



**NEWARK &
SHERWOOD**
DISTRICT COUNCIL

*Castle House
Great North Road
Newark
NG24 1BY*

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Thursday, 22 March 2018

Chairman: Councillor D Payne
Vice-Chairman: Councillor P Handley

Members of the Committee:

Councillor Mrs K Arnold

Councillor R Blaney

Councillor Mrs C Brooks

Councillor B Crowe

Councillor Mrs M Dobson

Councillor J Lee

Councillor N Mison

Councillor Mrs P Rainbow

Councillor Mrs S Saddington

Councillor Mrs L Tift

Councillor I Walker

Councillor B Wells

Councillor Mrs Y Woodhead

Councillor Mrs P Rainbow

Councillor Mrs S Saddington

Councillor Mrs L Tift

Councillor I Walker

Councillor B Wells

Councillor Mrs Y Woodhead

MEETING: Planning Committee

DATE: Tuesday, 3 April 2018 at 4.00 pm

**VENUE: Civic Suite, Castle House, Great North Road,
Newark, Notts, NG24 1BY**

**You are hereby requested to attend the above Meeting to be held at the time/place
and on the date mentioned above for the purpose of transacting the
business on the Agenda as overleaf.**

If you have any queries please contact Catharine Saxton on catharine.saxton@newark-sherwooddc.gov.uk.

AGENDA

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None

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 March 2018 at 4.00 pm.

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

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

APOLOGIES FOR ABSENCE: Councillor Mrs C Brooks, Councillor N Mison, Councillor B Wells and
Councillor Mrs Y Woodhead

202 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

203 MINUTES OF THE PREVIOUS MEETING

Minute No. 191 – Land Off Sandhills Sconce, Tolney Lane, Newark (17/00954/FUL), the decision should read (additions in bold text):

“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 neither a temporary or permanent permission should not be granted.

AGREED:

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

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, and there is ample time remaining on the temporary permission.”

204 ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business as follows: Agenda Item 5 & 6, 14, 7 - 11, 13, 15, 16, 19, 12, 17, 18, 20 & 21. Agenda Item 20a had been withdrawn from the agenda.

205 HIGHFIELDS SCHOOL, LONDON ROAD, BALDERTON (16/01134FULM) AND (17/00357/FULM)

The Committee considered two reports of the Business Manager – Growth & Regeneration, relating to Highfields School, London Road, Balderton. The first report relating to application 16/01134/FULM sought full planning permission for the 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 eight TPO trees, the application was a resubmission of application 14/01964/FULM. The second report relating to application 17/00357/FULM sought planning permission for the residential development comprising ninety five dwellings and associated infrastructure, including the removal of twenty six TPO trees.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from local residents/interested party; applicants agent; and Newark Town Council.

Planning Application 16/01134/FULM

Members considered application 16/01134/FULM and felt that the information brought before them was relevant but did not change their decision from the previously considered application in the overall planning balance.

Planning Application 17/00357/FULM

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. The Chairman informed her that as she had spoken on the item at a previous Planning Committee she should only inform the Committee of any information relating to any new information provided to the Committee.

Members considered application 17/00357/FULM and felt that whilst the additional information was relevant, and clearly meant a greater commitment to developer contributions overall, it still meant a shortfall in some contributions and zero affordable housing. On that basis Members remain of the view, on balance, that the level of mitigation offered was still insufficient to make the development sustainable and acceptable. Members asked that it be made clear as part of the appeal proposals, and fully consistent with the minutes of the original Planning Committee meeting at which this was refused, that concerns regarding lack of appropriate contributions/infrastructure to mitigate the development did include a lack of affordable housing.

AGREED (unanimously) that there was no change in the Councils opinion, in applying an overall planning balance, to refuse planning application 16/01134/FULM.

AGREED (unanimously) that there was no change in the Councils opinion, in applying an overall planning balance, to refuse for planning application 17/00357/FULM, with the inclusion that the lack of affordable housing contribution was part of this consideration.

206 LAND TO THE REAR OF 20 HILL VUE GARDENS, NEWARK (17/02249/FUL)

The Committee considered the report of the Business Manager – Growth & Regeneration following a site visit prior to the meeting, which sought full planning permission for the erection of four detached dwellings each with three bedrooms and an integral single garage and the demolition of the existing garages/outbuildings.

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.

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

Members considered the application and some Members felt that the development was not acceptable due to the loss amenity, flooding on site and too close to the high speed railway line. Other Members felt that there would be very little intrusion from overlooking. The garage site would provide much required homes rather than garages being used for storage purposes. It was also commented that some of the garages were derelict and the development would enhance the area.

(Councillor J. Lee was not present for the Officer presentation and his vote was not counted).

A vote was taken to refuse the application on the grounds of loss of amenity which was lost with 2 votes for, 7 votes against and 1 abstention.

AGREED (with 2 votes for, 7 votes against and 1 abstention) that full planning permission be approved subject to the conditions contained within the report.

207 FIELD REF. NO. 7108, EAKRING ROAD, BILSTHORPE (17/01139/OUTM) (MAJOR)

The Committee considered the report of the Business Manager – Growth & Regeneration following a site visit prior to the meeting, which sought outline planning permission for a mixed use development comprising of up to eighty five residential units and up to 280sqm of Class A1 retail space as well as associated access works including details of a new access junction into the site from Eakring Road.

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

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

Members considered the application and questioned the 5% level of affordable housing for the development and the change to the land value given the cost savings of no longer delivering a roundabout. The safety of the development was also discussed as there was no pavement or pedestrian crossing. Members requested that the application be deferred to the 3 April 2018 Planning Committee, to allow

negotiations to take place with the applicant regarding the viability of the proposal.

AGREED (unanimously) that the application be deferred to the 3 April 2018 Planning Committee, to allow negotiations to take place with the applicant regarding the viability of the proposal.

208 MIRICAL EMBLEMS LTD., MANSFIELD ROAD, BLIDWORTH (17/01698/FUL)

The Committee considered the report of the Business Manager – Growth & Regeneration following a site visit, which sought planning permission for a single storey extension to the west of the existing printing building.

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

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

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

209 THE FARMSTEAD, MAPLEBECK ROAD, CAUNTON (17/01797/FUL)

The Committee considered the report of the Business Manager – Growth & Regeneration following a site visit, which sought full planning permission for the construction of five ecological low carbon bungalows, including a new car garage for the existing dwelling, following the demolition of the existing farm buildings.

Councillor B. Robbins, representing Caunton Parish Council spoke against the application in accordance with the views of Caunton Parish Council as contained within the report.

Members considered the application and felt that the applicants were using the design of the development to overcome planning restraints in the open countryside. Members felt that the design of the development was not as innovative as some previous applications submitted in other areas of the district. Other Members commented that the design would be good in the right place, but was not significantly innovative with the local plan or emerging local plan. It was also suggested that Caunton could reshape their village through a Neighbourhood Plan.

AGREED (with 9 votes for and 2 abstentions) that full planning permission be refused for the reasons contained within the report.

210 LAND AT REAR 37 EASTHORPE, SOUTHWELL (17/01839/FUL)

211 RAILWAY LAKE, GONALSTON LANE, HOVERINGHAM (17/01882/FULM)

The Committee considered the report of the Business Manager – Growth & Regeneration following a site visit prior to the meeting, which sought the retrospective application for the variation of condition 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 a 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.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from Hoveringham & Thurgarton Parish Councils.

Councillor P. Turton, representing Hoveringham Parish Council spoke against the application in accordance with the views of Hoveringham Parish Council as contained within the report and in the Schedule of Communication.

Councillor R. Jackson, Local Ward Member for Dover Beck, spoke against the application on the grounds that the applicant's had not built in compliance with the planning permission granted. The villages of Hoveringham and Thurgarton had both lived for years with the gravel extraction and were promised that this area would be left as an area of natural beauty.

Members considered the application and it was commented that the site including the fencing was ugly. The fence should be reduced to the agreed height and the porta cabin should be cladded in accordance with the approved planning permission. The planting scheme undertaken on site was not suitable and different planting was required. The Planning Committee when granting the original permission were very keen on the inclusion of the conditions, to satisfy the local community and therefore felt that enforcement action should be actioned and planning permission be refused on the grounds of Green Belt harm.

AGREED (with 8 votes for and 3 votes against) that full planning permission be refused on the grounds of Green Belt harm and enforcement action be undertaken.

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

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

(Councillors R.A. Crowe and I. Walker left the meeting at this point).

212 RULE NO. 30 - DURATION OF MEETINGS

In accordance with Rule No. 30.1, the Chairman indicated that the time limit of three hours had expired and a motion was proposed and seconded to extend the meeting by one hour.

AGREED (unanimously) that the meeting continue for a further one hour.

213 FIELD REF. NO. 7919, CAUNTON ROAD, HOCKERTON (17/02139/OUT)

The Committee considered the report of the Business Manager – Growth & Regeneration following a site visit, which sought outline planning permission with all matters reserved for subsequent approval except for access for the erection of six new homes for local people with a specific housing need. Provision of dedicated car parking for the village hall; and areas around the village hall incorporating extension to building and new amenity area for the local community to use.

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

Members considered the application and one Member asked for the community assets to be completed before the houses were built. Other Members commented that whilst they admired the community benefits which may be acquired from this scheme, the development would be very prominent and was adjacent to a busy road which would also increase additional traffic to an already busy area. The village hall was not of a size for modern use. The village church was a listed building and had been closed. It was suggested that the community be encouraged to pursue the use of the church as a community venue rather than the small village hall.

AGREED (unanimously) that outline planning permission be refused for the reasons contained within the report.

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

The Committee considered the report of the Business Manager – Growth & Regeneration which sought planning permission for the demolition of the existing garages and the development of three, two bed bungalows and one, one bed bungalow.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from Newark & Sherwood Homes; Coddington Parish Council; and a neighbour.

Councillor Mrs Cox, representing Coddington Parish Council spoke against the

application in accordance with the views of Coddington Parish Council. The Chairman informed her that as she had spoken on the item at the previous Planning Committee she should only inform the Committee of any information relating to any new information provided to the Committee.

Councillor Mrs Cox advised the Committee that the resident residing in the middle terrace (No. 4 or 6) would not be able to access the rear of the property if planning permission was granted and felt that this was a fire risk.

The closure of Parks Close was also raised and it was commented that the closure may encourage fly tipping and vandalism in that area. A resident had a garage which was used to park her car in, she had not parked on the road for fifty years. It was requested that if the Committee were minded to approve the application that improvement works to Thorpe Close to provide additional car parking on the road side and drop kerbs be included as a condition to the planning consent.

Members considered the application and one Member queried the access to Thorpe Close and requested the widening of Thorpe Close to include additional parking to be included in the conditions. Flooding on Thorpe Close was also raised.

A Member informed the Committee that discussions regarding the widening of Thorpe Close had taken place with Newark & Sherwood Homes to address the parking issues and access for the bus service; however those improvement works would not form part of the planning application. It was commented that retaining garages for storage purposes was wrong when people required homes to live in.

A vote was taken to refuse the application on the grounds of design, loss of amenity to residents, parking issues and flooding, which was lost with 4 votes for and 5 votes against.

AGREED (with 5 votes for and 4 votes against) that full planning permission be approved subject to the conditions contained within the report.

215 GARAGE UNITS OFF, KNOTTS COURT, MAIN STREET, BALDERTON (17/02308/FUL)

The Committee considered the report of the Business Manager – Growth & Regeneration following a site visit prior to the meeting, which sought planning permission for the erection of one two bedroom bungalow following the demolition of the existing garages on the site.

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

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.

Members considered the application and welcomed the application and felt that the site was large enough to accommodate two one bed bungalows. Anti-social behaviour was reported to be undertaken on the site with children climbing onto the

garage roofs and causing damage. The Chairman suggested that a note be included to the applicant, seeking consideration of two, one bedroom bungalows.

AGREED (unanimously) that full planning permission be approved subject to the conditions and reasons contained within the report and the inclusion of a note to the applicant, seeking consideration of two, one bedroom bungalows.

216 HOLLY COTTAGE, FISKERTON ROAD, BRINKLEY (18/00030/FUL)

The Committee considered the report of the Business Manager – Growth & Regeneration, which sought Planning permission for the erection of a single storey residential annexe within the grounds of Holly Cottage.

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.

217 MAJEKA, WELLOW ROAD, OLLERTON (17/02105/FUL)

The Committee considered the report of the Business Manager – Growth & Regeneration, following a site visit prior to the meeting, which sought full Planning permission for the construction of nine single storey properties. Plans had been revised during the lifetime of the development reducing the garaging for the properties from double to single garages. The dwellings were all detailed as being three bed units with a mix of integral and stand alone garaging.

Members considered the application and commented that the site was within the village envelope and felt that the proposal was acceptable.

AGREED (with 6 votes for and 3 votes against) that full planning permission be approved subject to the conditions and reasons contained within the report.

218 CHURCH FARM, MAIN STREET, NORWELL (17/02329/FUL) AND (17/02330/LBC)

The Committee considered the reports of the Business Manager – Growth & Regeneration, which sought planning consent for alterations to the existing milking parlour to create a garden room and along with an extension to the building to create a garage and office and listed building consent for the same.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Planning Case Officer recommending an additional condition as follows:

An additional condition should be added stating:

The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, known as Church Farm on Main Street in Norwell.

Reason: To prevent the creation of a separate dwelling which would require separate

assessment against the relevant provisions of Spatial Policy 3 and the NPPF.

Members considered the application and felt that the proposal was acceptable, subject to the additional condition detailed above.

AGREED (with 8 votes for and 1 abstention) that:

(a) Planning Application (17/02329/FUL) full planning permission be granted, subject to the conditions contained within the report and the following additional condition;

(i) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, known as Church Farm on Main Street in Norwell.

Reason: To prevent the creation of a separate dwelling which would require separate assessment against the relevant provisions of Spatial Policy 3 and the NPPF.

(b) Planning Application (17/02330/LBC) listed building consent be granted, subject to the conditions contained within the report.

219 GLADSTONE HOUSE LORD HAWKE WAY NEWARK (18/00040/FUL)

The Committee considered the report of the Business Manager – Growth & Regeneration, which sought the provision of a further thirteen 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.

A schedule of communication was tabled at the meeting, which detailed correspondence received after the agenda was published from the Planning Case Officer and included the applicant's site location plan as Appendix G to the schedule.

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

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

220 LAND AT TOP STREET, RAINWORTH (17/00865/FULM)

The application was withdrawn from the Agenda.

221 ANNUAL REPORT DETAILING THE EXEMPT REPORTS CONSIDERED BY THE PLANNING COMMITTEE

The Committee considered the report of the Business Manager Growth and Regeneration listing the exempt items considered by the Committee for the period 22 March 2017 to date.

The Committee agreed that the report considered on the 22 March 2017, relating to Forge House, Westgate, Southwell, should remain confidential.

The Committee also agreed that the reports considered on the 5 December 2017 and 6 February 2018, relating to Residential Development at Epperstone Manor, Main Street, Epperstone, should both remain confidential

AGREED that

- (a) the report considered on the 22 March 2017, relating to Forge House, Westgate, Southwell, should remain confidential and exempt; and
- (b) the reports considered on the 5 December 2017 and 6 February 2018, relating to Residential Development at Epperstone Manor, Main Street, Epperstone, should both remain confidential and exempt.

222 APPEALS LODGED

AGREED that the report be noted.

223 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 7.57 pm.

Chairman

Application No:	17/01616/FUL
Proposal:	Proposed change of use of existing car workshop/showroom and outdoor sales to local convenience store (Retail A1) incorporating relocation of Gonalston Farm Shop (Retail A1), ancillary coffee shop franchise and new local allotment provision
Location:	J Harrison Ltd, Southwell Road, Lowdham, NG14 7DS
Applicant:	Mr D Betts
Registered:	7 September 2017
	Target Date: 2 November 2017
	Extension of Time Agreed until 4 April 2018

This application is presented to the Planning Committee for determination due to a call in from Cllr Wendells as he supports the views of the Parish Council who are in support of the application, which is contrary to the views of the Planning Officer.

The Site

The application site lies on land to the south of Southwell Road within the parish of Lowdham and comprises c0.65 hectares of land. The majority of the existing site contains a car workshop/showroom (a Peugeot franchise) with ancillary car parking and circulation areas. The workshop/showroom is single storey and industrial in appearance with a part brick and part grey clad construction. The south east corner of the site contains part of an agricultural field which is separated from the application site by a hedgerow which includes a number of trees and a 1 metre high (approx.) fence.

Immediately to the west of the site is the rest of the existing J Harrison site which contains a petrol station, shop, car workshop and ancillary car parking and storage areas. Immediately to the north east of the site is Sunnyside, a two storey residential property. This property is separated from the application site by a 2 metre high (approx.) close boarded fence. Agricultural fields surround the site on all remaining sides.

Access to the site is via an existing access of Southwell Road to the west of the application site (shared with the remainder of the J Harrison site).

The topography of the application site is relatively flat albeit gently sloping towards the south (away from Southwell Road). Land to the north of Southwell Road rises more steeply towards the north.

The site is located outside of the village envelope of Lowdham (as defined by the Allocations and Development Plan Document (DPD)) and is located within the Green Belt.

The majority of the site lies within Flood Zone 2, with a very small part along the frontage located in Flood Zone 3.

Relevant Planning History

16/00248/FUL Conversion of existing workshop to create additional car showroom and small extension to replace existing canopy – permission 22.04.2016

15/02092/FUL Change of Use of Land to Form Extension of Existing Site (*land relating to the south east corner of the site which contains part of an agricultural field*) – refused 12.05.2016 for the following reason:

'In the opinion of the District Council the proposed change of use of land to form an extension of the existing site will result in encroachment into the Green Belt detracting from its openness and permanence. The NPPF attaches great importance to Green Belts and the Council considers there are no material considerations in this instance sufficient to constitute the very special circumstances required to outweigh the harm identified. The proposed development would therefore be contrary to Spatial Policy 4b of the Newark and Sherwood Core Strategy (2011) and the National Planning Policy Framework (2012) a material consideration.'

12/00293/ADV Replacement of old signage with new corporate image signage, 3 no. fascia signs internally illuminated halo illumination, 2 no sets of corner lights – consent 27.04.2012

09/00220/FUL Erection of front extension to car showroom – permission 14.04.2009

09/01758/FUL Erection of temporary car showroom for a period of 2 years (retrospective) – permission 25.01.2010 (*NB this building is not present on site*).

04/02523/ADV Display 6.5m single leg pole sign – refused 15.12.2004

04/02541/ADV Display various signs – consent 12.12.2004

03/00838/FUL Renewal of permission for the extension to the car showroom – permission 16.06.2003

99/50899/ADV Fascia signs and export sign – consent 10.06.1999

98/50998/FUL Extension to showroom and offices – permission 11.05.1998

94/50871/ADV Fascia signs and export sign – consent 26.04.1994

91900046 Removal of conditions 4 and 5 on 91891121 relating to external car sales and external lighting – permission 05.06.1990

91891121 Body shop – permission 28.11.1989

91891087 Extension to showroom and office – permission 03.10.1989

91890469 Erection of sales building canopy islands and install 2 no. U/G storage tanks – permission 06.07.1989

91880571 Demolish existing workshop and construct new body shop – permission 02.08.1988

91860879 First floor office extension – permission 24.10.1986

91850974 Use building (*the car showroom/workshop subject of this current application*) for car repair workshop and land for staff and stock – permission 11.02.1986

91830675AD Illuminated fascia sign – consent 16.08.1983

9180506 New tank and pump installation – permission 05.06.1980

9177470AD Erect illuminated pole sign and other advertisements – consent 12.07.1977

9176421 Re-positioning of pavement crossing to give access to field – refused 27.07.1976

The Proposal

The application seeks full planning permission for the change of use of the existing car workshop/showroom and outdoor sales to local convenience store (Retail A1) incorporating relocation of Gonalston Farm Shop (Retail A1), ancillary coffee shop franchise and new local allotment provision. The local convenience store building would contain the following:

- Spar Market 259sqm
- Café 81sqm
- Gonalston Farm Shop 108sqm
- Communal entrance 36sqm
- Preparation/Storage/Office Area 117sqm

The proposed hours of opening would be between 07:00 – 23:00 Monday to Saturday and between 10:00 – 16:00 on Sundays and Bank Holidays.

In relation to proposed staff numbers, Gonalston Farm Shop has confirmed that 5 staff would work at the new premises at any one time – these being butchery and fish manager, supervisor and three staff working the counters. Sales would go through the Spar Market's tills. Spar Market has confirmed a staff of 5 at any one time (two on the tills, two behind the scenes and a shelf-stacker). The ancillary coffee franchise would employ between 2 and 3 staff at any one time.

A covered area for external sales is also proposed with a canopy measuring 12.3 metres by 3.6 metres to replace an existing canopy on this position. Four sets of full height aluminium framed windows/doors are proposed within the front and side elevation of the building.

Allotments are proposed on the triangular shaped field to the rear of the existing J Harrison site. A 4 metre wide gap in the existing boundary is proposed for access from the allotments from the existing parking area.

No amendments to the main vehicular access to the site are proposed. The existing car park areas would be reconfigured with existing car sales parking areas to become customer parking. 54 car parking spaces are proposed in total.

The application is supported by the following documents:

- Flood Risk Statement
- Retail Sequential Assessment including a Supplementary Sequential Assessment
- Design and Access Statement

Departure/Public Advertisement Procedure

A site notice was displayed near to the site on 26/09/2018.

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 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 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 DM1 - Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM5 - Design
- Policy DM11 – Retail and Town Centre Uses
- 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

Lowdham Parish Council – Lowdham Parish Council meeting was attended by members of the public and local retailers who expressed their concerns at the proposed change of use application. Also representatives from Harrisons and Gonalston Farm Shop who put forward their plans for the new business proposals. Following a long debate the Parish Council voted 5 councillors in favour and 2 councillors against the application for change of use therefore in support of the proposal.

NCC Highways Authority –

Comments received 13.03.2018:

The Agent has confirmed that up to 13 employees are expected on the overall site at one time and 53 parking spaces are shown on dwg. No. 2102/6 Rev. A which also includes a provision for the allotment users. The parking facilities are acceptable to the Highway Authority. A further 8 employees are on site for the workshop use, which will use the existing parking facilities at the rear of the site.

There are no alterations proposed to the existing access arrangements. Therefore, there are no highway objections to this proposal.

Comments received 01.11.2017:

This application is for the change of use of part of the existing car showroom/workshop to a convenience store including farm shop, café and local allotment provision. There are no alterations proposed to the existing site access, which also serves a petrol filling station. Could the applicant/agent clarify the number of vehicles expected for repair and for sale at any one time for the showroom/workshop. Also, the number of employees on site at any one time is required for each site.

Trent Valley Internal Drainage Board – The site is within the Trent Valley Internal Drainage Board district. The Board maintained Car Dyke, an open watercourse, exists in close proximity of the site and to which Byelaws and the Land Drainage Act 1991 applies.

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 the edge of any Board maintained culvert.

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.

NSDC Policy Officer –

Comments received 14.02.2018:

Sequential Test

Whilst I welcome the additional 'supplementary sequential assessment' I still retain some significant concerns over the methodology and conclusions.

Methodology

Firstly I don't agree with the view (para 2.2) that to represent a realistic alternative the site must be 'more accessible and better connected to the town centre than the application site'.

paragraph within the PPG referred to merely states that 'preference should be given to accessible sites that are well connected to the town centre'. The purpose of the test should not be lost here, which is to guide main town centre uses towards town centre locations first, then, if no town centre locations are available to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. Viability and vitality of town centres is supported by the test through its placing of existing town centres foremost in both plan-making and decision-taking. The inference being that the better the physical relationship to the centre, then the more likely its viability and vitality will be supported through the generation of footfall and making of linked trips etc.

Accordingly there is no need for accessibility and connection to be better than the application site per se, just for the alternative site to be accessible and well connected to the centre in question. Where these two features are met and the alternative site is deemed suitable and available then its sequential superiority would, in my view, principally derive from its better relationship to the centre. Having said this I would accept that in most cases a site which is closer to the Town Centre is likely to perform better on most measures relevant to the test.

The method followed (para 2.5) seeks to establish equal or superior proximity to bus routes and service provision as valid parameters for the assessment of alternative edge or out-of-centre sites, which I see as problematic. Whilst I would not question the potential relevance of these considerations, in their broadest sense, to accessibility there is no need for alternative sites to perform better in the way that is suggested. Notably the 3 parameters listed below para 2.5 are joined by 'and', suggesting that any alternative site would need to perform better on all 3 measures to be sequentially preferable. On this basis there could be a scenario where there is a site located in an edge-of-centre position but which is deemed to be sequentially worse due to being marginally further from a bus stop than an out-of-centre site, this is clearly not the intention of the test. The method also applies a single distance threshold of 669m, but this is a fairly blunt assessment and does not appear to place any greater weight on a site being edge-of-centre as opposed to out-of-centre. The NPPF provides a clear definition of edge-of-centre, which is a location within 300m of the Primary Shopping Area (PSA). No PSA's are defined in the District beyond that for Newark Town Centre, but in this case I would view the centre boundaries as providing a reasonable proxy.

I have further issues with some of the sources of potential sites ruled out at para 2.7. Within the District most of these would be covered by Spatial Policy 8, and as referred to in my earlier comments the policy allows for their release for development under certain circumstances. I do not consider that they can be as readily ruled out as is suggested. On this point it may be helpful to clarify my earlier suggestion that the open space at Old Tannery Drive should be explored through the application of the test. The open space is located within the village envelope and not the Green Belt as has been suggested. The site is in turn larger than the application site, and so has the potential for any replacement of the existing built facilities to be kept within the settlement boundary and the open space elements relocated to the Green Belt. Notwithstanding this the provision of appropriate facilities for outdoor sport and outdoor recreation are listed as exceptions to the definition of inappropriate development within the Green Belt (para 89, NPPF). The successful combination of recreational open space convenience retail provision can be seen elsewhere through the enlarged Co-op scheme in Collingham. I would however accept that in this instance the open space cannot be considered suitable due to flood risk issues, and so can be discounted as a reasonable alternative.

In terms of locational requirements I am mindful that the reasoning for the granting of the original farm shop consent would have been to support the diversification of an existing rural business. To have been acceptable there would need to have been some form of geographic tie to the existing business. Clearly such a tie would start to disappear the further the store is located from the wider business. Notwithstanding this it may be reasonable, as per my earlier comments, to have some regard to the desire for the farm shop to retain its existing customer base, but whether this should determine the application of the test as a whole is debatable. The relocation of the farm shop is argued as being the 'primary driver' of the proposal, but in floorspace terms the Spar would be by far the dominant element. It would therefore not be unreasonable to expect the locational and operational requirements of this element of the proposal to be reflected in the parameters for the test.

Even were the ten-minute drive time to be accepted I remain unconvinced that it represents a reasonable geographic parameter. This would actually represent a fairly-wide catchment for what is a modestly sized operation, and suggests willingness on behalf of its clientele to travel some distance to use the store. On this basis why would a slight extension of the ten minute measure (11, 12 or 13 minutes for instance) suddenly render the model of the farm shop unviable? No justification has been provided, such as data over customer location etc. Greater pragmatism could be exercised if the imposition of the measure didn't feel so arbitrary in nature, particularly in line with my earlier comments when this rules out Radcliffe-on-Trent, Calverton and Southwell. Though I would accept that some sites in Southwell and a site in Calverton have been assessed for completeness, but Radcliffe remains disregarded.

Turning to whether sufficient flexibility has been shown, the line advanced is that the proposed store represents the minimum space which the end users could be reasonably accommodated within. However no information has been provided to better understand the space requirements and trading profile of a Spar Market. This is a format I am unfamiliar with and represents by the single largest element of the proposed development. Without this I am unable to fully gauge whether there could be room for greater flexibility on the part of the applicant. Furthermore I am still of the view that it would be reasonable to expect a lesser level of car parking provision to have been considered, and I would defer back to my earlier comments on this aspect.

Application of the test

I would accept the discounting of undeveloped sites within the Green Belt and/or areas of risk of flooding (Appendix 2). In terms of the sites identified in Appendix 3 I would disagree with their discounting purely for being further than 100 or 188m from a bus stop. Nevertheless it is clear that the majority of those included would in all likelihood be unsuitable for retail development, for reasons not outlined in the assessment.

In terms of the alternative sites considered in detail, I am comfortable with the discounting of sites 1 and 2 in Southwell. Though it is unclear whether the District Centre was surveyed to establish whether there were any vacant units, the 2017 Retail Monitoring Report identified 3. Turning to Lowdham I am content that on the basis of the parameters used there would be no alternative sites, though as already discussed I do have some issues with this approach.

Clearly it is difficult to comment with any certainty over those sites identified within the administrative boundaries of neighbouring Authorities, particularly over whether other sites may exist and if the reasons for the discounting of those identified is valid or not. The onus is on the applicant to demonstrate satisfaction of the test, with assistance from the relevant LPA, and no

demonstration has been provided detailing whether adjoining Authorities have been approached to identify a source of potential reasonable alternative sites. Nonetheless I would accept, on the basis of the information provided, the discounting of those sites identified in Gedling and Rushcliffe Borough's.

Whilst not necessarily disagreeing with the reasoning behind the discounting of the identified sites I do retain some concern over the methodological approach, and whether sufficient flexibility has been shown. It is not clear that the test has been applied in a robust and comprehensive manner and so it cannot be confidently concluded that there are no sequentially preferable alternative sites.

In line with paragraph 26 of the National Planning Policy Framework, where a proposal fails to satisfy the sequential test, it should be refused.

Impact Test

In respect of the impact test I would defer to your expertise on the matter of the 'fall-back position'. Notwithstanding this my position has not changed from my earlier comments, indeed I would suggest that matters have moved even further in the direction of the request for a formal impact assessment being valid. To summarise, the applicant will be familiar with the tests outlined at para 216 of the NPPF (stage of preparation, extent of unresolved objection and degree of consistency with national policy) which determine the weight that can be given to relevant policies in an emerging plan. The hearings stage of the Examination has now been concluded and those areas where modifications will be requested from the Inspector have been identified. Details can be viewed in Post-Hearing Note 2. It should be noted that in respect of Core Policy 8 (Matter 15) the issue relates to precise details around the approach to future convenience retail provision at Land South of Newark, and agreement has now been reached between the Council and objector over the necessary content.

With respect to the first test a submitted Development Plan on which modifications are being drafted clearly represents an advanced stage of preparation. Unresolved objections have been the subject of discussion at the hearing sessions, and where appropriate the drafting of modifications is intended to address those which are necessary to make the plan sound. It is acknowledged that these modifications are still being drafted and yet to be consulted upon. Nevertheless in the cases where no modifications are proposed (including to content within a policy) then it can, in my view, be reasonably taken that no objections remain which require addressing to make the plan sound. Clearly the modifications will in some circumstances also be intended to ensure consistency with national policy.

Taking account of the above it is reasonable in my view to attach meaningful weight to policies, and content within policies, which are not proposed to be the subject of modification. Importantly with respect to this application this includes the local impact thresholds, which the proposed development exceeds. Notwithstanding this the Council is entitled to determine the planning application on what we judge to be material planning considerations. Lowdham's Local Centre is small in scale and anchored by its Co-op store, which generates footfall and linked trips/expenditure. Given its nature the proposal would clearly compete with the existing Co-op store, and so the potential impact on the vitality and viability of Lowdham's Local Centre is evidently material. On this basis it is reasonable to request that the applicant provide a proportionate assessment of the likely impact of the proposal. Without such input it is not possible to appropriately weigh the matter of impact in the balance, and so justifies refusal of the

application on this basis alone. This position is consistent with that adopted on the proposed change of use of the Manvers public house in Edwinstowe.

Comments received 23.10.2017:

Retail & Main Town Centre Uses

Sequential Test

My main concerns are focused around the retail and main town centre uses. The necessary first step is the application of the sequential approach - as required by national policy and reflected in Core Policy 8 (as amended) and Policy DM11. Application of the test should be proportionate and appropriate to the given proposal. Nevertheless I have severe reservations over the methodological approach followed, particularly bearing in mind the need for reasonable flexibility to be shown on the part of the applicant. As per the checklist at Paragraph 10 (Reference ID: 2b-010-20140306) of the Planning Practice Guidance (PPG) the scope for flexibility in the format and/or scale of the proposal should be considered. In this regard it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

On my reading it doesn't appear that any flexibility has been shown at all, with the parameters applied by the applicant being the ability to accommodate the precise scale of floorspace and number of car parking spaces proposed. I'm unsure of any reasoning as to why flexibility can't be provided, and I struggle to see how this could be convincingly argued in any event. The proposed development constitutes the change of use of a specific existing building, whereas a new build or change of use of a different unit may be able to make more efficient use of the space available. I am unfamiliar with the 'Spar Market' format and the scale of store commonly required to meet their business model, and no information has been provided to allow this to be better understood. The average Spar store size is 142 sq m according to their UK website¹, and whilst I do not doubt that a Spar Market store is a different proposition I am not currently convinced why a site or unit offering a lesser scale of floorspace could not be considered.

Similarly the level of parking (44 spaces) deemed to be necessary appears to be more led by the specific characteristics of the application site (i.e. the availability and scale of existing hard surfacing and parking provision) than any reasoned functional requirements of the proposal. The need for this to be located directly adjacent to the retail premises is also questioned. Many convenience stores operate successfully from town centre locations without parking provision of the scale and type referred to. It may be that a combination of a lesser scale of directly adjacent parking provision (or maybe even none at all) when taken alongside additional provision elsewhere in the centre and the availability of public transport linkages compensates

¹<https://spar-international.com/country/united-kingdom/> (accessed 18th October 2017)

for this perceived deficiency. By way of comparison the Spar store (incorporating a Subway concession), petrol filling station and car wash on Farndon Road, Newark has 33 parking spaces. The potential contribution that more central sites can make is critical to how the test should be applied, and the benefits to the vitality and viability of existing centres from development taking place there is clear.

Whilst I appreciate the need to establish geographic parameters within which to conduct the site search, my view is that this area should be objectively defined and clearly related to the functional requirements of the proposed development (for example a particular market the proposal is responding to etc.), and not unduly led by the availability of the application site. The purpose of the exercise is to establish whether there are sequentially preferable sites able to meet the requirements. Given their nature the Spar Market and café elements of the scheme could presumably be located in many in-centre, edge-of-centre or sequentially preferable out-of-centre locations and still meet operator requirements. Nonetheless I am mindful that there is no need to disaggregate the proposed uses for the purposes of the test, and the proposal does facilitate the relocation of the Gonalston Farm Shop. I am sympathetic to the argument that the shop will have an existing catchment and customer base within an established geographic area. However this has not been articulated in any way that allows this to be understood. The limiting of the area of search's extent to a ten minute off-peak drive from the application site, setting aside my concerns over the principle of this, could also be seen as fairly arbitrary. I'm unsure why that particular threshold has been applied, particularly when it excludes potentially suitable centres located marginally beyond this (e.g. Radcliffe-on-Trent, Calverton and Southwell – though I note that sites in Southwell and a site in Calverton have been assessed for completeness).

My final issue with the methodological approach is a fairly fundamental one. Para 3.07 of the applicant's assessment outlines that only in-centre and edge-of-centre locations have been considered. National policy is however very clear that if neither town centre locations nor edge of centre locations are available then preference should be given to accessible out-of-centre sites which are well connected to centres. This aspect of the test appears to have been entirely disregarded, and on this basis alone I'm not convinced that the methodological approach is robust. In some circumstances this lack of robustness could be overlooked in seeking to apply the test in a proportionate and reasonable way, however this would be dependent on there being access to sufficient information elsewhere to guide the consideration of sequential matters.

Most of the alternative sites identified by the applicant would be too small to be considered appropriate, even allowing for some degree of flexibility. Although I don't agree with the suggestion that they can all be readily dismissed except for 'land east of Chapel Lane, Bingham'. The Old Railway Yard, Bingham at 2,340 sq m is only 16% smaller than the application site (2,794 sq m) and no appraisal has been provided of its relative merits, there may be benefit from doing so. Aside from this I am comfortable with the dismissal of the remaining sites, but there still remains the significant flaw that no out-of-centre sites appear to have been considered. This could include for instance the open space located off Old Tannery Drive,

Lowdham. Whilst the land is covered by Spatial Policy 8 the policy does allow for loss to occur where sufficient provision exists, or replacement provision is made elsewhere. An innovative approach to the sequential test could examine the potential for land to be released to accommodate the retail and café use, with replacement open space provision being made within the Green Belt adjacent to the site. The catchment defined by the applicant includes areas beyond Newark & Sherwood's administrative area and so naturally I am unable to comment on the potential existence of unconsidered alternative sites in these locations, including sequentially preferable out-of-centre sites.

Taken as a whole I have severe concerns over the sequential exercise undertaken, and question whether it can be considered robust enough to confidently conclude that there are no sequentially preferable suitable and available sites. As it stands the proposal therefore fails to satisfy the sequential test, and as outlined at para 27 of the NPPF where this is the case it should be refused. You may however wish to go back to the applicant and allow for further input to be provided on this matter.

Impact Test

Turning now to the impact test, the applicant concludes that the consideration of impact is not necessary due to the proposal falling below the 2,500 sq m threshold in national policy and Core Policy 8. However, as referred to above, amendments to Core Policy 8 seek the introduction of a local threshold of 350 sq m (gross) or greater outside of the Newark Urban Area, which the proposal exceeds. In my view the emerging policy is consistent with the tests outlined in national policy to the extent whereby meaningful weight can be afforded to it for the purposes of our decision-making. Notwithstanding this the NPPF doesn't say that a local planning authority (LPA) cannot take account of retail impact as a material planning consideration for schemes below the default threshold. Not only are retail impact assessments (RIA) frequently requested for smaller schemes, but we are also entitled to determine a planning application on what we judge to be material planning considerations. Lowdham's Local Centre is small in scale and anchored by its Co-op store, which generates footfall and linked trips/expenditure. Given its nature the proposal would clearly compete with the existing Co-op store, and so the potential impact on the vitality and viability of Lowdham's Local Centre is evidently material.

There would be some recycling of existing floorspace from the farmshop, and the applicant has offered to enter into a unilateral undertaking to relinquish the A1 consent from the existing farmshop premises. Nonetheless without adequate demonstration to the contrary it is not unreasonable to assume that the potential impact from a diversion of trade to additional out-of-centre floorspace could have serious consequences, potentially stretching to those of a significant adverse nature, for the trading performance and overall vitality and viability of the Local Centre. On this basis I would consider it reasonable to expect the application to be supported by a proportional retail impact assessment. Given the nature and scale of the proposal and the centre most likely to be affected I would suggest that a proportionate

approach would be one which fully applies the checklist outlined at Paragraph 017 (Reference ID: 2b-017-20140306) of the PPG.

As per para 27 of the NPPF where a proposal is likely to have a significant adverse impact on one or more of the factors identified then it should be refused. The PPG advises that it is for the applicant to demonstrate compliance with the impact test, and as also outlined the failure to undertake an impact test could in itself constitute a reason for refusing permission. As far as I can establish the applicant did not approach the Authority prior to submitting the proposal where there would have been the opportunity to discuss the Authorities view on impact and the scope, key impacts for assessment and level of detail required could have been agreed (as per the advice in the PPG). Whilst the applicant has pointed to other benefits which would occur, promotion of economic growth and the retention of two local businesses, the PPG advises that it is when the impacts are unlikely to be significant adverse that the positive and negative effects should be considered alongside all other material considerations. As it stands we are in a position where we cannot come to a view over the likely extent of impact, and so if appropriate allow this balancing exercise to be undertaken. Again you may wish to allow the applicant the opportunity to come back to us on the matter of impact.

Conclusion

I am comfortable with the proposed development from a Green Belt and flood risk perspective. However I have severe concerns regarding satisfaction of the sequential test, and whether the exercise can be considered sufficiently robust to allow us to conclude there are no sequentially preferable suitable and available sites. The application is not supported by an impact assessment, in line with the emerging requirements of Core Policy 8 and which I would consider to be necessary in any regard given the scale and format of development proposed relative to the Centre most likely to be affected (Lowdham). We are therefore in a position where we cannot currently come to a view over the proposals likely impact. On this basis I am, at the present time, unable to provide support for the positive determination of the proposal.

NSDC Environmental Health (Reactive) - Were the application to succeed you may wish to look at some control over trading hours and I would ask for full details of any external plant, such as chillers etc. to be submitted in due course as appropriate.

NSDC Environmental Health (Contamination) - This application includes the conversion of vehicle workshop to commercial use and there is potential for contamination to be present 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.

