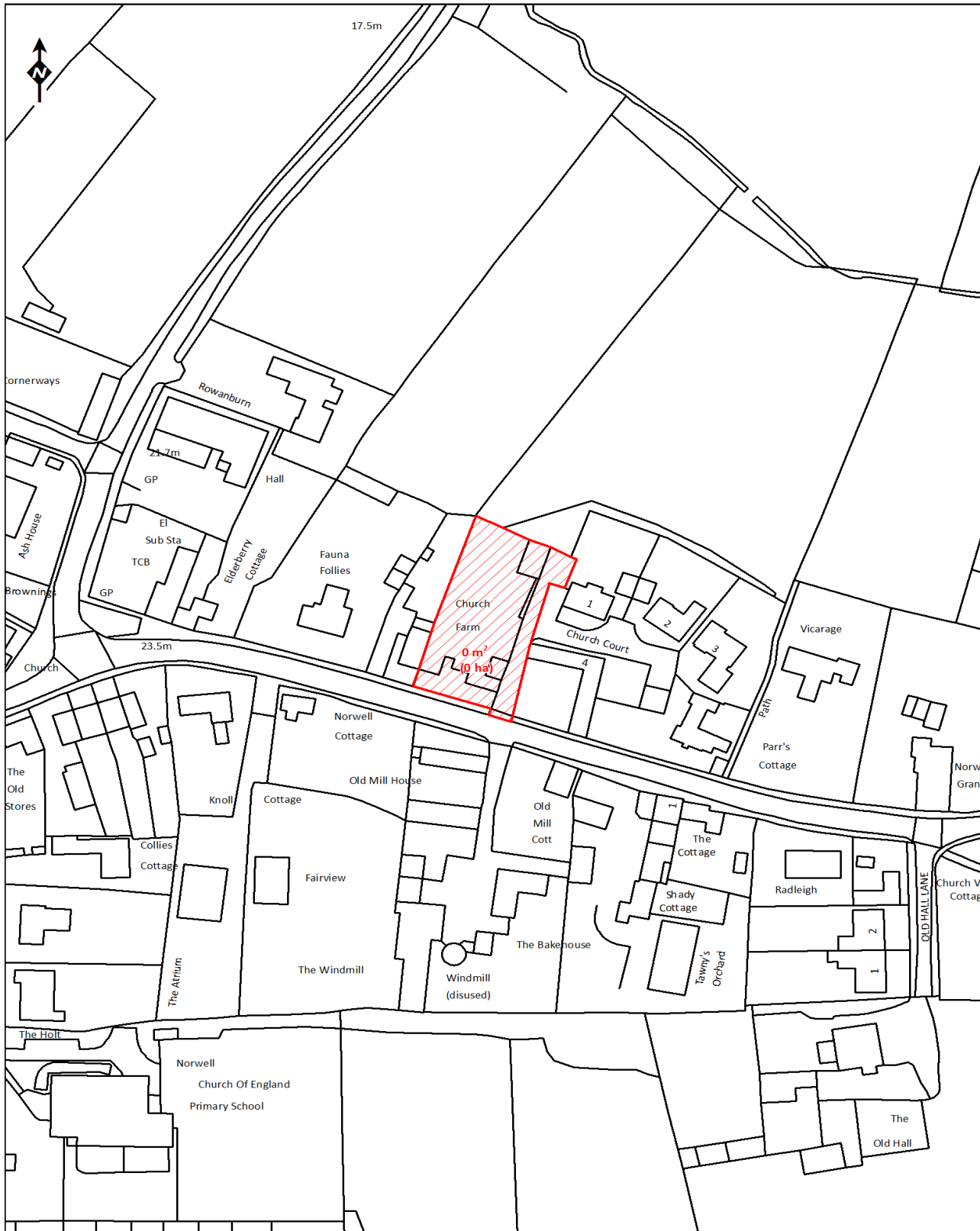
For further information, please contact Nicolla Ellis on ext 5833.

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

Matt Lamb

Business Manager – Growth & Regeneration

Committee Plan - 17/02329/FUL



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

Agenda Item 18

PLANNING COMMITTEE – 6 MARCH 2018

AGENDA ITEM NO. 18

Application No:	17/02330/LBC
Proposal:	Re-modelling of Dairy Shed and addition of a garage
Location:	Church Farm, Main Street, Norwell, Nottinghamshire, NG23 6JN
Applicant:	Mr P McCartin
Registered:	4 January 2018
	Target Date: 1 March 2018
	Extension of time agreed until: 9 March 2018

This application is presented to the Planning Committee at the request of the Ward Member following the concerns raised by Norwell Parish Council.

The Site

Church Farm is an 18th century former farmhouse, group listed with the attached Church Farm Cottage. The site is a long rectangular plot with 2 detached outbuildings, a garden store close to the dwelling and a former milking parlour in the NE corner of the site. The dwelling fronts on to the public highway with an access to the rear via a private driveway to the east, which also serves a modern housing development known as Church Court. The adjoining Church Farm Cottage is located to the west with fields to the north of the site.

Relevant Planning History

17/02329/FUL – Householder application for the re-modelling of dairy shed and addition of a garage (pending consideration)

13/00546/LBC - Demolition of 1970's porch to rear elevation and repairs throughout; new porch canopy, relocate and re-erection of boundary fence & new entrance gate. Internal and external alterations to include new windows, conversion of attached outbuildings and internal re-configuration (permitted 28.06.2013)

11/00728/LBC - Demolition of rear porch, installation of traditional horizontal sash window, repairs to brickwork, installation of 2 no. conservation rooflights to rear roof slope and various internal alterations (permitted 05.07.2011)

10/00903/LBC - General overall restoration and repair to all structural parts of the buildings including windows and doors, the removal of four tiled surround fireplaces and insertion of 2 conservation rooflights to the rear elevation (permitted 27.09.2010)

03/00702/LBC & 03/00703/FUL - Proposed three dwellings, barn conversion to form a dwelling, conversion of cart shed to a garage. Demolition of existing buildings (permitted 23.06.2003)

The Proposal

The proposal seeks consent for alterations to the existing milking parlour to create a garden room and along with an extension to this building to create a garage and office.

The extension will measure 10.8m in length, 6.5m in width and 4.8m in ridge height. It is proposed that the garage will be constructed of brick and slate with timber doors and windows.

The garage would be connected to the milking parlour by a glazed link measuring 1.5m in length, 3.4m in width and 2.6m in height and will be constructed with a flat roof and aluminium-framed glazing.