NSDC Access Officer – As part of the developer's consideration of access to and use of the proposal, with particular reference to access and facilities for all people including those with disabilities, it is recommended that the developer's attention be drawn to BS8300: 2009 Design of Buildings and their approaches to meet the needs of disabled people – Code of Practice – as well as Approved Document M and K of the Building Regulations which contains further useful information in this regard.

Access to, into and around the proposals together with provision of suitable accessible facilities and features should be carefully considered to ensure these are available and equally convenient to access and use. Easy access and manoeuvre for all, including wheelchair users, should be considered to allow access for all and users to turn and manoeuvre without restriction, barriers or obstructions. Externally inclusive access to and around the site should be considered together with access to available facilities and features together with safe pedestrian access from the edge of the site and from car parking where carefully laid out provision for disabled motorists should be available. BS8300:2009 provided information in respect of design and proportion of car parking spaces.

It is recommended that the developer make separate enquiry regarding Building Regulations matters. It is further recommended that the developer be mindful of the provisions of the Equality Act.

Neighbours/Interested Parties –

A total of 14 letters of representation have been received.

One letter writes in support for reasons including;

- The proposal would be appropriate in the green belt;
- The proposal would allow two established businesses to continue and maintain local employment particularly given impending loss of Peugeot franchise;

13 letters raise concerns including:

Retail impact:

- Whilst I support any proposal for Gonalston farm shop to relocate and expand, I hold serious reservations about the impact of another supermarket in the locality;
- The addition of a Spar could be detrimental to the shops in the village which are more central to village life and would be sorely missed if they were unable to continue trading due to lack of revenue;
- The coffee shop would effect Johannas on Main Street;
- Concern about the branding and look of a Spar to the village;
- Impact to the existing business in the village which already has two corner shops, and a co-op as well as a recently opened coffee shop. Allowing the new development would damage these businesses and detrimentally affect their employees.
- Next there would be a burger bar and 24 hour opening.
- A 'Review of Implications for Retail Planning Policy' prepared by a planning consultant on behalf of an objector concludes that the relocation of Gonalston Farm Shop 'cannot be used to justify the development of an out-of-centre retail complex three times the size of Lowdham Village Local Centre, outside the village, in a Green Belt location. The SPAR market, in particular, is not an appropriate use in this location'.

Amenity:

- Impact of longer working hours for a shop including early morning deliveries and extra noise and activity from customers to neighbours and the rest of the local community;
- Poor street lighting;
- Light pollution from late opening affecting residents and wildlife;
- Impact on scenic rural location.

Flooding:

- The field to the right of the garage if extended into is prone to flooding and could make matters worse.

Highways:

- The road is very busy with lots of accidents which would be made worse by the increases numbers of cars, larger vans/lorries and pedestrians turning into the site;
- The right turn onto the site is unsafe and close to the bend;
- Creation of unnecessary traffic through the village.
- The access to the site is not sufficient and too narrow;
- Insufficient parking provision;
- A road traffic assessment should be carried out due to the amount of vehicles that travel at high speeds on this stretch of road;

Other:

- The proposal would leave a car sales unit with seemingly very little space to display sales stock;
- The consultation period is too short and should be extended due to the large no. of potential issues raised;
- No consultation with local people or an assessment of need.

Comments of the Business Manager

The Principle of Development

Green Belt

The application site falls within the Green Belt and Core Policy 4B defers to the definition of appropriate development provided in national Green Belt policy. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence. The re-use of buildings is not considered inappropriate in Green Belt provided they preserve openness and do not conflict with the purposes of including land within it.

The proposal would constitute the partial redevelopment of previously developed land through the re-use of an existing building of permanent and substantial construction, with the extent of alteration appearing to be modest. No overall increase to the footprint of the building is proposed for redevelopment to occur, and whilst there would be a slight increase to the area of the site covered by hard surfacing, to service the retail unit and café, this is marginal and would have no materially greater impact on the openness of the Green Belt or the purposes of including land within it than the existing development. Whilst the level of activity associated with the proposed use could differ from the existing use (particularly in relation to hours of opening), it is not considered that any increase would have a materially greater impact on the openness of the Green Belt when taking into account the existing use of the site and the limited physical intervention required to accommodate the anticipated change.

Allotments are defined as an agricultural use and do not ordinarily require planning permission. On this basis, I am comfortable that this use would not result in any impact on the openness of the Green Belt. No sheds or other ancillary structures are proposed as part of this application and I am satisfied that the erection of such buildings could be controlled through the need for a separate application for planning permission. A note advising the Applicant of this requirement is advised.

Retail

Policy

It is established that the starting point in assessing a development rests with the Development Plan and that the NPPF should form an important material consideration in the decision making process.

Core Policy 8 of the Core Strategy sets out the retail hierarchy within the District and seeks to protect vitality and viability of existing centres and also provide for new centres within strategic sites across the district. The hierarchy includes Lowdham Local Centre which has been defined on the basis that it is primarily concerned with the sale of food and other convenience goods to the local community in which they are located. The policy further states that retail development in out of centre locations will be strictly controlled and that proposals would need to demonstrate their suitability through the sequential site approach and provide a robust assessment of the impact on nearby centres. Notwithstanding the above adopted policy, a review of both the Core Strategy and the Allocations and Development Managements Plan Documents is currently in progress and in the case of the Core Strategy review is well advanced. The Amended Core Strategy, which contains a revised Core Policy 8, was examined by the appointed Inspector in February 2018.

The revised Core Policy 8 follows the recommendations of the December 2016 Town Centres and Retail Study (TC&RS) and seeks to require retail development over 350 GIA outside of the Newark Urban Area to be “robustly assessed, through the undertaking of an impact assessment proportionate to the scale and type of retail floorspace proposed.”

I note that Core Policy 8, as revised, differs from the adopted Policy DM11 of the Allocation and Development Management DPD in terms of the threshold at which detailed retail justification will be required. DM11 states that “Retail development in all out-of-centre locations will be strictly controlled. Retail proposals creating more than 2500 sq m of floor space outside of town, district and local centre locations will require justification through the sequential test and robust assessment of the impact on nearby centres and the following:

- The impact on the range and quality of the comparison and convenience retail offer; and
- The impact of the proposal on allocated sites outside town centres being developed in accordance with the Development Plan.”

In this case, whilst I note the emerging Core Policy 8, I also note the adopted DM11. At a national level Paragraph 26 of the NPPF provides guidance on national retail policy and states that *when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).*

Irrespective of stated thresholds I note that the primary issue is assessing the impact of the proposals upon the vitality and viability of centres. In this case there is evidence available from the LPA's evidence base work on retail.

For the purposes of paragraph 216 of the NPPF (stage of preparation, extent of unresolved objection and degree of consistency with national policy), it is considered that the emerging Core Policy 8 content satisfies the tests to the extent that 1) it is at an advanced stage, with the Examination taken place in February 2018 and only the modifications to be finalised and consulted upon and 2) there are no unresolved objections to the local thresholds set within the emerging policy. Accordingly, I consider that significant weight can be attached to the policy, and even more importantly the impacts on vitality and viability, on an overall planning balance.

Paragraph 23 of the NPPF provides guidance on the application of the sequential test and states that 'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require application for main town centre uses to be located in town centre, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. Paragraph 8 of the PPG concurs, stating 'The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations area available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking. The NPPF at para 27 states 'Where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, it should be refused.

Sequential Test

The site is not located within the defined Local Centre of Lowdham being situated more than 500 metres to the west (as the crow flies), outside of the village envelope and located with the Green Belt. The site is therefore located out-of-centre. The Sequential Test submitted with the application agrees that the site is located out of centre. However, concern was raised by Officer's during the course of the application in relation to the robustness of the submitted Sequential Test and the possible harm (impact) the proposed store could have on the vitality and viability of Lowdham Local Centre. This concern was communicated to the applicant and a Supplementary Sequential Test and letter from the Agent (dated 29.01.2018) was submitted.

The full comments of the NSDC Policy Officer in relation to the submitted Sequential Test is set out in the Consultations section above. In summary, whilst they do not necessarily disagree with the reasoning behind the discounting of the identified alternative sites, that they do retain some concern over the methodological approach, and whether sufficient flexibility has been shown. It is not clear that the test has been applied in a robust and comprehensive manner and so it cannot be confidently concluded that there are no sequentially preferable alternative sites. In line with paragraph 26 of the National Planning Policy Framework, where a proposal fails to satisfy the sequential test, it should be refused.

Fall Back Position

A 'fall back' position is something that either has the benefit of planning permission or would not require planning permission that could be carried out without any further consent and which can be considered against a current proposal and which has a likelihood of coming forward.

The applicant considers that in this case there is a 'fall back' in which the current proposal should be considered against. The Agent asserts that the relocation of the farm shop is the 'primary driver' of the proposal rather than the Spar Market element. The supporting information confirms that the existing retail consent at the current Gonalston Farm Shop (which has 298 sq m of A1 retail floorspace at their existing site) would be formally relinquished by legal agreement should planning permission be approved.

In floorspace terms the Spar would be by far the dominant element with Gonalston Farm Shop significantly downsizing to 108 sq m. The farm shop element would concentrate on its butchery, fishmongery and delicatessen component and it is proposed that the new Spar shop would takeover the sale if the A1 retail offer currently provided at the existing farm shop. However, I do not accept this as an acceptable fall-back position for the following reasons.

The planning history for the farmshop is as follows:

- 01/01716/FUL Proposed farm shop (linked to Mason Bros Livestock) – approved 11.12.2001 subject to conditions including Condition 9 which restricted use for the purposes of a farm shop, in accordance with the agents' letter of 20th September 2001. This letter states that the farm shop would sell a mixture of locally produced foods and meat from the Mason Brothers farm.
- 04/02889/FUL Extend farmshop (and storage) into remainder of empty farm building (NB approximate doubling in floorspace) approved 27.01.2005 subject to conditions including Condition 6 which restricted the use for the purposes of a farm shop, in accordance with the agent's letter of 30th November 2004 and the applicant's letter dated 28th December 2004. The Agents letter referred to stated that the farm shop would sell a mixture of locally produced foods and meat from the Mason Brothers farm confirms that one third of the turnover would be from beef and lamb coupled with pork from Bankwood Farm in Oxton. The rest of produce is sourced within a 50 mile radius with only the mustards from Herefordshire and dried herbs from Norfolk from further afield.

The current application states that Gonalston farmshop has a floorspace of 298m² albeit the floorspace info submitted with 04/02889/FUL implies that only 138m² would be retail floorspace (the remainder would be storage albeit the overall figures available do not seem to tally). The proposed retail floorspace in current application would be 367m² with a coffee shop at 81m² which seems significantly more than the planning history for the farmshop indicates. The reason for the granting of the original farm shop consent was to support the diversification of an existing rural business and it is not considered that the proposed store would be compatible with these aims or comply with the conditions which restrict the current farmshop business.

In addition, if the 'fall back' position represents a real prospect of implementation and is deliverable then it should constitute a comparison for which the current application can be considered against. The correct tests (as established by case law) for determining the fall back position are whether there is a lawful ability to undertake the fall back position (i.e. is there an implementable consent) and whether there is a likelihood or real prospect of such a consent

occurring. Notwithstanding the conditions imposed on the existing farmshop consent, I consider it unlikely that this site would be capable of accommodating the application currently proposed without significant rebuilding and extension (which notwithstanding any retail impact issues may not be acceptable in principle in any event due to the sites Green Belt location).

As such, I do not consider the use of the existing Gonalston farmshop to represent a realistic fall back position. I therefore attach little weight to the Applicants offer for a Unilateral Undertaking securing the relinquishment of the existing (farm shop) A1 retail consent from the existing premises within six months of taking occupation at the new site.

Impact on the Vitality and Viability of Lowdham Local Centre

In relation to the impact test, the applicant concludes that the consideration of impact is not necessary due to the proposal falling below the 2,500 sqm threshold in national policy and Core Policy 8. However, the amendments to Core Policy 8 seek the introduction of a local threshold of 350 sqm (gross) or greater outside of the Newark Urban Area, which the proposal exceeds (and it is considered that significant weight can be attached to this emerging policy for the reasons set out in the 'Retail Policy' section above).

In Officer's opinion the impact on the vitality and viability of nearby centres is a clear material planning consideration. The full comments of the NSDC Policy Officer in relation to the requirement for an Impact Test are set out in the Consultations section above. In summary, these comments state that Lowdham's Local Centre is small in scale and anchored by its Co-op store, which generates footfall and linked trips/expenditure. Given its nature the proposal would clearly compete with the existing Co-op store, and so the potential impact on the vitality and viability of Lowdham's Local Centre is evidently material. Without adequate demonstration to the contrary it is not unreasonable to assume that the potential impact from a diversion of trade to additional out-of-centre floorspace could have serious consequences, potentially stretching to those of a significant adverse nature, for the trading performance and overall vitality and viability of the Local Centre.

On this basis it is reasonable to expect the applicant to provide a proportionate assessment of the likely impact of the proposal. The Applicant has not submitted this assessment and has refused to provide one. Without such input it is not possible to appropriately weigh the matter of impact in the balance. As per para 27 of the NPPF where a proposal is likely to have a significant adverse impact on one or more of the factors identified then it should be refused. The PPG advises that it is for the applicant to demonstrate compliance with the impact test, and as also outlined the failure to undertake an impact test could in itself constitute a reason for refusing permission.

Other Positive Effects

The PPG advises that it is when the impacts are unlikely to be significant adverse that the positive and negative effects should be considered alongside all other material considerations. As it stands we are in a position where we cannot come to a view over the likely extent of impact given the clear failure of the applicant to demonstrate this.

However, for completeness, the applicant has pointed to other benefits which would occur including promotion of economic growth and the retention of two local businesses albeit both at a smaller scale (Gonalston Farmshop and J Harrison as an independent car retailer, garage and

petrol filling station.). The submitted Design and Access Statement states that Peugeot have formally given notice to J Harrison that its franchise will be withdrawn shortly which places the existing business and all of its workforce at significant risk. The Statement also states that the proposal would secure a rental income to enable J Harrison to remain on site and also implies that Gonalston Farm Shop Ltd may be at risk over the coming years. However, this information is anecdotal and I can therefore give this limited weight particularly when the impact upon the Local Centre of Lowdham is unknown. In summary, I do not find that there is an overwhelming benefit to proposal that would outweigh the lack of any demonstration or considerations of retail impact.

Impact upon Visual Amenity

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 Trent Washlands Policy Zone (TW PZ 27) 'Caythorpe and Gonalston River Meadowlands' character area as defined within the Council's Landscape Character Supplementary Planning Document (SPD). The landscape generally within the zone is unified and has few detracting features including the A612. The policy action for the zone is to 'Conserve' with policy actions to conserve the rural character of the landscape.

Overall, I am satisfied that the proposal would not result in a development which would be detrimental to of the visual amenity of the rural landscape in accordance with Core Policy 9 and 13 of the Core Strategy and Policy DM5 of the DPD.

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.

There are no changes to the existing access proposed by the current application according to the application form, 36 additional car parking spaces would be provided (I assume that sales parking would be given over to customer parking to achieve this number). Despite the request for further clarification of parking and staff numbers, I note that the latest position of the Highways Authority is to raise no objection to the scheme in terms of highway safety. As such, the proposal is not considered likely to result in any adverse impact upon highway safety.

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 DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. No ecology survey has been submitted with the application. However, as 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.

A residential property is located immediately to the east of the site with the next nearest neighbour located on the opposite side of Southwell Road, just over 50 metre away. The Environmental Health Officer raises no objection to the proposal subject to conditions relating to trading hours and the submission and approval of any external plant details such as chillers etc. As the proposal is already in use for commercial purposes, it is not considered that the proposal would give rise to any material increase in any adverse impact upon neighbouring properties by virtue of any noise or disturbance issues. Whilst, operating hours may be longer and later than the current use, it is not considered that the limited amount of noise to be generated from the use would be so significant to warrant refusal of the application, particularly when taking into account the background noise levels generated from traffic along Southwell Road.

Subject to conditions, I am therefore satisfied that proposal would comply with the objectives of Policy DM5.

Flood Risk

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 majority of the site lies within Flood Zone 2, with part located in Flood Zone 2. The proposed development is not a more vulnerable use than the use of the existing site. In line with para 104 of the NPPF proposals for change of use should not be required to undertake the sequential and exceptions tests, but should still meet the requirements for site specific flood risk assessments. A flood risk assessment has been submitted with the application which confirms that the proposal would incorporate measures for flood resilience including setting appropriate finished floor levels, electric circuitry etc. coming from above rather than the ground etc., raising utility inlet points and locating boilers at a high level. Subject to conditions, I am therefore satisfied that the proposal would comply with the requirements of Core Policy 9 and Policy DM5.

Planning Balance and Conclusion

The proposal would be acceptable in terms of its location within the Green Belt, Flood Zones 2 and 3, impact on visual amenity, impact on neighbouring properties and highway safety.

The Council is of the view that retail impact forms a material consideration in relation to the determination of this applications and that revised Core Policy 8 should have due weight attached to it. It is not considered that the submitted Sequential Test has been applied in a robust and

comprehensive manner and so it cannot be confidently concluded that there are no sequentially preferable alternative sites. In line with paragraph 26 of the National Planning Policy Framework, where a proposal fails to satisfy the sequential test, it should be refused. In addition, it has not been demonstrated through the submission of a retail impact test that the proposal would not result in a significant adverse impact upon the vitality and viability of the Local Centre of Lowdham.

Accordingly, in the overall planning balance I must conclude that the proposals are unacceptable and planning permission should be refused on retail grounds.

RECOMMENDATION

That full planning permission is refused for the following reason:

Reasons for Refusal

01

The application site is located out of centre outside of both the defined Local Centre and village envelope of Lowdham. Core Policy 8 (Retail Hierarchy) of the Core Strategy (Adopted 2011 and Emerging 2018) sets out the retail hierarchy within the District and seeks to protect vitality and viability of existing centres and demonstrate the suitability of retail development outside of a defined town centre through a sequential site approach and an assessment of impact on nearby centres.

The National Planning Policy Framework (NPPF) supports this approach and states that applications for main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. In the opinion of the Local Planning Authority (LPA) the Applicant has not applied the sequential site approach in a robust and comprehensive manner and the LPA fail to be convinced that there are no alternative suitable sites available. As such, the application fails to satisfy the sequential test.

The NPPF also states that where an application is likely to have significant adverse impact on town centre vitality and viability and on investment in a centre or centres in the catchment area of the proposal, it should be refused. A retail impact assessment of any type has not been submitted with the application, despite request. As such, the application fails to demonstrate that the proposal would not result in a significant adverse impact upon the vitality and viability of the Local Centre of Lowdham.

The proposal is therefore contrary to Core Policy 8 as well as being contrary to the National Planning Policy Framework (NPPF) and NPPG which are material planning considerations. There are no other material planning considerations that would outweigh harm by reason of sequential inappropriateness or potential harm to Lowdham Local Centre.

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/

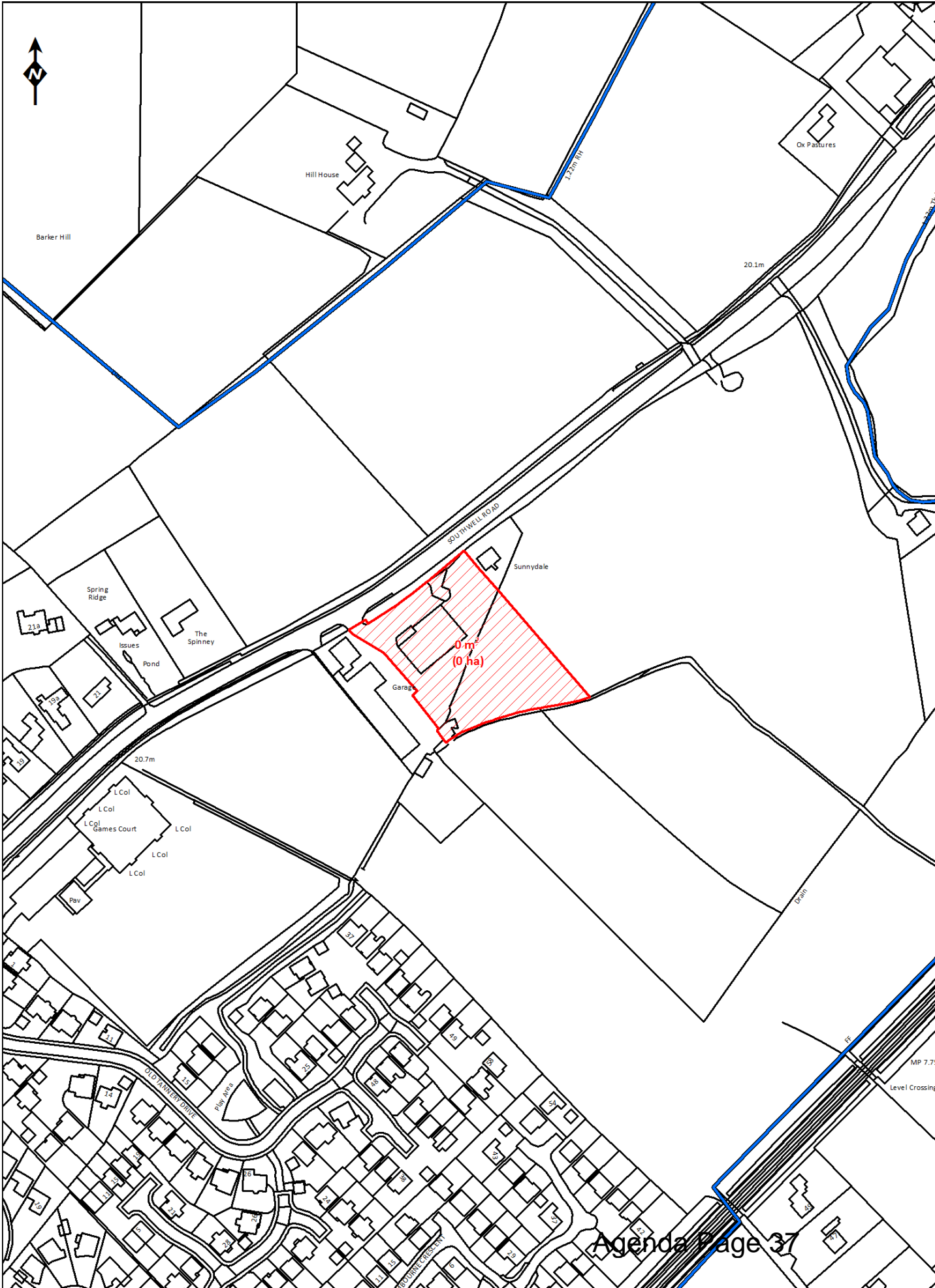
BACKGROUND PAPERS

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



Application No:	17/00595/FULM		
Proposal	Residential development of 305no 2, 3 and 4 bed dwellings and associated open space and ancillary works		
Location	Land North Of Petersmith Drive, Ollerton, Nottinghamshire		
Applicant	Gleeson Regeneration Ltd		
Registered	10.04.2017	Target Date: 10.07.2017	Extension of time: Agreed in principle

This application has been referred to Planning Committee for determination due to the officer recommendation being contrary to the comments of the Parish Council.

The Site and Surroundings

The site relates to land at the rear of Petersmiths Drive which has been allocated in the Development Plan for mixed use development. The site area measures approximately 20.18ha (based on the revised red line boundary received during processing of this application), is irregular in shape and sits adjacent to the existing settlement edge to the north west of New Ollerton. Properties to the southern end of Petersmiths Drive are situated at a higher level to the site and the rear boundary of these properties adjoins a vegetated bank with an existing footpath closely aligned with the northern boundary of the settlement edge. Maun Infant and Nursery School and Forest View Junior School are situated adjacent to the south eastern boundary of the allocated site as well as the existing sports ground on Walesby Lane. To the north west of the proposed development site the land is characterised by open fields and the River Maun. Boughton Conservation Area and the Grade II Listed buildings at Boughton Pumping Station are situated in close proximity to the north eastern edge of the site. Ollerton Conservation Area is located some 530m to the south west of the site. Parts of the Northern and western edges of the site within Flood Zones 2 and 3 with the remainder of the site being situated within Flood Zone 1. The nearest Local Wildlife Site is Whinney Lane Grassland situated immediately to the north east of the site within the Boughton Conservation Area. The Birklands and Bilhaugh biosinc, an extensive remnant of the historic Sherwood Forest including excellent examples of the characteristic heathland and woodland communities, is located approximately 500m to the west of the site.

The application site is located within the Sherwood Policy Zone 15 (S PZ 15) as identified in the Newark and Sherwood Landscape Character Assessment (LCA) SPD. This Policy Zone is described as 'River Maun Meadowlands with Plantations' and the landscape is defined as being in 'good' condition and as having 'moderate' sensitivity. The LCA describes views as being generally contained by the low landform and intermittent tree cover. The landscape actions for this area within the LCA are to 'Conserve and Reinforce.'

Relevant Planning History

There is no planning history of relevance to the site albeit the applicant has sought pre-application advice prior to submission.

Environmental Impact Assessment Screening

Prior to submission of the application, the applicant sought a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council applied the selection criteria set out by Schedule 3 of the Regulations. Taking all matters into account, the Council confirmed its opinion that the proposal is unlikely to have complex or significant environmental effects and thus a formal Environmental Statement was not required in this instance.

In reaching this conclusion, the Council was satisfied that the proposal would not constitute a major development that would have more than local significance. Particular regard was also given to the location of the site which is outside of any designated environmentally sensitive areas and the scale and characteristic of development which would be residential seen in context with the existing settlement of New Ollerton.

The Proposal

Full planning permission is sought for residential development of the site for 305 dwellings with associated open space and ancillary works.

The quantum of dwellings has remained constant through the consideration of this application, however the extent of the application site has changed through the process to accommodate the proposed drainage solution.

The submitted drawings show the application site to be split in to two distinct phases. Vehicular access is taken from Whitewater Lane to the eastern end with a spine road then running through the site to join a second point of access to the western end linking in to Petersmith Drive. The spine road serves several cul-de-sacs in each phase of the development. The first phase to the eastern end consists of 145 dwellings. There is then a distinct break to the centre of the application site where the site narrows and land is shown to provide public open space and a N.E.A.P. The second phase to the western end would provide a further 160 dwellings. Further open space is shown at the site entrance to the eastern end of the site including a L.A.P, and to the western end where a L.A.P. and land for sports pitches adjoining the existing Ollerton Miners Welfare Sports Ground which is situated to the south of the site. Two SUDS attenuation ponds are shown with one serving each phase of housing and situated immediately to the north of the residential parcels. Footpaths are shown alongside the proposed vehicular access spanning the site east to west from Whitewater Lane to Petersmith Drive as well as an additional footpath link to the east to the site frontage and another via a proposed cul-de-sac on the eastern parcel linking through to Petersmith Drive.

A suite of supporting plans and documents have been submitted with the application. Drawings include housing layouts, dwellings types, garage plans, materials elevations and schedule, details of boundary treatments, phasing plan, landscape plans, engineering plans and an indicative section plan. Supporting documents include a Landscape and Visual Impact Assessment, Air Quality Assessment, Economic Impact report and Viability Appraisal, Affordable Housing Statement, Heritage Statement, Archaeological Statement, Planning Statement, Residential Travel Plan, Tree and Hedgerow Survey, Design and Access Statement, Ecological Impact Assessment, Flood Risk Assessment, Maximising Security Through Design report, Transport Statement, Geophysical Survey and Planning Obligation Statement.

Departure/Public Advertisement Procedure

Occupiers of 194 properties have been individually notified by letter on the revised plans. The application has also been publicised by a site notice displayed at the site and an advert placed in the local press. All properties previously consulted and those that had previously made comments on the application were reconsulted in January 2018 following the submission of revised plans which included a second point of access providing a link to the western end of the site with Petersmith Drive and revised landscape proposals.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted 29 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
- Core Policy 13 Landscape Character

Newark and Sherwood Publication Allocations & Development Management DPD

- Policy OB/MU/1 Ollerton & Boughton – Mixed Use Site 1
- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM3 Developer Contributions and Planning Obligations
- 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)

National Planning Practice Guidance (Web based resource)

Newark and Sherwood Affordable Housing SPD (June 2013)

Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)

Newark and Sherwood Landscape Character Assessment SPD (December 2013)

Consultations

Ollerton and Boughton Town Council – Original comments on the application stated:

‘Object to the proposal on the following grounds:

1 - Highways – Access

The only access to this large development is from a small road which is already in a state of disrepair.

There could be in excess of 500 vehicles regularly accessing & exiting the site.

The main route to the site access is along a busy residential road which already has speed humps and passes two schools.

The alternative route is through a large estate where the bus service has already been cancelled as buses and also emergency vehicles struggle to get through due to the amount of parked cars.

The third route is from the A614 and uses a small bridge and would require a right turn at a dangerous junction. In addition there is no footpath on this route which puts pedestrians at risk.

2 - Environmental issues

The development is on a flood plain and members were concerned that the issue of flood risk has not been addressed. This would put both existing dwellings and the new properties at risk.

Due to the over development of the site wildlife has been put at risk. Previous investment of time and funding to enhance a footpath through the countryside would now be wasted.

3 - Infrastructure

Ollerton roundabout is already at full capacity and the addition of 500+ cars regularly travelling to and from the development would cause further strain at this busy junction.

The original Allocation was for approximately 200 dwellings and not the proposed 300+ properties causing over intensification of the site.

Members also felt that levels of unemployment would be affected as the increase in residential development is not reflected in the provision of local jobs.

4 - Services

Members were of the opinion that as the local Primary and Senior schools are already at full capacity, with the introduction of more families to the area this would be detrimental to the children's education.

The small GP surgery is currently struggling to cope with the number of existing patients. Other services such as the dentist etc are also oversubscribed. There appears to be no mention of contributions to address these problems. It was felt that an additional GP Surgery offering other healthcare provision plus measures to increase educational facilities should be considered as a priority.

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.'

Further comments on the revised plans in January 2018 stated:

'At the meeting of the Town Council's Planning Committee last night, following careful consideration the members agreed that their original grounds for objection were still valid:

1 - Highways - Access

Despite the addition of a second access this does not address the original concerns and in fact causes additional problems.

Both access routes lead from a small road which is already in a state of disrepair.

There could be in excess of 500 vehicles regularly accessing & exiting the site.

The additional access will cause further disruption to traffic flow on Forest Road and result in an increase in vehicles turning on to Forest Road from busy junctions at Beech Avenue and Walesby Lane close to the roundabout.

The main route to the site accesses is along a busy residential road which already has speed humps and passes two schools.

The alternative route is through a large estate where the bus service has already been cancelled as buses and also emergency vehicles struggle to get through due to the amount of parked cars.

The third route is from the A614 and uses a small bridge and would require a right turn at a dangerous junction. In addition there is no footpath on this route which puts pedestrians at risk.'

The additional comments reiterated the points 2 – 4 from the original response and added further:

'Noise, pollution, access/traffic issues, health and safety regards will have a cumulative effect on the existing residents of the town'

NATS – 'The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.'

These comments were repeated following reconsultation in January 2018.

NSDC Emergency Planner – 'I've taken a look at the flood report attached to the application and there appears to be a risk of flooding in the event of extreme weather through the centre of the proposed development. Flood mitigation measures have been factored in which should reduce the impact of any potential flood - this will not fully cancel out the impact however and it will be down to planning to assess whether the potential risk is acceptable.

I am not willing to support/decline to support any application as I am not a planning officer in respect of building/development and do not feel qualified to do so.'

NSDC Environmental Health – No comments to make.

NSDC Environmental Services (Contamination) – 'With reference to the above development, I have received a Phase 1 Geotechnical and Geo-Environmental Site Investigation Report submitted by Eastwood & Partners acting on behalf of the developer.

This document includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the site's previous uses and a description of the site walkover.

The report then recommends that further work is required in the form of an intrusive investigation. I shall look forward to receiving the subsequent phase 2 report in due course.'

Following this the Phase 2 report was submitted by the applicant and Environmental Services were reconsulted. A further response was received confirming:

'I have now had the opportunity to review the Phase 2 Geotechnical And Geo-Environmental Site Investigation report submitted by Eastwood & Partners (Project No 39505, dated 18th August 2016) conducted at the above site.

I can generally concur with the findings of the report and am therefore in a position to be able to recommend discharge of the contamination condition.'

The case officer confirmed with the Environmental Health Officer that as a consequence of the above, the Environmental Health Officer was satisfied that the standard phase contamination condition was not required as the applicant has done enough to justify that such a condition is not needed in this instance.

NSDC (Parks and Amenities) – 'As a major housing scheme of 305 dwellings this development will need to include public open space provision in the form of provision for children and young people (18m²/dwelling), amenity green space (14.4m²/dwelling), outdoor sports facilities (52.8m²/dwelling) and natural and semi-natural green space. In addition, as a development within a 5km radius of the Birkland and Bilhaugh SAC there is a need for the provision of Suitable Alternative Natural Green Space.

According to the Planning Statement a 'significant amount of public open space will be provided throughout the development' however there is no layout plan within the submitted documentation showing the disposition of this and I am thus unable to comment on the proposed provision. However a development of this size should provide on-site provision for children and young people in the form of at least 1 Neighbourhood Equipped Area for Play and additional Local Equipped Areas for Play such that both areas of housing are covered and there is provision for older children and teenagers as well as younger children. Amenity green space should be provided on site as should natural and semi-natural green space. The SANGS element could either be provided on site or as an off-site contribution to improve existing areas of accessible natural green space in the vicinity of the development.

I note that the Housing Layout plan shows a single football pitch and that this is located adjacent to the existing Ollerton Welfare sports ground. Whilst the provision of pitch space is to be welcomed I believe that to properly reflect the scale of the development there should be an accompanying off-site contribution towards the improvement of the existing Welfare facilities. I note also that the pitch is partly located on a 1 in 100 year floodplain which may adversely affect its usability.'

NCC (Strategic Planning)

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’.

Healthy Communities

The NPPF seeks to promote healthy communities. Paragraphs 69-78 of the NPPF set out ways in which the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. It states that planning policies and decisions should:

- plan positively for the provision and use of community facilities in order to enhance the sustainability of communities;
- ensure an integrated approach to considering the location of housing, economic uses and community facilities.

Paragraph 171 of the NPPF relates to health and well-being and encourages local planning authorities to work with public health leads and organisations to understand and take account of the health status and needs of the local population, including expected future changes, and any information about relevant barriers to improving health and well-being.

With regard to public rights of way, paragraph 75 points out that they should be protected and enhanced, and ‘local authorities should seek opportunities to provide better facilities for users’.

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.’

Public Health

Appendix 1 sets out the local health report for the site and identifies that many of the health indicators are: worse than the England average) with Healthy Life and Disability Free expectancy, All causes of death for all ages Standardised Mortality Ratio (SMR) and Causes of premature mortality for under 75 years SMR causes is statistically worse 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/healthand-wellbeing-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 not significantly worse than the England average. 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 & 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 Planning Issues

The adopted Nottinghamshire and Nottingham Waste Core Strategy (adopted 10 December 2013) (full title Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1:Waste Core Strategy) and the saved, nonreplaced 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 terms of the Waste Core Strategy, there are no existing waste management facilities in the vicinity of the proposed development to raise any issues in terms of safeguarding our existing waste management facilities (as per PolicyWCS10 of the Waste Core Strategy). 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.

Strategic Highways

NCC have concerns relating to the cumulative impact of this development and others on the A614/A616/ A6075 Ollerton Roundabout junction. The TA supporting the application identifies 35% of the development traffic heading towards the Ollerton roundabout but does not consider the significance of this impact. In the same way that NCC are negotiating a S106 contribution from Thoresby Estates towards the cost of the Ollerton Rbt improvement scheme a proportional contribution from this development should also be sought.

Rights of Way

This application may impact on Ollerton & Boughton Parish Public Bridleways No 7 & 8, which run alongside the north western boundary of the site as shown on the attached working copy of the definitive map.

Whilst not an objection this Office would require that the availability of the above path(s) is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. That we are consulted in any re surfacing or gating issues, also developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

Any required path closure or diversion application should be made via consultation with this office.

Transport and Flood Risk Management

Comments to be provided separately by the Highway Development Control Team and the Flood Risk Management Team.

Archaeology

This application is accompanied by an unusually thorough desk based archaeological assessment, which is good. However, the document concludes the site to have low archaeological potential. This is based upon a lack of recorded archaeology in the vicinity. Unfortunately, this argument is a circular one, which has persisted across the Sherwood area. Little has been found, therefore we do not look, therefore we do not find. This issue has been specifically addressed in "Aggregates and Archaeology in Nottinghamshire", and while the application is for housing not quarrying, the principle nevertheless applies. There are more than a few hints that the conclusion may not be correct. For instance, the report notes the presence of palaeochannels but comments that it is unlikely that these will be affected by the development. Palaeochannels may contain data about the changing climate and ecosystems of the Forest as well as well-preserved organic remains. Not a single one of the rivers in the Sherwood area have had any modern archaeological investigation, which is staggering when one thinks of the amount of work which has been done on the Trent and its larger tributaries. It is noted that the ground condition report mentions peat deposits, offering further indications of the site's potential. The Maun has been manipulated from at least the Medieval period; indeed just a little to the South NCC have only recently become aware of an extensive water management system associated with the Cistercian monks at Rufford. From the plans for this application it is clear that the different phases of the site require substantial engineering works, including the creation of balancing ponds which appear to go right over the palaeochannels.

The normal NCC response to large developments proposed for the Sherwood sandstones is to recommend geophysical investigation, as this will usually provide corroboration or otherwise of assumptions of low archaeological potential. However, NCC recommend this here too, but with the knowledge that it may only work well on the higher ground, away from alluviated areas. In addition, NCC recommend that there needs to be sampling of the palaeochannels through augering or other geotechnical methods, so that we can determine their potential to contain good environmental or archaeological data. Both types of work need to be done before the application is determined, and they may well indicate that further evaluation is required before we can fully understand the impacts of the proposed development on buried archaeological remains. NCC cannot stress too strongly the fact that the palaeoenvironmental potential of the site needs addressing. NCC cannot think of another development site in the Sherwood area so likely to impact on potentially well preserved riverine deposits.

Ecology

In support of the application, an Ecological Impact Assessment conducted by SLR Consulting Ltd. has been submitted, dated March 2017, which includes an Extended Phase 1 Habitat Survey and protected species surveys. A separate Confidential Badger Report, dated March 2017, has also been produced.

The Ecological Impact Assessment indicates that the site is dominated by arable farmland, with additional strips of ruderal scrub vegetation and a number of hedgerows. There are no existing buildings on the site (with the exception of a small substation).

Overall, the site is of limited nature conservation value, however it does lie within the Impact Risk Zone for the Birklands West and Ollerton Corner SSSI, and within c.1.5km of the Birklands and Bilhaugh SAC, and as such, Natural England should be consulted on the application.

In terms of protected species:

- None of the trees on site have been identified as having potential for roosting bats, and the site appears to be of limited importance for foraging and commuting bats. Nevertheless, parts of the site are of higher importance, so measures mitigation should be required such that any artificial lighting is designed to be sensitive to bats, in accordance with the Bat Conservation (2014) publication – ‘Artificial lighting and wildlife – Interim Guidance: Recommendations to help minimise the impact of artificial lighting’ . **This should be conditioned.**
- At the time of surveying the field was identified as having the potential for skylarks or lapwings to nest within it. We request a standard **condition** controlling vegetation clearance during the bird nesting season (which runs from March to August inclusive).
- The majority of the site is not considered to have potential for reptiles; those areas which do have any potential are not being significantly affected.
- The badger survey identified the presence of active badger setts on the southern section of the site. Whilst this area is not proposed for housing development, the landscaping works for the area should be undertaken in a sensitive manner. In addition, we request a **condition** specifying that prior to the commencement of the development, the site be resurveyed for badgers.
- It appears that a new outfall from the development site into the River Maun may be required. It is requested that the location of this is surveyed for water voles and otters prior to construction, secured through a **condition**. The landscaping plan attached to the development proposal highlights the creation of wildflower areas, which is welcomed as it has the potential to enhance the site, alongside amenity grassland areas. NCC request a **condition** providing further details of the landscaping plan, in particular:
 - A more detailed plan labelling the specimen trees with the proposed species. In particular, we recommend that only native trees are planted within the proposed wildflower areas (i.e. Field Maple, Birch, Rowan or Oak).
 - A more detailed outline of the intended species proportions for use within the mixed native hedgerows and shrub planting areas. These should be in keeping with the Sherwood Landscape Character Area (<http://www.nottinghamshire.gov.uk/EasysiteWeb/getresource.axd?AssetID=253003&servicetype=Attachment>).
- Specification of the wildflower mix to be used for planting.
- Details of establishment methods.

- A landscape management plan (or equivalent) for the area, to guide the ongoing management of retained and created habitats. In order to deliver further enhancements, NCC would welcome the inclusion of integrated bird and bat boxes (the former targeting house sparrow, starling and swift) within the fabric of a proportion of the proposed dwellings. A **condition** to this effect would be welcomed.

It is also queried whether the proposed SuDS feature is intended to be dry for most of the time, or to hold water permanently. The latter has more wildlife value, and would be welcomed. Alternatively, several wildlife ponds could be dug in the open space areas. Comment on this would be welcomed.

Landscape

These comments have been provided by Via East Midlands Ltd on behalf of Nottinghamshire County Council through Via's continuing role of providing operational services on behalf of the County Council.

The Environmental Management and Design Team (formerly Landscape and Reclamation Team) were consulted on a pre-application consultation for this site for 220 240 residential development for this site in September 2017. Refer to planning reference PreApp/00235/15 Whinney Lane Ollerton and memo dated 17th September 2015 from Mike Elliot to the Planning Policy Team.

With regard to landscape design issues the following drawings have been submitted:

- Landscape Proposals 2639/1 1 of 3, 2 of 3, 3 of 3 Revision G September 2016 produced by Rosetta Landscape Design

The preapplication consultation recommended a Landscape and Visual Impact Assessment (LVIA) and a soft landscaping plan both of which do not accompany this application.

Policy OB/MU/1 Ollerton and Boughton Mixed Use Site 1 of Newark and Sherwood Allocations and Development Management DPD requests the "provision of a landscape scheme to assimilate the development into the surrounding countryside in accordance with the landscape character." An LVIA would assess the impact on landscape character and help to inform the master plan for this development which is sited on the visible north western edge of Ollerton close to the River Maun.

To summarise in order to make more detailed comments on this application further information should be provided by the applicant on the impact to both landscape character and visual receptors. Additional information should also be provided on the maintenance and long term management of the sites blue and green infrastructure.

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.

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.

Following confirmation from the applicant that the proposed SuDS features would be designed, in normal circumstances, to be wet (approx. 300mm water in base in normal rainfall conditions), the County Ecologist advised:

‘Thanks for the clarification regarding the SuDS ponds; the comment provided by the applicant is welcomed, as SuDS which are designed to hold water on an at least semi-permanent basis are better for wildlife than those which are dry most of the time.’

NCC (Landscape) – Following the initial response as part of NCC’s Strategic Planning comments, the Landscape Team commented further after the submission of the applicant’s LVIA and landscape drawings:

‘These comments are based on a desk based review of the site using aerial photographs, Google Earth Images, map data available to Nottinghamshire County Council and the following documents on Newark and Sherwood District Councils website accessed on the 17.10.2017

- Existing situation - Drawing No. 2693/4 Rev A
- Mitigation Measures - Drawing No. 2693/6 Rev B
- Visual Impact Analysis - Drawing No. 2693/5 Rev B
- Landscape Proposals 1 of 3 (Drawing No. 2693/1 Rev G) 2 of 3 (Drawing No. 2693/2 Rev G) 3 of 3 (Drawing No. 2693/3 Rev G)
- Landscape and Visual Impact Assessment (Rosetta Landscape Design) 2017

Due to time constraints a site visit has not been carried out in preparing these comments.

Existing Site

The application area (approx. 19 hectares) lies on the north western edge of Ollerton within Newark and Sherwood District. The site is part of a large open low lying agricultural field, set within the wider floodplain of the River Maun that runs to the west of the site. Existing residential housing to the north of Petersmith Drive lies to the south east of the site on slightly higher ground. Ollerton and Boughton bridleway (BW8) runs along the western edge of the site following the course of the River Maun along its western bank.

Designations and Planning Policies

Boughton Conservation area lies to the eastern edge of the site east of Whinney Lane. Boughton Pumping Station (Grade II listed building) lies to the north of this beyond which is mature tree cover of Boughton Brake. The southern tip of this area is a Local Wildlife Site (LWS), Whinney Lane Grassland (Ref: 5/2174) described as ‘An open area with remnant areas of acid grassland.’ Immediately west of the A614, approximately 0.5km west of the site is Birklands and Bilhaugh SSSI and Local Wildlife Site described as ‘An extensive remnant of Sherwood Forest including excellent examples of the characteristic heathland and woodland communities.’

Newark and Sherwood Allocation and Development Management Development Planning Document show this site as a Mixed Use Allocation (OB/MU/1) to accommodate 225 houses.

Proposed Development

The proposed development is for the construction of:

- 305 no. units comprising a mixture of detached/semi-detached 2, 3 and 4 bedroom houses. 2 storeys high (The overall height to ridgelines has not been stated)
- Access road from Whinney Lane.
- Associated green infrastructure , sports field and SUDs features

Physical Landscape Impact

The majority of existing vegetation which will screen this development is off site. The removal of existing vegetation though minimal should be quantified and any trees and hedgerows to be removed should be shown in the drawing (e.g. for new road junction with Whinney Lane). On site trees and hedgerows to be retained should be protected to BS 5837:2012 Trees in Relation to Design, Construction and Demolition.

Impact on Landscape Character

The site lies within the National Character Area NCA 49 Sherwood as defined by Natural England. At a county level the Nottinghamshire Landscape Character Assessment 2009 describes the site lying within the Sherwood character area and the Newark and Sherwood District Council Landscape Character Assessment SPD 2013 shows the site within the policy zone SPZ 15: River Maun Meadowlands with Plantations. The landscape condition is defined as good and the landscape sensitivity moderate giving a landscape action of conserve and reinforce.

The following actions are appropriate to this development:

- Conserve and reinforce the pastoral character of the river valley. (Development largely meets this requirement with the exception of the close proximity of built development within the southern phase)
- Promote measure for restoring arable lands to past and flood meadow (Development largely meets this requirement .Wildflower grassland is shown on the landscape drawings)
- Conserve and reinforce river channel diversity and marginal riverside vegetation. (Some tree planting is shown along sections of the river. Marginal wetland planting has not been shown. There is potential for more tree planting and wetland planting associated with the SUDs feature.)
- Conserve the sparsely settled character of the river corridor by avoiding development within the immediate flood plain of the River Maun. (Not met for the proposed housing area to the south)
- Reinforce the sense of place of the built environment by using materials and design that reflect the local character of the area. (Met)

The applicant has assessed the overall impact on landscape character as minor / moderate adverse impact following construction stage. (Refer to Table 2 page 10 LVIA for the definition of this impact) At year 15 this has been assessed as an overall minor adverse potentially beneficial due to the planting have matured. I consider that this would be minor adverse as it will be

dependent on the treatment of the north western boundary which has not been shown on the drawings. This requires clarification.

Visual Impact

The surrounding topography, pattern of existing vegetation on and offsite, heights of these buildings and proximity of visual receptor will determine the visibility of this development. The visual assessment has been described for the construction period and post construction viewpoints assessed during the summer months when trees are in full leaf. I generally agree with the findings of the visual impact assessment. The greatest impact will be properties that are to the immediate south of the development along Petersmith Drive which has been assessed as substantial by the applicant. There is very limited scope for reducing this impact due to the proposed layout other than planting within rear gardens. Had this LVIA been carried out at the master planning stage this could have been at least partially mitigated against. The rest of the site has been assessed as moderate to minor moderate on completion and a reduction again following planting maturing. This will be dependent on the amount of planting along the north and western edges of the site and proposed lighting. Will the sports pitch shown at the southern end of the site be flood lit?

Design Proposals

The planting shown on the Mitigation drawing (No. 2693/6 Rev B) does not reflect the proposals as shown on the Landscape Proposals drawings (No. 2693/1, 2693/2, 2693/3).

Inconsistencies include:

- A narrow belt of proposed tree planting adjacent to the River Maun is shown on the Mitigation drawing but not on the Landscape Proposals drawing 2 of 3
- There is an unlabelled hatched area on Landscape Proposals 3 of 3 (Drawing No. 2693/3 Rev G) Is this proposed planting as it is not shown on the Mitigation drawing?
- Two attenuation basins are shown on the Mitigation drawing and only one on the Landscape proposals drawings. The latter also show these features in different positions. Are these SUDs features to be wetland areas or a dry feature to accommodate surface water only during periods of heavy rainfall? Is there any wetland planting proposed? Will the water discharge into the River Maun and could wetland planting help to improve water quality entering the Maun catchment? Whilst functioning on a hydrological basis the proposed basins should be designed to appear as naturalistic features in this landscape rather than being over engineered with uniform gradients and profile to the margins.

The planting design does not appear to be informed by a clear planting strategy. This is important given the wider landscape context of the site which includes proximity to both designated sites of heritage and nature conservation interest.

There is insufficient provision of planting to the northern boundary which is contrary to bullet point 4 (page 73) of the Allocation and Development Management Development Planning Document. Planting along the northern and western edges will help to integrate the new settlement edge of Ollerton into the landscape and impact on receptors that use the A614 which is an important recreation/tourist route through the county. There is scope for more planting across the site. Intermittent gaps in hedgerows should be identified marked on the plan and gapped up on site and planting protected until they have grown out to fill the space. Native tree and shrub planting would provide shelter to adjacent sports pitches and provide connectivity for biodiversity

with the River Maun.

Detail planting design should be native planting suitable for the Sherwood Character area and this conditioned to show the size, species, density, tree protection using plant material from local provenance. The new planting works area described under paragraph 6.3 of the LVIA. Sycamore is not a native species and should be omitted from the mix. (Acer campestre, Field maple is and would be suitable) Plant species for the structure/screen planting should be native to the Sherwood Character Area. Due to the current problems with Chalara dieback of Ash (Hymenoscyphus fraxineus) Ash should not be planted.

Summary

I am generally supportive of the principle of development but consider that the application lacks a robust landscape strategy. The density of housing is higher than the allocation by 80 houses and the proposed planting seems minimal by comparison.

Although a landscape and visual assessment has now been carried out for this application it unfortunately has been carried out retrospectively when it is least able to inform and shape the proposed design which is set out in the site layout. This is unfortunate as there are missed opportunities where visual impacts (substantial for properties to the north of Petersmith Drive) could have been reduced.

I recommend:

- Inconsistencies between the landscape drawings should be resolved.
- The density /housing layout be reviewed to allow for additional space for screening and filtering of views
- Further information is provided on the location and the design of the SUDs features that incorporates wetland planting

The following points should be conditioned should planning permission be granted.

- A landscape masterplan/proposals plan should be submitted together with detailed planting proposals including specification, species, size at planting, spacing, ground preparation/tree pit details etc. Proposals for establishment maintenance and long term management should also be provided by the applicant.
- Appropriate management proposals and a funding mechanism for future softworks maintenance within the public open space should be agreed before construction works start on site.'

Following the applicants' submission of revised landscape drawings, the following further comments were provided:

'I have had a look at the revised drawings in line with my comments and your notes below and I am generally fine with the amended proposals that you describe. The only comment that I have is the loss of the hedge along Whitewater Lane, presumably to allow for visibility splays for site access, is regrettable. I know that the Wildlife Discovery Survey (Aug 2016) did not identify this as a concern but the outgrown hawthorn trees do provide a linking habitat between existing tree cover to the north of Petersmith Drive to Whinney Lane Grassland LWS (ref 5/2174) and the woodland associated with Boughton Brake beyond this. I acknowledge that the hedge will be removed at the site entrance and several metres beyond this but there appears to be scope to

retain some existing vegetation.

The extent of the visibility splay should be shown on the drawing.

Work to retain the northern/southern ends of the hedge should include:

- reduction in canopy height of hawthorn trees and laying of existing hawthorn to promote regeneration
- infill planting to gap up along the boundary to include occasional hedgerow trees'

A revised plan was submitted showing the hedgerow to the front boundary to be retained but trimmed back to the rear of the visibility splay and gaps filled with new hedgerow planting. The case officer confirmed this to the County Council's Landscape Team and advised if acceptable to them any favourable recommendation could also include conditions requiring precise details of the works to retain the hedge as bullet pointed above. The County Council confirmed by email on 14th March 2018 that this was acceptable.

NCC (Developer Contributions) – 'In terms of education; a proposed development of 305 dwellings would yield an additional 64 primary and 49 secondary places. Nottinghamshire County Council would therefore wish to seek an education contribution of £733,120 (64 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 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 and the justification for this can be found in the attached document.

In respect of libraries; we would seek a developer contribution for the additional stock that would be required to meet the needs of the 732 population that would be occupying the new dwellings. This is costed at 732 (population) x 1.532 (items) x £12.50 (cost per item) = £14,018'

This initial request was accompanied by projections data for the primary catchment area of Maun Infant School and Forest View Junior School.

Following this request the County Council discussed their request with the applicant's representatives who queried the need for additional places given spare capacity at the nearby Parkgate Academy. The County Council provided their final comments on 30th January 2018, stating as follows:

'This full planning application sits in the Ollerton planning area. The area comprises the following schools:

School	PAN	Net Capacity
Maun Infants	60	180
Forest View Junior	60	240
Parkgate academy	50	350
Walesby Primary	20	140
St Joseph's Catholic Primary & Nursery	30	210

The composite first admissions capacity is 160, which is made up of the above PAN figures added together (minus 60 at Forest View – which is a junior and admits children from Yr. 3).

Projections data for 2017/ 18 show that 165 are required at first admission and at year 1 across the planning area with this number set to continue during the projections period.

Projections data for 2018/19 and 2019/20 point towards the area providing more potential applicants than places available.

The projections data that we currently reviewing does not include the DfE recommendation for a 1.2% in-year movement which equates to 13.44 (14) pupils. Also projections do not include a full planning application for the Ollerton and Bevercotes Miner's Welfare which on formula would generate an additional 18 primary aged students.

During the projections period 2017/18 – 2021/22 Walesby Primary school data shows that the school is full in all year groups with several infant year groups being full beyond the planned admission number of 20 – which given the rigour of the application of infant class size regulations (yr. Reception/ 1 and 2) – this would suggest that the excess of pupils will to be allocated a place at the only school in the planning area with capacity – Parkgate Academy.

Data for St Joseph's Catholic Primary, Ollerton is very similar to that of Walesby. Infant year groups are oversubscribed and older year groups also full for the plan period. Unsuccessful applications will be allocated a place at a school in the area where there may be places.

Maun Infant School, Ollerton has only 3 year groups; they are full throughout the plan period and unsuccessful applications would in all likelihood be allocated a place at Parkgate Academy.

When the pre-application was made in 2015 for 250 units the LA response was that a full education contribution would be required. The circumstances surrounding the situation in the Ollerton planning area have not changed materially since that response; if anything the situation is more challenging in terms of the provision of school places.

In our discussion before Christmas you alluded to the suggestion that the developer was of the view that Parkgate Academy had surplus capacity and that children coming from the Petersmith Drive development would push back children to fill these places. Our data would suggest that during the plan period the numbers of children in the area will mean that this "surplus" will not exist and that additional capacity will need to be created through the agency of section 106 funded development.

Finally, I would suggest that Gleeson's design statement (February 2017), paras. 6.5 & 6.6 , referring to the "305 dwellings making best use of the land available ensuring the site is viable," somewhat confounds the view that viability is at issue.

In summary NCC is of the view that full education contributions should be sought in relation to this and any future developments and would commend NSDC to seek these.'

NCC (Flood Team) – 'No objections in principle subject to the following comments:

1. No construction shall start until a detailed surface water design and management proposal has been submitted to and approved by the LPA.
2. A significant proportion of the site is shown in Flood Zones and it is critical to get the Environment Agency's views on the proposals.'

Ramblers Association – ‘It looks as if this site will share a boundary on its SW aspect with Ollerton & Boughton Bridleway 7, an important right of way giving access from the town to the far bank of the River Maun. As long as this bridleway remains open and safe to use during and after the construction process we have no objection.’

Further comments were provided during reconsultation:

‘I have no comment to make further to my submission of 26th April. As long as the integrity of Ollerton & Boughton Bridleway 7 (on the SW boundary of the development) is respected we have no objection.’

Natural England – ‘Insufficient information provided

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

Internationally and nationally designated sites

The application site is within 1.5 km of a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the ‘Habitats Regulations’). The application site is within the stated distance of the Birklands & Bilhaugh Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Birklands & Bilhaugh Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The interest features of the site(s) listed above may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development. The consultation documents provided do not include any assessment of air quality impacts. There is, therefore, currently insufficient information for you to undertake a Habitats Regulation Assessment of the proposed development and we advise you to obtain an Air Quality Assessment.

Natural England is concerned with the lack of information provided on air pollution in this application, since nitrogen deposition is already exceeding critical background thresholds in this area which is in close proximity to the designated sites listed above. The impacts of air pollution need to be assessed both in terms of the increase in traffic volumes and direct pollution (e.g. emissions from central heating boilers) that will be generated by this proposal. These emissions will contribute to the nitrogen deposition and NO_x concentrations on the designated sites and at the moment no in-combination effects can be ruled out since no information has been provided on emissions. We would require information to confirm whether the development, as currently proposed, will have a significant negative impact on both the SSSIs and SAC, either alone or in-combination. Such impacts may require off-setting measures either specifically as part of the development or as a contribution to wider measures needed to address in-combination effects.

Sites of Special Scientific Interest (SSSI)

No assessment has been provided of the potential impacts the proposal will have on the Birklands & Bilhaugh SSSI and Birklands West & Ollerton Corner SSSI. We advise you to obtain the following information in order to assess potential impacts of the proposal on this designated site:

- An air quality assessment (see above)

Please note that we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.'

Following the submission of an Air Quality Assessment Natural England provided the following further comments:

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below.

European sites – Birklands & Bilhaugh Special Area of Conservation

Based on the plans submitted and the further information now received, Natural England considers that the proposed development will not have likely significant effects on the Birklands & Bilhaugh Special Area of Conservation (SAC) and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- Air Quality Assessment - Natural England has reviewed the air quality assessment which has now been submitted following our request for this information in our letter of 8th May (ref: 213769). We consider that the air quality assessment satisfactorily demonstrates that the Critical Loads for nitrogen contribution to acid deposition arising from additional development trips associated with the proposed housing scheme is less than 1% increase of the Critical Load at all considered ecological designations and units. We are also satisfied that no further assessment of 'in-combination' effects is required at the Birklands & Bilhaugh SAC designation.
- Green Infrastructure - Natural England does not consider there is a measurable impact from this proposed development on the SAC, however new residential developments mean more people, which can put increased recreational pressure on sensitive sites. Therefore it is important that new housing development is supported by adequate investment in the Green Infrastructure (GI) network in order to increase its accessibility and quality, helping to protect the more ecological sensitive sites, including Birklands & Bilhaugh SAC, from potential detrimental impacts.
- We note that policy OB/MU/1 of the Allocations & Development Management Development Plan Document applies to this housing allocation, which requires the identification of measures to protect and enhance features of biodiversity value and species within and adjoining the site, including the River Maun, and mitigate or compensate for any potential adverse impacts. In addition policy 12 of Core Policy requires the provision of Suitable Alternative Natural Green Space to reduce visitor pressure on the District's ecological, biological and geological assets for 5kms around the Birklands and Bilhaugh SAC.

- We therefore encourage you to ensure the proposed measures are sufficient to meet the requirements of the policy and contribute towards the overall functioning of the GI network by helping to implement the priorities identified in the GI Strategy. We recommend any evidence to demonstrate successful implementation of the GI Strategy, obtained through a review of the Strategy or monitoring of outcomes, should be used in support of the HRA.

Consideration of the likely impacts from this development on breeding nightjar and woodlark within the Sherwood Forest area

We note the proposed development is located in the Sherwood Forest area, in proximity to habitats identified as important for breeding nightjar and woodlark and therefore we refer you to Natural England's Advice Note (March 2014) on this matter which provides more information and outlines Natural England's recommended 'risk based approach'.

In view of the current situation we would encourage the Authority to ensure the information provided in support of the application is sufficient for you to assess the likelihood of potential impacts arising from the development on the breeding nightjar and woodlark population and has addressed the potential direct, indirect and cumulative impacts which may include, but may not be limited to, the following;

- disturbance to breeding birds from people, their pets and traffic
- loss, fragmentation and/or damage to breeding and/or feeding habitat
- bird mortality arising from domestic pets and/or predatory mammals and birds
- bird mortality arising from road traffic and/or wind turbines
- pollution and/or nutrient enrichment of breeding habitats

As part of a risk-based approach, we would also suggest your Authority consider the use of appropriate mitigation and/or avoidance measures to reduce the likelihood of significant impacts which might adversely affect breeding nightjar and woodlark populations occurring.'

Natural England's final comments on the proposals were as follows:

Thank you for your consultation of 22nd January 2017 regarding the additional information relating to the above planning application concerning the following: site location plan, phasing plan, landscaping, engineering and housing layout.

Natural England acknowledges that the landscaping plans describe the proposed planting regime for green space located along the western boundary of the development. We note that a wildflower mix will be included and planting of native tree species. We suggest that the trees should be of local provenance where possible. We have no objection to the additional information and have no other comments to make further to our response of 17th July 2017.'

Environment Agency – Initially commented as follows in May 2017:

'We object to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. We recommend that the application should be refused planning permission on this basis.

Reasons

Planning Practice Guidance to the National Planning Policy Framework classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. In this case part of the application site lies within Flood Zone 3b functional floodplain defined by the Planning Practice Guidance to the NPPF as having a high probability of flooding.

The development type in the proposed application is classified as more vulnerable category in line with table 2, Planning Practice Guidance to the NPPF. Tables 1 and 3 of the Planning Practice Guidance to the NPPF make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.

Overcoming our objection

The FRA has confirmed that the surface water attenuation pond has been located within the functional floodplain. This should be located outside of the floodplain to comply with the NPPF and avoid increasing flood risk to third parties.

Once this has been achieved the FRA requires the following amendments:

- Assess the impact of a 100 year plus 50% climate change flood event.
- Ensure finished floor levels must be placed at least 300mm above the minimum 100 year plus climate change level, in particular plots 174-190 and 191-211. Please note we can provide additional model nodes to support the FRA
- Floodplain compensation must be provided to a level for level standard. This should be detailed in the FRA and included on application drawings of the site.'

In September 2017 the following further comments were provided:

'I refer to the above application and additional information more recently received.

Please note that the Environment Agency understands that you are still working with the LPA to determine whether or not the principle of locating the drainage feature in FZ3b is acceptable in terms of the appropriateness to the Flood Zone. However, we have reviewed the document and have the following comments:

- We recommend that losses and gains of floodplain storage are provided in 200mm bands. We need to ensure level for level floodplain compensation has been provided.
- We note that the 2016 Waterco modelling has been used. We thought this modelling has a 2D floodplain representation. Floodplain heights could be used to provide a more accurate assessment of the loss of floodplain storage

Once we have details of the proposed level for level compensation we will be able confirm the adequacy of the scheme.'

The above comment relates to the applicants suggestion that the development should be considered in its component parts and that the housing being proposed would not be located on land at higher risk of flooding. I have considered the principle of this aspects of the scheme alongside the other Flood Risk and drainage considerations within the appraisal below.

Following further discussions on the technical aspects of flood risk and drainage between the Environment Agency and the applicant, a revised Flood Risk Assessment (Report No.16/022.01 Rev 02 – 14 Feb 2018) and engineering drawings were submitted on 21 February 2018. The Environment Agency has now provided the following further comments:

I refer to the above application and additional information received on the 22 February 2018.

Environment Agency Position

As discussed with the LPA and the applicant, and as per our previous response, the surface water attenuation pond is located within an area highlighted within NSDC's Strategic Flood Risk Assessment (SFRA) as Flood Zone 3b (functional floodplain). Notes to Table 3 of the Planning Practice Guidance to the National Planning Policy Framework explains that some developments may contain different elements of vulnerability and the highest vulnerability category should be used and therefore the surface water pond should be considered as More Vulnerable, and therefore not appropriate in Flood Zone 3b. We consider that the surface water attenuation is intrinsically linked to the development and would not be a standalone development without the more vulnerable development it is serving and therefore we object to this application because the proposed development is inappropriate to the Flood.

However, the note to Table 3 does continue to explain that the development can be considered under their component parts. We understand that this approach is being recommended by the applicant and that the surface water pond can be considered as water compatible (flood control infrastructure). The LPA must therefore consider whether the surface water attenuation can be considered as a separate component and consider the precedent this may set for future applications.

If the LPA are minded to accept the compartmentalisation of this development and recommend approval of this application, then the proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) policy to ensure the development is safe and there is no increase in flood risk to third parties if the following planning conditions are included.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 16/022.01 revision 02 (February 2018) compiled by JOC Consulting and the following mitigation measures detailed within the FRA:

1. No dwellings located within the 1 in 100 year plus upper estimate of climate change and floor levels set in accordance with appendix F of the FRA.
2. Provision of compensatory flood storage as detailed in Section 7.1 and appendix F of the FRA.

The mitigation measures shall be fully implemented prior to occupation 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

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to ensure no development or ground works within 8m of the top of bank of the River Maun and an unobstructed easement maintained during the lifetime of the development has been submitted to, and approved in writing by, the local planning authority.

Reason

To reduce the risk of the development impacting on the banks of the watercourse, allow for exceedance flows and future maintenance for removal of channel blockages and watercourse improvements. The easement can be an opportunity for environmental/biodiversity enhancements and access for the public.'

The applicant's drainage consultant challenged the Environment Agency's objection on the following grounds:

I have received a copy of the Environment Agency's latest response dated 13th February 2018 and I am very surprised that the EA is maintaining its objection which appears to be solely in relation to the flood zone 3b issue. I note that the letter leaves it to the LPA to decide whether the development can be considered under its component parts but this misses the point. As noted in paragraph 6.4.3 of the FRA rev. 02, the 2016 River Maun Study by Waterco; the findings of which have been accepted by the Environment Agency; clearly shows that no part of the site is affected by the 4% AEP flood outline. This is the most recent and 'best available information' which supersedes the flood maps in the SFRA which were produced in 2009. The Environment Agency requires site specific flood risk assessment to use the best available information but, in this instance it does not appear to have followed its own advice.

As no part of the site is within an area at risk of flooding from a 4% AEP (1 in 25 years) event, it cannot realistically be considered to be in the Functional Floodplain, whatever the 2009 SFRA map indicates and the question of considering the development in its component parts does not therefore arise.

The Environment Agency then provided a further response advising:

This is a fair question and the Waterco modelling shows no flooding of the site in a 4% (1 in 25) Annual Exceedence Probability (AEP). We have been working from the definition of Functional Floodplain (Flood Zone 3b) from the NPPF:

Zone 3b The Functional Floodplain This zone comprises land where water has to flow or be stored in times of flood. Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency. (Not separately distinguished from Zone 3a on the Flood Map)

The NPPF does not define a specific return period, but often the 4% (1 in 25) or 5% (1 in 20) AEP has been used in SFRAs. Some LPAs identify more conservative FZ3b, particularly considering land where water has to flow or be stored in times of flood definition (e.g. some LPAs have used a 1 in 100 year outline). Your level 1 and 2 SFRA provides the defined 'functional floodplain' for the area here:

<http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/floodingandwaterinfrastructure/strategicfloodriskassessmentlevel2part2/Appendix%20E%20-%20Flood%20Maps,%20Flood%20Maps%20for%20Surface%20Water.pdf>

However, if it is simply as explained in paragraph 6.4.3 of the FRA that “the SFRA maps will be updated in due course” and the 1 in 25 year outline from the updated modelling will be used to update Flood Zone 3b then please take this into your consideration and our comments regarding the appropriateness of the development to Flood Zone 3b should be disregarded.

NSDC Planning Policy – Initial comments provided in respect of Flood Risk:

‘In flood risk terms the allocation of the site was guided by the Strategic Flood Risk Assessment (SFRA) Level 2 Part 2 (prepared in 2012), with the assessment informing the setting of the relevant requirements in Policy OB/MU/1. Subsequently the SFRA has been updated earlier this year to support the ongoing Plan Review, and with respect to this particular site hydraulic modelling was undertaken.

I note that the application is supported by a Flood Risk Assessment (FRA) which seeks to address the flood risk requirements of Policy OB/MU/1. The Planning Practice Guidance (PPG) advises that such assessments should be proportionate to the degree of flood risk and make optimum use of information already available, including information in a SFRA. The purpose of the FRA, again as outlined by the PPG, is to demonstrate to the decision-maker how flood risk will be managed now and over the development’s lifetime, taking climate change into account, and with regard to the vulnerability of its users.

I would defer to the EA for detailed consideration of the submitted FRA and note their current objection. However it is important that flood risk is considered with the benefit of the most up-to-date information, in this respect the applicant’s FRA has drawn from the Level 2 Part 2 SFRA and the River Maun Flood Risk Mapping Study (2007) prepared by the EA. As previously stated the Level 2 Part 2 study has now been reviewed and updated earlier in the year. This work also considered the suitability of using the EA River Maun Study to assess the impacts of climate change. Ultimately it was felt that disproportionate effort would be required to generate climate change allowance flood extent mapping from the model, and that this would ultimately be of limited reliability. Accordingly a more accurate assessment of flood zone impacts on the deliverability of the site was deemed necessary, and so this was the focus of the hydraulic modelling. As I understand it the EA are now content with this work, however the comments provided from the EA on the application don’t appear to have taken account of it.

Importantly the modelling shows the entire site to be dry during the 4% AEP (Annual Exceedance Probability) event (i.e. a 1 in 25 year fluvial event) and whilst the Maun overtops its banks in places during this event flood waters do not reach the site. During a 1% AEP event (i.e. a 1 in 100-year fluvial event) a very small area of the site to the north experiences shallow flooding, whilst the remainder remains flood free. With the addition of a climate change allowance of +30% flow on the 1% AEP event the flood extent in the north slightly increased to approximately 0.4ha (2% of the site area). Maximum flood depths also increase but the majority of the site remains flood free. When a +50% climate change allowance is considered flood extents and depths in the north increase a small amount relative to the +30% scenario with approximately 3ha (16% of the site) experience flooding. The extreme 0.1% AEP event (i.e. a 1 in 1000-year fluvial event) shows similar extents to the 1% AEP + 50% climate change scenario with approximately 77% of the site remaining flood free.

Notwithstanding the EA's current objection I would question whether the applicant's FRA can be considered robust. However the critical question is whether our hydraulic modelling is sufficiently detailed to support the determination of the application, and if so what the implications of this are for the development as proposed. So I would suggest that we go back to the EA on these points. My reading of this (which may be incorrect) is that our modelling shows the site to be at lesser flood risk, and that applying the sequential test at site level the flood sensitive residential development appears to be located in areas at lesser flood risk.

The update to the SFRA and the hydraulic modelling can be viewed through the link below.

[http://www.newark-sherwooddc.gov.uk/planningpolicy/strategicfloodriskassessmentupdate/#d.en.76911'](http://www.newark-sherwooddc.gov.uk/planningpolicy/strategicfloodriskassessmentupdate/#d.en.76911)

These comments were forwarded to the Environment Agency on 15th May 2017.

Comments were subsequently provided on other elements of the proposal (Note comments provided prior to the amended layouts submitted in January 2018):

'The application seeks full consent for 305 dwellings and open space, with the principle of development having been established through the allocation of the site. Whilst the principal may be acceptable it still however remains important that the detail of the proposal is acceptable.

Flood Risk

Comments have been previously provided over fluvial flood risk. In addition this the positive management of surface water is also sought through OB/MU/1. We are however yet to receive comments from the Lead Local Flood Authority and so I would defer to the body for guidance on this aspect.

Level of Development

The level of development exceeds that anticipated through the site allocation policy. 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 allocations 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.

The key aspect in considering the greater level of development is therefore whether the proposal remains able to satisfy relevant policy requirements and whether it would give rise to any unacceptable local environmental, highway 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 future rounds of site allocation. District-wide, a greater amount of development helps to maintain the 5 year land supply and thereby provide protection from inappropriate development.

Affordable Housing Provision

The applicant has put forward that meeting the affordable housing contributions required by Core Policy 1 is not viable, so we will need to be content that this has been robustly demonstrated. It is also suggested that the applicant's 'help to buy' product meets the definition of intermediate affordable housing, which I would defer to Strategic Housing for guidance on. However should the product fall within the definition then it is reasonable to question whether this is an appropriate affordable housing product for the locality, or whether an alternative product or mix of products would be more suitable. Again Strategic Housing would be able to advise on this.

The mix within this element of the scheme is focussed on 2 and 3 bed units. However the Sub-Area Report to the Housing Market & Needs Assessment (2014) shows demand within the social sector to be overwhelmingly focussed on one and two bed units. The affordable mix would therefore be improved through inclusion of one bed units, and so in my view as currently proposed the mix requires justification. Such justification can include the presenting of a viability case, however as set out above this will need to be robust in order to be satisfactory.

Housing Mix

According to the Sub-Area report to the Housing Market & Needs Assessment (2014) market sector demand within the Sherwood Area is weighted in the following way:

- 2 bed 51.8%
- 3 bed 38.2%
- 4 bed 10%

As far as I am aware the applicant has not provided detailed settlement level housing needs information so it would not be unreasonable to expect a mix within the market sector which approaches the above split. The mix as proposed includes 2, 3 and 4 bed units which would be in line with our housing needs evidence, however the respective weightings within the mix are not. 3 bed units would make up the bulk of the scheme at 175 units (roughly 57%), 2 bed dwellings make up the next largest element at 105 units (approximately 34%) and 4 bed units contribute a small portion at 25 units (around 8%). Consequently the mix would better reflect local housing needs if the number of 2 bed units was increased at the expense of some of the 3 bed units. Justification in line with Core Policy 3 will therefore be required to support the mix as proposed.

Design & Layout

The site allocation policy requires a design and layout which respects and enhance the setting of the nearby Boughton Pumping Station Conservation area and Listed Buildings. I note that a 'break' between the proposed residential development and the designation(s) has been factored into the scheme, I would however defer to colleagues in Conservation for consideration of this aspect.

The site is linear form and location results in a high level of prominence; consequently OB/MU/1 requires provision of a landscaping scheme to assimilate the development with the surrounding landscape character. Whilst the applicant has provided landscaping plans I would agree with the comments from the County Council which highlights the need for a Landscape and Visual Impact Assessment. It is crucial that we have sufficient information before us to allow for proper consideration to be made.

Through Core Policy 3 densities of no lower than 30 dph are sought, with those lower than this needing to be justified. The scheme comes in at 16 dph, however there are significant amounts of open space within the overall site area as well as areas subject to flood risk which are non-developable both of which will affect the calculation. Accordingly in my view the matter ought to come down to whether you consider that the proposed density within the developable areas is acceptable and contributes towards an appropriate design and layout.

Open Space

The proposal appears to make provision for the strategic open space referred to within Policy OB/MU/1 which is to be welcomed. Through the site allocation policy the importance of appropriate phasing mechanisms between the residential development and strategic sports infrastructure and open space uses is underlined. The applicant has proposed delivery of the site be split across two phases (which on a purely visual assessment appear to constitute roughly half the scheme each). In my view this does not appear unreasonable though we will need to use an appropriately worded condition to ensure that delivery occurs at an appropriate juncture (i.e. whether this occurs on commencement of the second phase etc.). To guide this I would suggest that input be sought from the Community Sports and Art Development team over the timing of delivery.

Given the scale of the proposal it will however attract other open space requirements, as set out in the response from the Business Manager Parks & Amenities. Ultimately it may be that given the scale of strategic open space requirements a lesser level of provision in other forms of open space is, on balance, acceptable (particularly when set against other competing developer contribution priorities). However in order to come to that conclusion we will need to better understand the proposed approach, and should a viability case be presented be comfortable that this is robust.

Biodiversity & Ecology

Policy OB/MU/1 refers to the need for protection and enhancement of features of value within and adjoining the site and of mitigation / compensation for any adverse impacts. The applicant has provided an Ecological Impact Assessment with NCC being satisfied that overall the site is of limited nature conservation value.

In terms of wider ecological impacts I note that the assessment has considered and concluded that the site does not have the potential to support either woodlark or nightjar in its present stated. I would however defer to relevant stakeholders for guidance on this.

Whilst the proposal has sought to take account of its potential impact on the breeding population of nightjars and woodlarks there is nonetheless a holding objection from Natural England. This highlights that there is currently insufficient information to allow a Habitats Regulations Assessment of the likely effect of the proposed development on the Birklands & Bilhaugh Special Area of Conservation. Given that nitrogen deposition is already exceeding critical background

thresholds in the area the body advises that an Air Quality Assessment be sought. Whilst with regards to the Birklands & Bilhaugh SSSI and Birklands West & Ollerton Corner SSSI no assessment has been provided over the potential impacts of the proposed development.

To relieve visitor pressure on the Birklands & Bilhaugh SAC Core Policy 12 and Policy DM7 both require provision of SANGS on sites within 5km of the designation, with the quantity and quality to be developed and agreed in conjunction with the District Council and Natural England. I am unaware of any input having been provided by Natural England on this specific matter. Nonetheless the proposal does appear to have made allowance for a significant level of open space provision which may well address this requirement.

Highways

The site allocation policy requires the submission of a Transport Assessment, through which the impact on the local highway network and importantly Ollerton Roundabout needs to be considered. I note that the Highways Authority have placed a holding response, and in respect of Ollerton Roundabout have raised concerns. The TA identifies 35% of development traffic using the roundabout but with the significance of this impact not being considered. The Authority has indicated that a proportionate S106 contribution towards its improvement should be sought. The proposal appears to have a single point of access, so we will need to be content that this is acceptable.

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 provides the methodology for the delivery of appropriate infrastructure and so I would direct you to this document in the first instance.

Conclusion

There remain significant outstanding matters and whilst these matters may be capable of remedy the proposal as it stands does not comply with the Development Plan. Without the positive resolution of these issues strong material considerations would be required to determine the application positively.'

NSDC (Conservation) – Introduction

The proposed development seeks permission for 305 dwellings at the edge of Ollerton (to the north of Petersmiths Drive).

There are no designated heritage assets within the proposal site. Nevertheless, by virtue of its layout, scale and form, the proposed development could affect the setting of a number of heritage assets. The proposal site at its eastern limit is, for example, located directly adjacent to three listed buildings forming Boughton Pumping Station (all Grade II listed; designated 1974). The Pumping Station complex falls within Boughton Conservation Area (CA) (designated 1993).

In the wider landscape, approximately 1km to the west and northwest of the proposal site is Thoresby Park, a Grade I registered Park and Garden. Less than 1km to the south is Ollerton CA, encapsulating the historic core of the settlement and including the landmark Ollerton Hall.

In addition, the Grade II listed Church of St Paulinus sits within the heart of the early 20th century planned colliery settlement and is located approximately 500m to the south of the proposal site.

We provided pre-application advice on a scheme for residential development on this site in 2015 (ref PREAPP/00235/15). This proposal was for 250 dwellings. It is acknowledged that the general layout of the submitted scheme is similar to that shown in the concept masterplan submitted to the Council in the pre-application enquiry, comprising two distinct clusters of development to the north east and south west.

Main issue(s)

Key issues to consider in this case:

- i) Whether the proposal would preserve the setting of the listed buildings comprising Boughton Pumping Station;
- ii) What impact the proposal has on the setting of Boughton CA; and
- iii) What impact the proposal has on the character and appearance of the area, taking into account the wider landscape setting of Thoresby Park and Garden and other heritage assets.

Legal and Policy Considerations

The proposal site is allocated in the NSDC Allocations and DM Policies DPD (ref OB/MU/1). In accordance with the approved policy for that allocation, any proposals should seek to incorporate sensitive design to respect the setting of the listed building complex at Boughton Pumping Station, as well as Boughton Conservation Area.

Section 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. Section 72 also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

Policies CP14 and DM9 of the Council's Local Development Framework (LDF) Development Planning Documents (DPD), 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 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 in Planning (notably Notes 2 and 3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the "main issues to consider in proposals for additions to heritage assets, including new development in conservation areas, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting" (paragraph 41).

The decision-maker should be mindful of the need to give great weight to the conservation of designated heritage assets (para. 132). This is consistent with the LPA's duty to consider the desirability of preserving listed buildings (and their setting), as well as conserving or enhancing the character and appearance of the conservation area. The Judicial Review concerning *The Forge Field Society vs Sevenoaks District Council* presents some timely reminders of the importance of giving considerable weight to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990. Mr Justice Lindblom reminds us: "As the Court of Appeal has made absolutely clear in its recent decision in *Barnwell [Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014)]*, the duties in sections 66 and 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. If there was any doubt about this before the decision in *Barnwell* it has now been firmly dispelled. 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. This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in *Barnwell*, that a finding of 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. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering" (paras 48-49).