To the southern elevation of the proposed garage, a mower store and log store are proposed, measuring 3.3m in length, 4.2m in width and will have a mono-pitched roof with a ridge height of 2.9m. This addition will be constructed of brick and pantiles.

The alterations to the milking parlour include the partial removal of the existing frontage between the bays and infilling with black-stained timber cladding, retile the roof using existing roof tiles where possible and reclaimed tiles, reinstatement of timber posts between bays, a new glazed opening in the northern and western elevations and the installation of a log burner. The installation of 2no. rooflights in the western roofslope are also proposed.

The application has been amended during the course of the application to address concerns raised by the internal Conservation Officer. This report and recommendation therefore relates to amended plans received on 12th February 2018.

Consent was originally also sort for rooflights within a rear projection from the main dwelling, however following an objection from Conservation, these rooflights have been deleted from the scheme, as confirmed in writing by the applicant's agent on 12th February 2018.

Public Advertisement Procedure

Occupiers of 7 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 Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and take into account the following other material considerations:

- *National Planning Policy Framework (NPPF) Adopted March 2012*
- *Planning Practice Guidance (PPG) published April 2014*
- *Historic England's Good Practice Advice Note 2 – Managing Significance in Decision Taking in the Historic Environment*
- *Historic England Advice Note 2 – Making Changes to Heritage Assets*

Consultations

Norwell Parish Council – *object to the proposals on the following grounds:*

1. *The alterations to the existing buildings are so significant as to amount to the creation of a new separate development on the site*
2. *The new garage will have a significant visual impact and is out of character with the surrounding area.*

NSDC Conservation Officer – No objection following amended plans (detailed comments included within the appraisal)

In addition to the above, a letter has been received from a third party raising objection to the proposal for the following reasons:

- The design will dominate the western end of Church Court which would result in the loss of the open aspect currently enjoyed
- Issues of safety for Church Court when vehicles enter/leave the garage
- Garage would result in the loss of driveway currently used by all properties that share it
- the introduction of the garage would restrict parking availability along the drive
- Issues relating to land ownership along the private drive leading to Church Court.

Comments of the Business Manager

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Turning first to the proposed alterations to the milking parlour, these have been accepted in principle but have been altered to reflect suggestions made by the internal Conservation Officer. For reference, the initial comments received from the Conservation Officer are detailed below,

I welcome the reinstatement of the three bay layout of this building, the historic form of which can still be read in the surviving pad stones. While noting this will radically alter the building's current appearance, I feel it will be a more traditional restoration of this elevation, revealing what was once a cart shed.

I do however have objections about some of the other proposed glazed elements. I note the existing north and rear elevations are blank, which is typical for a cart shed where the openings are usually on one side only. It is unfortunate here that the proposed conversion requires these naturally large openings to be blocked but I am sympathetic to the fact they look otherwise look out onto a shared driveway. In accepting that there will need to be some new openings to bring this building forward for re-use, on balance, I have no objection to the proposed central bay of glazing on the garden facing elevation.

However, I do object to the proposed treatment of the gable of this historic farm building, which sees a fully glazed treatment right into the ridge and verge, creating an appearance and character quite unlike the simple rural outbuilding it is. While I am sympathetic to their desire to maximise views of the countryside beyond, this could be achieved by a much more modest opening, which when installed would not look out of character on a former agricultural building. As such I would suggest a cart shed style opening, either of a segmental brick arch or a sturdy timber lintel, with a simple glazed treatment.

The north-facing gable has been amended to reduce the level of glazing introduced on this elevation and following this, the Conservation officer has raised no objection to the scheme. I would concur with this conclusion, although I would consider it appropriate to condition materials and joinery details to ensure the alterations are appropriate for the historic status of the building.

With regards to the proposed extension to form a garage, the internal Conservation Officer has provided the following comments on the garage,

I have no objection to the principle of creating a new garage structure. I note this is located between the house and former dairy outbuilding, so reads as part of the domestic curtilage of the site and avoids any sprawl into the countryside. While it is to be placed on currently open garden land, it is a very traditional arrangement to see long thin ranges of outbuildings leading out behind traditional cottages and farmhouses. The new garage is read within the built form of the village and at this scale and position is not, in my opinion, an overly intense use of the site or out of character.

I have no objection to the proposed design of this new garage, which is like a simple outbuilding in form and character, with materials that accord with the host building and wider area. While I note it has a wider gable than the milking parlour, I note that the eaves and ridge are set below those of the milking parlour and the roof pitch is comparable. I also note it has been arranged gable end onto the plot, which is a traditional arrangement for outbuildings and mirrors the milking parlour. Overall the form is appropriate and does not dominate the main house or historic outbuilding. While side hung outward opening garage doors are my preference aesthetically, if these create visibility or safety issues then I would accept an up and over garage door but this should have the appearance of a simple plank door when shut. I have no objection to the small lean-to element to this new build garage, which is a fairly traditional style add-on for small stores.

In addition to the above, the Conservation Officer also assessed the small glazed link extension connecting the garage to the milking parlour. Following concerns raised by the Conservation Officer, this has been amended to reduce the overall scale to reduce the visual impact; the amendments are now supported by Conservation and I would concur with their assessment.

The application also proposes the demolition of an existing garden store located close to the dwelling. There is no objection to the loss of this building from Conservation. This does have areas of historic brick, but has been very altered in form and is now mostly modern blockwork. Despite the historic brickwork the current appearance of the building detracts from the setting of the listed cottage and wider area and its demolition is therefore acceptable. I do not think there is need for any further recording beyond that already done with these applications as the building has little of interest to specifically record.

On the basis of the above, it is considered that the proposals are unlikely to impact upon the integrity of the listed building and as such it is recommended to Members that listed building consent is granted for the proposal, subject to conditions.

Other Matters

I note the Parish Council's concerns with regards to the development amounting to a separate development within the site along with a local resident's concerns with regards to parking and highway safety. These issues have been addressed as part of the assessment of the associated full planning application (17/02329/FUL). These issues are not something which can be considered under a listed building consent application.

RECOMMENDATION

That listed building consent is granted, subject to the following conditions,

Conditions

01

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

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

02

The works hereby permitted shall not be carried out except in complete accordance with the following plan references;

- Location Plan – PL01 Rev.A
- Proposed Garage – PL03 Rev.A

unless otherwise agreed in writing by the local planning authority through a new listed building consent application.

Reason: So as to define this permission.

03

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

- Facing materials
- Roofing tiles
- Cladding

Reason: To preserve the special architectural and historic interest of the listed building.