In heritage conservation, therefore, there are two key legal requirements that apply to decisions concerning listed buildings and conservation areas. Simply put, these legal objectives require special regard to the desirability of preserving these types of designated heritage asset (sections 66 and 72 of the Act). The courts have said that these statutory requirements operate as a

paramount consideration, 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, there must be a sense of the weight society, through parliament, wishes to place on an objective such as heritage asset conservation. The protection of listed buildings and conservation areas is regarded as highly important, and that should not be undervalued out of respect for both the law and democratic will.

Significance of the heritage asset(s)/appraisal of site and surrounding area

The proposal site itself does not include any designated heritage assets. Sanderson's 1835 map (extract attached) reveals a brick pattern field system parallel to the water course (River Maun) with extensive hop fields. The proposal site has the potential for archaeological interest.

Boughton Pumping Station comprises 2 pump houses which were opened in 1905. The station was designed by W. B. Starr in a renaissance revival style, comprising red brick with rockfaced stone, ashlar dressings and Westmoreland slate roofs. The Blackburn Engine House (the principal pump house) possesses a distinctive brick chimney. The site also includes a superintendent's house and workers' cottages, as well as boundary walls and railings.

The Pumphouse was commissioned by the Nottingham Corporation Water Department. There were two Manhattan-type 'triple-expansion steam engines' from Ashton Frost of Blackburn.

Boughton Pumping Station later passed into the hands of Severn Trent Water and was listed Grade II in 1974. By 1980, the pumping station was obsolete and in need of major repair, and in 1988 suffered structural problems from mining subsidence. Boughton Pumping Station Partnership Trust secured funding to restore the buildings and by 1998 the works were complete. Since then, the Station has been operated as a business centre by several previous owners, Boughton Pumping Station Trust, Nottinghamshire County Council and NE Group. In April 2010 it was privately purchased by Horizon Investments and re-launched as Blackburn House (named after the Blackburn pumping engines).

The land to the north of the former Pumping Station was known as Boughton Brecks and is an important landscape feature (note the 1871 Enclosure Plan attached).

The 1938 OS map (see extract attached) reveals housing emerging along Whinney Lane. The bulk of the housing off Petersmiths Drive is later 20th century. Housing stock in the vicinity is predominantly 2 storey with some single storey bungalows.

Boughton Conservation Area was designated in 1993. There is no current Appraisal for the area. The CA boundary follows the historic enclosure of the Station complex. Historic mapping reveals that the site has always been well-wooded (see 1920 extract for example), and the trees are therefore an important element of significance. The apex of land to the south is currently open, but is now encroached upon by modern housing development to the southeast, as well as the eastern termination of Petersmiths Drive.

Assessment of Proposals

The proposal site's north-east boundary is directly opposite Boughton CA and the historic building complex of Boughton Pumping Station. Designed by W.B. Starr, the main Station buildings were constructed in baroque and renaissance revival styles in 1905 and have group value with the former station superintendent's house, workers' housing and walls and railings forming the site

boundary. The curtilage and immediate setting of the Station complex is encapsulated within the CA boundary, but the site also enjoys a relationship with an ostensibly rural landscape setting due to its historic independence from Ollerton and Boughton. The proposed development will expand the existing urban extension along Petersmiths Drive, and due to the intensity of units proposed, will impact upon this rural setting.

As a result of extensive tree coverage within the CA and further trees and hedges along the north-east boundary of the proposal site, much of the historic building complex enjoys significant screening from the proposed development. It is accepted that the rural context of the Pumping Station has much changed in the post-War period, furthermore, with modern housing now located in close proximity at its southern and eastern edges. The proposal site itself has limited individual interest beyond contributing to general rural setting of the CA (notwithstanding any archaeological potential). In this context, Conservation considers that the reinforcement of landscaping and a large element of public open space at the eastern edge of the proposal site shall broadly help maintain the existing character of the CA and its immediate setting. Furthermore, as the development will broadly follow the pattern of urban grain to the south, and that extensive rural landscape setting remains to the northwest of the CA, it is felt that the proposal will not unduly harm the setting of the CA or listed buildings forming the Station complex.

It is also noted that the proposed development will allow for a softer approach along the River Maun edge, helping to integrate development into its rural context. Individual houses will be limited to 2 storeys in height, furthermore, which is consistent with the existing pattern of development on Petersmiths Drive. The use of red brick from the local Ollerton brickworks is also beneficial.

In addition, it is also felt that the proposal will cause no harm to the setting of Thoresby Park. The Park is a significant distance from the proposal site, and it is otherwise felt that the development will follow the existing character of development along Petersmiths Drive, ensuring that the proposal is not unduly prominent when seen in aspect from or on approach to the Park.

On balance, the development will have no discernible impact on any other heritage assets. Ollerton CA is sufficiently distant and screened by existing modern settlement expansion, and key buildings such as Ollerton Hall will not be intervisible from any material receptor. Similarly, the Church of St Paulinus will be unaffected.

Having reviewed the submitted plans and details, Conservation therefore has no objection to the proposed development and finds that the setting and significance of designated heritage assets within the vicinity and wider landscape of the proposal site are not fundamentally harmed. The proposal therefore accords with heritage objectives contained within the Act, as well as policy and advice contained within the Council's LDF DPDs and section 12 of the NPPF.'

The Conservation Officer provided further comments in respect of Archaeology in September 2017:

'The desk based archaeological report advises that potential on the site is low, although acknowledges that previously unrecorded archaeological remains cannot be ruled out.. The geophysical report appears to show no archaeological interest, although notes that the high magnetic disturbance might be masking archaeological potential below (a similar outcome has been recorded on similar sites).

In light of this, I would recommend asking the developer to re-consult their archaeological specialist and make a recommendation for condition purposes. With the unknown potential for archaeological interest below the modern farmed top soils, I wonder whether the model condition for a WSI should be considered. At the very least, a watching brief condition should be used.'

Following this the applicants consultant confirmed in December 2017:

'The main features of potential archaeological interest are palaeochannels in the valley bottom. It is suggested that a targeted trial trenching programme is undertaken to investigate and record any archaeological remains associated with palaeochannels. This would consist of a couple of, roughly east west aligned, lines of trenches (maybe 3 in each line) targeted to sample from the valley bottom across to the higher ground. If palaeochannel deposits with good preservation potential are identified these should be sampled, assessed and analysed for archaeological and palaeoenvironmental remains. Depending on the results of the trial trenching further works may be required if archaeological remains are identified.

The attached plan identifies the areas to be targeted in the proposed trenching. The base plan is from Lidar data, The green shows the valley bottom where palaeochannels may survive and the proposed locations of the lines of sample trenches.

It is proposed that the works are undertaken as a condition of planning.

A possible wording for a condition is:

The programme of archaeological works will comprise initial evaluation with the potential for mitigation works if justified by the results of the evaluation. The initial evaluation will investigate the potential for archaeological and palaeoenvironmental remains associated with former palaeochannels and on adjacent higher ground. The evaluation works will comprise targeted trial trenching and palaeoenvironmental sampling to evaluate if archaeological and palaeoenvironmental remains exist and their preservation conditions.'

Following liaison with the case officer for this application, the Conservation Officer then confirmed they the proposed methodology was acceptable and that any condition would need to include wording requiring confirmation in writing of the results of your initial evaluation and then, should this necessitate further archaeological work, a written schedule of how such work would be undertaken including timescales and results/mitigation (to be submitted to and confirmed as acceptable in writing by the LPA).

Following submission of the revised layout plans in January 2018, the Conservation Officer confirmed:

'I am of the understanding that the revised plans relate to the red line boundary, building layout, phasing plan, landscaping, and engineering works. Having reviewed the amended details, we have no historic environment observations.'

NHS Newark and Sherwood Clinical Commissioning Group – Confirmed a request for a health contribution of 305 (no. of dwellings) x £982.62 in accordance with the Developer Contributions and Planning Obligations SPD (2013) and Updated Indexation Calculations 2016. This equates to a contribution of £299,699.10. The contribution would be spent on improvements/extensions to and/or staffing/training resources within the administrative boundary of Ollerton and Boughton. There is ongoing work to assess the requirements for health facilities in the area of Ollerton and

Boughton. The following data was also provided:

Healthcare Provision for Ollerton

Currently the population in Ollerton receives its Primary Care services from one GP practice with an existing list size of 12,594 patients employing seven GPs. Any additional residential or commercial development will see an increase in the GP's patient list although the practice is very close to Public Health England's benchmark of 1,750 patients per GP. Depending on the developers who are interested in the surrounding sites in accordance with the authorities earmarked land for further development, along with their start dates for building, the full catalogue of developments are likely to be completed post 2020 and will add additional pressure if collaborative alignment is not planned now. The ongoing existing developments associated with Thorsby Colliery will also have an additional impact to this development.

Newark & Sherwood CCG are working with health partners who will help provide existing data on demographics. The data will help further to assess the need for the right healthcare estate to be best placed to help serve the local healthcare needs, especially with the unknown quantum of need which will result from the developments coming into the area.

It must be noted also that there is a local issue in recruiting GP's, so the need for better utilisation of existing healthcare estate to deliver the right healthcare within its existing estate is a major priority. This will mean the reconfiguration of existing healthcare sites to enable more flexible delivery which may not mean direct assessment per patient by a GP. This data is assessed through high impact healthcare needs for the area which suggests on initial data that Ollerton has a higher prevalence in key disease areas than the CCG and England average.

QOF						
Indicator	Practice 15/16			Prevalance 15/16		
	Register	Year on year change	Exception rate	Practice	N&S Average	England average
COPD	350	0.1%	7.7	2.8	2.1	1.9
Diabetes	811	0.4%	12.0	8.0	5.7	5.3
CHD	615	0.1%	7.6	4.9	4.0	3.2
Stroke	348	0.1%	5.4	2.8	2.1	1.7
Hypertension	2,238	0.4%	7.1	18.0	15.1	13.8
Mental Health	83	0%	13.8	0.7	0.7	0.9
Dementia	93	-0.1%	10.2	0.7	0.9	0.8
Depression	946	1.2%	31.2	9.5	6.2	6.6
Heart Failure	178	0.0%	6.8	1.4	0.9	0.8
Cancer	390	0.1%	20.6	3.1	3.0	2.4

Rates per 1,000 population

Therefore, based on current estimates, and in line with the Section 106 requirements of the developer, the following would be requested: s.106 monies to be formally phased in collaboration and alignment with ongoing health planning works which are jointly being led with Newark and Sherwood District Council.

NCC Highways –

Initial comments were provided on 5 May 2017 stating:

‘Further to my holding response of 28 April 2017 work is continuing to assess the Transport Assessment and Layout drawings.

In the meantime, the impact on the junction of Whinney Lane/Forest Road/Tuxford Road has been assessed and the following issues need to be addressed:

- There are issues with the results and conclusions drawn in the Arcady modelling that offer the common theoretical ‘fix’ which won’t translate into real improvements in practice. This relates to the balance of flows between the lanes on a multi-lane approach. Arcady distributes incoming flows equally across the full give-way width. Where lane flows are balanced this is a reasonable assumption to make. Where lane flows are not balanced e.g. Forest Road west 134 pcus in left turn lane versus 670 pcus in ahead + right turn lane in am peak, this does not hold true. The dominant ahead movement will choke off the left turn lane and the discharge over the give-way line will be equivalent to a single lane flow. Consequently, the quoted results are overly optimistic. The same will be true to a lesser degree for the Whinney Lane north approach.
- I would refer to the paper ‘Arcady Health Warning’ by Barbara Chard of JCT Consultancy for a way to work around this lane usage issue and suggest rerunning the model incorporating the recommendations described in the paper.
- The short length of widening of the Forest Road east approach by 300mm will not achieve anything in practical terms. In practice it will offer no benefit.
- The geometry from Forest Road west is poor. The widening will encourage cars to try to peel off for the left turn lane earlier, encroaching into the cycle lane. The left turn from this approach is very acute with drivers almost having to look over their right shoulder to see the circulating flow. The repositioned refuge in Whinney Lane north is now opposite the left turn lane from Forest Road making it much more difficult for pedestrians to cross here.

In addition, it has been assessed that the proposed development would add about 2.5% to traffic flows at the A614/A616/A6075 Ollerton Roundabout which is congested at most times of the day. An improvement scheme for this roundabout has been formally identified by the County Council at a cost of approximately £5million. Therefore, a financial contribution towards this scheme is sought at £125,000 and could be secured via a Section 106 Agreement.

Further comments will be submitted in due course.’

Further comments dated 30th May 2017 stated:

Further to comments made on 5th May 2017 further assessment of the transport submission has taken place, and the following comments made:

Sustainable transport provision and linkages are poor:

- a) It is quoted that the nearest bus stops are 350m from the site. This appears to be measured from the mouth of the main access point, when the development itself stretches over 800m from this point; making the bus stops over 1 km away from some properties. For almost all dwellings the bus stops are far in excess of the Highway Authority guidance (6C's Deign Guide) that states that walking distances to bus stops should be a maximum of 400m, and desirably no more than 250m. Proposals for new bus stop provision should be made.
- b) A footway along the Whinney Lane (Whitewater Lane?) site frontage should be provided and shown on all drawings. Pedestrians are led from the proposed development to the junction mouth with no link to the existing footway system. In addition the pedestrian desire line will cross the public open space in this area and a footpath route should be provided to match this desire line.
- c) The plans suggest pedestrian linkage to Petersmiths Drive via two points; one near 115 Petersmiths Drive and the other via Petersmiths Close. Neither of these connections appear to be fully formed and do not connect directly with the public highways; crossing third party land. Therefore the new development neither integrates well with the surrounding development nor promotes use of sustainable transport.
- d) Similarly links between the existing housing development and the proposed open space provision and sports pitch towards the western end of the proposed development are not provided.

It is noted that an extension to the 30mph speed restriction is proposed to enable 2.4m x 43m junction visibility splays to be justified. A drop in speeds may be expected but it may not necessarily reduce them to 30mph. It would be useful to know what splays may be achieved in practice, since I expect that these may extend beyond the 43 metres quoted.

Street lighting improvements on Whinney Lane (Whitewater Lane?) will be expected as part of the highway works surrounding formation of the new access. As it stands it is considered that the submission does not meet the requirements of Spatial Policy 7 and should therefore be refused.

However, the applicant may wish to review and revise the submission to address the above concerns and those matters raised in the previous correspondence.

On 11 August further comments were provided:

'Further to comments made on 30 May 2017 'Technical Note 1' dated July 2017 has been received which attempts to address previously raised issues. The following comments respond to that submission.

1. Despite a pedestrian link being proposed at the western end of Petersmiths Drive, bus stops are still far in excess of the distances from the development recommended by the Highway Authority guidance (6C's Deign Guide) i.e. walking distances to bus stops should be a maximum of 400m, and desirably no more than 250m. For the western portion of the site, the nearest bus stop is around 850m away, and for the eastern portion it is around 600m. The site layout (cul-de-sac) does not lend itself to bus penetration so there is little likelihood that these distances will be reduced. Perhaps the developer should once again consider providing a loop road development with a carriageway connection to the western end of Petersmiths Drive.
2. Drawing No. 1604.04.03 rev. D suggests that pedestrian linkage can be made to Petersmiths Drive via four points. Three of these connections do not appear to be fully formed and do not connect directly with the public highways; crossing third party land. Therefore the new development does not integrate well with the surrounding residential area.

3. Direct pedestrian access to the Maun Infants School should be considered to minimise walking distances.
4. The pedestrian footpath route leading to the western end of Petersmiths Drive should be reviewed and could provide a shorter & more convenient direct route for many if it were to run close to the site's southern boundary.
5. It is noted that the extension to the 30 mph speed limit and street lighting are proposed.
6. The residential travel plan is still being assessed, but if this aspect needs the application of a condition to allow permission prior to resolution, then this may be an option.
7. The justification of the contribution of £85,806 toward the improvement to the A614/A616/A6075 Ollerton Roundabout is based on a reduced amount of development-generated traffic using this junction on the grounds that some traffic will use A616 Back Lane at the A6075 Forest Road/A616 Ollerton Road roundabout based on traffic turning proportions at this junction. This is flawed. Any traffic related to the proposed development will not tend to use A616 Back Lane to travel to or from Wellow and beyond, since the easier and quicker route will be via Whinney Lane & Newark Road, Ollerton. Therefore the earlier sought contribution of £125,000 remains justifiable under a Section 106 Agreement.
8. Technical Note 1 provides revised details of proposed mitigation works to the A6075 Forest Road/Whinney Lane mini-roundabout. A road safety audit of the junction proposals is being carried out and is awaited. Further consideration is also being given over whether or not the theoretical improvements to capacity will be achieved in practice.

Currently there remains too many issues for the Highway Authority to raise no objection to this proposed development and the applicant should be asked to further review & revise their submission.

On 31st August 2017 further comments relating to the Travel Plan were provided:

'Please find below comments on the Travel Plan (dated February 2017):

- It would be useful to show a walking and cycling isochrones, to show the areas accessible within a 2km walk and 5km cycle.
- Section 4.6 refers to a lifespan up to the point of "full occupation". The Travel Plan (TP), and indeed the role of the Travel Plan Coordinator (TPC) should be in place from initial occupation to a point 5 years following 50% occupation. The TPC should be prepared to extend this period (and their role) beyond this point should the TP not be reaching its targets.
- There is no reference to the planned number of car parking spaces per dwelling, nor a mention of cycle spaces.
- For a development of this size, we would expect developers to consider the provision of Public Transport 'taster tickets' to be offered to households upon initial occupation, as an incentive to try out bus services.
- There is a minor discrepancy in the number of dwellings used in the targets calculation.
- We would usually expect that the Travel Plan is monitored via the collection of traffic counts (as are included in the TP), but still supplemented by travel surveys. A suggested timetable of monitoring is given below (taken from the Nottinghamshire County Council's 'Guidance for the Preparation of Travel Plans in support of planning applications' guidance document - attached). The travel surveys can then pick up qualitative issues that wouldn't be evident from the counts. The form of the survey should be agreed with Nottinghamshire County Council, with an example given in the Nottinghamshire County Council's guidance document. A revised draft of the TP should set out a review timetable in more detail.

Year	SAM	Residential Travel Survey
Baseline	No	Yes
1	Yes	Yes
2	No	Yes
3	Yes	Yes
4	No	Yes
5	Yes	Yes
Etc...		

- Secondary monitoring may include the uptake of public transport taster tickets and the number who sign up to the car sharing website etc.
- The Travel Plan does not refer to any remedial measures. Should the TP fail to reach its targets, at minimum the lifespan of the TP (and that of the TPC) should be extended and a new approach adopted to meet targets.

Further comments on a Revised Travel Plan were provided on 22 September 2017:

‘Please find below comments on the attached travel plan (dated September 2017):

- Our comments on the previous version of the travel plan (dated February 2017) included:
- For a development of this size, we would expect developers to consider the provision of Public Transport ‘taster tickets’ to be offered to households upon initial occupation, as an incentive to try out bus services. This comment still stands.
- Secondary monitoring may include the uptake of public transport taster tickets and the number who sign up to the car sharing website etc. This comment still stands
- The Travel Plan does not refer to any remedial measures. Should the Travel Plan fail to reach its targets, at a minimum the lifespan of the TP (and that of the TPC) should be extended and a new approach adopted to meet targets. This comment still stands.
- section 4.6 of the February 2017 version referred to a lifespan up to the point of “full occupation”; our previous comments were: ‘The Travel Plan (TP), and indeed the role of the Travel Plan Coordinator (TPC) should be in place from initial occupation to a point 5 years following 50% occupation. The TPC should be prepared to extend this period (and their role) beyond this point should the TP not be reaching its targets.’ In relation to the September 2017 version of the travel plan:
 - The monitoring section has been updated, although a commitment should be given to producing an annual monitoring report for the Newark and Sherwood District Council and Nottinghamshire County Council.
 - The TPC must be in post for the length of the monitoring period, the wording of the TP indicates that the TPC function (stated as being undertaken by TPS Consultants Ltd) may cease before the end of the monitoring period. If the TPC function is no longer undertaken by TPS Consultants Ltd, then the responsibility for the TPC functions should revert to the developer until the end of the monitoring period and the developer must inform Nottinghamshire County Council of any changes to the name and/or contact details of the TPC.’

Confirmation was then received on 5 October 2017 that a Revised Travel Plan submitted on 29 September 2017 addressed these points and was acceptable.

Following the reconsultation of the revised plans submitted in January 2018 showing two points of access, the Highway Authority provided the following comments in February 2018:

'Further to comments made on 11 August 2017 'Technical Note 2' dated November 2017 has been received which attempts to address previously raised issues. In addition, in January 2018, revised drawings were submitted that provide a road link through to Petersmith Drive.

In response I would comment as follows:

1. The submissions fail to address the issue of the excessive walking distances to bus stops. Bus stops are far in excess of the maximum 400m walking distance, and desirable 250m distance, recommended by the Highway Authority guidance (6C's Deign Guide). In addition, the latest drawings have reduced the carriageway width from 6.75m to 5.5m. Whilst under normal circumstances this would be acceptable given that there are two proposed points of access, this would not be a sufficient width over a long length to cater for any potential bus route. If a bus route could be established linking through to the existing route on Whitewater Road, then walking distances to bus stops would no longer be an issue. Reverting back to either a 6.75m carriageway, or a 6.0m carriageway with widening on bends to take account of bus swept paths could potentially resolve this point. However, it has not yet been assessed how feasible it is for a service to run through the new estate. For this proposal to become acceptable, enhancements to service provision and/or bus stop infrastructure would be required at the developers expense. I understand that correspondence between the applicant's agent and the County Council Passenger Transport Team has taken place but matters remain unresolved.
2. Technical Note 2 still refers to four points of pedestrian linkage, when only 2 of these, to the far east and to the far west of the residential area, are publicly available without crossing third party land. The link(s) across third party land are not safeguarded for future use; they are not controlled by the applicant nor lie within the public highway. In the most recent submission these 'third party' links appear to have been removed although it is not altogether clear that this is the case, and confirmation would be helpful. Either way, this leaves poor pedestrian connectivity to the adjacent and existing development including housing, church, shops and facilities. Table 4.1 of the submitted Transport Assessment offers recommended walking distances taken from national guidance. Other than for school or commuting trips, a preferred maximum walking distance is 1200m. However the town centre facilities are 1500m or more away.

It is concluded that the proposal is contrary to Spatial Policy 7 in that it fails to provide adequate, safe and convenient access by non-car modes.

Potentially the bus issue may be resolved through further negotiation and a Section 106 Agreement.

Should the Planning Authority be inclined to grant permission, then further advice from the Highway Authority should be sought in terms of applying suitable conditions to protect the interests of highway safety, capacity and sustainability.

In the meantime it should be pointed out that since previous correspondence, a revised estimate has been prepared for the Ollerton Roundabout A614/A616/A6075. Improvement costs are now understood to be £7,984,000. Therefore, on the calculated basis that this development would add 2.5% to the traffic flows, a contribution of £199,600 should be sought via a S106 Agreement

towards the improvement costs.'

On 23 February comments were provided in respect of bus service provision:

We've reviewed the requirements for a bus service contribution for Petersmith Drive, Ollerton and comment as follows:

The closest served bus stops are on Whinney Lane and are approximately 700-800m from the centre of the proposed development, which exceeds 6Cs accessibility guidelines. It is estimated that the development will generate in excess of 140 public transport trips per day. Additional resources will be required to serve the development to provide access to public transport which meets the 6Cs guidelines for all residents.

Operations colleagues have assessed the options for serving the development by bus. A diversion of the Stagecoach services 14 and 15 is not feasible. A more appropriate and cost effective solution would be a bespoke town service offering links to employment, education, shopping and leisure facilities. It is suggested that this development could be served with an extension of an existing Nottinghamshire County Council Fleet service i.e. 333, 334 or 335, with an additional vehicle, using the planned accesses to the north and/or south of the development.

An indicative Public Transport contribution of £147,000 would provide a service to serve the development, subject to review based on projected usage and revenue. The proposed level of contribution should be considered as indicative, pending receipt of more detailed information about the mix of housing types and build out rates, which will impact upon the service revenue.

No contingency or inflation is applied.

Infrastructure costs will be in addition to the above.

Further information can be supplied through developer contact with Transport & Travel Services.'

The Highway Authority provided their final comments on the latest layout plans on 16 March 2018:

Further to comments made on 11 August 2017 'Technical Note 2' dated November 2017 has been received which attempts to address previously raised issues. In addition, in January 2018, revised drawings were submitted that provide a road link through to Petersmith Drive.

In response I would comment as follows:

1. The submissions fail to address the issue of the excessive walking distances to bus stops. Bus stops are far in excess of the maximum 400m walking distance, and desirable 250m distance, recommended by the Highway Authority guidance (6C's Deign Guide). In addition, the drawings in that report reduced the carriageway width from 6.75m to 5.5m. Whilst under normal circumstances this would be acceptable given that there are two proposed points of access, this would not be a sufficient width over a long length to cater for any potential bus route. If a bus route could be established linking through to the existing route on Whitewater Road, then walking distances to bus stops would no longer be an issue. Reverting back to either a 6.75m carriageway, or a 6.0m carriageway with widening on bends to take account of bus swept paths could potentially resolve this point. It is understood however that a later

revised drawing, 16/314/TR/009/C has been submitted that takes account of this issue and provides a 6m carriageway with localised widening to cater for a bus swept path. Notwithstanding the above, it has not yet been assessed how feasible it is for a service to run through the new estate. For this proposal to become acceptable, enhancements to service provision and/or bus stop infrastructure would be required at the developers expense. I understand that correspondence between the applicant's agent and the County Council Passenger Transport Team has taken place and a S106 contribution is sought.

2. Technical Note 2 still refers to four points of pedestrian linkage, when only 2 of these, to the far east and to the far west of the residential area, are publicly available without crossing third party land. The link(s) across third party land are not safeguarded for future use; they are not controlled by the applicant nor lie within the public highway. In the most recent submission these 'third party' links appear to have been removed although it is not altogether clear that this is the case, and confirmation would be helpful. Either way, this leaves poor pedestrian connectivity to the adjacent and existing development including housing, church, shops and facilities. Table 4.1 of the submitted Transport Assessment offers recommended walking distances taken from national guidance. Other than for school or commuting trips, a preferred maximum walking distance is 1200m. However the town centre facilities are 1500m or more away.

It is concluded that the proposal is contrary to Spatial Policy 7 in that it fails to provide adequate and convenient access by non-car modes. Therefore a recommendation **to refuse this application is made.**

However, potentially the bus issue may be resolved through further negotiation and a Section 106 Agreement.

It should be pointed out that since previous correspondence; a revised estimate has been prepared for the Ollerton Roundabout A614/A616/A6075. Improvement costs are now understood to be £7,984,000. Therefore, on the calculated basis that this development would add 2.5% to the traffic flows, a contribution of £199,600 should be sought via a S106 Agreement towards the improvement costs, if the application were to be approved.

In addition, should the Planning Authority be inclined to grant permission, then it is requested that the following conditions should be applied to protect the interests of the Highway Authority:

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive is surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the [prospective] Public Highway boundary. The surfaced drive 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.).

Any 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 enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and to protect the free and safe passage of traffic, including pedestrians, in the

public highway.

The development spine road shall be laid out in accordance with drawing 16/314/TR/009/C.

Reason: For the sake of clarity and to ensure the highway infrastructure can potentially cater for public transport in the interests of sustainability.

No part of the development hereby approved shall be occupied unless or until improvements to Whinney Lane, fronting the site, have been made and include new street lighting, footways and visibility splays in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety

No dwelling forming part of the development hereby permitted shall be occupied until its associated driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway 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.

No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: To promote sustainable travel.

No part of the development hereby approved shall commence until application has been made to the Highway Authority for the proposed extension of the 30mph speed restriction on Whinney Lane, fronting the site.

Reason: In the interests of highway safety.

Notes to Applicant:

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 under Section 38 of the Highways Act 1980, 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.

In order to carry out the off-site works required (footways and street lighting, etc) 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@nottscc.gov.uk for details.

This consent requires an application for a Traffic Regulation Order before the development commences to restrict waiting. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk . Please note this process can take 6-12 months.

Notts. County Council (Rights of Way) – ‘The comments submitted by my predecessor in response to the original application are still valid. In addition to the previously submitted comments, the applicants should be advised of the following.

The absence of recorded public rights of way across the development site does not preclude unrecorded rights being proven to exist at a later date. The applicants should be made aware that there is a route that appears to be used by members of the public, linking the end of Petersmiths Drive to Ollerton and Boughton Public Bridleway No. 7, along an existing track. There is also anecdotal evidence via aerial photographs that members of the public may be using the field edge on the South Eastern boundary of the site. If provision is not made to accommodate these routes within the development then the landowner is at risk of claims being submitted by users of the routes for public rights to be recorded, on the basis that public rights have been acquired through usage, in the belief that the use is public (without force, secrecy or the landowners permission). Should a claim ever be made then the routes would need to be made publicly available.

In view of this, it would be prudent for the developer to amend their proposed design to create appropriate rights of way links, in particular the link from Petersmiths Drive to Ollerton and Boughton Public Bridleway No. 7, which would create a useful off-road link to the nearby school. I have enclosed a copy of the Working Copy of the Definitive Map, with the approximate alignment of the routes indicated, for your reference.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council through Via's continuing role of providing operational services on behalf of the County Council.'

(Nb. Previous Rights of Way comments were provided as part of NCC's comprehensive Strategic Planning comments above)

Access & Equalities Officer – ‘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 with reference to the topography of the site 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, open spaces, parks, 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.'

Neighbours/Interested Parties – 29no. written representation has been received objecting to the proposals and raising the following issues (6no. of these were received following the reconsultation exercise undertaken in January 2018):

Highway issues

- Severe traffic implications.
- Roads in the area will not be able to accommodate extra traffic. Congestion will increase including at Ollerton roundabout. These issues need to be resolved before any new housing is approved.
- Highway safety will be unduly impacted upon from extra traffic with schools on Whinney Lane and Walesby Lane in close proximity.
- Existing roads in the area are not wide enough for emergency vehicles, pedestrians to pass with parked cars mounted on pavements.
- Many properties on Petersmith Drive (on the north side) have no off road parking due to slope of the land. New properties are unlikely to have parking to cater for all residents and where will visitors park?
- Single access road to serve the whole development appears grossly inadequate.
- Nearby Gleasons development already causing parking issues.
- Roads are not well maintained with pot holes
- Road safety will be an issue particularly for children.
- The school is on a neighbouring road and existing problems at school pick up times will only increase.
- The access point is on a derestricted highway and within 30 metres of a sharp bend.
- Vehicles use Petersmith Drive as a rat run to avoid traffic calming measures on Whinney Lane
- Local bus service has ceased to use Petersmith Drive as was deemed unsafe for large vehicles
- The developer refers to internet shopping will help keep traffic to a minimum. Such a claim cannot be made as the number of residents to use this cannot be guaranteed and cars would only be replaced by delivery vehicles.
- Lack of traffic calming on Whitewater Road which often has cars parked on both sides and the road from Boughton Brake is also in a poor state and narrow. These roads are not equipped for extra traffic.
- Impact on traffic using other roads including Chestnut Drive.
- When the M1 or A1 is shut the local roads come to a standstill.
- More heavy lorries means more danger.

Impact on the Environment

- Land to the rear of Petersmith Drive is a natural rural boundary and those living there do so for the outlook and rural feel.

- Noise and car pollution from at least another 610 vehicles (2 cars per household).
- Light pollution from new homes.
- Ollerton has seen enough new development.
- Brownfield sites should be used before green field such as at the end of Cinder Lane and next to the old Ollerton railway station.
- There are alternative sites on higher ground that would be more suitable for development.
- Shortly after the colliery closed in 1994 plans were drawn up for 250+ dwellings to build on the pit site 20+ years on there are approx. only 20 - why not finish that development first before throwing money at something else?
- Other sites in Ollerton are in need of redevelopment such as land near Tesco and the old Thoresby pit.
- Surprised that seismic disturbance is considered minimal given tremors felt along Petersmith Drive in recent years as often as every day at one point with New Ollerton branded the most seismically active town in the British Isles – given the movements are suspected to be connected to mining, heavy earth moving would not improve the situation.
- Impact on walkers and cyclists who use the area
- The soil on the site is very sandy and when wet behaves like quicksand.
- Spoiling the scenery and outlook of neighbouring properties.

Flood Risk and Drainage

- The FRA states the site is low risk so why are future residents being recommended to sign up to the Environment Agency Flood Warning Service?
- The site has a main sewer pipe leading to the river.
- Increased flood risk - The fields have flooded on many occasions.
- Negative impact of the development on local drainage.
- Building on the flood plain of the River Maun / Whitewater is unwise – no management of the watercourse which continues to silt up, have debris washed downstream
- If permission is given adequate flood protection measures should be included and should not increase the risk of flooding elsewhere.
- How will the drains cope, the local drains block all the time.
- Impact on flood risk and drainage will increase neighbours insurance premiums making properties less attractive to buy.
- Existing properties are already liable to flooding and adjacent pavements have lifted because of this. Works to the drains regularly have to be undertaken.

Ecology

- Adverse impact on wildlife including loss of habitat.
- Impact on wildlife including foxes and hobby hawks.
- Light pollution – it is not only bats and other wildlife that will suffer.
- Birds and squirrels come back every year and trees where they nest are to be cut down.
- Nature walk by the river currently enjoyed by residents and visitors. The traffic and air pollution will effect wildlife and nature which is a characteristic of the town.

Neighbouring Amenity

- Impact on amenity of existing houses by way of overlooking and overshadowing/loss of light and increased noise.

- Impact on neighbouring amenity due to loss of privacy
- The development will be overbearing on existing residents on Petersmith Drive.
- Increased foot, bicycle and vehicular traffic will have an unacceptable impact on existing residents.

Infrastructure

- Inadequate facilities. The Town does not have the infrastructure to cope.
- Impact on schools (they are full with some pupils having to travel out of the village), local health service (doctors is already over stretched), lack of dentist facility and council (struggling to provide services with cut backs).
- There are no parks or play areas for children.
- Overdevelopment of the site with no sports facilities provided.
- Impact on public transport facilities.
- The only dental practice specialises in mentally and physically disabled patients with no new patients not suffering from these conditions in years.
- Detrimental to the overall wellbeing of the Town.
- There must be a better location for new housing.
- Potential for just over 1000 new residents.
- New Ollerton does not benefit from a local Fire Station and no full time Police station
- New residents will struggle to find employment locally
- The plan includes a children's play area. There is already a play area on land to the rear of Petersmith Drive, Cedar Lane and Birklands Ave which has been locked and inaccessible for years due to misuse and inability of the local authority to effectively maintain. Any new play area would be the same.
- The claim that Center Parcs as a leisure facility is within walking distance is inaccurate. The head office is within walking distance but there are no public leisure facilities and the holiday village a few miles away is for holiday makers staying on the site.
- Local Council struggle to provide services with the cut backs, roads need resurfacing (not just pot holes filled in) and in winter the roads hardly get gritted.
- The bus service serving Petersmith Drive has been stopped due to buses not being able to get through.

Policy and Procedure

- The community was not correctly notified of any change to the boundaries of Ollerton.
- The proposals are contrary to the Local Plan recommendations
- Site density is recommended at 225 units so why is permission being sought for 305 units?
- The letters of objection / support should be available on the Council's website

Other

- The proposals are nonsensical and in no-one's interests but those of money grabbing developers.
- The developer has said that the proposed houses are a "done deal".
- Concerns of increased noise, being overlooked and overshadowed with reference to the Human Rights Act.
- Potential damage to vehicles given lack of parking in the area and increased traffic.
- Impact of building work on exiting residents.

Comments have also been received from the Ollerton Village Residents Association (OVRA) stating as follows:

‘Ollerton Village Residents Association (OVRA) object to such a large development on the following grounds.

Traffic Issues.

No further significant housing developments should be approved in the area until traffic flow problems (especially Ollerton roundabout) are resolved. We note that the developer claims that any increase in traffic at Ollerton roundabout will be small in relation to traffic flow forecasts for the early 2020s which is when they expect this development to be completed. Such a claim fails to recognise the increase in construction traffic from the onset of development and residents moving in during the phased development.

Health Care.

There are already problems getting GP and dental appointments. Significant improvements need to be made in this area need to be made before any approval is granted. The health care impact of the Thoresby colliery site must also be taken into consideration as there is no guarantee that additional medical facilities will be included in this development.

Flooding.

The proposed development is on a flood plain. If NSDC are likely to approve this application, they should ensure that adequate flood protection measures are included and that any such measures will not increase the risk of flooding both upstream and downstream.’

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 urban boundary of Ollerton and comprises a mixed use allocation site (Policy OB/MU/1). The allocation envisages a mixed use development providing around 225 dwellings, enhanced Strategic Sports Infrastructure and Open Space. Specific requirements of Policy OB/MU/1 include that no flood sensitive development takes place in areas identified as being in Flood Zones 2 and 3, incorporation of sensitive design to respect and enhance the setting of the nearby Boughton Pumping Station Conservation Area and Listed Buildings, provision of a landscaping scheme in order to assimilate the development into the surrounding countryside and the identification of measures which maximise opportunities to protect and enhance features of biodiversity value and species within and adjoining the site, including the River Maun, and mitigate or compensate for any potential adverse impacts.

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 225 dwellings (the application seeking consent for 305 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.

Core Policy 3 also states that the Council will seek to secure new housing development which adequately addresses the housing need of the District namely:

- Family housing of 3 bedrooms or more
- Smaller houses of 2 bedrooms or less
- Housing for the elderly and disabled population.

The development proposes a total of 305 dwellings and the schedule of accommodation on the submitted plans confirms this would be a mix of 2, 3 and 4 bedroomed dwellings with the split being:

- 113 x 2 bedroomed semi-detached;
- 79 x 3 bedroomed semi-detached;
- 89 x 3 bedroomed detached; and
- 24 x 4 bedroomed detached.

I note the comments of Policy colleagues regarding the weighting of properties for the Sherwood Area in the Sub-Area report to the Housing Market & Needs Assessment (2014) which are weighted in the following way:

- 2 bed 51.8%
- 3 bed 38.2%
- 4 bed 10%

The original mix was even more heavily weighted towards 3 bed units and a request was made to the developer to increase the number of 2 bed units. A small increase was made from 105 2 bed units to the current proposal of 113 and the number of 3 bed units was reduced accordingly. The developer was also pointed towards the element of Core Policy 3 which seeks housing for the elderly and disabled population and it was queried whether any of the properties might be designed to meet this need for example lifetime homes that are easily adaptable or the provision of bungalows.

In response to the requests to consider more smaller units to correspond with the weighting in the Housing Market and Needs Assessment the developer has confirmed that whilst we understand the Housing Market Needs Assessment suggests that 2 beds are most required in the area, their product is geared towards first time buyers and their house type range makes it possible for 3 beds to be affordable to a large range of first time buyers utilising Help to Buy or other shared equity schemes available from Gleeson. As of July 2017 their existing site at Whinney Lane had sold 48 homes, out of 58 sold so far, to first time buyers, with many of these being 3 bed houses, indicating this affordability and the ability to acquire a larger 3 bed as opposed to being limited to a 2 bed property. Therefore the developer saw no reason to increase the number of 2 beds in this development to those set out in the HMA as they assume that affordability is the driving force behind it and, as demonstrated, even the Gleeson 3 bed is affordable to first time buyers on their developments due to the nature of the product offered. Equally no single bed units have been provided within the revised scheme and mix.

Overall I note the housing mix includes family housing of three beds or more and that more than a third of the dwellings would be smaller houses in the form of 2 bedroomed dwellings both of which accord with Core Policy 3. Given that the development would still make a significant contribution to the dwelling types most needed in the area and taking the developers comments in to consideration, I am satisfied that the proposed mix is acceptable in this instance.

305 dwellings would result in a net density of 15 dwellings per hectare based on the wider site area of 20.5 hectares. However, I concur with my Policy colleagues that what is more relevant in this instance is whether the density on the developable areas makes effective and efficient use of the allocated land and contributes towards an appropriate design and layout. I am conscious that, notwithstanding the latest modelling undertaken as part of this application, the allocation policy requires that no flood sensitive development takes place in areas identified as being in flood zones 2 and 3. Equally the site requires a suitable drainage solution and the site allocation requires provision of landscaping to assimilate the development in to the surrounding countryside and the provision of onsite strategic sports facilities and it has been acknowledged by various statutory consultees that whilst the public open space is extensive, it is required to meet the various objectives including addressing ecological and landscape character matters within the site allocation. I have calculated that the developable area in Phase 1 is approximately 4.56 Hectares and 145 dwellings within this Phase would equate to approximately 31 dwellings per hectare. The developable area on Phase 2 is approximately 4.58 Hectares. 160 dwellings would equate to approximately 34 dwellings per hectare. The site narrows between the two proposed phases and is only suitable for provision of the access road and has therefore been discounted from these calculations. Based on the density of dwellings on the developable area within each phase, this demonstrates that the density would be just over the minimum 30 dwellings per hectare set out in the Core Strategy.

On balance, I am satisfied that the housing mix, type and density proposed meets the overall objectives of Core Policy 3 whilst also providing the ability to address the other detailed design matters set out below.

Design, Layout and Amenity

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.

A Design and Access Statement has been submitted as part of the application and this recognises the location and setting of the site and the relationship with existing properties on Petersmith Drive which are situated at a higher level and separated by a strip of existing vegetation. The predominant housing in the area of two-storey semi-detached and terraced housing in red brick and/or render with concrete roof tiles is noted.

The housing layouts submitted shows two distinct parcels or phases of development and plans have been provided to illustrate each phase. Public open space is indicated adjacent to the site entrance and this provides an opportunity to soften the appearance of the development and assist the transition from the Boughton Pumping Station Conservation Area opposite. Initial plots are also shown to overlook this area which I consider will provide a suitable outlook for these dwellings whilst also providing some natural surveillance for the open space. Similarly, the drainage attenuation ponds to the western end of Housing Layout 1 would be overlooked by the proposed dwellings (particularly on the first phase of development). The overlooking of these public areas will have benefits in terms of crime prevention and site safety. The relative position of housing and public open space on the proposed layouts also responds to the requirements within the site allocation policy including the need to avoid housing within areas at potential risk of flooding, incorporate sensitive design to respect nearby heritage assets and the landscape character of the area and preservation and enhancement of the River Maun and associated footpaths, walkways and cycle facilities through the design and layout.

A mix of house designs is proposed, all fairly traditional in style, all two storey. Features include brick corbeling and soldier course headers and sills. Comments were provided to the developer in respect of the original layout raising issues including where plots appeared tight within the layout, setting these properties in from boundaries. Where properties include blank facades which would be prominent within the street scene, the applicant was advised to consider dual front properties such as to corner plots or the provision of additional fenestration or delineation in terms of materials to add visual interest. Some properties within the original layout were set forward of neighbouring properties to the extent that they would obstruct views down the relevant section of street to the detriment of the appearance of the scheme and advice was given to realign these properties to improve the sense of place within the development.

As a result of the above comments the applicant provided revised plans. These plans addressed some of the issues raised including the introduction of corner turner units where possible with more space afforded to some corner units. Whilst some issues remain with regards to the positioning of some corner plot dwellings forward of the alignment of properties fronting adjacent cul-de-sacs (plots 141, 96, 41, 137, 282, 278, 258) I am satisfied that the spacing between these

particular properties is sufficient to ensure the corner property can be accommodated without having such a significant impact on the character of the scheme to warrant a refusal of permission in these instances.

Given the number of properties proposed and to assist legibility through the development use of materials will be critical in breaking up the development and adding visual interest within the street scene. This was not clear from the original drawings and the developer was asked to consider different character areas. The use of alternative elevational treatment e.g. render to key plots for example to corner properties to provide some focal points was also suggested. A materials layout plan was requested indicating where different materials are to be applied as per Gleeson's rural style and urban style elevations. Proposed materials are a mix of buff and red brickwork and terracotta red and dark grey roof tiles. Different elevation treatments in terms of the application of brickwork is used dependant on the 'rural' or 'urban' style applied. Having considered this on the plan the groupings of material and elevational styles should assist in breaking up the development and assisting with legibility through the site. Whilst this may have gone further to provide some visually distinct properties at key locations, I consider that overall the approach to materials is acceptable.

Whilst 1.8m high close boarded fencing is proposed to rear boundaries and to corner plots (with regards to the latter this is in limited locations and I am satisfied it will not unduly impact upon the street scene), I note the plans suggest post and wire fencing to boundaries between neighbouring plots. I am concerned that this will not provide adequate means of screening between properties to provide a suitable level of amenity. A query has been raised with the applicant and an update can be provided to the Planning Committee.

In terms of garages proposed, internal measurements are 2.6m wide by 5.1m depth which is sufficient to park a vehicle. I am aware of other housing developments where garages have been increased to 6.0m in depth to accommodate a storage area and to encourage their use for the parking of vehicles. This option was put to the developer but garage depths have not been subsequently amended. However, the Highway Authority has not raised concerns with regards to the level of parking proposed or garage depths.

Generally driveways within the development will be interspersed with lawns/planted areas and this will help to ensure there is not a dominance of parking and hard surfacing to frontages.

With regards to amenity the back to back interface distance are generally acceptable with distances generally between 20 and 24 metres. Private amenity spaces are also of suitable proportions. The eastern first phase of development is set away from boundaries with properties on Petersmiths Drive and I am satisfied therefore that there will be no undue impact on the amenity of these existing properties.

With regards to the western second phase of development, the proposed dwellings would share boundaries with properties on Petersmiths Drive. Interface distances on the original layout were particularly constrained at the plot backing on to 55c and concerns in terms of the potential for overbearing and overlooking impacts were raised with the applicant. The amended plans submitted include the reorientation of the dwellings closest to 55c so that the side elevation of Plot 154 is now closest to the rear elevation of this existing dwelling and its immediate neighbours at 55a and 55b Petersmiths Drive. A detailed section has also been provided which demonstrates how the proposed dwellings would be situated at a slightly lower level to these neighbouring

properties. The dwelling type proposed has a first floor side elevation window, however this could be conditioned to be obscure glazed and fixed with a top opening light only.

I also note that the distance between the rear elevation of no.57 Petersmith Drive and Plot 153 is relatively close at 20 m between rear elevations. However no.57 Petersmith Drive is set at an angle to this proposed dwelling and taking this angle and comparative levels into consideration, I consider the distance is acceptable in this particular instance to maintain an acceptable level of amenity between dwellings.

I also note the existing dwellings at nos. 45 and 47 Petersmith Drive are set back towards the boundary with the application site. Having checked the potential relationship between these dwellings and the proposed properties I note Plot 161 has a side elevation with no windows facing no.47 at an angle and distance of some 13.0m from the nearest existing dwelling. The rear elevation of Plot 162 is some 21.5m from the rear elevation of no.45 Petersmith Drive. I am satisfied that the distance involved will ensure a suitable level of amenity is retained for existing and proposed dwellings.

On balance, whilst there remain some relatively minor alterations that could be made to the position of dwellings and the materials and façade treatment could be improved in some areas to create landmarks within the development and improve legibility, overall the proposed layout appropriately responds to the existing character of the area in terms of the design and scale of development and materials used. The development is also acceptable in terms of amenity both for the proposed users and the relationship with the nearest existing properties at Petersmith Drive. The proposals therefore meet the objectives of Policy DM5.

Impact on Landscape Character

Following the initial consultation work with the County Council and advice from their Landscape Team a Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application. The submitted landscape drawings have also been updated during the application process incorporating suggestions received from statutory consultees.

Core Policy 13 of the Core Strategy addresses issues of landscape character. It 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.

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. The site allocation policy (OB/MU/1) seeks to mitigate any impact requiring proposals for the site to include the 'provision of a landscaping scheme in order to help assimilate the development into the surrounding countryside in accordance with the landscape character'.

Policy DM5 requires the rich 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.

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 Council's Landscape Character Appraisal (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 application site is situated within Sherwood Policy Zone S PZ 15 'River Maun Meadowlands with Plantations'. The Policy Zone is characterised by a narrow meandering river valley, low lying fields to the north and steeper wooded valley side to the south, occasional sandstone outcrops to the southern bank, arable farming on flatter areas to the east, some willow, alder and riparian vegetation along the banks adjacent to the river and some views out to built edges, railway embankments, and woodland edges. The Policy Zone is defined as having a good landscape condition, moderate landscape sensitivity and a policy action to 'Conserve and reinforce'. Landscape actions for built features include conserving the sparsely settled character of the river corridor by avoiding development within the immediate flood plain of the River Maun and reinforcing the sense of place of the built environment by using materials and design that reflect the local character of the area.

The applicant's LVIA includes within its summary:

'The local landscape is assessed to have a medium sensitivity to change since, although it possesses some attractive individual elements, these do not necessarily complement each other fully. At year 15 it is assessed that the level of impact would be 'Minor'. In view of the enhanced planting proposed along the north western site boundary – which will provide a setting for (and which will visually contain to some extent) both existing and new built development – this change may be regarded as an improvement on the present situation; in this case it would be seen as beneficial rather than adverse.'

The County Council's Landscape Team have provided comments on the LVIA and the submitted drawings including the landscape proposals. They noted the LVIA assessment but considered the impact at year 15 to be minor adverse as it will be dependent on the treatment of the north western boundary.

In considering how soft landscaping will assist in assimilating the proposals into the wider landscape, whilst generally supportive of the proposals, the Landscape Team were initially concerned that the application lacked a robust landscape strategy and provided comments on the landscape drawings submitted. These comments are set out in full in the Consultation responses detailed earlier in this report. Their main concern was the housing density being somewhat higher than the figure in the site allocation, yet planting appeared minimal by comparison.

Since these comments, revised landscape drawings have been submitted responding to the points raised as follows:

- NCC suggested trees and hedgerows to be removed / protected should be shown -
The latest landscape drawings indicate areas of vegetation to be removed / retained and refer to the Tree and Hedgerow Survey submitted and that any to be protected shall be to BS5837:2012
- NCC noted marginal wetland planting was not shown and potential for more tree planting –
The Suds features have been repositioned and the applicant has confirmed that the features will be designed, in normal circumstances, to be wet. A condition could be attached to any

permission requiring precise details of the design/grading of attenuation ponds including wetland planting.

- NCC were concerned that there was insufficient planting to the northern boundary – Additional planting is now indicated to the northern boundary particularly to the middle section between the 2 housing phases and north of the 2nd phase attenuation pond.
- NCC suggested planting to northern and western edges to help integrate dev and across site inc gapping up of hedgerows - A band of native woodland mix is also indicated on the revised plans to the northern and western edges as well as a mixed native hedge
- NCC suggested native tree and shrub planting to sports pitches – Planting in close proximity to the pitches would be likely to impact on maintenance and the ability to alternate the pitch layout. However any permission could include the requirement for a masterplan of the composition of the sports pitches which may allow for further planting.
- NCC noted a reference in the LVIA (para 6.3) that proposed tree species included Sycamore and that this is not native and should be removed from the mix. Ash should also not be planted – the revised drawings do not show Sycamore or Ash amongst the proposed planting.

The case officer also confirmed to the County Council's Landscape Team that in line with their requests a condition could be attached to any permission requiring a precise planting strategy, for example to clarify the band of native woodland mix indicated to the northern and western edges. The case officer also confirmed that appropriate management could be secured through a legal agreement. On this basis the Landscape Team has confirmed that they are comfortable with the amended proposals. They made a further suggestion that there appeared to be scope to retain some of the existing hedgerow to the site entrance on Whitewater Lane and suggested changes to the submitted plans to show work to retain the northern/southern ends of the hedge to promote regeneration and planting up of any gaps.

A revised plan was submitted showing the hedgerow to the front boundary to be retained but trimmed back to the rear of the visibility splay and gaps filled with new hedgerow planting. The case officer confirmed this to the County Council's Landscape Team and advised any favourable recommendation could also include conditions requiring precise details of the works to promote regeneration and planting up. The County Council confirmed by email on 14th March 2018 that this was acceptable.

I also note an earlier query from the County Council's Landscape Team as to the potential impact of lighting from the sports pitches. The application does not propose any floodlighting and any such lighting would require separate planning permission and would be considered on its own merits.

The residential development would alter the existing character of the site through the built form of the dwellings and the internal infrastructure such as the road network and boundary treatments between dwellings. However, the scheme would be seen in context with existing dwellings to the south which sit in close proximity to the site. An LVIA assessment has been submitted and the County Council, have given regard to this and have concluded that the overall visual impact would not exceed minor adverse. The advice of the County's Landscape Team has been taken into account in revised plans including increased planting to the northern boundary

and the retention and enhancement of the hedgerow on Whitewater Lane. Taking into account the scale of development and landscape mitigation proposed, I am satisfied that the visual impact of the proposed development will be acceptable in this instance and the landscaping scheme will help assimilate the development within the surrounding landscape. This is subject to suitable conditions being attached to ensure the landscape proposals are appropriately implemented and maintenance and long term management of the sites blue and green infrastructure is secured. On this basis the proposal complies with Core Policy 13 and Policies OB/MU/1 and DM5 in terms of its impact on the landscape.

Impact on Ecology

Habitat Regulations Assessment:

The Habitats Directive requires competent authorities to decide whether or not a plan or project can proceed having undertaken the following “appropriate assessment requirements” to:

- Determine whether a plan or project may have a significant effect on a European site
- If required, undertake an appropriate assessment of the plan or project;
- Decide whether there may be an adverse effect on the integrity of the European site in light of the appropriate assessment.

Natural England have identified that the application site is within 1.5 km of a European designated site, the Birklands & Bilhaugh Special Area of Conservation (SAC), and therefore has the potential to affect its interest features. The site is also notified at a national level as Birklands & Bilhaugh Site of Special Scientific Interest (SSSI). Regard needs to be given to any potential impacts in terms of the Conservation objectives for the European site with consideration as to how the site would be restored and/or maintained. Natural England initially advised that the interest features of the site may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development and further information was required to enable consideration as to whether any impacts required off-setting measures.

Following the above, the applicant submitted an Air Quality Assessment. Having considered this additional information, Natural England have confirmed as follows:

- Air Quality Assessment - Natural England has reviewed the air quality assessment which has now been submitted following our request for this information in our letter of 8th May (ref: 213769). We consider that the air quality assessment satisfactorily demonstrates that the Critical Loads for nitrogen contribution to acid deposition arising from additional development trips associated with the proposed housing scheme is less than 1% increase of the Critical Load at all considered ecological designations and units. We are also satisfied that no further assessment of ‘in-combination’ effects is required at the Birklands & Bilhaugh SAC designation.
- Green Infrastructure - Natural England does not consider there is a measurable impact from this proposed development on the SAC, however new residential developments mean more people, which can put increased recreational pressure on sensitive sites. Therefore it is important that new housing development is supported by adequate investment in the Green Infrastructure (GI) network in order to increase its accessibility and quality, helping to protect the more ecological sensitive sites, including Birklands & Bilhaugh SAC, from potential detrimental impacts.

To relieve visitor pressure on the Birklands & Bilhaugh SAC Core Policy 12 and Policy DM7 both require provision of SANGS (Suitable Alternative Natural Green Space) on sites within 5km of the designation. The significant level of open space has been noted by the County Council's Ecologist and I am satisfied this will provide the development with a suitable recreational resource to relieve pressure on the SAC.

On the basis of the plans submitted and the further information now received, Natural England have confirmed that the proposed development will not have likely significant effects on the Birklands & Bilhaugh Special Area of Conservation (SAC) and they have no objection to the proposed development.

On the basis of the above, I confirm that having regard to the Habitat Directive, the proposal can proceed without having a significant effect on a European site.

Sherwood Special Protection Area (SPA)

The site is located within the 5km buffer zone identified in Natural England's Indicative core area & RSPB's 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 Indicative Core Area (ICA) and proposed Important Bird Area (IBA), as agreed by Natural England, within which possible adverse effects of any development should be properly considered. This application is situated within that area. The Ecological Impact Assessment submitted with the application assesses the relationship of the proposal with the pSPA. The Assessment notes the good connections of the site with an extensive Public Bridleway network and notes the landscape proposals will include 'an enhanced access route from the southern edge of Petersmiths Drive to the existing bridge crossing point over the River Maun, and beyond. This will be tied in with a network of mown footpaths within areas of Public Open Space (POS), and around the edges of the proposed SUDS, in order to create a range of walking and dog-walking opportunities within the site itself. Access to the southern side of the River Maun along the northern site boundary will be retained, and formalised, and access east to Boughton Brake through the site will also be enhanced by improving the visibility splays, over Whitewater Lane.' The Assessment identifies Boughton Brake as being likely to accommodate much of the recreational activity from the development and notes the formal recreational activity will be accommodated on site as well as the existing adjacent outdoor sports facilities. The proximity of Clumber Park, Sherwood Forest Country Park and Sherwood Pines Country Park are all noted. I would concur with the Assessment that the development has been sensitively designed to accommodate as much recreational pressure as possible, and to retain and enhance existing links to the wider bridleway and footpath network, with an enhanced access to Boughton Brake.

On this basis, I am satisfied that there would be no significant impact upon any statutory protected areas, or the possible Sherwood Forest pSPA and therefore that any potential impacts arising from the development on the breeding nightjar and woodlark population are addressed.

Other Ecology Matters

Nationally, the paragraphs under Section 11 of the NPPF relating to 'Conserving and enhancing the natural environment' are relevant. At the local level Core Policy 12 and Policy DM7 relate to 'Biodiversity and Green Infrastructure' and seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.

The relevant site allocation policy OB/MU/1 requires the identification of measures which maximise opportunities to protect and enhance features of biodiversity value and species within and adjoining the site, including the River Maun, and mitigate or compensate for any potential adverse impacts.

The proposed development has been designed so as to utilise the proposed open space including attenuation ponds, tree planting and wildflower mix to create a buffer between the new dwellings and hard landscaped infrastructure and the River Maun. Not only will this space assist in softening the appearance of the proposal and providing recreational space helping to reduce visitor pressure on more sensitive sites, but it will also provide an opportunity to enhance features of biodiversity value on the site with proposed planting providing new habitat. The applicant has taken on board the advice of the County Council's Landscape Team and Natural England and to the northern and western boundaries has incorporated wildflower/grass mix and native tree planting in to the proposals.

Whilst NCC Ecology have acknowledged the site appears to be of limited importance for foraging and commuting bats, they have recommended mitigation measures should be incorporate in the form of integrated bird and bat boxes (the former targeting house sparrow, starling and swift) within the fabric of a proportion of the proposed dwellings. I am mindful that Paragraph 118 of the NPPF states opportunities should be taken to incorporate biodiversity enhancements and I consider it would be prudent to include a condition on any planning permission with regards to these details. Any planning permission could also include a condition requiring confirmation of external lighting details to ensure any artificial lighting is designed to be sensitive to bats as suggested by the County's Ecologist.

I also consider it reasonable to attach the County Ecologist's other suggested conditions controlling vegetation clearance during the bird nesting season, that the southern section of the site be resurveyed for badgers prior to commencement of development and that where outfalls are proposed to the River Maun, this be surveyed for water voles and otters prior to construction, secured through a condition.

In considering the landscape proposals submitted, consultation has been undertaken with the County Council's Landscape Team and they have commented on the proposed tree species to ensure the amended plans have incorporated native trees are incorporated in keeping with the Sherwood Landscape Character Area. The precise specification for the areas indicated as wildflower mix, amenity grasslands and native woodland mix have not been provided and will need to be conditioned. Details of establishment methods and ongoing management of retained and created habitats would need to be secured via a landscape management plan as part of any Section 106 Agreement.

Finally, I note the query from the County Council as to whether the proposed SuDS feature is intended to be dry for most of the time, or to hold water permanently and that the latter has more wildlife value, and would be welcomed. This point is covered under the landscape section

above and it has been confirmed that the features will be designed, in normal circumstances, to be wet. Precise details are to be conditioned in order to maximise the ecology potential of the drainage features.

Taking in to account the above considerations, I am satisfied that the proposals will 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 Heritage Assets

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.

Policy OB/MU/1 requires that the development incorporates sensitive design to respect and enhance the setting of the nearby Boughton Pumping Station Conservation Area and Listed Buildings.

The Council's Conservation Officer has considered the proposals and has considered the site's proximity to Boughton Conservation Area and the historic building complex of Boughton Pumping Station which are situated opposite the site. The extensive tree coverage within the Conservation Area and further trees and hedges along the north-east boundary of the proposal site, ensures that much of the historic building complex will enjoy significant screening from the proposed development. The Conservation Officer considers that the reinforcement of landscaping and a large element of public open space at the eastern edge of the proposal site will help to maintain the existing character of the Conservation Area and its immediate setting. Furthermore, as the development will broadly follow the pattern of urban grain to the south, and that extensive rural landscape setting remains to the northwest of the Conservation Area, they consider the proposal will not unduly harm the setting of the Conservation Area or listed buildings forming the Station complex and I concur with this conclusion.

The proposed landscaping, scale of development being 2 storey and proposed materials are also considered to assist the integration of the proposal into the rural setting.

The Conservation Officer has also confirmed the proposal will cause no harm to the setting of Thoresby Park given the significant distance to the application site.

On balance, the Conservation Officer has confirmed that the development will have no discernible impact on any other heritage assets.

Archaeology

Policy OB/MU/1 also requires pre-determination archaeological evaluation submitted as part of any planning application and any necessary post-determination mitigation measures to be secured by conditions.

I note the County Council's comments concern that the desk based archaeological assessment submitted concludes the site to have low archaeological potential. The County recommended geophysical investigation, but with the knowledge that it may only work well on the higher ground, away from alluviated areas. In addition, NCC recommended that there needs to be sampling of the palaeochannels to determine their potential to contain good environmental or archaeological data and that this work should be done before the application is determined.

The Council's Conservation Officer also noted the conclusions of the report submitted and that it appears to show no archaeological interest, although that high magnetic disturbance might be masking archaeological potential below. The Conservation Officer liaised with the applicant's archaeology consultant in respect of the unknown potential for archaeological interest below the modern farmed top soils, with the view that a pre-commencement condition might be appropriate. The applicant has identified that the main features of potential archaeological interest are palaeochannels in the valley bottom and a targeted trial trenching programme could be undertaken to investigate and record any archaeological remains associated with palaeochannels. If palaeochannel deposits with good preservation potential are identified these should be sampled, assessed and analysed for archaeological and palaeoenvironmental remains. Depending on the results of the trial trenching further works may be required if archaeological remains are identified.

The applicant provided a plan identifying the areas to be targeted in the proposed trenching and the wording for a potential condition has been suggested as set out under the consultation responses from the Conservation Officer earlier in this report. The condition includes a requirement for the investigation of the potential for archaeological and palaeoenvironmental remains associated with former palaeochannels and on adjacent higher ground as recommended by the County Council with targeted trial trenching and palaeoenvironmental sampling.

Following discussions with the case officer, the Conservation Officer has confirmed that the basis of the condition is acceptable and that any condition would need to include wording requiring confirmation in writing of the results of the initial evaluation and then, should this necessitate further archaeological work, a written schedule of how such work would be undertaken including timescales and results/mitigation (to be submitted to and confirmed as acceptable in writing by the LPA).

On the basis of the advice received from the Council's Conservation Officer, I am satisfied that the suggested pre-commencement condition would appropriately address the potential for archaeological remains on the site.

On the basis of the above considerations and suggested condition to address the potential for archaeology on the site, the proposal therefore accords with heritage objectives contained within the Act, as well as policy and advice contained within the Council's LDF DPDs and section 12 of the NPPF.

Impact on Highways Network

Core Policy 9 requires proposals to be accessible to all and Spatial Policy 7 sets out the criteria for assessing whether a development encompasses a sustainable approach to transport. Policy DM5 of the DPD states that provision should be made for safe and inclusive access to new development. Where practicable this should make use of Green Infrastructure and as many alternative modes of transport as possible.

Policy OB/MU/1 states that development of the site will be subject to the preparation of an appropriate Transport Assessment (TA) as part of any planning application(s) to identify any negative impact of the development on the highway network including Ollerton roundabout, and the provision of appropriate mitigating measures.

The application has been accompanied by a Transport Assessment, Travel Plan and detailed layout drawings. Initial comments from the Highway Authority raised issues with the results and conclusions drawn in the TA and the potential impact on the Highway. The Highway Authority also assessed the potential impact of the development on traffic flows to Ollerton Roundabout which it estimates will add about 2.5% to traffic flows and refers to the improvement scheme to this roundabout identified by the County Council for which they request the applicant would make a financial contribution to be based on the proportionate increase in traffic attributed to this development.

Early on in the application process, when the proposed layout indicated a single point of access from Whinney Lane/Whitewater Lane, the Highway Authority raised concerns in respect of sustainable transport provision and advised that linkages were poor with the nearest bus stops are 350m from the access point on Whinney Lane/Whitewater Lane, with the development itself stretching over 800m from this point. This distance would be far in excess of 6C's Guidance which recommends that walking distances to bus stops should be a maximum of 400m, and desirably no more than 250m. The initial suggestion was that proposals for new bus stop provision should be made.

In order to improve access and linkages for residents and responding to the concerns relating to sustainability raised by the Highway Authority, the applicant has submitted amended plans during the application process to provide a second point of access to the western end of the development (Phase 2) linking through to the existing highway on Petersmiths Drive. This includes a footpath linking through to Petersmith Drive at this end of the development. Alterations have also been made to accommodate a footway along the Whinney Lane/Whitewater Lane site frontage and a pedestrian link across the Public Open Space to it. However the concern remains that walking distances to bus stops are still far in excess of the recommended distances. The Highway Authority noted that previous drawings did not lend themselves to bus penetration meaning there was little opportunity to reduce these distances. They suggested that if a bus route could be established linking through to the existing route on Whitewater Road, then walking distances to bus stops would no longer be an issue. I note the latest drawings include the second point of access and the widening of the main access road to 6.0m to future proof the site for a potential bus service to operate through the proposed development. The Highway Authority have advised that the widened access has not yet been assessed to see how feasible it is for a service to run through the new estate although I note the widening of the access to 6.0m is in direct response to the previous suggestions of the Highway. The applicant has also responded noting the bus stop distances could be reduced by providing a new bus stop at the junction of Whitewater Road and Walesby Lane reducing the walking distance from the edge of the site by some 150-200m depending on exactly where the current bus stop is. They also suggest a new bus stop could be positioned at the junction of Walesby Lane and Whinney Lane again reducing walking distances by a similar distance. The applicant has confirmed that they would be prepared to pay for the minimal cost of these new bus stops. This suggestion has been put to the Highway Authority and an update can be provided to Planning Committee.

The applicant has responded to various points made by the Highway Authority on the submitted Travel Plan and following the submission of a Revised Travel Plan on 29th September 2017 the Highway Authority have confirmed that this aspect of the proposal is acceptable.

Footpath Links

Spatial Policy 7 requires development to provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility, and provide links to the existing network of footways, bridleways and cycleways, so as to maximise opportunities for their use.

The Highway Authority notes the suggestion in the original plans that as well as the footway to the eastern and western ends of the development, pedestrian linkage to Petersmiths Drive would be available at two other points; one near 115 Petersmiths Drive and the other via Petersmiths Close. However, the Highway Authority do not consider that these access points can be relied upon given they do not connect directly with the public highway and cross third party land. The Highway Authority are therefore concerned that the only connections through to the existing settlement are via the proposed footpaths at the eastern and western ends. The Highway Authority are concerned this leaves poor pedestrian connectivity to the adjacent and existing development including housing, church, shops and facilities with the town centre facilities 1500m or more away. The applicant has commented that whilst they can't control the 2no. internal points of connection, they have been used for many years, they consider it likely they will continue to be used 'informally' in future. These links were removed from the drawing following previous Highway Authority comments but it remains the case they are currently in situ.

The Rights of Way Officer has commented that there is a route that appears to be used by members of the public, linking the end of Petersmiths Drive to Ollerton and Boughton Public Bridleway No. 7, along an existing track. There is also anecdotal evidence via aerial photographs that members of the public may be using the field edge on the South Eastern boundary of the site. I am mindful that part of the potential other route used by the public sits within what would be rear gardens on Phase 2 of the development. The applicant has been made aware of the potential risk of claims being submitted by users of the routes for public rights to be recorded, and that the routes would need to be made publicly available. The plans have not been amended to take development outside the line of this route. The footpath sat alongside the proposed vehicular access road and this would retain the ability for pedestrians to walk through the site and link up with Bridleway No.7. In the event that a claim were made and accepted the applicant would need to apply to divert the route and this could delay implementation should planning permission be forthcoming.

Conclusion on Highway Matters

Subject to the subsequent confirmation from the Highway Authority that the road dimensions do facilitate bus access, the outstanding issues would be the cost the Highway Authority have set out for provision of a bus service through the proposed development and lack of pedestrian links to the existing settlement and whether these matters should be prohibitive to the development coming forward. The applicant has advised they are not in a position to meet the bus service provision cost as is evidenced through the viability assessment undertaken as part of this application set out later in this report. The distances to bus services and facilities in the town centre are in excess of the recommended distances. However the developer has confirmed they would be willing to explore costs of additional bus stops closer to the site. This has been put to

the Highway Authority and their response is awaited. Access through to Petersmiths Drive is also available at either end of the development for pedestrians and consideration needs to be given as to whether these distances make the development so unsustainable so as to warrant a refusal of planning permission bearing in mind the other infrastructure contributions that could be achieved and the way the development has addressed all other requirements set out in this report.

It is noted that the Highway Authority are not objecting on road safety grounds and the matter of concern relates solely to walking distances and access to public transport. Sustainability is a key requirement of Spatial Policy 7 but it needs to be weighed in the planning balance as to whether this matter is fatal to the development coming forward in this instance.

Flood Risk and Drainage

Core Policy 10 (which is in line with the NPPF) states that through its approach to development, the Local Development Framework will seek to, amongst other criteria; locate development in order to avoid both present and future flood risk. Policy DM5 states that the Council will aim to steer new development away from areas at highest risk of flooding and that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the sequential test, that there are no reasonably available sites in lower risk Flood Zones.

Policy OB/MU/1 states that proposals for the site should set out the broad location for development on the site including a phasing strategy. This should ensure that no flood sensitive development takes place in areas identified as being within Flood Zones 2 and 3.

The residential element of the proposal is located within Flood Zone 1 and therefore within an area at least risk of flooding. However the open space element of the proposal including the proposed SuDs feature in the form of two attenuation ponds is located within Flood Zone 3b.

The applicant has referred to the NPPF and notes it includes the option of splitting a development in to component parts when considering flood risk.

The applicant has liaised with the Environment Agency throughout the application process and submitted a Revised Flood Risk Assessment (Report No.16/022.01 Rev 02 – 14th Feb 2018) and engineering drawings in February 2018. The Environment Agency reiterated at the time that the surface water attenuation pond was shown to be located within Flood Zone 3b (functional floodplain) and that in accordance with the Planning Practice Guidance to the National Planning Policy Framework the highest vulnerability category should be used and therefore the surface water pond should be considered as More Vulnerable, and therefore not appropriate in Flood Zone 3b. They considered that the surface water attenuation is intrinsically linked to the development and would not be a standalone development without the more vulnerable development it is serving and therefore they objected to this application because the proposed development would be inappropriate when referring to national flood risk guidance.

However, the Environment Agency also noted the approach being advocated by the applicant in terms of the development being considered in its component parts and put the onus on the Council to consider whether the surface water attenuation could be considered as a separate component whilst considering the precedent this may set for future applications.

I understand the Environment Agency's position with regards to strictly applying the guidance on assessing flood risk. As they have suggested the option to consider a development in its component parts would usually be more appropriate when considering mixed use development (e.g. a mixed use site of residential, offices, roads and sports facilities) and that a proposal in those circumstances might be acceptable if the water compatible use (e.g. the sports facilities) were located within the functional floodplain. In this instance however the proposal includes residential development and associated open space including the attenuation ponds which are intrinsically linked to the development.

I accept that if the guidance in the NPPF were to be strictly applied, and it was accepted that the attenuation ponds and open space are located within the functional floodplain, the higher vulnerability category would be applied to the whole development and the proposal would be considered inappropriate in flood risk terms. Alternatively, if it could be demonstrated that:

1. the dwellings as located on the proposed housing layout would not be at risk of flooding
2. the drainage scheme with attenuation ponds is suitable to serve the proposed development
3. the drainage scheme with attenuation ponds would be able to function even in times of flood
4. any loss of flood storage could be appropriately mitigated and flood risk would not be increased outside the application site

it could then be argued that the development could acceptably address any potential drainage and flood risk matters and therefore there would be no demonstrable harm in terms of the flood risk impact of the development in this particular instance.

In respect of points 1 and 4 the Environment Agency confirmed by email on 14th March 2018 that the latest FRA and engineering drawings demonstrate that the dwellings proposed would not be at risk of flooding and that the mitigation proposed would ensure there is no increase in flood risk to third parties (inclusive of their recommended conditions). The Environment Agency has advised that the Lead Local Flood Authority (LLFA) would need to provide confirmation of points 2 and 3. In respect of point 3 the EA note a bund has been built around the ponds above the design flood height and therefore should not be inundated by fluvial water. However, they have not reviewed the surface water design or if the outfall could be surcharged in flood conditions, which may affect the function of the site drainage. A further consultation has been sent to the County Council's Flood Team as LLFA and a response is awaited at the time of writing this report and an update will be provided to the Planning Committee as a Late Item. Subject to the LLFA confirming that the attenuation ponds are appropriate and could function during a flood event all the above points would have been met. In those circumstances given the very specific characteristics of the site and that the proposals could effectively manage drainage and flood risk within the site without increasing flood risk elsewhere, I consider that in this particular instance there would be no planning harm in this respect and therefore subject to the suggested conditions I am satisfied that the proposal would effectively manage flood risk and drainage on the site in accordance with Core Policy 10 and Policy DM5.

Notwithstanding the above, the developers' consultant has queried the Environment Agency's objection on the basis of the site being located in Flood Zone 3b. They stress that the Environment Agency have accepted the findings of the revised FRA which clearly shows that no part of the site is affected by the 4% AEP flood outline (1 in 25 years event) and given this is the best available information supersedes the flood maps in the Strategic Flood Risk Assessment (SFRA) produced in 2009. On this basis the site could not realistically be considered to be in functional flood plain and the question of considering the development in its component parts

does not arise. The Environment Agency have advised that the NPPF does not define a specific return period but often the 4% (1 in 25) or 5%(1 in 20) AEP has been used in SFRAs. The Environment Agency have advised that if the SFRA is to be updated with the latest modelling incorporated that the Council can take this in to consideration and the Environment Agency's comments regarding the appropriateness of the development to Flood Zone 3b should be disregarded.

At the time of writing Policy colleagues are currently liaising with the Environment Agency to clarify their position. If the sites location outside the flood zone is confirmed, I consider that the development would be acceptable in flood risk terms. Confirmation of the Lead Local Flood Authority in respect of the acceptability of the detailed drainage design is still required and an update on these matters can be provided to Planning Committee.

Taking the above matters in to consideration, provided that either the Lead Local Flood Authority confirms that the drainage solution is acceptable as per the questions set out above, or alternatively that the application site is confirmed as not being situated on land at high risk of flooding the development would be acceptable in flood risk and drainage terms and would comply with Core Policy 10 and Policy DM5.

Other Matters

Following the submission of a Phase 2 Geotechnical and Geo-Environmental Site Investigation report the Council's Environmental Health Officer has confirmed that they generally concur with the findings of the report and that there are no further requirements in terms of addressing any potential contamination on the application site. The proposals therefore comply with NPPF paragraph 121 which 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.

I note the comments received from the community, the majority of which relate to the material considerations considered under the above appraisal. Issues raised relating to the inability of local infrastructure to cope with the additional dwellings are considered under the Developer Contributions section of the report below. The site allocation was appropriately advertised under the consultations prior to adoption of the Allocations and Development Management DPD and the requirements relating to the site allocation have been factored in to this report. Letters of objection / support are not available to view on the Council's website but are available to view at the Council's offices on request. The proposal is not a "done deal" as has been suggested and the various planning considerations need to be weighed in the balance before a recommendation can be made. Potential damage to vehicles given lack of parking in the area and increased traffic is not a material planning consideration and any such damage would be a police matter. The Highway Authority have not raised concerns with regards to the latest plans in terms of the width of the highway or parking provision. The impact of building work on existing residents is not a material planning consideration, although it would be reasonable to attach a condition to any permission restricting hours of work to usual working days and hours.

Developer Contributions

Policy DM3 relates to 'Developer Contributions and Planning Obligations' and sets out that the infrastructure required to support growth will be provided through a combination of the

Community Infrastructure Levy (CIL), Planning Obligations, Developer Contributions and where appropriate funding assistance from the Council. Planning applications will be expected to include appropriate infrastructure provision in line with the Developer Contributions SPD.

A viability appraisal has been submitted by the applicant and the Council appointed an independent viability assessor to scrutinise the findings. The conclusions reached are set out below. However I consider it first useful to set out the contributions requested:

Open Space

Through the site allocation policy OB/MU/1 the importance of appropriate phasing mechanisms between the residential development and strategic sports infrastructure and open space uses is underlined.

The Parks and Amenities Officer has confirmed that the development will need to include public open space provision in the form of provision for children and young people (18m²/dwelling), amenity green space (14.4m²/dwelling), outdoor sports facilities (52.8m²/dwelling) and natural and semi-natural green space. The development would need to provide Suitable Alternative Natural Green Space given the proximity to the SAC and on-site provision for children and young people in the form of at least 1 Neighbourhood Equipped Area for Play and additional Local Equipped Areas for Play.

The layout plans and landscape drawings now provided confirm that a significant amount of public open space will be provided throughout the development. The open space indicates the various elements of open space referred to above including provision for older children and teenagers as well as younger children, amenity green space and natural and semi-natural green space would be provided and the extent of open space and opportunities it provides for recreation on site would address the requirement for SANGS. The open space requirements are therefore provided on site and discussions between the applicant and the Parks and Amenities Officer have taken place throughout the application process to assist design of the final open space landscape scheme. The developer has also confirmed that the open space would be maintained by the Town Council if appropriate maintenance contributions can be agreed, or alternatively by a management company and therefore the need for a maintenance contribution would not be required within any S106 Agreement in this instance and would be a private agreement between the developer and the Town Council or alternative maintenance company.

The latest detailed landscape proposals include details on the precise composition of the proposed play equipment to be provided on the LAPS and NEAP on the site. The Parks and Amenities Officer has advised that the plans appears to show a reduction in the number of pieces of equipment in the NEAP (from 9 to 7) compared to a previous plan submitted. A NEAP should include play facilities suitable for older children and teenagers and the Parks and Amenities Officer is not convinced that the proposals do this. The Fields in Trust guidance Chapter 6 gives further details of what should be provided in a NEAP. The NEAP should provide at least 9 play opportunities, some of which should be suitable for older children and teenagers. Details of the safety surfacing and fencing and any proposed landscaping are also required. Should planning permission be forthcoming, conditions need to indicate that the latest plans showing equipment on the proposed LAPS and NEAP are taken as indicative only and that the final details need to be agreed as part of the Landscape Masterplan secured via a S106 Agreement.

Policy OB/MU/1 requires as part of the development of this allocated site, the provision of on-site strategic sports facilities to enhance the existing provision within Ollerton & Boughton. The proposed sports pitches are shown to be located to the western end of the development. The location of the proposed sports pitches to this end provides opportunities for cohesion with the existing sports facilities at Ollerton Welfare Sports ground which sits immediately to the north of this part of the application site. Whilst joint management of the existing and proposed sports facilities is dependent on future responsibilities for management of the existing sports ground being confirmed, clearly there would be benefits in these areas being managed by one party not least increasing the opportunities for sports provision if the areas were joined with appropriate links between. At the time of writing there is still uncertainty as to whether this is a possibility, however I am conscious that the proposed sports pitches are situated adjacent to Phase 2 of the development meaning there is time, following any planning permission being granted, for further discussions towards agreeing this matter.

In the event that the Town Council were responsible for the existing sports ground and that a mutually acceptable agreement could be reached between the developers and the Town Council for the future management of the open space on the application site, this would potentially maximise sports and recreation facilities both on and adjoining the site with a consistent management approach across these areas and links between. In order to allow for this potential opportunity to be realised, I would suggest that any S106 Agreement would need to put the onus on the developer to fully explore the future management of public open space on the site with the Town Council first before considering any other management entity. Furthermore, notwithstanding the layout of the sports pitches on the submitted layout and landscape plans, that a detailed Landscape Management Plan be submitted and agreed which includes the management arrangements for the sports pitches and explores links between the proposed sports pitches and facilities to the north.

Education

The County Council have confirmed a proposed development of 305 dwellings would yield an additional 64 primary and 49 secondary places and on this basis have sought an education contribution of £733,120 (64 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 proposed development is within the catchment of The Dukeries Academy for which any contributions would be covered under CIL regulations.