04

No works shall be commenced until such time as a brick sample panel showing brick bond, mortar and pointing technique has been provided on site for inspection and agreed in writing by the Local Planning Authority. Works thereafter shall be carried out only in accordance with the agreed details.

Reason: To preserve the special architectural and historic interest of the listed building.

05

Mortar for the purposes of re-pointing shall be carried out using hydraulic lime or lime putty. The sand mix, colour, texture and pointing finish shall match as closely as possible the historic pointing found elsewhere on the building.

Reason: To preserve the special architectural and historic interest of the listed building.

06

No works 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. Works shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.
- Treatment of window and door heads and cills
- Verges and eaves
- Rainwater goods
- Coping
- Extractor vents
- Flues
- Meter boxes
- Airbricks
- Soil and vent pipes

Reason: In order to safeguard the special architectural or historical appearance of the building.

07

Should any repointing be required to the milking parlour, no works shall be commenced in respect of the repointing until details of the extent of the re-pointing of the building, along with details of the mortar to be used, have been submitted to and agreed in writing by the local planning authority. The raking out of loose mortar for the purpose of re-pointing shall be carried out by tools held in the hand and not by power-driven tools. Works shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

08

No works shall be commenced until a methodology, including a full schedule of works, for undertaking repair works for the milking parlour has been submitted to and approved in writing by the local planning authority. Works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning application.

Reason: To safeguard the special architectural and historic interest of the building.

Notes to Applicant

01

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. 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).

02

For the avoidance of doubt, the rooflights shown on plan reference PL04 (Alterations to Farmhouse), submitted with the application, are not approved as part of this listed building consent.

BACKGROUND PAPERS

Application case file.

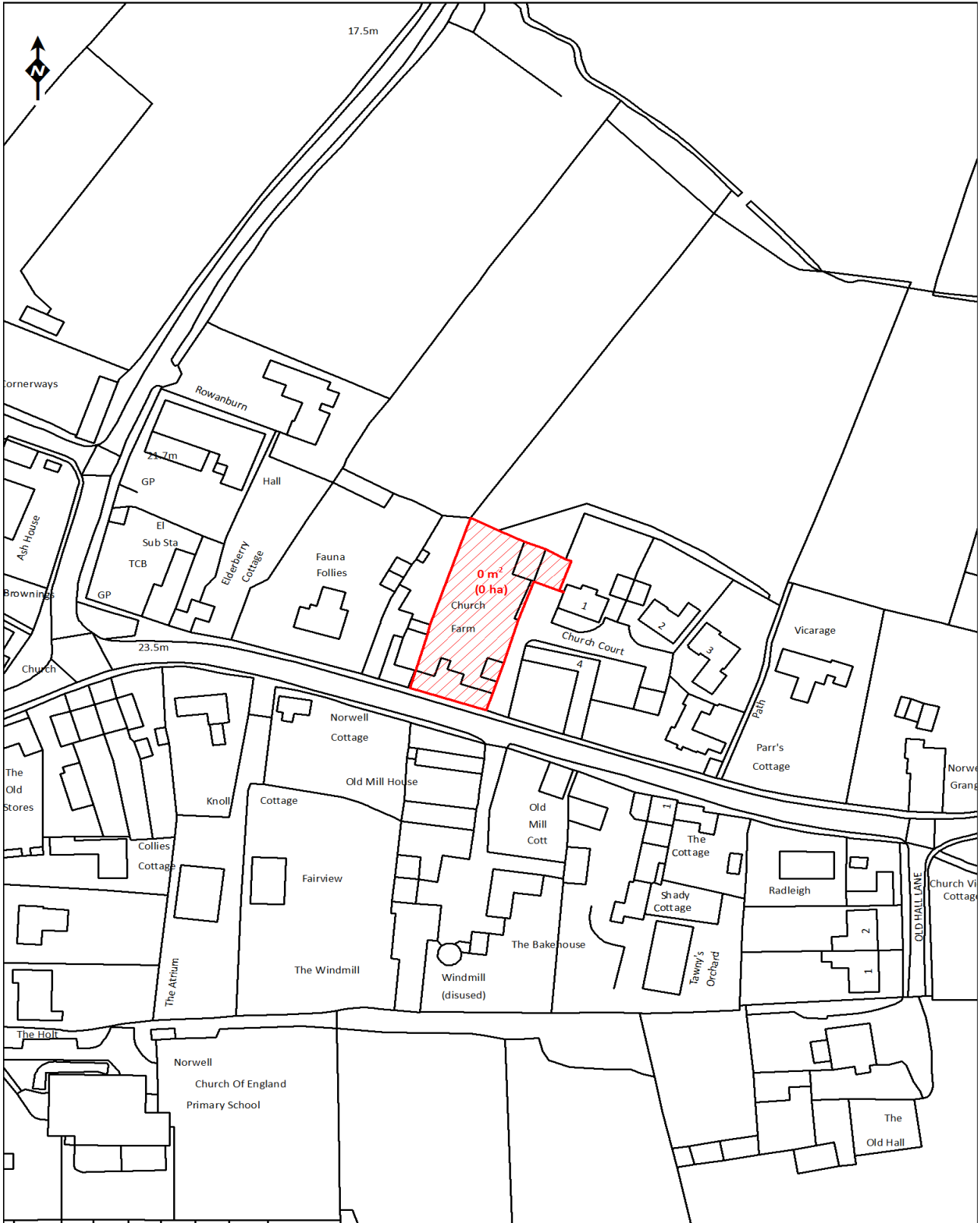
For further information, please contact Nicolla Ellis on ext 5833.

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

Matt Lamb

Business Manager – Growth & Regeneration

Committee Plan - 17/02330/LBC



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

Agenda Item 19

PLANNING COMMITTEE – 6 MARCH 2018

AGENDA ITEM NO. 19

Application No:	18/00030/FUL	
Proposal:	Residential annexe in the garden of Holly Cottage	
Location:	Holly Cottage, Fiskerton Road, Brinkley, Nottinghamshire, NG25 0TP	
Applicant:	Mr & Mrs P Ottewell	
Registered:	8 January 2018	Target Date: 5 March 2018

The application is reported to Committee as a previous planning application (ref. 17/01443/FUL) for an annexe within the garden of Holly Cottage was refused by Members in November 2017.

The Site

The proposal site is located outside of the main built up area of Southwell within the hamlet of Brinkley. The site is part of a cluster of buildings formerly associated with Brinkley Hall Farm, a Grade II Listed Building. The proposed site for the annexe is to the eastern end of the rear garden associated with Holly Cottage which shares its southern and western boundary with Quercus Cottage. The site is well-screened to the north but remains largely open to the east and south, as well as with the adjacent neighbour.

Relevant Planning History

17/01443/FUL - Residential annexe in the garden of Holly Cottage (refused 09.11.2017). This application was refused for refused for the following reason:

Whilst promoted as an annex, the Local Planning Authority does not consider the proposal could reasonably be considered as such given the level of accommodation, the scale of the building in terms of footprint and its siting relative to the host dwelling. In the opinion of the local planning authority, the proposal would introduce a new independent dwelling within the open countryside where development is strictly controlled by Policy DM8 of the Allocations and Development Management DPD and Paragraph 55 of the NPPF, a material planning consideration. The proposal does not meet the exceptions for new rural dwellings outlined within either policy document and is therefore inappropriate development in the open countryside. There is no justification which would outweigh this harm.

07/01137/FUL - Demolition of existing single storey extension and erection of new two storey extension to existing single storey dwelling house (permitted 27.11.2007). Permitted development rights were removed as part of this permission.

56881521 - Change of use from office/ store to residential 2 bedroom bungalow (permitted 23.01.1989)

The Proposal

The proposal seeks planning permission for the erection of a single storey residential annexe within the grounds of Holly Cottage. The proposed annexe would measure 10.5m in length, 6m in depth and 4.5m in ridge height and would accommodate a living area, bedroom, lobby and bathroom.

The proposed annexe would be constructed of brick and timber cladding along with a pantile roof. Joinery is proposed to be timber.

Access to the proposed annexe would be via the existing parking area for Holly Cottage, Ivy Cottage and Quercus Cottage as well as a footpath from Holly Cottage.

The proposal has been reduced in scale and sited closer to the host dwelling during the process of this application following concerns raised by the Case Officer. These amendments have resulted in a reduction in footprint from approximately 74m² to 63m², a reduction in height of 0.5m and relocation 4m closer to the principal dwelling. These amendments are reflected in plans received on 12th February 2018 and this report and recommendation relates to these revised plans.

Departure/Public Advertisement Procedure

Occupiers of 5 properties have been individually notified by letter. A site notice has also been posted close to the site and an advert placed in the local press.

Relevant Planning Policies

The Development Plan

Newark and Sherwood Core Strategy Adopted March 2011

Policies relevant to this application:

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 9: Sustainable design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 14: Historic Environment

Allocations and Development Management DPD Adopted July 2013

Policies relevant to this application:

DM1: Development within settlements central to delivering the spatial strategy

DM5: Design

DM6: Householder Development

DM8: Development within the Open Countryside

Policy DM9: Protecting and Enhancing the Historic Environment

DM12: Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Householder Development Supplementary Planning Document 2014

Consultations

Southwell Town Council – Support the proposal.

NCC Highways – Standing advice applies.

NSDC Access & Equalities Officer – It is recommended that the developer make separate enquiry regarding Building Regulations matters.

NSDC Conservation Officer – *Brinkley Hall Farmhouse and associated barns are Grade II listed. The listed farmhouse and barns date to the late 18th century. The proposal is located in proximity to the listed buildings and is therefore capable of affecting their setting.*

We provided advice on a similar proposal last year, albeit for a different design (ref 17/01443/FUL).

Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority (LPA) to have special regard to the desirability of preserving listed buildings, including their setting. In this context, 'preservation' means to cause no harm and is a matter of paramount concern in the decision-making process.

Policies CP14 and DM9 of the Council's LDF DPDs seek to protect the historic environment and ensure that heritage assets are considered in a way that best sustains their significance. Overall, the key issues to consider in proposals for additions to heritage assets, including new development within their setting, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The National Planning Policy Framework (NPPF) makes it clear that new sustainable development should protect and enhance the historic environment (paragraph 7). LPAs should also look for opportunities to enhance or better reveal the significance of heritage assets when considering development within the setting of heritage assets (paragraph 137). Paragraph 132 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 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 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. Setting is often more extensive than the curtilage of a heritage asset. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to

visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, LPAs may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its on-going conservation.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Assessment of proposal

The proposed annex takes the form of a traditional brick and pantile type outbuilding, with simple fenestration and a distinctive glazed gable on the east end. The footprint of the annex has been reduced from the previous application.

At pre-application stage, we advised that Conservation would be unlikely to object to the proposal. It is felt that the simple traditional form of the structure and its subservient relationship to the original farmstead ensure that it causes no harm to the historic environment in this case. It is also acknowledged that the former farmstead has been fragmented into separate residential units, with domesticated areas noticeably altering its historic setting. In this context, it is felt that the proposal will cause no harm to the setting of the listed buildings.

Subject to the precise details of the external facing materials, Conservation has no objection to the proposed annex.

Southwell Civic Society – No objection to the proposal

Severn Trent Water – No comments received

Anglian Water – No comments received

Lead Local Flood Risk Authority – *Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.*

As a general guide the following points are recommended for all developments:

- 1. The development should not increase flood risk to existing properties or put the development at risk of flooding.*
- 2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.*

3. *SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.*
4. *Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.*

Trent Valley Internal Drainage Board – No objection to the proposal

Environment Agency – *We are no longer commenting surface water drainage as this responsibility has transferred to the Lead Local Flood Authority.*

No other letters of representation have been received.

Comments of the Business Manager

Principle of Development

The application seeks to erect an annexe in the rear garden of Holly Cottage for family members to occupy. The Council's SPD for householder development states that *'where an annexe includes all of the primary aspects of accommodation (bedroom/ living room, kitchen and bathroom) and the unit could be, or is being, lived in separately with limited or no relationship to the host dwelling either through a family member or the level of accommodation then it will be considered as a new dwelling and so not householder development. Accordingly full planning permission for a new dwelling would be required with relevant policies of the development plan being applied in its consideration.'* The proposal seeks to rely upon the host dwelling for kitchen facilities and therefore I take that view that the proposal could be considered to be ancillary to the host dwelling, providing a minimal level of accommodation expected for annexe proposals.

I am mindful that there is sufficient space for a kitchen could be added at a later stage without requiring consent from the local planning authority, however I must take the applicant's proposal in good faith. The size of the proposed annexe is also subordinate to the existing dwelling and located close to the main dwelling itself. The existing site access and garden area would be shared. This would make it more difficult for the proposed dwelling to be used a separate dwelling in the future. Furthermore, the purpose of the annexe is to provide living accommodation for the current occupiers of Holly Cottage so that their daughter can move into the host dwelling to provide assistance as the current occupiers get older. As such, there is no reason to doubt the proposed functional link between the two buildings and that the proposed annex would be ancillary to the use of the main house. This can be secured by way of a planning condition to provide clarity.