I am mindful that the applicant's representatives have queried the need for additional places given they suggest that the nearby Parkgate Academy appears to have some spare capacity and if the new pupils derived from the proposed development were to be allocated places at their in catchment schools (Maun Infants and Forest View) this might push any out of catchment pupils back to Parkgate Academy. However, the County Council's final comments set out the Published Admission Number (PAN) for the primary schools in the Ollerton primary schools planning area and argue that existing schools in the Ollerton area are at capacity or in the case of Parkgate academy any spare capacity will need to take any surplus demand from first admissions at the other primary schools in the Ollerton area. On this basis the County Council are convinced that the full education contributions set out above should be sought in this instance. There have been several comments made and there are some inconsistencies on both sides. However, as decision maker the Council needs to arbitrate. Erring on the side of caution I am inclined to support the County Council's argument in this instance and based on the evidence presented it appears reasonable to see the contribution requested.

Health

The Clinical Commissioning Group have confirmed a request for a health contribution of 305 (no. of dwellings) x £982.62 in accordance with the Developer Contributions and Planning Obligations SPD (2013) and Updated Indexation Calculations 2016. This equates to a contribution of £299,699.10. The contribution would be spent on improvements/extensions to and/or staffing/training resources within the administrative boundary of Ollerton and Boughton. There is ongoing work to assess the requirements for health facilities in the area of Ollerton and Boughton. Data on existing healthcare provision for Ollerton has been provided in support of this request.

Highways

The Highway Authority notes the proportion of traffic from the proposed development which would be likely to use the Ollerton roundabout Ollerton Roundabout A614/A616/A6075. A revised estimate has been prepared for the improvement scheduled for this piece of highway infrastructure and costs are now understood to be £7,984,000. On the calculated basis that this development would add 2.5% to the traffic flows, a contribution of £199,600 is sought towards the improvement costs.'

I note the County Council have also raised concerns about the distance to bus stops with the closest served bus stops on Whinney Lane approximately 700-800m from the centre of the proposed development. In this instance the County Council do not consider the diversion of existing services is feasible and suggest a bespoke service would be suitable. The County Council has confirmed that an indicative Public Transport contribution of £147,000 plus infrastructure costs would provide a service to serve the development, subject to review based on projected usage and revenue. The County Council have suggested that the proposed level of contribution should be considered as indicative, pending receipt of more detailed information about the mix of housing types and build out rates, which will impact upon the service revenue. However, I note that no information has been provided to evidence how this sum has been calculated and whether or not this contribution would be required as a lump sum or to fund a service over a defined period. Furthermore the mix of housing types is known as are average build out rates yet this does not appear to have been factored in. The overall sustainability of the proposal in terms of the plans submitted and accessibility is considered under the Highways section of this report. Whilst it could not be argued that the development is ideally situated or that it provides the optimum solution in terms of transport links, nor could it be suggested that the development is isolated and the developer has submitted a revised layout plan to provide a 6.0m wide spine road in order to future proof the site for possible bus use. The developer has also confirmed that they would consider the provision of bus stop infrastructure, dependent on costs although at the time of writing discussions are not ongoing and such costs have not been agreed. However, the developer has confirmed that they are not able to provide a subsidy to the bus company to enhance the service as the figures quoted are significant and in their view are not viable.

The figure quoted for bus service provision could potentially form part of the package of developer contributions covered by the figure now put forward by the developer (see below) but this would be at the expense of some of the other requests made and needs to be considered in the planning balance.

Affordable Housing

The site would usually trigger a requirement for 30% of the housing to be affordable housing in line with the Core Strategy and the Developer Contributions DPD and that this would equate to 92 units of affordable housing on the site. The ability to make this contribution in light of the viability situation is considered further below and the conclusion is that the development cannot support any contribution towards affordable housing if it is to remain viable.

Libraries

The County Council has confirmed it would seek a developer contribution for the additional stock that would be required to meet the needs of the 732 population that would be occupying the new dwellings. This is costed at 732 (population) x 1.532 (items) x £12.50 (cost per item) = £14,018.

Community Facilities

The SPD states a contribution of £1,384.07 per dwelling would be required for a residential development of 10 units or more. For the proposed development of 305 units this would therefore equate to a contribution of £422,141.35. I am mindful of the viability situation set out below and that at the time of writing information has not been provided from the Community Facilities Officer as to where such a contribution might be spent. Clearly any request would need to be evidence based and given the situation in terms of the viability of the scheme (set out below) and that there are other requests here which have been evidenced, I do not consider the community facilities contribution could be prioritised in this instance.

CIL

Reference to the Council's Community Infrastructure Levy Charging Schedule (1st January 2018) confirms that the site is situated within the Housing Low Zone 1 where residential development is charged at £0m².

Viability

The applicant has sought to challenge the level of developer contributions by way of Affordable Housing and Infrastructure provision on the basis that the level of contributions proposed would render the development economically unviable.

An independent viability assessment has been commissioned to determine whether the policy based contributions are viable and, if not, the level of contributions that can be delivered whilst maintaining economic viability.

The main premise of the viability appraisal, following advice contained in the NPPF, is that the development should be deliverable, taking account of the full cost impact of planning policies (including affordable housing, CIL and other infrastructure contributions) whilst maintaining a reasonable return to the landowner and developer.

Background

The Applicant has submitted a viability assessment which concludes that it is only viable to offer a S106 contribution of £400,000 towards infrastructure provision.

Key Assumptions of NSDC Viability Appraisal

GENERAL		
Net Developable Site Area		8.27Ha
Development Scenario		Greenfield
Total Unit Numbers		305
AREAS		
Net Residential Sales Area	Houses	21653qm
	Apartments	0sqm
AFFORDABLE HOUSING		
Affordable Housing Delivery Test Parameters		0-30%
Affordable Housing Tenure Mix		60% Social Rent
		40% Intermediate
SALES VALUES		
	2 Bed Houses	£1935qm
	3 – 5 Bed Houses	£1885sqm
CONSTRUCTION COSTS		
	2 Storey Semi- Detach Houses	£1029sqm
	2 Storey Detached Houses	£1246sqm
ABNORMAL DEVELOPMENT COSTS		
Abnormal Construction Cost Allowance		£718,283
LAND VALUE ALLOWANCE		
Residual Land Value with Planning Permission		£3,377,945
Existing Land Use Value		£165,400
Share of Uplift in Land Value to Landowner		50%
Land Value Allowance in Viability Appraisal		£1,771,674
OTHER FEES & COSTS		
Professional Fees		8.0%
Legal Fees		0.5%
Statutory Fees (Planning, Build Regs, Warranties)		1.1%
Sales/Marketing Costs		2.0%
Contingencies		5.0%
FIXED DEVELOPER CONTRIBUTIONS		
CIL		£0
Planning Obligations	Education	£733,120
	Libraries	£14,018
	Community (SPD Calculation)	£360,281
	Health (SPD Calculation)	£289,750

FINANCE COSTS		
Interest		5.0%
Arrangement Fee		0%
DEVELOPMENT PROFIT		
Development Profit Return on GDV		20%

Assumptions Comments

The standard fee and cost assumptions adopted by NSDC have been used in the appraisal carried out by the independent viability consultant.

The applicant has submitted its own projected sale values and build costs.

An assessment of Construction Costs has been undertaken based on comparable BCIS data. This concludes total 'normal construction costs' of £24,254,096 – which is similar to the applicants's projected figure.

The principal difference between the applicant and the Council is based on Sales Values. The applicant projects sales values of £1582 (average) for 2 bed houses, £1685 (average) for 3 bed houses and £1614 for 4+bed houses (giving a range of sale prices for 2 bed properties of £97,000, 3 bed properties £113,000-£131,000 and 4+bed properties of £160,000-£171,000)

The Council has adopted the sales values produced by HEB Chartered Surveyors relevant to the Ollerton area used to update the CIL Viability study in 2016. These assume 2 Bed house sale values of £1935sqm and 3-5 bed values of £1885sqm (giving a range of sale prices for 2 bed properties of £117,000 - £120,000, 3 bed properties £132,000-£142,000 and 4+bed properties of £183,000-£205,000).

The applicants total projected sale value is £35,838,000. The Council's total sale value allowance, based on the HEB Valuation figures, is £41,137,000.

The applicant has included the purchase price of £2,269,000 in its appraisal. Based on the land value benchmark methodology adopted by the Council, a land value allowance of £1,771,674 has been made.

The S106 contributions set out in the above table are based on requests for Education and Library Contributions from Notts County Council. The Community Facility and Health Contributions are based on per dwelling rates set out in the NSDC S106 Contributions SPD based on 305 dwellings. (Note this independent appraisal was carried out prior to the full raft of developer requests being received including contributions requested by the Highway Authority)

The following allowances have been made based on the Applicants projected abnormal costs :-

Site Strip/Demolition	£57,933
Strategic Landscaping Eo Cost	£40,000
Off Site Highways Costs	£30,000
Abnormal Foundation Costs	£370,350
Abnormal Services (pumping station, substation, sewer diversion)	£220,000

The total abnormal cost allowance is £718,283

Viability Results & Conclusions

The independent viability assessment has confirmed that if the development is to make a full contribution towards S106 Infrastructure Costs, it would not be viable to deliver any affordable housing.

The viability appraisal indicates that based on the full S106 Contribution allowance of £1,397,169, the development demonstrates negative viability of -£78,000. As such it is recommended that the development is capable of providing S106 Contributions of approximately £1.3 Million without threatening the economic viability of the scheme.

Since receiving this advice negotiations have continued to take place with the developer. It is noted that the education (£733,120), Ollerton roundabout (£199,600) and health (£299,699.1) requests alone equate to a total of £1,232,419.1 which is similar to the figure provided by the independent assessor. After some consideration, the developer has agreed to meet these costs should planning permission be forthcoming on the basis that the site is strategically important to the company with them being able to move on from their Whinney Lane site which sits close by. It is acknowledged that this figure would not cover the remaining developer contribution requests in terms of bus service provision, community facilities and library contributions although the independent assessor has already confirmed that the development could not cater for any significantly greater contribution than the developer's latest offer. The developer has also advised that since the original viability work was completed, they have had to incur significant extra costs, namely the additional access road to the western end of the proposed development, additional land purchase for the proposed drainage works and the additional play area. They estimate that this additional works would equate to a further £300k for the length of road (and spine road widening as discussed above), a further £50k for the play area and £30k for the additional drainage land. The developer has also referred to the need to lay out the sports pitches to specific standards which adds further cost. Whilst these costs have not been independently verified, it is clear they are additional costs nonetheless that would further impact on the viability of the proposal if reassessed.

In addition to the above, the developer has also offered to build in a viability re-test scenario in to any S106 agreement to ensure that a proportion of any uplift in values is captured. They suggest that this would give the Council added confidence that their 'low cost housing' which is 'the main stay of their development philosophy, will remain low cost'.

Overall Conclusions and Planning Balance

The application proposes mixed use development consisting of 305 dwellings, enhanced sports infrastructure (with the potential to link in to existing sports facilities) and open space. The sports provision and large proportion of the open space is located to the south western end of the allocated site as per the requirements of the allocation policy and significant further open space is provided along the River Maun corridor to the northern boundary of the application site, as well as between the two distinct residential parcels and to the site frontage on Whinney Lane/Whitewater Lane. The design approach taken helps to address several of the key requirements within the allocation policy OB/MU/1 including the need to provide a suitable drainage solution with flood sensitive development kept away from areas at potential risk, sensitive design with a visual break between the residential development proposed and existing

heritage assets and suitable landscaping to assimilate the development in to the surrounding countryside and provide opportunities to protect and enhance features of biodiversity value.

At the time of writing there remains a question mark over the flood status of the site. When the site was allocated it was recognised parts of the site had the potential to flood hence the requirement to ensure that flood sensitive development took place outside areas identified as being within Flood Zones 2 and 3. The applicant therefore located the open space and sports pitches within this area including the proposed SUDs attenuation ponds to serve the proposed residential development. The Environment Agency have called into question the appropriateness of locating the ponds in the area potentially at risk given they are inextricably linked to the residential element of the scheme and the need to look at the development comprehensively in accordance with NPPF guidance. It may be that in this particular instance the development could be considered in its component parts if it is confirmed the dwellings are not at risk of flooding, that the proposals do not increase flood risk elsewhere (both of which have been confirmed by the EA) that the attenuation ponds are fit for purpose and that they would still be functional during a flood event (awaiting confirmation from the LLFA). Confirmation from the LLFA would confirm whether there is any planning harm in this regard, equally this point may be immaterial if it is confirmed the latest modelling takes the site out of the flood zone. It is therefore possible that in either scenario the development is acceptable in flood risk and drainage terms.

The Highway Authority has raised no concerns relating to highway safety. However, an objection has been raised in respect of the sustainability of the proposal based on the lack of suitable bus provision, the limited provision of pedestrian links through to the existing settlement and the distance between the proposed dwellings and the nearest bus stops and town centre facilities. I note the applicant is constrained in terms of the funds available to meet the Highway Authority's request for provision of a new bus service and in any case evidence to demonstrate how the bus service contribution has been calculated has not been provided by the County Council. Additional links between the site and the existing settlement are prevented to much of the southern boundary given the intervening third party land and the existence of existing dwellings and curtilages on Petersmiths Drive. Careful consideration therefore needs to be given as to whether the delivery of an allocated site should ultimately be prevented on this basis. Further queries have been put to the Highway Authority in terms of an alternative solution through the provision of new bus stops on existing routes closer to the site and a response is awaited.

The viability of the proposal has been independently assessed and it has been confirmed the development could deliver around £1.3M of developer contributions although this would not support the delivery of any affordable housing. The key requests towards education, health and the Ollerton roundabout improvements have all been evidenced in terms of how figures have been reached and where the contributions would be spent. The three requests come to a total of £1,232,419.1 which is close to the level of contributions which could be afforded if the application is to remain viable. The developer has agreed to meet these costs but remains concerned about the viability of the scheme and that any further costs would render the development unviable. Other contributions requested could be considered less critical in terms of the key priorities for infrastructure in the area and what has been evidenced as part of this application.

Whilst it is regrettable that the bus service provision cannot be met and it is acknowledged walking distances would exceed those usually sought, in attaching weight to a scheme which would boost housing numbers through development of an allocated site and therefore in accordance with the anticipated delivery of housing in the Development Plan, which is acceptable in most respects save for the Highway objection and the lack of ability to deliver affordable

housing (the latter of which Local Planning Authorities are encouraged to be flexible upon seeking where viability is an issue), I am minded, in this particular context, to recommend a balanced approval. This is subject to appropriate conditions for implementation and an appropriate legal agreement to secure the contributions towards primary school provision, health and the Ollerton roundabout improvements as well as a Landscape Masterplan with appropriate provision, specification, phasing and management of the proposed public open space and sports pitches.

RECOMMENDATION

Approve, subject to conditions to ensure appropriate implementation of the development and the completion of a S106 Agreement to secure the developer contributions sought towards primary school provision, health and improvements at Ollerton roundabout and to secure a Landscape Masterplan with appropriate provision and phasing of the proposed public open space and sports pitches and management thereof.

List of suggested conditions to follow.

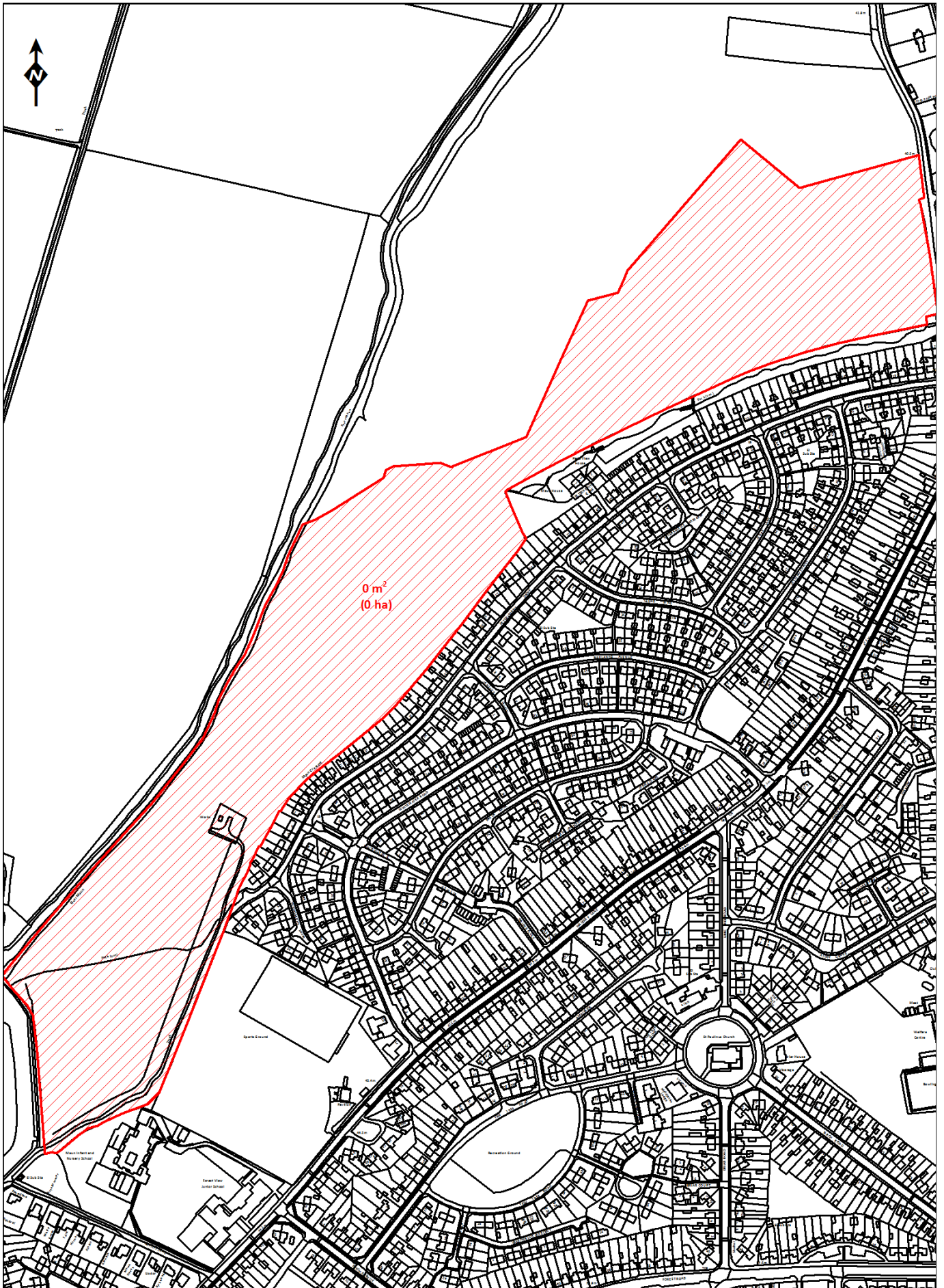
Background Papers

Application Case File

For further information, please contact **Martin Russell** on ext. 5837.

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



Application No:	17/02136/FUL	
Proposal:	Proposed erection of double garage/annexe building	
Location:	7 Landseer Road Southwell	
Applicant:	Mr & Mrs C Tilley	
Registered:	02.01.2018	Target Date: 27.02.18 Extension of Time Agreed: 06.04.2018

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the recommendation of the Town Council differs to the professional officer recommendation.

The Site

The application site contains a two storey detached residential property with cream painted brick frontage situated within the main built up area of Southwell. The property is currently in the process of being renovated and has been historically extended to the rear. To the side of the property is a white painted brick single garage set back approximately 4m from the roadside with hardstanding to the front. The principle garden area is situated to the rear and is slightly sunken at the southern end compared to the north. The garden area is enclosed by fencing and vegetation. The neighbouring properties to the north and south are generally two storey red brick with a mix of red tile and slate roof slopes. Given the location of the property on a hill, the property to the north is on slightly elevated land and the property to the south on a slightly lower level, compared to the development site. The boundary for the Southwell Conservation Area (CA) abuts the western boundary of the garden albeit the site is outside of the CA.

Relevant Planning History

17/01602/FUL – Householder application for proposed replacement of existing flat roof to pitched roof including the replacement of existing pitched roof surface to pantiles and removal of chimney stub. Approved October 2017

5682810 – Erect replacement garage. Approved 1982

The Proposal

Planning permission is sought for the demolition of the existing single garage and its replacement with a two storey garage/annexe building set back approximately 11m from the roadside. It is proposed that the building be approximately 6.3m wide, 8.1m deep with a pitched roof of 6.3m height. A double garage is proposed at ground floor level with an open plan living room/kitchen, bedroom and bathroom at first floor level. A single round window is proposed centrally at first floor height on the front elevation and eaves windows and roof lights on the northern elevation and roof lights only on the southern roof slope. It is proposed that the building be constructed of red brick and red pantile.

Departure/Public Advertisement Procedure

Occupiers of seven properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert placed in the local press.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (made 11 Oct 2016)

Policy DH1 – Sense of place

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 9 – Sustainable Design

Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted July 2013)

DM5 – Design

DM6 – Householder Development

DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

Policy So/HN/1 – Southwell Housing Need

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Supplementary Planning Document 'Extensions to Dwellings' Adopted 2014

Consultations

Southwell Town Council – Support

Southwell Civic Society – Support

NSDC, Conservation Officer – No objection

“The application site sits adjacent but not within Southwell Conservation Area. It backs onto the large plot associated with number 142 West Gate, which is an attractive Victorian building (previously two cottages) which is in the Conservation Area. Landseer Road itself was laid out late C19/early 20 and the host building is a simple detached building of this age. My comments consider the impact of the proposal on the setting of the Southwell Conservation Area, and specifically on the positive building at number 142 West Gate. There are no listed buildings which I believe will be affected by this proposal.

While I accept the proposed new garage is substantially larger and set further back into the plot (and therefore closer to the Conservation Area boundary) than the existing garage, I think the proposal will not harm the setting of Southwell Conservation Area or the setting of number 142 West Gate.

The Conservation Area at this point is strongly suburban and while not densely settled by any means, it has an urban form. The grounds of number 142 West Gate is already surrounded by later developments.

The proposed new garage will not go significantly closer to the Conservation Area boundary or the grounds of number 142 than the existing rear wings of numbers 9-19 Landseer Road, so will still be read as development associated with that road, and will not have a materially different impact on number 142 West Gate and the setting of the Conservation Area. The built form of number 3 Landseer Road and numbers 138-140 West Gate will mostly obscure the proposed new garage from the Conservation Area on West Gate. If there are to be glimpses of the new garage it would be seen layered against the existing built form going up the hill on Landseer Road and would not alter the sense of building density around the Conservation Area.

In conclusion I have no objection to this application.

While the setting of a Conservation Area is not specifically covered in statute I am happy that the proposal will not harm the setting of the Southwell Conservation Area and its constituent parts and that the proposal is in line with paragraphs 129, 131 and 132 of the NPPF. In reaching this view I have also considered the Southwell Neighbourhood Plan which contains policies that seek to conserve heritage assets.”

One letter of objection received raising the following points:

- Concern that the window at first floor level on the front elevation could result in overlooking of neighbouring properties. Opaque glass in this window would be preferred;
- The proposed building is dramatically bigger than the current structure and would result in overbearing and have the potential to look overcrowded;
- Request that the proposed building be reduced in height or even considered as a single-story building to help reduce any overbearing concerns and to help the building ‘fit in’ within the neighbouring properties. We feel that the applicants have been considerate in their design proposal however the height, mass of the building and the window are of our main concerns.

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, Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan in October 2016. 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 application seeks to erect annexe accommodation to the side of the main dwelling 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.'* Given that the proposal seeks an annexe with all the amenities of an independent dwelling, the proposal falls within the statement above.

In terms of policy consideration it is important to determine in this instance whether to assess the development as householder annexe accommodation or as a new dwelling. 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. This is also reflected in Policy DM5, which would be of relevance to a new dwelling. In terms of consideration of the proposed development as a new dwelling in principle; the site is located within the Main built up area of Southwell which in accordance with Spatial Policy 1 of the Core Strategy is designated as a Service Centre where subject to the below considerations the principle of new residential development is considered to be acceptable. The proposal would also accord with Policy So/HN/1 which seeks to secure one and two bed units on windfall sites in Southwell. Regardless of the policy route chosen, the principle of development in this instance is considered to be acceptable. The applicant has stated in their Design & Access Statement that the proposed annexe accommodation above the garage would be used by family members. Given that the principle of a new dwelling in this location is acceptable, officers have no reason to doubt the information submitted by the applicant seeking new garaging with ancillary annexe accommodation. The proposal will as such be assessed primarily against Policies DM5 and DM6 of the DPD in addition to supporting design and amenity guidance contained within the Householder SPD and SNP.

Impact on Character and Appearance of the Area

Policy DH1 of the Southwell Neighbourhood Plan states: All relevant planning applications will be required to demonstrate how they have taken account of the guidance set out within Southwell Design Guide contained at Appendix 1 and the Conservation Area Appraisals (where this is relevant). This should not preclude innovative or contemporary design where it can be shown to support and contribute to the unique townscape of Southwell. Standardized design solutions are unlikely to be acceptable. Of particular relevance within the design guide referenced within appendix 1 is criteria 2 notably *Built Form*; context, character and layout.

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 A&DM DPD states that proposals should respect local distinctiveness, while Policy DM6, which relates specifically to householder development, requires that proposals should respect the design, materials and detailing of the host dwelling and surrounding area. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping and that development of poor design should be refused. At paragraph 58 it states 'planning decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.'

In this case, the street scene is composed of a mix of semi-detached and terraced properties all following a similar build line fronting onto Landseer Road. However the building which forms the basis of this application would be set back approximately 11m from the roadside with an overall height of 6.3m. The proposed street scene plan shows that the building would have a comparable eaves height to that of No.7 situated to the south, with the ridge being approximately the same height as the base of the chimney on the same property.

Concern has been raised with the applicant that the scale and set back of the proposed building would result in it appearing as an alien structure, out of character with the street scene. This is further exacerbated by the ridgeline of the proposed building being orientated in the opposite direction to the host dwelling and that of neighbouring properties resulting in the roofline jarring with the character and appearance of the area. The submitted plans detail that the proposed building would have a footprint of approximately 51m², the block plan submitted with the application demonstrates that neighbouring semi-detached dwellings have a footprint of approximately 43m². The proposed ancillary building would as such have a footprint approximately 20% larger than that of neighbouring semi-detached dwellings however be set back from the defined roadside frontage and have the appearance of an overly large garage which clearly would not appear as subservient to the host property.

The boundary of the Southwell Conservation Area abuts the rear western boundary of the garden for the application site, with number 142 West Gate, considered to be a positive building within the CA to the south west. As per the comments of the conservation officer; the proposed development given the separation distance is not considered to result in a loss of character to the adjacent conservation area and would accord with policy DM9 of the DPD.

In conclusion, the siting, scale and design of the proposed building is considered to result in an alien, obtrusive form of development which would not successfully reference the built character of the existing street scene and would, given the above considerations appear at odds and incongruous with the grain of built form within this part of Landseer Road. The proposed development is therefore considered to fail to accord with policy DH1 of the Southwell Neighbourhood Plan, Core Policy 9 of the Core Strategy, policies DM5 & DM6 of the A&DM DPD, the SPD on Householder Development and the NPPF, which is a material consideration.

Impact upon Residential Amenity

The SNP is considered to be silent in relation to neighbouring amenity in relation to residential development. Policy DM5 states 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. Policy DM6 of the DPD 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 or overshadowing and over-bearing impacts. The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

As detailed above the building would be set back from the roadside by approximately 11m with a depth of 8.1m and width of 6.3m. To the south of the site is No. 5 Landseer Road, a semi-detached property which has been extended to the rear with a flat roofed single storey extension and beyond this the principle garden area for the property. The proposed building would extend approximately 4m beyond the rear of the neighbouring flat roofed extension and be off-set from the boundary by 2m. Whilst it is accepted that the land level in this part of the development site is

slightly sunken in comparison to the rest of the garden area it remains my view that the siting of a 6.3m high building 2m from the northern boundary of No. 5 Landseer Road would result in significant detrimental impact on the neighbour. This is through having an overbearing impact and notwithstanding its location due north, it is considered that the neighbour will experience some loss of light to the property and garden area to the detriment of their residential amenity.

In relation to overlooking; roof lights are proposed in the southern roof slope of the building and as shown on the section are detailed to be 1.58m above internal finished floor level. Notwithstanding that these are detailed as being obscure glazed on the submitted floor plan the windows serving the kitchen and bathroom could still result in a perception of overlooking for residents of No. 5, particularly given that the windows would only be positioned 1.58m above the floor level. Eaves windows and roof lights are also proposed on the northern elevation to serve the proposed living room and bedroom. It is considered that these windows would offer views into the rear garden area of No. 9 situated approximately 15m to the north of the site which could result in a loss of privacy to occupiers of the garden area of this property.

As such the proposed development is considered to result in an unsatisfactory loss of amenity through overbearing impact and loss of light to the occupier of No. 5 to the south. Furthermore, the proposal could result in a perception of overlooking of the garden areas of occupiers of No. 5 to the south and No. 9 Landseer Road to the north. The proposal as such would fail to accord with policies DM5 & DM6 of the Newark and Sherwood DPD.

Impact on Highway Safety

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of 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 and DM6 of the DPD requires the provision of safe access to new development, appropriate parking provision and that there is no adverse impact on the highway network as a result of the proposal.

The existing parking situation comprises a single garage with parking in front. The proposed development would provide additional off-street parking with a double garage and two parking spaces in front to serve both the host dwelling and annex. In terms of manoeuvring, cars would continue to be unable to turn on site and leave in a forward gear, as is the existing situation. As such it is not considered that the proposal would not result in any exacerbation of highway safety issues over and above the existing situation. The proposal is therefore considered to accord with policy SP7 of the Core Strategy and Policies DM5 and DM6 of the Allocation and Development Management DPD.

Conclusion

The principle of residential extensions and the creation of new build development is considered to be acceptable whether the proposed development is viewed as annexe accommodation or an independent new dwelling. Whilst the proposal would not result in highway safety concerns it is considered that the proposed development, by way of its siting, scale and design would fail to respond to the built character of the street scene and result in an alien, obtrusive form of development. Furthermore, the proposal by way of its siting and scale is considered to result in an unacceptable degree of overbearing impact and resulting loss of light to the detriment of neighbouring amenity of occupiers to the south and result in a degree of loss of privacy to

occupiers either side of the application site. The proposal would therefore fail to accord with Policy DH1 within the Southwell Neighbourhood Plan, Core Policy 9 of the Newark and Sherwood Core Strategy, policies DM5 & DM6 of the Allocations and Development Management DPD and the NPPF, which is a material consideration.

Recommendation

Refuse for the following reasons:

01

In the opinion of the Local Planning Authority, the proposed building by way of its siting, scale and design fails to respond to the built character of the existing street scene and represents an alien, obtrusive form of development that is incongruous within its surrounding context. The design and scale of the building would not appear as subservient to the host property and would appear visually at odds due to its roof design and its set back position from Landseer Road. As such, as an independent dwelling, the proposal would fail to accord with policy DM5 (Design) of the Newark & Sherwood Allocations and Development Management DPD, Policy DH1 (Sense of Place) of the Southwell Neighbourhood Plan and the NPPF, a material consideration. As an ancillary annexe the proposal would also be contrary to Policy DM6 for the same reasons.

02

In the opinion of the Local Planning Authority the proposed building by way of its scale and siting would result in an unacceptable degree of overbearing impact and resulting loss of light to the garden area of occupiers of No. 5 Landseer Road to the south. Furthermore, the proposed structure would result in a degree of overlooking and perception of overlooking of residential private garden areas of Nos. 5 & 9 Landseer Road located to the south and north of the application site respectively. The proposal would as an independent dwelling, fail to accord with Policy DM5 (Design) of the Allocation and Development Management DPD and the NPPF, a material consideration. As an ancillary annexe the proposal would also be contrary to Policy DM6 for the same reasons.

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 reasons 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.

Background Papers

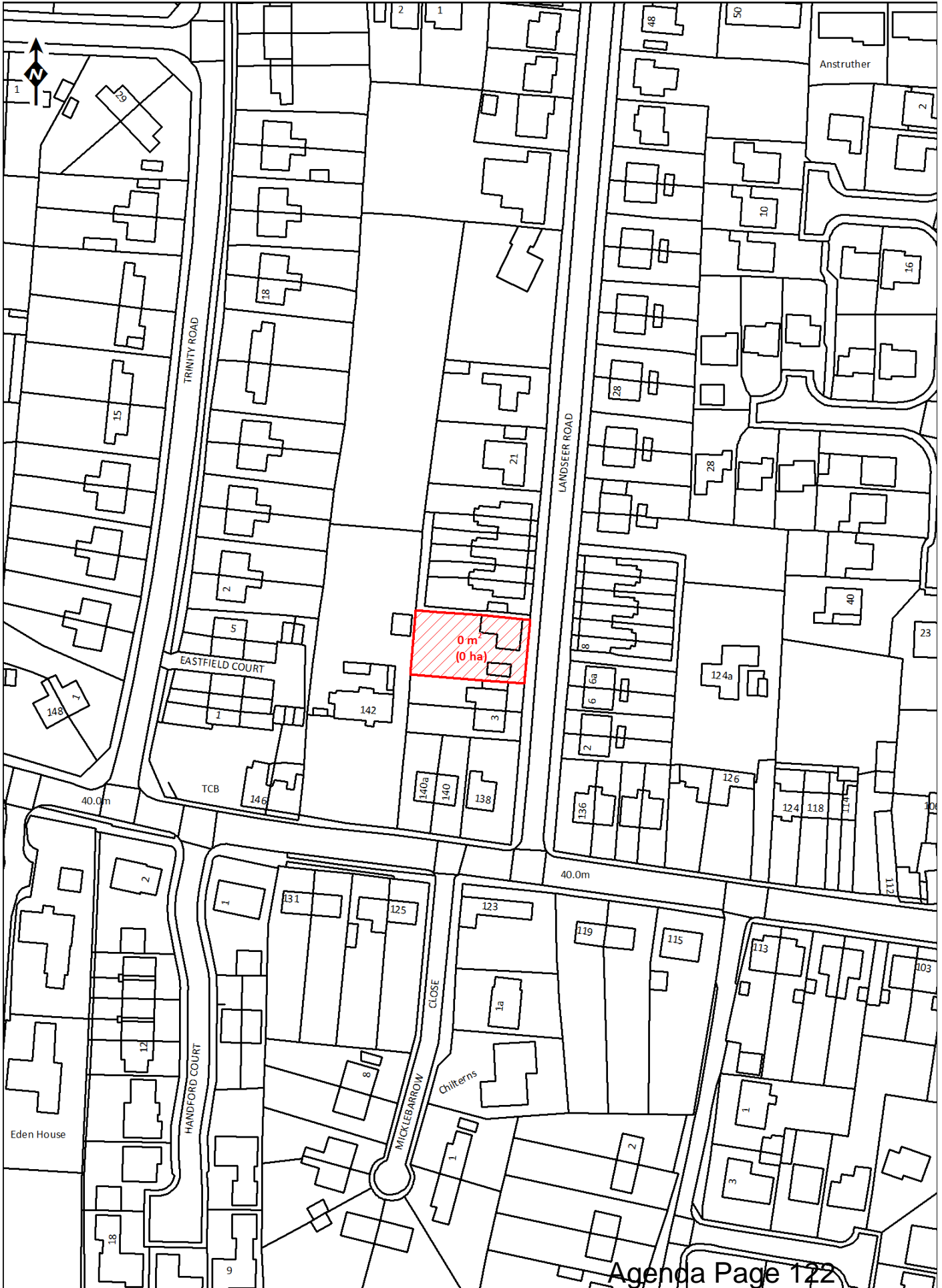
Application Case File

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



Application No:	17/01986/FUL	
Proposal:	Construction of new 2 bed bungalow and garage	
Location:	Land Adjacent To Manor Farm, Moor Lane, East Stoke, NG23 5QD	
Applicant:	Mrs P Stevens	
Registered:	31 November 2017	Target Date: 26 December 2017 Extension of Time: 4 April 2018

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as East Stoke Parish Council has supported the application which differs to the professional officer recommendation.

The Site

The application site comprises a parcel of land approximately 0.08 hectares in area located within the garden area of Manor Farm. It is located on the south west side of Moor Lane which is located within the settlement of East Stoke and its Conservation Area. Manor Farmhouse is a two storey local interest building and sits side on to the road and its principle elevation faces the application site. An approximately 1 metre high brick wall forms the boundary between Manor Farm and Moor Lane. There are two separate vehicle accesses to the existing dwelling (one to the front and one to the rear) and a separate pedestrian access gate. Jays Bungalow is located to the north west of the application site. Open countryside is located to the south west of the application site.

Relevant Planning History

15/01315/FUL Householder application for single storey and gable rendering and alteration to approved vehicular access to existing wall – permission 12.10.2015

15/00200/FUL Householder application for new pitched roof to replace flat roof. New vehicular entrance from Moor Lane and new driveway. Replace entrance door to house on Moor Lane with new window – permission 01.04.2015

0977737 Alterations and extensions to form family room – permission 14.10.1977

The Proposal

The application seeks full planning permission for the erection of a 2-bed bungalow and garage (in the form of a detached car port). The dwelling would have a double-depth, m-plan roof system and the main part of the dwelling would measure 17.5m x 8.8m and the height to ridge would be 5.2m. External materials would comprise a blue/black slate roof and rendered blockwork walls. The existing vehicular access with driveway, turning area and parking would be provided off Moor Lane. A rear garden area with a depth of approximately 20 metres would also be provided.

The plans have been revised during the lifetime of the application with the original submission comprising a 3-bed chalet bungalow and attached garage. Due to concerns raised by the Conservation Officer, sketch plans were subsequently received in January 2018 amending the proposed dwelling to a 1.5 storey building. Following further discussions the final set of revised plans (which have been fully consulted upon) representing the final revision proposed by the Applicant.

Departure/Public Advertisement Procedure

Occupiers of five properties have been individually notified by letter and re consulted on the final set of revised plans received.

A site notice was posted on 7 November 2017 and a press notice was published 9 November 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 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

Allocations and Development Management DPD (Adopted July 2013)

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 (NPPF) 2012
National Planning Practice Guidance (NPPG) 2014
Housing Market Needs Sub Area Report (2014)
Newark and Sherwood Amended Core Strategy DPD 2017
Spatial Policy 3 Guidance Note SPD

Consultations

East Stoke Parish Council: Support the proposal.

NCC Highways: The proposal is for the construction of a new dwelling within the existing curtilage of Manor Farm. There is a vehicular access in place which will serve the proposed dwelling, therefore, there are no highway objections.

NCC Lead Local Flood 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.

Tent Valley Internal Drainage Board: The site is outside the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

NSDC Conservation Officer:

Comments received 14.03.2018:

Legal and policy considerations

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

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)

The land adjacent to Manor Farm on Moor Lane is located in the East Stoke Conservation Area, first designated in 1992. The land is currently in use as domestic garden space to Manor Farm, and at the time of the visit the land was well maintained, formally landscaped, and does not appear incongruous with the surrounding area. Manor Farm is recognised as a non-designated heritage asset by virtue of well-preserved features and identification as a historic farmstead on the 1885 OS Map. It makes an important contribution to the character of the Conservation Area and merits preservation in accordance with Paragraph 135 of the NPPF.

The building presents an imposing, symmetrical, three-bay, two-storey brick frontage facing northwards out towards the application site. The gable end of the property therefore faces the street frontage and the 1885 OS Map confirms that the plot has always been adjoined by an open parcel of land to the north, in which there may originally have been an orchard.



There are a number of important historic farmsteads located in close proximity that are identified on both the 1885 and 1915 OS Maps, and the agricultural outbuildings ancillary to the original farmhouses are still in situ, located immediately fronting Moor Lane. There has been a series of insensitive late-C20 bungalow and low rise residential properties constructed in between the farmsteads on either side of Moor Lane which have negatively impacted on the character of the Conservation Area, and it is therefore considered important to ensure these mistakes are not repeated in contemporary practice.

Assessment of Proposal

Conservation has scrutinised the most recently revised plans submitted as part of 17/01986/FUL and continues to **object** to the proposal.

Conservation's previous comment submitted 31.1.18 with reference to the previous revision stated:

In seeking to address the issues raised by Conservation, the application has been revised to include a modular height dwelling with a car port at the front of the site and a central linear range of one and a half storeys with a perpendicular single storey wing. While detailed measurements have not been submitted, it is evident that the pitch of the roof is steep to accommodate additional living space above ground floor level. The revised scheme is not considered to address the original concerns raised 16.11.17. The architectural composition of the modular building range does not appear as a single storey agricultural outbuilding range and forms no association with the surrounding historic environment and appears as a discordant building to match the adjacent late C20 bungalows in close proximity. The scale, form and massing would negatively impact on the character of the conservation area when viewed from the streetscene, and undermine the significance of Manor Farm, a non-designated heritage asset.