The site is located within open countryside and as such, I feel it is prudent to mention the issues surrounding the application were it to be considered as an independent dwelling or separate planning unit. Policy DM8 of the DPD covers Open Countryside development and it does allow for new dwellings but only where it can be demonstrated *'they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.'* This is reflected within the NPPF under Paragraph 55 which states that that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances (paragraph 55) such as;

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

In this instance, and as concluded with the previous submission, I would not consider the proposal to fit with the guidance above as the building is not proposed to be occupied by someone in connection with a rural worker, nor would it represent a viable use of a heritage asset, the re-use of a building or of exceptional or innovative design.

As such, this revised proposal is only now considered to be acceptable due to the ancillary nature in both physical and functional terms of the development now proposed. For the awareness of Members, the previous submission proposed an annexe approximately 40% larger than that now proposed, along with a greater level of accommodation, including a kitchen, study and utility room. The annexe was also located some 17m further from Holly Cottage than is now proposed.

Impact upon Character of the Area

In accordance with Policy DM5 of the DPD, new development should respect the rich local distinctiveness of the District's landscape and character of built form and this should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In this regard I consider it is important to retain the character of the landscape and prevent development from encroaching upon its rural characteristics.

The proposed annexe would be located within the rear garden of Holly Cottage, some 23m from the existing dwelling on the site which at first glance sounds a significant distance for an ancillary building. However, upon assessment, the location has been chosen so as to avoid any adverse impact upon the setting of the nearby Listed Building along with easy access to the shared parking area and limit the impact upon the neighbouring property. Whilst I am concerned that the distance is significant, this is much reduced from the previous scheme (and further reduced through negotiations under this current planning application) and would not encroach upon the wider area of rear garden associated with Holly Cottage, thus in my view limits the encroachment of development upon the surrounding Open Countryside. As such, on balance I consider the proposal to be read as an ancillary building to Holly Cottage rather than a separate planning unit, as was the view previously.

Further to the above, it was established under the previous planning application that it would not be desirable to extend the existing dwelling due to the impact upon the traditional barn layout of the site and adjacent listed building; I would concur with this view. In addition to this, it should also be noted that permitted development rights were removed for extensions and outbuildings when planning permission was granted for the main dwelling and therefore no building of

comparable size could be erected within the curtilage under permitted rights meaning there is no fallback position in this instance. This removal of permitted development rights for the property would also restrict the annexe from any further extension without planning permission, which I feel in this instance to be a benefit for the LPA as it allows control over the future development of the site, and in particular the annexe, to ensure that the accommodation remains ancillary to the host dwelling, thus limiting the likelihood of the creation of a separate planning unit overtime and further encroachment upon the open character of the surrounding countryside.

In terms of its design, the use of brick, cladding and pantile is welcomed and would reflect the character of the surrounding buildings. Views are achievable from the public highway when travelling from the east and from surrounding fields and as such I consider the proposal would have an impact upon the character of the open countryside. The existing garden plot is relatively open along the eastern and southern boundaries to allow views across the open fields, with the garden largely undisturbed by built form. The erection of a large building within the garden would impact upon the views of the site and detract somewhat from the open character. However, the subservient scale of the annexe in my view would aid the appearance of the building as an ancillary building to the dwelling rather than a stand alone planning unit; this is perhaps further helped through the re-siting of the annexe closer to built form and hardstanding, which reduces the encroachment of development. As such, although I accept there is some harm to the open character of the landscape due to additional built form, I consider that in this instance the physical (owing to the dwelling's historic setting restricting an extension to the dwelling) and functional (providing support to aging relatives) need/reliance of the annexe upon Holly Cottage, outweighs the slight encroachment and I see no justification that would outweigh the benefits of the scheme.

Referring to the historic setting, Brinkley Hall Farm is a Grade II Listed building and is located to the west of the site. Core Policy 14 and Policy 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 (paragraph 137).

The setting of a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In addition, please note that the contribution that setting makes to the significance of the heritage

asset does not depend on there being public rights or an ability to access or experience that setting. Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Having consulted the internal Conservation Officer on the application, it is concluded that the proposal would not have a harmful impact upon the setting of the listed building and I would concur with this conclusion.

Impact on Residential Amenity

Holly Cottage is set within a cluster residential development and therefore the nearby properties are likely to see some impact as a result of the development. Whilst I am mindful that the site is already used for domestic purposes associated with Holly Cottage, additional living accommodation has the potential to have an impact upon the amenities of the neighbouring properties in respect of privacy and noise.

Policy DM5 and the NPPF seek to ensure that development does not have an adverse impact upon the amenities of neighbouring properties. Whilst it is considered that it is likely neighbours will be impacted, I attach weight to the residential nature of the local area and one additional residential unit is unlikely to result in a substantial increase in noise, particularly as outdoor amenity space will be shared with Holly Cottage.

The outbuilding is situated to the rear of and approximately 23m from Holly Cottage and 19m from Quercus Cottage which I consider sufficient distances to protect existing residential amenity, although I am mindful that the annexe would be only 6m from the boundary with the neighbouring property. However, these distances are still considered to be sufficient so as to limit any impact upon the neighbouring properties by virtue of overbearing and overshadowing impacts. With regards to privacy, windows are proposed to all sides of the single storey building, the most contentious being those on the southern elevation overlooking Quercus Cottage. These windows would overlook the eastern edge of this neighbouring property's rear garden, however owing to the large garden afforded to this neighbouring property and the separation distance, I am of the view that any overlooking is likely to be limited and therefore not detrimental to this neighbour.

I am mindful that the proposal is likely to result in an increase in activity in and around the building, which will be most obvious to the occupiers of Quercus Cottage. However, I am of the view that as the site is already in residential use and the land immediately adjacent to the building is used as garden area, the additional living accommodation and associated activity is unlikely to have an adverse impact upon this neighbouring property.

Given the assessment above, I am of the view that it is unlikely that the proposal will be detrimental to amenities of the neighbouring properties or the surrounding area.

Impact upon Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems and Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

Holly Cottage has one vehicular access point with ample space for parking in a designated parking area for the three cottages. An annexe would use this space for entering the property and for parking. The Highways Authority have advised that their standing advice can be applied to this application, and in any event would not raise an objection to the scheme providing the annexe remains ancillary to Holly Cottage. I note the existing dwelling shares a parking area with adjoining properties. Given the proposal will remain dependent upon the principal dwelling, and the size of the existing parking area, it is likely appropriate parking could be provided for the annexe.

Given the above, I am satisfied that a new independent unit could accord with Spatial Policy 7 and Policy DM5 in terms of highway considerations.

Planning Balance and Conclusion

The proposal is for the erection of a residential annexe within the rear garden of Holly Cottage. The annexe would retain some dependency upon the principal dwelling in terms of kitchen facilities and access. The occupiers of the annexe would also be partially dependent upon the occupiers of Holly Cottage as they get older; this physical and functional dependency has led me to the conclusion that the annexe would provide ancillary accommodation for Holly Cottage. It is however advised that this relationship is conditioned to remain ancillary to enable the LPA to retain control over any future use of the annexe as it is located within the open countryside where new residential development is strictly controlled; the annexe, if submitted as an independent dwelling, would not be considered appropriate development within the open countryside; the requirements/exceptions set out in paragraph 55 of the NPPF and Policy DM8 of the DPD would need to be met.

In addition to the above, it has been concluded that the annexe would sit subservient to the host building, with no adverse impacts upon neighbour amenity or highway safety, and is of an appropriate design that would reflect the character of the host building and have no harmful impact upon the neighbouring Listed Building.

I therefore recommend to Members that the application is approved, subject to appropriate conditions.

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 references:

- Location Plan – Drawing no.01
- Proposed Plan, Elevations & Site Plan – Drawing no.04 Rev.B (revised plan received 16.02.2018)

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 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.

- Cladding
- Roofing tiles
- Brick

Reason: In the interests of visual amenity and preserve or enhance the character and appearance of the surrounding historic setting.

04

The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, known as Holly Cottage, Fiskerton Road, Brinkley, Nottinghamshire, NG25 0TP.

Reason: To prevent the creation of a separate dwelling within the open countryside where development is strictly controlled by Policy DM8 of the Allocations and Development Management DPD and Paragraph 55 of the NPPF.

Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

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 gross internal area of new build is less 100 square metres.

02

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. 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

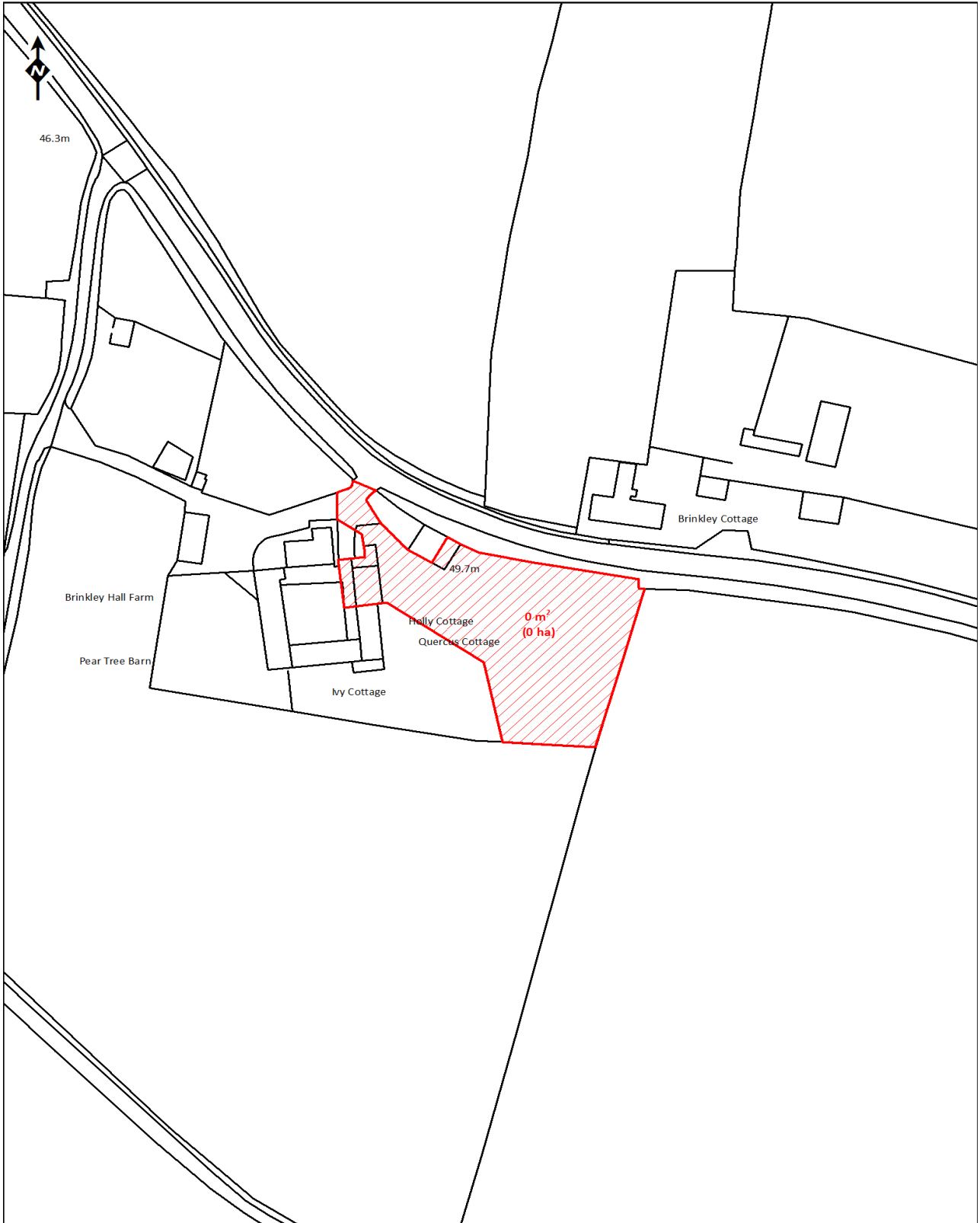
Application case file.

For further information, please contact 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.

Matt Lamb
Business Manager – Growth & Regeneration

Committee Plan - 18/00030/FUL



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

Agenda Item 20

PLANNING COMMITTEE – 6 MARCH 2018

AGENDA ITEM NO. 20

Application No:	18/00040/FUL	
Proposal:	Provision of an additional 13 car parking spaces to existing premises	
Location:	Gladstone House Lord Hawke Way Newark On Trent Nottinghamshire	
Applicant:	Newark & Sherwood Homes - Mr K Shutt	
Registered:	12 January 2018	Target Date: 9 March 2018

This application is being referred to the Planning Committee for determination as the site is owned by the District Council.