In seeking to address the above concerns raised by conservation the applicant has submitted a revised proposal which has attempted to reduce the overall height of the dwelling. This has been realised through the inclusion of a double-depth, m-plan roof system. Conservation objects to this proposal as it would still appear highly incongruous in its setting and unduly prominent from the streetscene of the conservation area and the immediate setting of Manor Farm, a non-designated heritage asset. Furthermore the building retains its harmful modular scale and appearance, with perpendicular wings that are wholly discordant with the character of the surrounding historic buildings, and serve to emphasise the harm caused by the adjacent modern C20 bungalows to the setting of the East Stoke Conservation Area.

Conservation has continually advised the applicant that a development of the submitted intensity is not considered viable with the principles of development in a conservation area; the proposal in no way appears as a discreet, traditional cottage that may be acceptable for its sensitive location.

Paragraph 137 states that: Local planning authorities should look for opportunities for new development within Conservation and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. It is considered that the proposal would not make a positive contribution to the character of the Conservation Area by nature of its design, layout and the resultant loss of an important open space that is prominent when viewed from the street scene of Moor Lane.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas Act (1990) states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Conservation does not consider the proposal to preserve or enhance the character of the area, and if the development was approved it would be wholly incongruous with the character of the surrounding heritage assets, and reinforce the harm caused by the surrounding modern C20 bungalow developments. Therefore the proposal is not in accordance with the objective of preservation set out under sections 72, part II of the 1990 Listed Building and Conservation Areas Act, and does not comply with heritage policies and advice contained within the Council's LDF DPDs and section 12 of the NPPF.

Comments received 16.11.2017:

Legal and Policy Considerations

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

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)

The land adjacent to Manor Farm on Moor Lane is located in the East Stoke Conservation Area, first designated in 1992. The land is currently in use as domestic garden space to Manor Farm, and at the time of the visit the land was well maintained, formally landscaped, and does not appear incongruous with the surrounding area. Manor Farm is recognised as a non-designated heritage asset by virtue of well-preserved features and identification as a historic farmstead on the 1885 OS Map. It makes an important contribution to the character of the Conservation Area and merits preservation in accordance with Paragraph 135 of the NPPF.

The building presents an imposing, symmetrical, three-bay, two-storey brick frontage facing northwards out towards the application site. The gable end of the property therefore faces the street frontage and the 1885 OS Map confirms that the plot has always been adjoined by an open parcel of land to the north, in which there was there may originally have been an orchard.

There are a number of important historic farmsteads located in close proximity that are identified on both the 1885 and 1915 OS Maps, and the agricultural outbuildings ancillary to the original farmhouses are still in situ, located immediately fronting Moor Lane. There has been a series of insensitive late-C20 bungalow and low rise residential properties constructed in between the farmsteads on either side of Moor Lane which have negatively impacted on the character of the

Conservation Area, and it is therefore considered important to ensure these mistakes are not repeated in contemporary practice.

Assessment of Proposal

Conservation **objects** the proposal for a 3 bed chalet on Moor Lane. The application is located on an important open piece of land in the Conservation Area, which makes a significant contribution to both Manor Farm (a non-designated heritage asset) and the street-scene of the Conservation Area. Paragraph 137 states that: *Local planning authorities should look for opportunities for new development within Conservation and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.* It is considered that the proposal would not make a positive contribution to the character of the Conservation Area by nature of its design, layout, inclusion of a detached garage and the resultant loss of an important open space that is prominent when viewed from the street scene of Moor Lane.

Section 72 (1) of the Listed Buildings and Conservation Areas Act (1990) states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Conservation does not consider the proposal to preserve or enhance the character of the area, and if the development was approved it would be wholly incongruous with the character of the surrounding heritage assets, and reinforce the harm caused by the surrounding modern C20 bungalow developments. Therefore the proposal is not in accordance with the objective of preservation set out under sections 72, part II of the 1990 Listed Building and Conservation Areas Act, and does not comply with heritage policies and advice contained within the Council's LDF DPDs and section 12 of the NPPF.

NSDC Strategic Housing Officer: The application site is located within the village of East Stoke 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. East Stoke is an area where many people are unable to secure housing that is affordable as values are above the average for the Newark area.

For assessing market housing need, 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 East Stoke has a good supply of this type of housing and they appear on the open market for sale.

Currently there are 1 x 4 bedroom property on the open market for sale and 1 x 3 bedroom market property for sale that would meet this demand.

The applicant has not made reference in the application to evidence of local housing need (typically in the form of a housing needs survey). Therefore in terms of addressing the need criteria of SP3 I would attach limited weight to the application for the criteria of need.

NSDC Access Officer: the Applicant is advised to make separate enquires with regards to Building Regulations matters.

One written representation has been received from local residents (to the application as originally submitted albeit I consider the issues raised to remain relevant). Main issues raised include:

- The address to which the planning application refers already has an approved planning application on a previous occasion within the then existing garden of the property (02/01208/FUL). A further successful planning application would detract from the location and character of the original building in its setting.
- The village is at high risk of flash flooding from storm water (a no. of photos showing flooding in East Stoke submitted). Both grey & sewage water systems are being overwhelmed which, are constantly running close to capacity.

Comments of the Business Manager

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 we 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). Moreover, this Council has now had its Plan Review DPD Examined (EIP). 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. 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.

Principle of Residential Development

The settlement hierarchy for the district is set out in Spatial Policy 1 whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. Consequently given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy. This 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.

I am mindful of the proposed changes to SP3 as part of the on-going plan review, some of which can now be afforded weight in the decision making process. The Amended Core Strategy and evidence base documents were submitted to the Secretary of State on 29th September 2017, with the examination undertaken last month. For the purposes of paragraph 216 of the NPPF (stage of preparation, extent of unresolved objection and degree of consistency with national policy), it is considered that those areas of the emerging SP3 content not identified in the Inspector's post-hearing notes, satisfy the tests to the extent that 1) it is at an advanced stage, with the Examination taken place in February 2018 with only the modifications to be finalised and consulted upon and 2) there are no unresolved objections to aspects of the policy relevant to this proposal. Accordingly for the purposes of this proposal, I consider that weight can be attached to the emerging policy in the overall planning balance.

Location

The first criterion 'Location' currently states 'new development should be within built-up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.' I am also mindful of the proposed changes to Policy SP3 as part of the plan review which can be afforded only limited weight, as this element still has unresolved objections to it. The supporting text to the emerging policy states that 'within settlements which do not meet the locational criterion of this policy but are well related to villages that do, consideration will be given to the infilling of small gaps with 1 or 2 dwellings so long as this does not result in the joining of outlying areas into the village in question, or the coalescence with another village'.

I consider the application site to be within the built-up area of the village and would result in the infilling of a small gap which would not result in the joining of outlying areas into the village. East Stoke has limited services and facilities itself other than a WI Hall and church. However, it is approximately 5 km from Newark and is served by regular bus routes including a regular bus route between Nottingham and Newark. Whilst there would be some reliance on use of the private motor vehicle this would not be uncommon with other, more sustainable settlements. It is not considered that the location of a dwelling in East Stoke would cause any difficulty in accessing services and facilities which exist in other relatively nearby settlements. I am also aware of the view of an Inspector in relation to an allowed appeal decision for the construction of a new dwelling in East Stoke (12/00387/FUL) who concluded that a new dwelling in East Stoke would achieve the principles of sustainable development. On balance, it is therefore considered that East Stoke is considered to be a sustainable location for a new dwelling.

Scale

The guidance to accompany SP3 referred to above confirms 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. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. It is also considered one additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels in volume. These issues are further discussed in the Flooding and Highway Safety sections of this report.

Need

Policy SP3 currently states support could be forthcoming for new housing where it helps to meet identified proven local need. 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 onus is on the Applicant to provide evidence of local need. No Needs Assessment has been submitted with the application and East Stoke does not have an up to date Local Needs Survey (prepared in conjunction with the Parish Council). The Housing Market Needs Sub Area Report (2014) provides the most recent breakdown of size of property needed in the market sector for existing and concealed households. As the current application proposes 2 bedrooms, it does fulfil a need for smaller properties within the District.

I am however mindful of the proposed changes to Policy SP3 as part of the plan review which given its recent examination can be afforded some weight (as set out in the principle of development section above). This states that new housing will be considered where it helps to support community facilities and local services. Supporting text to this revised policy states that this policy requires applicants to demonstrate the services it will support and the housing need within the area.

I consider the proposed bungalow likely to support community services and facilities including the church, hall and the local bus services. I am therefore satisfied in this instance that the proposal would accord with the need element of policy SP3 when attaching weight to the emerging Spatial Policy 3.

Impact

Policy SP3 states new development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people and not have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. These matters are dealt with in the relevant sections below.

Character

Policy SP3 states new development should not have a detrimental impact on the character of the area. This matter is dealt with in the relevant section below.

Impact on Visual Amenity including the Character and Appearance of the Conservation Area and the Setting of the Local Interest Building

The site is located within East Stoke Conservation Area. As such, the local planning authority must have regard to the desirability of preserving or enhancing the character and appearance of the area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Consideration should also be given to the wider street setting of Manor Farm which is regarded as a non-designated heritage asset.

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. This is supported by the NPPF which 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 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. Additionally, paragraphs 59 and 60 of the NPPF seek to promote local distinctiveness and ensure that the overall scale, density and massing (amongst others) relate to neighbouring buildings and the local area more generally.

The Conservation Officers' comments are set out in full in the 'Consultations' section above and they raise an objection to the proposal as the new build would not make a positive contribution to the character of the Conservation Area by nature of its design, layout and the resultant loss of an important open space that is prominent when viewed from the street scene of Moor Lane. The proposal would not preserve or enhance the character or appearance of the Conservation Area as the proposal would be wholly incongruous with the character of the surrounding heritage assets (including Manor Farm a non-designated heritage asset) and reinforce the harm caused by the surrounding modern 20th Century bungalow developments. I concur with this view and consider the proposal to be contrary to the character criteria of Spatial Policy 3 (Rural Areas) of the Core Strategy (adopted 2011 and emerging 2017) in addition Core Policies 9 and 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations & Development Management DPD (adopted 2013).

The Applicant has been offered the opportunity to amend the scheme with advice from the Conservation Officer however a proposal that could be acceptable to this sensitive location has not been received.

Impact on Flooding

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 within Flood Zone 1 which is at lowest risk of fluvial flooding. I note from neighbour comments however that the site is at risk of surface water flooding. Consultation responses received including those from the Lead Local Flood Authority do not raise any objection to the

proposal and there is nothing to suggest that surface water cannot be adequately disposed of in a sustainable way. A condition could be recommended to ensure that details of proposed surface water and foul water drainage are submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Impact on Highways

Policy DM5 seeks to ensure adequate access and parking is provided for development and SP7 relates to sustainable transport. The proposal would utilise an existing access off Moor Lane and on this basis, the Local Highway Authority raise no objection to the proposal. As such, the proposal is not considered likely to result in any adverse impact upon highway safety in accordance with Policy DM5 and SP7.

Impact on Neighbouring 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.

Jays Bungalow is located immediately to the west of the application site and appears to be located at a slightly higher level than the application site (separated by a 1.8 metre high approx. close boarded fence). It contains an obscure glazed window in its side elevation which is visible from the application site. The side of the proposed bungalow would be located 1 metre away from the boundary and the majority of its length would be set back adjacent to the rear garden of Jays Bungalow. Whilst this is not ideal, due to the single storey nature of the bungalow proposed, it is not considered that any adverse impact upon the amenity of the occupier of Jays Bungalow would result by virtue of any overlooking or overbearing impacts.

In relation to Manor Farm, its front elevation would face towards the application site. There would be a separation of at least 20 metres from the front elevation of Manor Farm to the nearest window in the proposed dwelling which is considered to be an acceptable level of separation to ensure no adverse overlooking impacts. An acceptable level of private garden area for Manor House would be retained. Notwithstanding the issues raised in relation to character, careful consideration would need to be given to proposed boundary treatment which could be dealt with via the imposition of a planning condition.

An acceptable level of amenity would also be afforded to the proposed dwelling itself, with sufficient private amenity space proposed.

Subject to conditions, it is not considered that that an unacceptable impact upon the amenity by virtue of overlooking, overshadowing and loss of privacy upon the occupiers of Jays Bungalow or Manor Farm would result in accordance with Policy DM5 of the DPD.

Overall Planning Balance and Conclusion

The site is located within East Stoke and its Conservation Area where the principle of development can be considered acceptable when assessed against the criteria set out in Spatial Policy 3. Whilst the proposal is considered acceptable with regards to location, scale, need and impact the proposal is considered to result in a detrimental impact upon character. The proposal as submitted would not make a positive contribution to the character of the Conservation Area by nature of its design, layout and the resultant loss of an important open space that is prominent when viewed

from the street scene of Moor Lane. The proposal would not preserve or enhance the character or appearance of the Conservation Area as the proposal would be wholly incongruous with the character of the surrounding heritage assets (including Manor Farm a non-designated heritage asset) and reinforce the harm caused by the surrounding modern 20th Century bungalow developments.

The proposal would be acceptable in terms of flood risk, impact on residential amenity and highway safety.

It is not considered that there are any benefits to the proposal which would outweigh the harm identified within this report. For the reasons stated above, the proposal is considered to be contrary to relevant local and national planning policy and is recommended for refusal.

RECOMMENDATION

That full planning permission is refused for the following reason:

01

The application site is located within East Stoke and its Conservation Area. It is considered that the proposal as submitted would not make a positive contribution to the character of the Conservation Area by nature of its design, layout and the resultant loss of an important open space that is prominent when viewed from the street scene of Moor Lane. The proposal would not preserve or enhance the character or appearance of the Conservation Area as the proposal would be wholly incongruous with the character of the surrounding heritage assets (including Manor Farm a non-designated heritage asset) and reinforce the harm caused by the surrounding modern 20th Century bungalow developments.

The proposal therefore fails to comply with the character criterion of Spatial Policy 3 (Rural Areas) of the Core Strategy (adopted 2011 and emerging 2017) as the proposal would result in a detrimental impact on the character of the location. In addition, the proposal would be contrary to Core Policy 9 (Sustainable Design) and Core Policy 14 (Historic Environment) of the Core Strategy and Policies DM5 (Design) and Policy DM9 (Protecting and Enhancing the Historic Environment) of the Allocations & Development Management DPD (adopted 2013). The proposal is not in accordance with the objective of preservation set out under section 72, part II of the 1990 Planning (Listed Building and Conservation Areas) Act, and does not comply with heritage guidance in the National Planning Policy Framework which is a material consideration.

Note 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. 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. However, the revisions received have not overcome the reason for refusal.

Background Papers

Application Case File

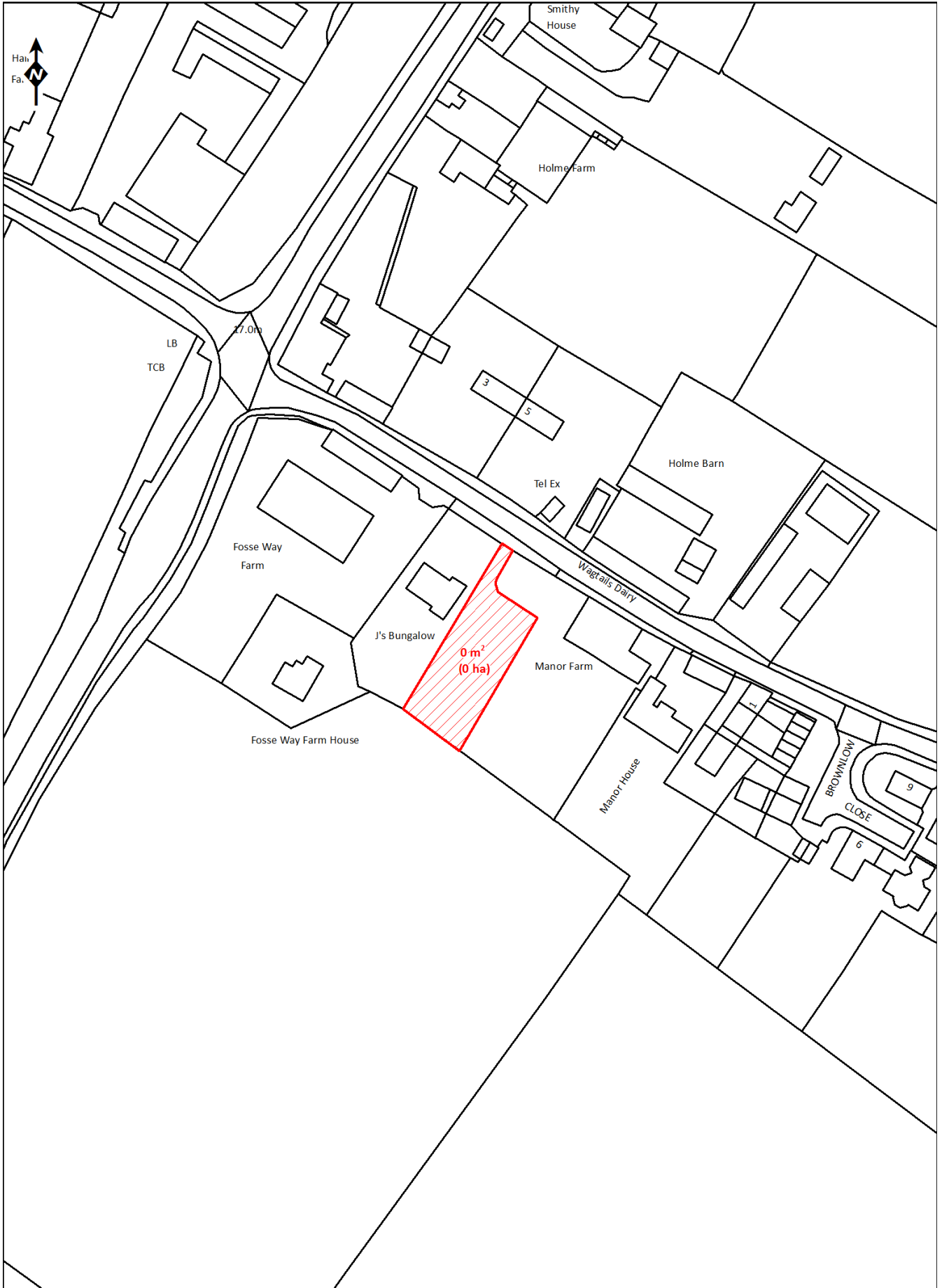
For further information, please contact Helen Marriott on ext 5793.

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

Committee Plan - 17/01986/FUL



Application No:	17/02052/FUL	
Proposal:	Demolition of existing dwelling and outbuilding and erection of replacement 4 bedroomed, two storey dwelling with link attached double garage and shed	
Location:	Manor Farm Cottage, Main Street, Thorpe, NG23 5PX	
Applicant:	Mr And Mrs Walker	
Registered:	11.01.2018	Target Date: 08.03.2018

The Site

The site lies within the hamlet of Thorpe in Nottinghamshire. The site is not within a Conservation Area but Thorpe is a small settlement that retains a strong agricultural character and indeed the nearest 6 dwellings to the application site are identified as local interest buildings.

The site is a broadly rectangular plot forming the residential curtilage of the existing property known as Manor Farm Cottage. The existing cottage is sat within the north eastern corner of the site with the access along the western boundary. The existing dwelling is two storey with a pitched roof with chimney stacks at either end and to the rear has been extended with a two storey flat roof extension.

The site is located to the east of the hamlet with open countryside surrounding the site to the north, east and south. There are existing residential curtilages in association with other properties in the village to the west of the site; the nearest being the adjoining property known as November Cottage.

Relevant Planning History

PREAPP/00152/17 - Demolition of existing dwelling and erection of replacement dwelling.
Advice provided that the proposed replacement dwelling should be reduced in scale given the character of the edge of village location.

This current planning application scheme differs from the pre-application proposal in that the double garage has been reduced in height. The link between the main dwelling and the double garage has also been reduced in scale.

The Proposal

Full planning permission is sought for the demolition of the existing dwelling and outbuildings at the site and the erection of a detached 4-bedroom, 2-storey dwelling with a link attached double garage and shed.

The existing dwelling is a broad L plan in footprint. The plans provided do not annotate the rooms but show that at ground floor the accommodation is formed by 4 rooms (one very modest) and 3 large rooms at first floor.

The replacement dwelling would be located broadly on the footprint of the existing dwelling albeit it is larger in both footprint and scale/massing. A double garage is proposed to the north-western part of the site. This would have maximum dimensions of 6.6m in width and 6.4m in depth. It would be attached to a two storey dwelling which extends approximately 17m south. The bulk of the building is broken into two by the use of two blocks. The widest block is 7.8m with a ridge height of 8.72m (with an eaves height of 5.4m) whilst the narrower block to the south is 5.5m (excluding external chimneystack) with the lower ridge height being 7.75m.

Accommodation comprises double garage, utility room, office, open plan kitchen/dining room, hall, cloakroom and lounge at ground floor. At first floor is master bedroom with en-suite, three further double bedrooms and a bathroom.

Departure/Public Advertisement Procedure

Occupiers of two properties have been individually notified by letter. A site notice has also been displayed near to the site giving an expiry date of 7th March 2018.

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 9 – Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Character

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM8 – Development in the Open Countryside
Policy DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Landscape Character Assessment, SPD
- Publication Core Strategy

Consultations

East Stoke and Thorpe Parish Council – Do not object

NCC Highways Authority –Standing Advice applies.

No representations have been received from local residents/interested parties

Comments of the Business Manager

Principle

The application site is located to the east of the hamlet of Thorpe, a small settlement with no facilities. Thorpe is a broadly linear settlement with the majority of properties on either side of Main Street. The adopted Core Strategy (and indeed the emerging Core Strategy currently out to consultation) outlines the settlement hierarchy for the District. This outlines that development will be directed towards the more sustainable settlements of the district such as Newark and Ollerton, before moving to Principle Villages. At the bottom of the hierarchy are rural areas which Thorpe would form one of. Spatial Policy 3 (Rural Areas) relates to development in main built up areas of villages and outlines five criteria (location, scale, need, impact and character) to which development proposals in rural areas will be assessed. In this instance, the site is located to the east of Thorpe and arguably could be considered against this policy therefore. In any event I am mindful that the proposal is for a replacement dwelling (where the principle of a dwelling is already established) and consequently I take the view that the location and need criteria are not directly relevant in this particular circumstance. I therefore go on to assess the scheme against the remaining criteria and any other planning considerations.

Impact on Character (including Scale and Design of proposal)

SP3 provides that in respect of 'character' that new development should not have a detrimental impact on the character of the location or its landscape setting and in terms of 'scale' provides that new development should be appropriate to the proposed location and small-scale in nature. This in turn is broadly mirrored by the intentions of Policy DM5 which confirms that the rich local distinctiveness of the District's landscape and character should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals.

The existing dwelling on site has been much altered over the years. Its original proportions are cottage like being rectangular in footprint and at some point a two storey flat roof extension has been added to the dwelling, which is unsympathetic to the building.

The existing building reflects the local cottage vernacular with simple detailing, symmetrical chimney ridge stacks and small casement windows. The modern concrete roof tiles and crude rear flat roof addition are unsympathetic to the original form of the cottage. However in the context of the nearby local interest buildings the dwelling makes some (albeit limited) contribution to local character and appearance. Taking this into account I have no in principle objection to its loss.

The proposed replacement dwelling is large in footprint and volume and one that has in my view an incoherent design that is a hybrid mix of styles including lean-to elements, a conservatory/bay feature, internal and external chimneystacks, diamond brick detailing (diaper work, often seen on historic buildings such as estate buildings and early post-medieval buildings) and a range of

fenestration openings that result in a confused design that fails to reflect the local vernacular. In addition to the design concerns, I am concerned that the scale and massing of the proposal that would result from the scheme in this open location would exacerbate this concern.

It is acknowledged that the applicant has sought to break up the scale of the building with a variety of roof heights, however the confusion of architectural styles and detailing results in an alien and obtrusive development that does not reflect the vernacular of the adjacent local interest buildings. Paragraph 60 of NPPF is relevant as a material planning consideration in assessing this scheme and whilst I recognise that LPAs should not impose architectural or particular tastes, the applicant has not demonstrated that the design approach promotes or reinforces local distinctiveness, which as well as being contrary to the NPPF is also contrary to DM5 of the Development Plan.

For the avoidance of doubt, I consider that the scheme is capable of impacting both other local interest buildings in Thorpe and the adjacent open countryside due to its location. The approach to replacement dwellings is explicitly set out in Policy DM8 (Development in the Open Countryside). This states at point 3 that: *"...In the interests of visual impact on the countryside and maintaining a balanced rural housing stock, replacement dwellings should normally be of a similar size, scale and siting to that being replaced."* I am mindful that this site is located on the edge of the settlement and is surrounded by open countryside and so this is relevant in part. It is helpful in any event to understand the size increases that are being proposed which I have calculated based on the plans as follows:

	Footprint excluding outbuildings	Footprint including outbuilding	Floor space excluding outbuildings	Floor space including outbuildings
Existing	58.21m ²	72.35m ²	96.5m ²	109.17m ²
Proposed	123.24m ²	167.52m ²	203.36m ²	240.59m ²
Percentage Increase	111.71%	131.54%	110.73%	120.38%

The case officer has attempted to negotiate a reduction in size and scale of the proposal during the application but the applicants have asserted that they have already made a reduction in scale from the proposal proposed at the pre-application stage and given that some of the adjacent properties in the village are considerably larger than they are proposing, they do not believe the massing and scale of this house would have any adverse effect on the rural character of the village.

I do not suggest that an increase in the size of the dwelling would be unacceptable in this instance. However the size of the dwelling proposed (which as can be seen from the above table more than doubles the existing floor space and footprint) together with its design in my view is harmful to the character and appearance of both the existing settlement and indeed to the countryside where this would be visible from. The proposal is therefore contrary to the Development Plan.

It is unclear from the submission whether the application seeks to extend the existing residential garden curtilage associated with the dwelling. It appears that a wooded area has been removed in recent years which may have not previously been associated with the garden but is now shown as being within it. Extending the curtilage to a significant degree would not be supported by officers given its rural location and this matter would need to be clarified in any future planning application.

Landscape Character

The Council has produced a Landscape Character Assessment for the district which is the evidence based in respect of Core Policy 13 (Landscape Character). This policy sets out the expectations that proposals should positively address the implications of the Landscape Character Zones in which the proposals lie and demonstrate that the development would contribute towards meeting the aims for the area.

The proposed site is within the South Nottinghamshire Farmlands Policy Zone (SNPZ7) 'Elston Village Farmlands' character area as defined within the Council's Landscape Character Supplementary Planning Document (SPD). The landscape generally within the zone is flat and open with vernacular settlements such as Thorpe set amongst a predominantly intensive arable land use with well-trimmed hawthorn hedgerows to boundaries. Power lines and pylons and the A46 interrupt views in the area. The landscape condition is described as moderate with a coherent pattern of elements with some detracting features giving a visually coherent area. Landscape sensitivity to change is defined as moderate. The policy action for the zone is to 'Conserve and Create'. In relation specifically to 'built features', the policy action is as follows:

- **Create** new development which reflects the local built vernacular.
- **Conserve** what remains of the rural landscape by concentrating **creation** of new development around existing settlement.

For the reasons set out above I do not consider that the proposal accords with the create action which is in direct conflict with CP13.

Impact on Residential Amenity

Spatial Policy 3 states that *"new development should not have a detrimental impact on the amenity of local people"* and this is reflected also in DM5.

The nearest neighbouring property to the proposal is November Cottage to the west. This dwelling is side on to the site and contains no windows facing the site. This property does, however, have a conservatory to the south elevation. I note the presence of the existing neighbouring garage which would largely screen the main bulk of the dwelling. The proposed dwelling is larger than the existing and the southern off-shoot does bring it closer to the neighbouring property. However, given the separation distances between the proposed dwelling and the neighbouring property, I do not consider that the proposal will have a unacceptable detrimental impact on this neighbouring property in terms of massing / overshadowing or overlooking.

All other neighbouring properties are located a significant distance away so as to not be directly affected by the proposal.

Sufficient private amenity space will remain within the plot for the occupiers of the new dwelling. This is mostly to the side of the dwelling. However, this is similar to the existing situation at the site.

Impact on Highway Safety

Spatial Policy 3 states that *"new development should not generate excessive car-borne traffic from out of the area ... nor have an undue impact on local infrastructure, including ...the transport*

network.” SP7 and DM5 broadly reflect this.

The proposal is for a replacement dwelling. There is no increase in the number of dwellings at the site. As such, there should be no significant increase in traffic to and from the site. There is ample space for on-site parking and for vehicular turning such that it accords with the Standing Highways Advice.

Impact on Protected Species

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.

A protected species report written by a suitably qualified person has been submitted with the application. Whilst the dwelling was not in use during my site visit, I am lead to believe that it has recently had tenants occupying it.

No bats were found at the site but, in accordance with the ecologist’s recommendations, conditions should be attached to any grant of planning permission regarding the procedure to follow if bats are found at the site and also to secure bat boxes.

With regards to birds the survey states that;-

“Since the building is clearly used for nesting by species of common birds, any future redevelopment building work should ideally avoid the active nesting season. If work commences during the bird breeding season, a search for nests should be carried out before commencing work, and active nests should be protected until the young fledge.” This could be conditioned should Members be minded to recommend approval.

Badgers were not found at the site.

Overall therefore there are no reasons to withhold planning permission on the ecological grounds.

Conclusion

The principle of a replacement dwelling at the site is acceptable. There are no adverse impacts in terms of residential amenity, highways or ecology that would warrant a resistance of the proposal. Indeed the principle of demolition of the existing property is not of concern.

However the proposed replacement dwelling being so much materially larger than the original dwelling is of concern when coupled with the design approach which is neither cottage like nor barn like but appears to reference a range of architectural styles which is confusing and results in a obtrusive design approach which in my view doesn’t adequately reflect the local vernacular and adversely affects the character and appearance of both the hamlet and the open countryside adjacent given the increased prominence of the dwelling. The applicants do not wish to revise the scheme to reduce the scale of the dwelling and therefore I must make a recommendation based on the scheme before the Authority. That recommendation is that the scheme does not represent a sustainable design that is good enough to approve given its context. Refusal is therefore recommended as set out below.

RECOMMENDATION

That planning permission is refused on the following grounds;

Reason

01

In the opinion of the Local Planning Authority the replacement dwelling does not represent a high standard of sustainable design that adequately reflects local vernacular by virtue of its hybrid design approach which results in a confused incoherent design and by virtue of its large scale, form and massing which more than doubles the size of the dwelling from the original in a rural location. This increase in size, scale and massing together with its location on the edge of a hamlet surrounded by open countryside, exacerbates the harm to the character and appearance of the rural area and adversely affects the surrounding countryside through making the site more visually prominent. This is considered to be contrary to Spatial Policy 3 (Rural Areas), Core Policy 9 (Sustainable Design) and Core Policy 13 (Landscape Character) of the Newark and Sherwood Core Strategy DPD (adopted March 2011) and Policy DM5 (Design) and Policy DM8 (Development in the Open Countryside) of the Allocations & Development Management DPD which together form the Development Plan as well as being contrary to the Newark and Sherwood Landscape Character Assessment, SPD and the NPPF which are material planning considerations.

Notes to Applicant

01

The application is contrary to the Development Plan as detailed in the above reason for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advise has been consistent from the outset that the replacement dwelling was too large. The applicants have been given the opportunity to amend the scheme but chose not to do this such that the Local Planning Authority has to determine the scheme as is presented.

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

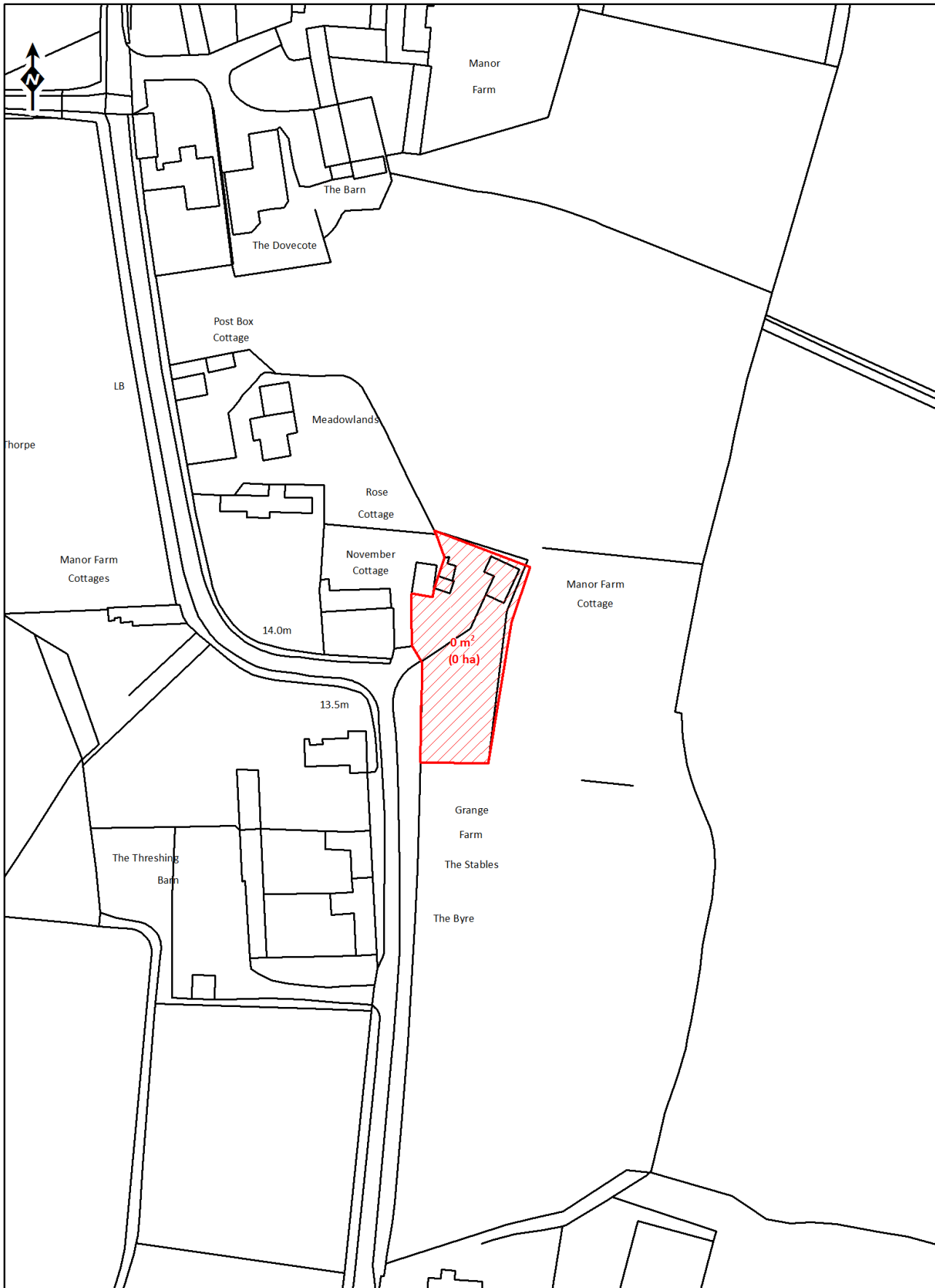
Application case file.

For further information, please contact **Claire Turton** 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 - 17/02052/FUL



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Application No:	18/00168/FUL	
Proposal:	Development of 3 x 2-bed dwellings	
Location:	Land at junction with Beckingham Road, Brownlows Hill, Coddington, Nottinghamshire	
Applicant:	Newark & Sherwood District Council	
Registered:	29 January 2018	Target Date: 26 March 2018

The application is reported to Committee as the view of Coddington Parish Council is contrary to the Officer recommendation.

The Site

The proposal site is currently a garage and parking court accessed from Brownlow's Hill and sits within an area designated as public open space. The site is grassed beyond the fenced off garage court and its boundaries to the south, east and west are relatively open with sporadic trees, however the northern boundary is densely wooded by trees and mature hedgerows. The site is also located within the Coddington Conservation Area.

The site is bounded on all sides by the highway, Beckingham Road to the north, Brownlow's Hill to the west and south and Valley View to the east. Dwellings lie to the eastern side of Valley View with Coddington Primary School to the south of Brownlow's Hill.

Relevant Planning History

No relevant planning history.

The Proposal

The proposal seeks planning permission for the demolition of the existing garage block (comprising 6 garages) and the erection of 3no. two-storey terraced dwellings with associated garden space and parking. The dwellings would be accessed via Brownlow's Hill and would have an overall footprint of 133.3m² and a ridge height of 7.30m. To the rear there would be two gable projections to afford additional accommodation to the end dwellings, with a small flat roof projection for the middle dwelling, again to provide additional living space.

The dwellings are proposed to be constructed of brick and pantile (Cadeby Red Multi Brick and Sandtoft Old English pantile in Natural Red) with timber effect windows and doors, UPVC rainwater goods and chimneys, and a GRP canopy over the front doors.

As part of the proposal, 2no. young oak trees would be removed along the southern elevation of the site. For the avoidance of doubt, only 2 trees are proposed to be removed, as confirmed by the Tree Report and Proposed Site Layout plan; I note the Design and Access Statement states 5 will be removed however this is incorrect.

It was highlighted to the applicant that the red line boundary of the site did not cover all development proposed by the application, specifically works adjacent to Brownlow's Hill. An amended Site Location Plan and Proposed Site Layout plan have been requested by the Officer.

Departure/Public Advertisement Procedure

Occupiers of 9 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

Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities

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 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

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

Consultations

Coddington Parish Council – *At an Extra-ordinary Parish Council Meeting held on 21 February 2018, the Parish Council unanimously resolved to **OBJECT** to the above application on the following grounds. (Whilst the application refers to 'affordable housing', it is understood from the District Council that it is for 'social housing'. This clearly needs rectifying since the definition of the two types of housing is very different).*

Conflict with Newark and Sherwood District Council's Statutory Planning Policy.

The Core Strategy and Allocations and Development Management DPD

A. Policy SP3 - Rural Areas

SP3 Bullet Point 2 - Scale

The development is not appropriate to the location as set out below under SP3 - Bullet Points 4 and 5 and Policies SP8, SP9. CP14 and DM9.

SP3 Bullet point 3 - Need

The Parish Council appreciates that the District Council is anxious to provide as much social housing as possible, facilitated by Government funding. However, consideration must be given as to whether any site is suitable in planning terms for such a development.

In its Statement of Housing Need, the District Council places great emphasis on what it considers to be the application's location on a 'brownfield site'. In fact the application site includes open, grassed areas to the east, west, north and south of the garage court to which the brownfield site definition refers, and also a fine stand of trees and further open space to the west. Regrettably the actual proposed built area extends beyond that of the garage court into the open areas on all sides resulting in a diminution of the open area and the loss of five young trees, dismissed as being of the lowest retention category by the applicants.

As the applicants clearly rely heavily on the 'brownfield' designation, then the development proposals should be amended to be confined to this area and not encroach on to surrounding land. However, for reasons set out below the Parish Council does not consider that this classification of the garage court justifies its development as proposed. What the application represents is a purely opportunist proposal to exploit Council owned land, irrespective of the conflict with its own planning policies. Whilst the need for social housing is accepted, this does not override basic planning principles, a fact recognised in the Government's National Planning Policy Guidance.

SP3 Bullet Point 4 - Impact

The proposal would adversely affect the amenities of local people by the loss of accessible and usable recreational space, by severe damage to the quality and character of their environment and by the traffic issues raised. (These matters are dealt with below)

SP3 Bullet Point 5 - Character

The proposal, by its gross visual and physical intrusion into this area of Public Open Space, would have a severely detrimental effect on the setting of this part of the village, on the enjoyment of the public open space both for recreation and its landscape quality, and the role the open space performs in creating the character of the Conservation Area. It would also result in the loss of trees specifically planted to preserve the landscape quality of the area.

Policy SP7 Bullet Point 3 and Bullet Point 6

Bullet Point 3 requires that any development should be appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. Bullet Point 6 requires that any proposal should ensure that vehicular traffic generation does not create new, or exacerbate existing on-street parking problems, nor materially increase other traffic problems, taking account of any contributions that have been secured for the provision of off-site works. For the reasons amplified at D. below, the application proposals would conflict with both of these Bullet Points' requirements.

Policy SP8

The proposal would severely diminish the enjoyment and use of this valued area designated as Public Open Space. Firstly, the applicants maintain that there are two alternative public open spaces within 600m of the application site and thus villagers would not be disadvantaged by the loss of part of the open space surrounding the garage court. What they fail to address is that both these alternatives lie on the opposite side of the C208 Beckingham Road, which would require any children living near to the application site crossing that road. The provision of a crossing warden to secure the safety of children crossing the C208 to and from the school speaks volumes as to the danger this busy road presents.