The Site

The application site is an 'Extra Care' residential home which has recently completed construction. The site sits on the eastern side of Bowbridge Road with the leisure centre and associated car parking further to the east, separated by dwarf railing. The site has been landscaped with block paving access road, railings, tree planting and lawned areas. 15 Parking spaces are currently laid out to the rear of the building. The site is shortly due to open to the public.

Relevant Planning History

15/02299/FULM – Proposed 'Extra Care' Residential Development for the elderly consisting of 60 single and two bed apartments and the associated Communal Spaces. Approved April 2016.

The Proposal

The proposal seeks the provision of a further 13 vehicle parking spaces on the eastern boundary of the site by extending the existing access road around the rear of the building. The existing landscaping would be removed and replaced accordingly.

Departure/Public Advertisement Procedure

One neighbouring business individually notified by letter and 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 2: Spatial Distribution of Growth

Spatial Policy 6: Infrastructure for Growth

Spatial Policy 7: Sustainable Transport

Core Policy 6: Shaping our Employment Profile

Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Newark Area Policy 1: Newark Urban Area

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 DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Newark Town Council – No objection
NCC Highways Authority – No objection

The provision of additional spaces is welcomed to help prevent on-street parking.

Whilst it is understood that part of the existing access is only 4.0 - 4.2m wide, for one vehicle to pass another conveniently in these volumes, a 4.8m wide access should be considered/provided (at least on the new length of access road).

A one-way system using an additional access to the north of the new spaces would be an advantage if the road is to be kept as narrow as 4.0m.

If required, construction traffic would be able to temporarily cross the existing footway and verge, close to the spaces, providing suitable protection of underground services (including soakaway crates laid there) has been made and that any damage caused by traffic is rectified.

Lord Hawke Way is not public highway, but the intention and understanding is that, in time and as other developments served from it occur, it will be offered for adoption. It has therefore, been built to adoptable standards. In conclusion, no objections are raised, but it is recommended that the access be widened to 4.8m.

No letters of representation have been received from neighbouring / interested parties at the time of writing.

Comments of the Business Manager

Principal of Development

The principle of development on the site has been established through the granting of consent in 2016. 15 parking spaces were provided as part of this 2016 consent which the applicant has realized prior to opening is likely to be insufficient. The principle of providing further parking spaces on the site is considered to be acceptable subject to the below considerations.

Highways and Parking Matters

The provision of additional parking on the site is welcomed in terms of alleviating the potential for on-street parking. The comments from NCC Highways have been discussed with the applicant and the widening of the new section of access road requested. The applicant has stated that it would be difficult to provide 4.8m along the total length of the new access road due to the proximity to the rear boundary of the site and the pedestrian access to the side of the access road. It has therefore been suggested that the access road width to the south of the parking area be widened thus allowing for vehicles travelling in opposite directions to pass without incident. Whilst the preference would be for the entire access road to be widened the revised layout does allow visibility for cars departing the parking area to see any approaching vehicle without blocking the road and it is accepted that the road is on private land and situated some distance away from an adopted highway. There is also a pull in passing bay along the access and it is notable that the access to Lord Hawk Way itself is more than sufficient width to allow two cars to pass one another. It is therefore considered that the proposed layout is acceptable and would not result in concern in relation to highway safety grounds. On this basis it is not considered necessary to further explore the suggestion on a one way system as suggested by NCC Highways. The proposal is deemed compliant with SP7.

Impact on Character of the Area

The additional parking area situated to the east of the building would in the majority not be visible in the wider realm being screened by the care home building to the west and the leisure centre to the east. The parking area would be no further forward than the front of the building with landscaping incorporated around the edge of the parking. Whilst a reduction in soft landscaping (in comparison to the previously approved scheme) is not necessarily advocated in principle, the rationale behind the application is appreciated and the provision of additional hard standing to the side of the care home is not considered to result in any significant impact on the character of the area which would warrant resistance of the proposal. In any case, it is notable that the current scheme incorporates a greater level of tree and hedgerow cover to this area of the site than was agreed through the discharge of condition landscaping plan on the original approval which would balance out (and to some degree provide screening for) the hardstanding necessitated by the car parking spaces.

Impact on Amenity

With the exception of the leisure centre to the east, the parking area is relatively well removed from other buildings and dwellings. It is not considered that the proposal would result in any impact on neighbouring amenity.

Conclusion

The provision of additional parking to the side of the existing care home is not considered to result in a significant impact on the character of the area, neighboring amenity nor highway safety. There are no further material considerations that would warrant refusal.

RECOMMENDATION

Approve, 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 reference:

- Site Location & Block Plan – 348 A 001 Rev A
- Proposed Site Layout – 348 A 002 Rev ZB received 20/2/18

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 unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

The approved landscaping as detailed on Proposed Site Layout – 348 A 002 Rev ZB 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.

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

Informative

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

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

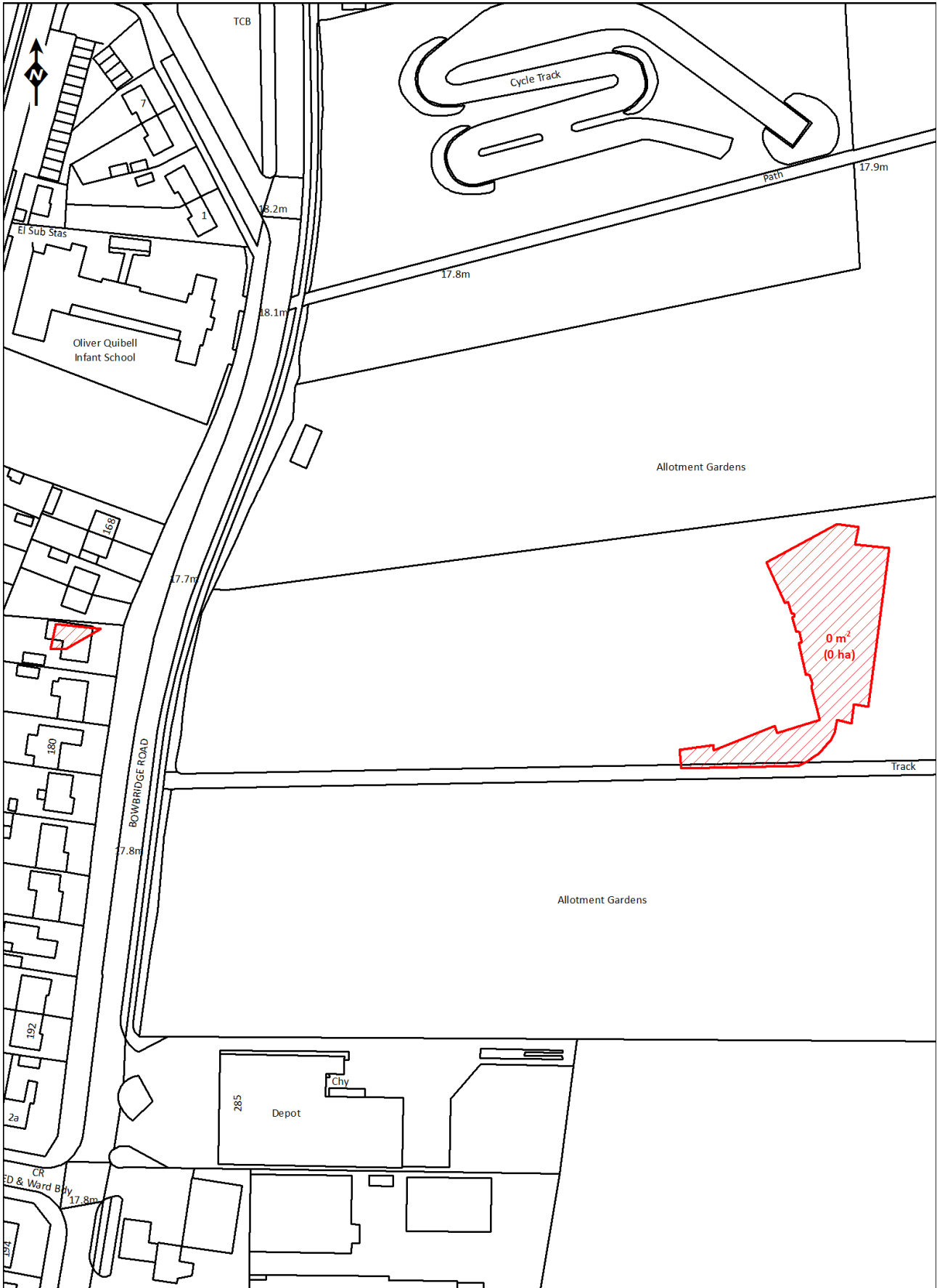
Application case file.

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.

Matt Lamb
Business Manager – Growth & Regeneration

Committee Plan - 18/00040/FUL



© Crown Copyright and database right 2017 Ordnance Survey. Licence 100022288. Scale: Not to scale

Agenda Item 21

PLANNING COMMITTEE – 6 MARCH 2018

AGENDA ITEM NO. 21

ANNUAL REPORT DETAILING THE EXEMPT REPORTS CONSIDERED BY THE PLANNING COMMITTEE

1.0 Purpose of Report

1.1 To provide the Planning Committee with a list of the exempt business considered by the Committee for the period 22 March 2017 to date. Members have the opportunity to review the exempt reports and request further information. The rule is defined in paragraph 18 of the Constitution entitled 'Right of Members to Request a Review of Exempt Information'.

2.0 Background Information

2.1 The Councillors' Commission at its meeting held on 25 September 2014 proposed a number of changes to the Constitution, one of which being that 'the Committees undertake an annual review of their exempt items at their last meeting prior to the Annual Meeting in May', this was ratified by the Council on 14 October 2014.

2.2 Members will be aware that, they have the opportunity to request under Rule 18 of the Access to Information Procedure Rules, that exempt information should be released into the public domain if there are substantive reasons to do so.

3.0 Proposals

3.1 The following table provides the exempt business considered by the Planning Committee for the period 22 March 2017 to date:

Date of Meeting	Agenda Item	Exempt Paragraph
22 March 2017	Forge House, Westgate, Southwell, NG25 0LD	1
5 December 2017	Residential Development at Epperstone Manor, Main Street, Epperstone	3 & 5
6 February 2018	Residential Development at Epperstone Manor, Main Street, Epperstone	3 & 5

4.0 RECOMMENDATION

That the report be noted.

Reason for Recommendation

To advise Members of the exempt business considered by the Planning Committee for the period 22 March 2017 to date.

Background Papers - Nil

For further information please contact Nigel Hill – Business Manager Democratic Services on Ext: 5243.

Matt Lamb

Business Manager – Growth & Regeneration

APPEALS A

APPEALS LODGED (received between 19 January and 19 February 2018)

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

APPENDIX A

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/17/3191909	17/00765/FUL	Land At The Old Farmhouse School Lane Norwell Newark On Trent Nottinghamshire NG23 6JP	Erection of lifetime dwelling, associated amenity area and parking.	Written Representation

Appeal reference	Application number	Address	Proposal	Procedure
APP/TPO/B3030/6600	17/01921/TPO	31 Centenary Close Balderton Newark On Trent Nottinghamshire NG24 3FE	Undertake works to trees protected by TPO N243 identified as part of Group 1 Fell 2 No. Silver Birch Trees	Written Representation

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/18/3193021	17/01107/FUL	Woodland View Main Street Thorney NG23 7BS	Re-modelling of dwelling incorporating side extension.	Written Representation

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/18/3193373	17/01193/FUL	Little Hollies The Close Averham NG23 5RP	Demolition of garage and creation of a 5 bedroom house with detached double garage, formation of new driveway for the existing dwelling, Little Hollies.	Written Representation

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/18/3193863	17/01137/FUL	Post Office Lane South Scarle NG23 7JH	Erection of two storey house rear of 1 Post Office Lane, new access off Post Office Lane and alterations to existing kerbs on Main Street.	Written Representation

Appeal reference	Application number	Address	Proposal	Procedure
APP/TPO/B3030/6608	17/01863/TPO	1 Friary Gardens Newark On Trent Nottinghamshire NG24 1JH	Removal of 1No mature Yew tree (reference T8) protected by TPO N99 within G1	Written Representation

APPENDIX B: APPEALS DETERMINED (Between 19 January and 19 February 2018)

App No.	Address	Proposal	Decision	Decision date
16/00819/FULM	Land To The South Of Bilsthorpe Road Eakring Nottinghamshire	Erection of 9 environmentally sustainable eco homes, publically accessible wildlife area and associated development including landscaping, allotments, sustainable drainage reed bed and pond system, PV panels, cycle storage, electric car recharging facilities	ALLOW	23.01.2018

App No.	Address	Proposal	Decision	Decision date
17/00076/FUL	Girton Farm Bungalow New Lane Girton Newark On Trent NG23 7HY	Removal of condition 3 attached to planning permission E/12/46 to remove the agricultural occupancy condition	DISMIS	15.02.2018

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