To the north and east of the garage court is a well-used recreational space used by local children. The development proposal would encroach into and severely restrict the enjoyment of what is left of the open recreation area which would abut the dwellings on two sides. Problems of noise, disturbance and loss of privacy to future residents are obvious. The diminution of openness could lead to issues of security for children playing on the remaining area. At present all of the open space can be viewed from the road side. There is also a very odd intrusion into the open grassed area on the eastern side of the development, necessitated by the over intensive proposals for the site. Two car parking spaces are indicated running back from the road frontage and projecting into the open area to the east. No fencing or screening is proposed. Damage to vehicles and danger to children are two potential results of this element of this ill-considered design.

Policy SP9 - Point 5 and Point 8

Point 5 requires that any proposal should not have an adverse impact on the special character of the area. The application proposals have a severely adverse impact arising from the visual intrusion into the open space with a two-storey block of housing, by the loss of views into and out of this part of the village and upon the setting of this part of the Conservation Area. Contrary to SP8 which requires no loss of locally important open space, the application proposals do lead to the loss of part of a locally important open space and to a diminution in the capacity for the enjoyment of what remains.

Policy CP 14 - Bullet Points 1 and 2

Rather than preserving and enhancing the character, appearance and setting of the Conservation Area the proposal would do demonstrable harm to all of these elements of the Conservation Area. (See Conservation Area at C below).

B. Allocations and Development Management DPD - Paragraph 2

The application lies within an area defined as Public Open Space on Map 1 - Newark North Proposals. For the reasons already set out above, the application proposal, whilst acknowledging this designation, diminishes the quality of the remaining open area in terms of its role in the character of the area and as an attractive, safe area for informal recreation.

Policy DM9

This policy requires that development proposals should take account of the distinctive character and setting of individual conservation areas, including open spaces and natural features, and reflect this in their layout, design, form, scale, mass, use of materials and detailing. The application fails to meet any of these requirements. The proposed development, because of its positioning on the road frontage, intrudes into views in and out of this part of the village and is therefore very harmful to the setting of the Conservation Area within which it lies. The application proposals do not recognise this role but presumably as a nodding reference to the Conservation Area, pastiche "cottages" are proposed. This does nothing to overcome the basic objection to development on this site and the harm it would do to the open setting of the Conservation Area. It

is an off-the-peg, 'desk-top' solution lacking any design merit, sited in the most expedient location with a total disregard for the surroundings. It also shows complete contempt for the District Council's own planning policies and the aspirations of the Parish Council to protect the environment of its parishioners.

C. The Conservation Area.

The proposal conflicts with all the above policies. The proposed development occupies a part of the larger open area which is presently occupied by a row of garages with a surfaced forecourt and a part of the grassed area to the north and east. It could, and may well be argued that, the presence of the existing development justifies the application proposals. This would be to ignore the fact that the garages are set at right angles to the road frontage, against a backcloth of large trees. Consequently when approaching from the west turning from Beckingham Road into Brownlow's Hill, the garages cannot be seen. The view is of an uninterrupted open, grassed area leading up into the village. Approaching from the east, the low profile of the garages and the backdrop of trees results in the open grassed area predominating in the view. Whilst cars parked on the forecourt can be seen, their low profile means that once again the green area is prominent. There are also attractive views across the open area looking north of trees and hedgerows on both sides of the C208. These are the features of this area which have led to its definition as Public Open Space and its inclusion in the Conservation Area. It is critical in the setting of the older part of the village when approaching from the west and on Brownlow's Hill itself, and also contributes significantly to this part of the Conservation Area.

The Application proposals would destroy the views referred to since the buildings would be sited on the road frontage to Brownlow's Hill. They would therefore intrude into the setting of the village from the west and would severely diminish the immediate character of the area. Any development in a Conservation Area is required to preserve and enhance the character and appearance of that area. This application clearly does not meet these requirements and does, in the words of the Act, cause demonstrable harm to the character, appearance and setting of the Conservation Area.

D. Traffic issues

Due to the presence of a school directly opposite the application site, there is currently a major problem with on-street parking leading to congestion and potential danger to children on Brownlow's Hill. The forecourt to the garages is presently used for school parking. The loss of this facility will exacerbate the already acute problems on Brownlow's Hill. Further on-street parking will be lost on the northern side of Brownlow's Hill because of the need not to obstruct the vehicular accesses to the proposed dwellings. The occupants of those dwellings would experience disturbance and possible obstruction from the car parking and traffic movements generated by the school. The use of the double stacked parking for the proposed dwellings would inevitably lead to increased danger to both motorists and pedestrians seeking to access the school. Attempts have been made by the Highway Authority to ameliorate these problems by restrictions on on-street parking and a proposed advisory 20 miles per hour speed limit at certain times. However, congestion and potential danger to drivers, pedestrians and particularly children remain severe. The application would only exacerbate this situation.

E. Loss of trees

The Application also results in the loss of two young oak trees on the Brownlow's Hill frontage. These trees were planted by the Parish Council and demonstrate its wish to enhance the village and particularly the Conservation Area. Whilst their loss may carry little weight in the District Council's considerations, it does rather exemplify the somewhat cavalier attitude of the applicants to District Council policy especially in relation to the public open space and the Conservation

Area, and its aims of protecting the environment. Also lost are three young pine trees to the rear of the garages. These were planted by the Nottinghamshire County Council to ensure the continuation of the historic stand of trees to the west of the proposed development. No proposal for the replacement of these trees is made in the application, again demonstrating what verges on contempt for the environment and the village.

F. Conditions

If despite these extensive objections based upon the application's conflict with the District Council's own policies, the Council is minded to allow its application, the following conditions, plus any others considered appropriate by the District Council, should be applied:

- a) A fence and hawthorn hedge to be provided along the northern, eastern and western boundaries of the development, including the car parking spaces projecting outwards on the eastern side.
- b) Semi-mature trees to be planted alongside the northern, eastern and western boundaries of the proposed development, such trees to be native species such as oak, chestnut and scots pine.
- c) The trees and their roots to the west of the development area to be protected during construction.
- d) Any damage done to the remaining open grassed area during construction to be rectified.
- e) All construction work to take place within the hours 9.15am-2.45pm during school term time.
- f) All construction material to be stored outside the 'open space designated area'.

G. Conclusions

- a) The application conflicts with statutory planning policy, particularly in relation to designated Public Open Space and to the Conservation Area.
- b) The application does demonstrable harm to the enjoyment of the open space and to the setting of the Conservation Area.
- c) The application would exacerbate an existing traffic problem by the loss of car parking for the school to the detriment of school users and other residents of the village.
- d) The application is purely opportunist and has shown a cavalier disregard of the District Council's own planning policies.
- e) It is regrettable that the District and Parish Councils could not have worked together on what could have been an exciting and rewarding project. Instead the Parish is faced with a dictatorial approach and the welfare of residents, particularly children, is ignored.
- f) The application should be **refused**.

NSDC Conservation Officer – Many thanks for consulting Conservation on the above proposal. The proposal site is located within Coddington Conservation Area (CA).

We provided pre-application advice and I can confirm that the submitted scheme reflects those discussions.

Legal and Policy Considerations

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, case-law has established that 'preservation' means 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).

Significance of Heritage Asset

Coddington CA was designated in 1992. Following reviews and amendments to the boundary in 2002 and 2006, the Council published a draft Appraisal which provides a useful character analysis. Coddington has medieval origins and is mentioned in Domesday. Coddington was enclosed by Act of Parliament in 1763.

The CA has three distinct areas which have been formed by the re-aligned Newark to Sleaford Road which cuts through the centre of the village: the Old Newark Road (ONR) area; a small part of the historic village to the north of the main road; and the historic core (situated to the south of the main road). The proposal site is situated within a transitional area between the ONR area and the historic core.

The garages and hardstanding are modern and make no positive contribution to the character and appearance of the CA. Similarly, the school and the modern housing to the east of the proposal site have no historic or architectural interest. The openness of the site and green landscaping make a positive contribution to the CA.

Assessment of Proposal

The proposal seeks approval for residential development on land to the north of the Primary School.

This part of the CA is predominantly associated with landscape setting to the historic core of the village, including mature trees. Other than the school, buildings within the street are generally 2 storey cottage types.

The proposed development will be located adjacent to Brownlows Hill, and will predominantly be limited to the existing hard surfaced area. This is beneficial as it will allow a sense of the openness of the site to be retained.

The removal of the modern garages is welcomed.

We provided advice at pre-application stage (ref PREAPP/00270/17). Concerns were raised concerning scale and appearance during pre-application discussions, and, amongst other things, we advised that:

- *The projecting gable should be removed from the front elevation and no render used (no architectural basis for this locally);*
- *The main gable width would benefit from being reduced and windows consolidated so that they are symmetrical/central only;*
- *Chimneys added to roof on both gables (integral stacks);*
- *Roof tiles should be natural slate or non-interlocking natural clay pantiles;*
- *Window headers on front elevation at ground floor to be brick arches (not soldiers);*
- *Windows to be timber or mock timber, flush fitting side hung casements (e.g. Residence 9 or similar);*
- *Timber effect plank doors on front as suggested are ok;*
- *Rainwater goods to be metal or mock cast- half round on rise and fall, round down pipes;*
- *Further details on eaves, verges and string course;*
- *Ideally front elevation brick work will be a traditional bond such as Flemish or English Garden Wall (snap headers for cavity wall construction).*

The submitted scheme has taken into account our advice and we feel that the resultant scheme is acceptable. The layout reflects the pattern of older cottage ranges which sit on the roadway. The scale of the proposed terrace, as expressed in its height, width and length, references traditional building dimensions locally. The use of rear service wings has enabled the gables to be narrowed, which is positive. The use of traditional detailing and appropriate materials is also acceptable. The non-interlocking clay pantiles, for example, are appropriate in this context.

On balance, we believe that the development sustains the character and appearance of the Coddington Conservation Area and therefore accords with the objective of preservation required under section 72 of the Planning (LB&CA) Act 1990. No harm is perceived to any other heritage assets, and the proposal is otherwise considered to comply with heritage advice contained within CP14 and DM9 of the Council's LDF DPDs and section 12 of the NPPF.

If approved, and notwithstanding the submitted details, further details of the following matters should be addressed via suitably worded conditions:

- *Brick panel to be erected on site before development commences showing bricks, bond, mortar specification and pointing finish (Conservation recommends that the front elevation be externally finished in English Garden Wall or Flemish bond);*
- *Further details of the proposed porches and chimneys (chimneys to be retained);*
- *Further details of sills, window/door headers, eaves and verges;*
- *Precise design details and scale drawings/product literature of the windows and doors (external joinery hereby approved to be retained);*
- *No roof vents on the front facing roof slope unless otherwise agreed;*
- *Any external accretions on the front elevation (meter boxes, flues etc) to be agreed.*

These details will ensure that the proposed development fully preserves the character and appearance of the Coddington Conservation Area.

NSDC Planning Policy Officer –

Planning Policy Context

National Planning Policy

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

Places an emphasis on sustainable forms of development to create a prosperous rural economy.

Paragraph 74 sets out that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

Development Plan

Core Strategy DPD

Spatial Policy 3 – Rural Areas

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 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

Policy DM3 – Developer Contributions and Planning Obligations

Policy DM5 – Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

Submission Amended Core Strategy

The Amended Core Strategy was submitted to the Secretary of State on 29th September 2017 for independent examination, the Examination in Public took place on 1st and 2nd February 2018. We are now in receipt of an initial response from the Inspector that can be viewed by clicking on the

link Post Hearing Note 2 Following the 'wash-up' session at the end of the hearings those areas where the Local Planning Authority has requested the Inspector to recommend modifications have been identified. Their content is however yet to be finalised and consulted upon, so whether there are likely to be objections is not known. The proposed amended policies can however in my view, be deemed to carry meaningful weight in those areas (including within a policy) where no modification is proposed.

Modifications are likely to be made to Spatial Policy 3 to satisfy matters raised at the hearings. Further details of the proposed modifications can be found within the Amended Core Strategy, Regulation 22 Statement of Consultation and Matter 7 The outstanding matter is with regards to bullet point 1 'Location' and clarification of what is meant by 'within the main built up area'. Further details can be viewed in Post Hearing Note 2 In terms of this proposal I am of the view that the site is located within the main built up area of Coddington. Matters have been raised with regards to SP8 that can be viewed within the Regulation 22 Statement. I would however suggest that the matters raised do not relate to the substantive issue of protected open space and the need for its protection.

Assessment

In terms of assessing the proposal against policy I would suggest that there are two main considerations SP3 – 'Rural Areas' and 'SP8' Protecting and Promoting Leisure and Community Facilities.

Spatial Policy 3

The proposal is for the development of 3, 2 bedroom affordable units, located within Coddington which is covered by Policy SP3. The plans demonstrate that the proposed dwellings would in part be erected on the footprint of the existing garages. Spatial Policy 3 addresses local housing need by focussing new housing in sustainable, accessible villages. SP3 sets out that beyond Principal Village's proposals for new development will be considered against criteria set out at bullet points 1 to 5 (location, scale, need, impact, character) In my view the site is located within the main built up area of Coddington with a range of local services that are detailed on page 86 of the 2016/2017 Annual Monitoring Report In terms of need Coddington falls within the 'Newark and Rural South Sub Area for the Housing Market and Needs Assessment 2014, Sub-Area Report that identified for the social sector the main size of property required by both existing and concealed households (54%) is 2 bedrooms. I would therefore suggest that in light of the above the proposal does comply with SP3.

Spatial Policy 8

There are existing garages located on part of the site and is therefore classed as brownfield, the area is however an open space protected by Spatial Policy 8. Policy sets out that 'the loss of existing community and leisure facilities through new development requiring planning permission will not be permitted, particularly where it would reduce the community's ability to meet its day to day needs, unless criteria set out in SP8 is met. I would particularly refer you to bullet points 2 and 3 of SP8 which require clear demonstration that:

- *There is sufficient provision of such facilities in the area; or*
- *That sufficient alternative provision has been, or will be made elsewhere which is equally accessible and of the same quality or better as the facility being lost.*

If the site was Greenfield then in my view development would be wholly inappropriate. However as the site is brownfield and the proposal would in part be erected on the existing foot print of the garages then in my view this also needs to be weighed in the planning balance. If the decision maker is minded to approve the application then exploration of possible mitigation measures to enhance the remaining open space should be included as a way forward to address policy requirements.

Conclusion

In my opinion the proposal is finely balanced and therefore when assessing the application and considering the planning balance the decision maker would need to consider the identified need for 2 bedroom affordable units within the Newark and Rural Sub-Area, against the loss of protected open space, to determine whether possible mitigation measures could outweigh the loss of open space.

NSDC Contaminated Land Officer – *With reference to the above development, I have now had the opportunity to review the Phase 1 Desk Top Study Report and Phase 2 Ground Investigation Report submitted by Collins Hall Green in support of the above planning application.*

The Desktop Study report includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the site's previous uses and a description of the site walkover.

Following intrusive sampling, the report identifies elevated PAH contamination (in sample TH1) and recommends that further sampling is carried out.

Whilst I agree with this additional work, I have the following points to raise:

- *No laboratory analysis certificates are provided with the report; please submit copies of original certificates, including analysis accreditation details.*
- *I concur with the report's recommended additional sampling and would expect this to include targeting of the proposed garden areas.*
- *The elevated PAH in TH1 is dismissed as insignificant as it doesn't form part of a development plot. I cannot accept this as it forms part of the application site and requires further consideration/risk assessment.*

I will await the completion of the further exploratory works discussed above before commenting further on any remedial measures. However I note the proposal to import clean topsoil to site, I would refer the applicant to the YALPAG guidance on testing requirement for validation of imported clean materials (attached).

Due to these matters, I would request that our full phased contamination condition is attached to any planning consent.

NSDC Access & Equalities Officer – *It is recommended that the developer make separate enquiry regarding Building Regulations matters.*

NCC Highways – *This proposal includes the removal of 6 garages, and another 6 parking spaces. On the day of a site visit the latter were all in use. The loss of such spaces is regrettable and given the size of the site it would be preferred if replacement parking could be made available, although*

it is understood that such an obligation cannot necessarily be applied. Nonetheless, there is a risk of additional on-street parking occurring and it is requested that the applicant consider making additional public parking provision.

Visibility splay distances have been checked and have been found to be commensurate with vehicle approach speeds.

A land registry search suggests that there is land between the site registered to the District Council and the public highway boundary. Perhaps this should be checked from a legal and planning point of view.

The redundant access to the existing garage site should be reinstated to verge and footway.

The proposed new footway and vehicular dropped crossings will need to be constructed in accordance with the Highway Authority's specifications.

The site lies opposite a school. On the school (south) side of Brownlows Hill, 'School Keep Clear' markings exist and a Clearway Order operates Mon-Fri 8am - 4.30pm. On the north side, adjacent to the proposed development, double yellow lines exist denoting 'no waiting at any time', except for a short length which allows 3 cars to park between the existing garage access and Valley View. This short length will largely coincide with the proposed double width vehicular dropped crossing associated with plots 2 & 3. Thus further parking will be lost on-street; leaving perhaps room for one car which could interfere with visibility. Consequently it is recommended that an additional 'no waiting at any time' restriction be introduced to cover this short length of road; ensuring that Brownlows Hill is kept clear outside the school and no obstruction to the driveways occurs.

Should the District Council approve this application, then the following conditions are recommended:

No part of the development hereby permitted shall be occupied until all drives are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the highway boundary. The surfaced drives 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.).

No part of the development hereby permitted shall be occupied until a dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

No part of the development hereby permitted shall be occupied until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access reinstated as verge/footway 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 occupied until the visibility splays shown on drawing no. 500/P1 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections (with the exception of Highway Authority street furniture) exceeding 0.6 metres in height.

Reason: In the interests of Highway safety.

No part of the development hereby permitted shall be occupied until a footway on the north side of Brownlows Hill adjacent to the development site has been provided as shown for indicative purposes only on drawing 40860/ID45/005E to the satisfaction of the Local Planning Authority and Highway Authority.

Reason: In the interests of pedestrian safety.

No part of the development hereby approved shall commence until application has been made to the Highway Authority for the proposed provision of additional 'no waiting' restrictions on the north side of Brownlows Hill, along the site frontage.

Reason: In the interests of highway safety.

Notes to Applicant:

In order to carry out the off-site works required (footway and vehicular crossings) 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.

This consent requires an application for a Traffic Regulation Order before the development commences to restrict waiting. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk . Please note this process can take 6-12 months.

National Grid – Apparatus lies within the vicinity of the site

Trent Valley Internal Drainage Board – No objection to the proposal

In addition to the above, 11 letters of representation have been received for third parties raising the following concerns,

- **Worsen traffic for the school – reduced parking and issues for school buses**
- **Increased traffic during construction which will make an already dangerous road worse**
- **Land is used by children during summer months**
- **Green areas need to be protected**
- **Site currently provides parking for parents/staff of the primary school – at least 6 spaces provided. The loss of garages could also further reduce parking spaces if used**
- **No benefit to the conservation area or village**
- **Space would be better utilised to provide a post office with parking spaces**
- **The school has very limited on site parking which is insufficient. Although the Community Centre, this is often full so parents are required to park on nearby roads.**
- **No turning areas are proposed which would result in vehicles reversing on to the road.**

Comments of the Business Manager

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 Valley View and Brownlow's Hill with Coddington Primary School across the public highway.

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. Three 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 three 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 (including Heritage assets)

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.

Additionally, as the site lies within the Coddington Conservation Area, Policy DM9 of the DPD and Core Policy 14 of the Core Strategy, along with Section 12 of the NPPF are also relevant and seek to, at a minimum, preserve the character and appearance of the historic environment.

The application site falls at the edge of a residential area which has a mix of two storey semi-detached, and terrace dwellings. The current garage block is somewhat isolated in appearance and does not complement the wider conservation area in terms of its design and therefore the proposal to demolish this building is welcomed from a Conservation perspective. Furthermore, the site is highly visible from the public realm owing to its open boundaries and surrounding public open space. Vegetation within the site goes some way to screening the site upon approach along Beckingham Road, however clear views are achieved from Valley View and Brownlow's Hill.

The development offers a relatively simple style of building, using traditional or traditional effect materials which are supported by the internal Conservation Officer. Whilst some of the 'effect' materials, such as the proposed rainwater goods and windows, would be preferred, given the modern developments surrounding the site I consider it unreasonable to request wholly traditional materials, particularly as they would relate to a modern build, however the proposal put forward would on the whole have a traditional appearance and in my view improve the appearance of the site within the Conservation Area. This is however subject to appropriate construction methods, along with additional details not provided at this stage, as listed by the internal Conservation Officer in the 'Consultations' section of this report. Should Members be minded to approve the application, I would recommend that the conditions suggested by the Conservation Officer are imposed to ensure that the LPA can retain control over the construction and finer details of the dwellings. In addition to this, I consider it appropriate to condition boundary treatments so that the LPA can fully assess the likely impact upon the character of the area given the high visibility of the site from all directions.

In terms of their layout, the dwellings will be mostly contained within the existing developed site, although I am mindful that part of the development would encroach upon the surrounding public open space. However given that a large proportion of the site would be retained as landscaped and open, with all but 2no. trees retained, I consider that the openness and green character of the site will not be significantly reduced so as to warrant a refusal on the basis of visual impact.

The proposal is located within an area designated as public open space; this open space to my knowledge will remain within the ownership of Newark & Sherwood Homes and therefore maintained by them. The boundary treatments for the new dwellings are indicated on the proposed site layout to be hedgerows which would help integrate development into the soft landscaped open space and the Conservation Area. Although no detail has been submitted at this stage if Members are minded to approve the application, I would suggest that a landscaping condition is imposed upon the permission to allow the LPA to retain control over the boundary treatments and ensure that they are kept 'soft' to limit the impact of the development upon the green aspect of the site. Additional planting could be requested as part of the scheme, however in this instance I feel that additional planting to the open space could likely reduce the level of useable open space available for the public (by way of obstruction from trees/vegetation).

Taking this into account it is therefore considered that proposed development would, by virtue of the loss of the garages enhance the character and appearance of this part of the Conservation Area resulting in no harm the heritage setting of the site nor would it result in any 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. 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, Core Policy 9 and 14 of the Core Strategy and Policy DM5 and DM9 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 in the 'Statement of Housing Need' accompanying the application, written by an NSDC Strategic Housing Officer, 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). 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, two 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 upon Public Open Space

Spatial Policy 8 of the Core Strategy encourages the provision and enhancement of community and leisure facilities, which includes public open space. Loss of these facilities therefore should be justified either through provision elsewhere or that the use is no longer feasible. For awareness, the existing and proposed open space available to the public is shown in the table below,

Existing Available Open Space (excluding site of garages – access and hardstanding)	Retained open space post development
Circa. 1851 sq.m	Circa 1639 sq.m

The application site includes an area designated as existing public open space which would be reduced by circa 212 sq. m as a result of the proposed development. Whilst the LPA seek to retain public open space, this reduction, in my view, would not be so significant as to result in the retained space being unusable and would still provide members of the public with sufficient recreational land for a variety of uses as well as retain the openness of this corner plot. Natural surveillance of the site would also be achieved through the first floor windows of the properties proposed overlooking the open space.

Coddington has 7 other areas of designated open space across the parish which to my knowledge remain available to the public, the closest sites being to the south of the site adjacent to the primary school and community centre.

I note the concerns raised during the public consultation period with regards to the loss of open space, however in this instance given the amount of space proposed to be lost, I do not consider it would be so significant to be reasonable to recommend refusal on these grounds as the site still provides ample useable open space, with two other open space alternatives also available within the village. As such, I take the view that the proposal accords with Spatial Policy 8 of the Core Strategy.

Impact on Residential Amenity

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

The proposed dwellings would be located away from the nearest existing residential development, the nearest neighbour being approximately 35m from plot 3. I note that a bathroom window will face out towards this neighbouring dwelling on Valley View, however given the distance between the properties, I would not expect the proposal to have an adverse impact. The same is also concluded with regards to overshadowing and overbearing impacts due to the separation distances.

I note the comments received with regards to potential noise and disturbance and loss of privacy for future residents. Given the

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.

The Highway Authority requested additional visibility splay plans in order to fully assess the proposal. Whilst the splays are not quite to the length usually expects, the Highways Officer has advised that following a site visit, NCC are willing to accept the proposed splays, as detailed in their comment in the 'Consultations' section of this report.

Parking on Brownlow's Hill and Valley View is for the most part not restricted by any Traffic Regulation Order, with the exception of the highway immediately located outside the school and the highway junctions on the roads adjoining the site and its entrance. As such there is already limited 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 6 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.

Furthermore, it is unclear whether the existing garages are used for the parking of vehicles or storage. Details of the uses/occupancy of the garages are awaited from the applicant and will be reported to Members at the Planning committee meeting. Notwithstanding this 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.

Given the above context, it is considered likely that the loss of six 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 would have the ability to establish on-site parking on their frontages should they so desire.

I am mindful of the objections raised with regards to traffic and parking issues, mostly due to the school opposite to the site. In terms of parking availability, the application site is private land and therefore any school-related car parking within the site would be considered to be trespassing. I am however mindful that the loss of the garages could result in 6 additional vehicles requiring a space along Brownlow's Hill which I accept could have a slight impact upon parking availability during school rush hour. However, given the small number of vehicles likely to be displaced, I do not consider the impact upon parking to be a reason for refusal in this instance.

In terms of highway safety, ideally cars associated with the proposed dwellings would have the ability to turn within the site and exit in forward gear but given the limits of the site and surrounding open space, there is insufficient space available to provide a turning area. The Highways Officer has assessed the impact of vehicles reversing out on to the highway from the site and is comfortable that the visibility of the Brownlow's Hill/Beckingham Road junction along with the speed of the road combined would provide sufficient egress safety for vehicles. This however would be subject to several conditions with regards to surfacing of the parking areas, provision of

dropped kerbs and footways, additional road markings and implementations of proposed visibility splays. I consider these conditions to be reasonable to ensure the safe development of the site and recommend to Members that these conditions be imposed should they be minded to approve the application.

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.

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 smaller units. The development would have an acceptable impact on the conservation area and the character of the area, neighbouring amenity, highway safety and the loss of public open space is unlikely to be detrimental to the village given the numerous other spaces available within the parish. There are no further material considerations that would warrant refusal of the application.

RECOMMENDATION

That planning permission be granted subject to the following:-

- a) No additional material planning considerations are raised following reconsultation in relation to the revised red line site plan and proposed site layout plan showing the extent of the application site; and**
- b) The conditions outlined below**

Please note that condition 2 below will need to be updated to include the amended Site Location Plan and Proposed Site Layout plan reflecting the new red line requested;

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:

- **Site Location Plan - 40860/ID45/001B**
- Proposed Drainage – 100/P01
- **Proposed Site Layout Opt 3 – 40860/ID45/005E**
- Proposed Plans and Elevations – 40860/ID45 /007C
- Material Elevations – 40860/ID45/008C
- Visibility Splays – 500/P1

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 in respect of the brick and pantile shown on plan reference 40860/ID45/008C 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.

04

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.

- Treatment of window and door heads and cills
- Verges and eaves
- Rainwater goods
- Coping
- Extractor vents
- Flues
- Meter boxes
- Soil and vent pipes

Reason: In the interests of visual amenity and in order to preserve or enhance the character and appearance of the conservation area.

05

Notwithstanding the details submitted, details of design, specification, method of opening, method of fixing and finish, in the form of drawings and sections to no less than 1:20 scale, along with any product literature of windows and doors shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of development. The development shall be carried out only in accordance with the agreed details and retained in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the special character of the Conservation Area.

06

Ventilation of the roof space shall not be provided via tile vents to front facing roof slopes 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.

07

No development shall be commenced until a brick work sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. The brick work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

08

Notwithstanding condition 7, all new walls to the front elevations of the dwellings hereby approved shall be externally finished in English Garden Wall or Flemish bond

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the special character of the Conservation Area.

09

Notwithstanding the details submitted, details of their design, specification, method of fixing and finish, in the form of drawings and sections to no less than 1:20 scale, along with any product literature shall be submitted to and approved in writing by the District Planning Authority in respect of the porch and chimneys to each dwelling. The development shall be carried out only in accordance with the agreed details and retained in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the special character of the Conservation Area.

010

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

Reason: In the interests of residential and visual amenity.

011

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

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.
- proposed finished ground levels or contours;
- means of enclosure;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.)
- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)
- retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

012

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

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

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants 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 existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

014

No development shall be commenced until the trees and hedges shown to be retained on drawing 40860/ID45/005E 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 crownspread 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.

015

Unless otherwise agreed in writing by the local planning authority, no machines shall be used and only hand digging shall be undertaken when excavating beneath the crown spread of any trees on site. Any roots exposed over 25mm diameter, shall be retained, undamaged and protected i.e. from unnecessary damage and drying out. All backfilling over exposed roots shall be of top soil or washed sand, carefully tamped by hand around and over all roots before continuing to backfill with other materials required for the finished treatment.

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

016

No development shall be commenced until a schedule of works, including plans of all drainage, both foul and surface water, together with plans of all services, including gas, water, electricity, telephone and cable television, have been submitted to and approved in writing by the local planning authority where these services within, or beneath the crown spread of any tree on site. The works shall be carried out thereafter in accordance with the approved schedule unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory provision is made for the continued health and retention of the trees in the interests of visual amenity and biodiversity.

017

No part of the development hereby permitted shall be occupied until all drives are surfaced in a hard bound material (not loose gravel) for a minimum of 2 metres behind the highway boundary. The surfaced drives 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.).

018

No part of the development hereby permitted shall be occupied until a dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

019

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. 500/P1 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections (with the exception of Highway Authority street furniture) exceeding 0.6 metres in height.

Reason: In the interests of Highway safety.

020

No part of the development hereby permitted shall be occupied until a footway on the north side of Brownlows Hill adjacent to the development site has been provided as shown for indicative purposes only on drawing 40860/ID45/005E to the satisfaction of the Local Planning Authority and Highway Authority.

Reason: In the interests of pedestrian safety.

021

No part of the development hereby approved shall commence until application has been made to the Highway Authority for the proposed provision of additional 'no waiting' restrictions on the north side of Brownlows Hill, along the site frontage.

Reason: In the interests of highway safety.

022

No part of the development hereby permitted shall be occupied until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access reinstated as verge/footway 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.

023

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.

024

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 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: Any other alteration to the roof of a dwellinghouse.
- Class D: Porches
- Class E: Buildings etc. incidental to the enjoyment of a dwellinghouse.
- Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.
- Class G: Chimney, flues etc. on a dwellinghouse.
- Class H: Microwave antenna on a dwellinghouse.

Or Schedule 2, Part 2:

- Class A: gates, fences walls etc.
- Class B: Means of access to a highway.
- Class C: Exterior painting.

Or Schedule 2, Part 14 of the Order in respect of:

- Class A: Installation or alteration etc. of solar equipment on domestic premises.
- Class B: Installation or alteration etc. of standalone solar on domestic premises.
- Class E: Installation or alteration etc. of flue for biomass heating system on domestic premises.
- Class F: Installation or alteration etc. of flue for combined heat and power on domestic premises.
- Class G: Installation or alteration etc. of air source heat pumps on domestic premises.
- Class H: Installation or alteration etc. of wind turbine on domestic premises

- Class I: Installation or alteration etc. of stand-alone wind turbine on domestic premises
Unless consent has firstly be granted in the form of a separate planning permission.

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) and to ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

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 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 Councils website.

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).

03

In order to carry out the off-site works required (footway and vehicular crossings) 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.

04

This consent requires an application for a Traffic Regulation Order before the development commences to restrict waiting. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk . Please note this process can take 6-12 months.

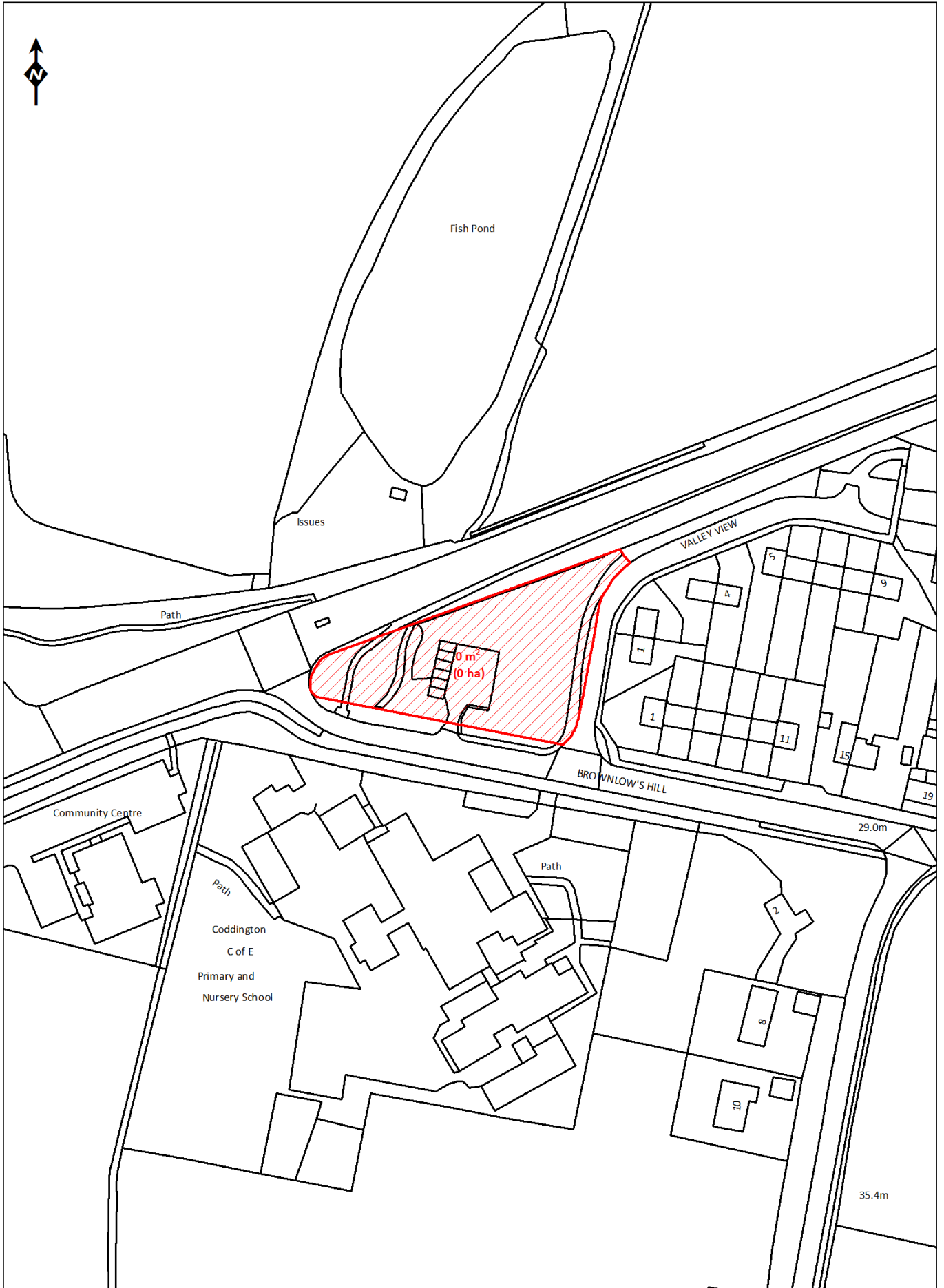
Background Papers

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



Application No:	18/00015/FUL
Proposal:	Erection of dwelling and widening of Crab Lane to create passing space at front of site
Location:	10 Crab Lane, North Muskham, NG23 6HH
Applicant:	Mrs T Phillips-Moul
Registered:	08.01.2018
	Target Date: 05.03.2018
	Extension of Time Agreed Until 06.04.2018

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the formal comments of North Muskham Parish Council are yet to be received but informal correspondence suggests that concerns could be raised prior to the Committee Meeting. The Officer recommendation is one of approval which would be contrary to the views of the Parish if an objection were to be received.

The Site

The application site forms an area of land approximately 0.11hectares in extent which currently forms part of the residential curtilage of no. 10 Crab Lane. The site is broadly rectangular in shape with the exception of the north eastern corner which has been excluded from the red line site boundary to allow for the retention of a separate residential curtilage to the existing dwelling. The site as existing is characterized by dispersed vegetative cover comprising individual trees and areas of dense shrubbery. The site boundaries are characterized of a combination of fencing and hedges of a varying height.

The site is within the village of North Muskham surrounded by residential curtilages. Vehicular access is gained via Crab Lane to the east of the site. The site is within Flood Zone 1 according to the Environment Agency maps albeit owing to the proximity of the River Trent to the east the margins of Flood Zone 2 are immediately adjacent to the site to a degree that the existing dwelling at 10 Crab Lane is considered to be within Flood Zone 2 as are the neighbouring properties to the east of Crab Lane. The site is considered to be at very low risk of surface water flooding. There is a public right of way in close proximity to the site (approximately 20m to the north) which connects Crab Lane with Main Street to the west but this does not affect the site itself.

Relevant Planning History

There is no planning history of relevance to the site.

Of some relevance (as discussed further in the appraisal section below) is planning history on land to the south of the site notably application reference 13/01356/FUL for the conversion of a previous public house to a residential dwelling and an additional bungalow. This application was approved in December 2013 (following an earlier approval in May 2013 reference 12/01749/FUL).

The Proposal

The original application sought full planning permission for the erection of a three bedroom two storey dwelling in the existing residential curtilage of 10 Crab Lane.

The scheme has however been revised during the life of the application owing to concerns raised by officers. The revised proposal relates to the plans received 9th March 2018 which demonstrate a three bedroom dormer bungalow. The maximum pitch height of the dwelling would be approximately 7.3m with an approximate eaves height of 2.9m. . The proposed dwelling would be sited around 31m back from Crab Lane. As with the existing dwelling, it would be located close to the northern boundary of the site, with the primary garden space located to the south of the dwelling. The footprint of the dwelling would be approximately 141m². Proposed materials are external brickwork and clay pantiles.

The application has been accompanied by an Arboricultural Survey which records 47 individual and groups of trees. The development would necessitate the removal of trees to accommodate the footprint of the dwelling. An existing detached garage would also be demolished.

The proposal also seeks to create a shared access for the proposed dwelling and the existing 10 Crab Lane. The submitted block plan annotates that each dwelling would be afforded two car parking spaces.

Departure/Public Advertisement Procedure

Occupiers of seven properties have been individually notified by letter. A site notice has also been placed at the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 3: Rural Areas
Spatial Policy 7: Sustainable Transport
Core Policy 3: Housing Mix, Type and Density
Core Policy 9: Sustainable Design
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character
Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Guidance Note on Spatial Policy 3, 2013
- Publication Amended Core Strategy 2017

Consultations

North Muskham Parish Council – No formal comments received albeit Officers have been in separate discussion with the Parish Council and it is suggested that whilst the application has been discussed at a Parish Meeting, comments are awaited on the basis that the Parish Council wish to undertake their own site visit.

NSDC Conservation -

Introduction

North Muskham is a characterful village with a number of historic buildings, notably the landmark Grade I Church of St Wilfrid and the Old Hall (Grade II). 10 Crab Lane is identified as a Local Interest building (ref M14497). The adjacent Trent Cottage is also a Local Interest building, and there are other Local Interest buildings nearby.

Legal and Policy Considerations

The historic cottage form and age of 10 Crab Lane appears to be the reason why it has been included as a Local Interest building on the County Historic Environment Record (HER). In accordance with Annex 2 of the National Planning Policy Framework (NPPF), Local Interest buildings 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.

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 heritage assets, furthermore, is expressed in the National Planning Policy Framework (NPPF). The NPPF makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). Good design is a key aspect of sustainable development furthermore, and is indivisible from good planning (para.56). It is also proper to seek to promote or reinforce local distinctiveness (para. 60) and therefore planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

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

Assessment of Proposal

The proposal seeks permission to erect a dwelling in the rear garden of 10 Crab Lane. Following concerns raised by the case officer, the submitted scheme has been revised so as to be less substantial in scale and form. Nevertheless, Conservation has some concerns with the scale, appearance and layout of the amended proposal.

10 Crab Lane appears to be a typical post-medieval cottage, possibly early 19th century in origin (it appears on Sanderson's 1835 map). The dwelling retains its historic cottage form, despite modern changes such as concrete roof tiles and PVC casement windows. Like many nearby historic cottages, the property derives some significance from its original plot layout and its gable end to the road position, contributing to an attractive rural lane. Like many rural worker cottages of this type, it is modestly scaled with narrow gables, steep roof pitch and integral matching ridge stacks. The cottage vernacular of Crab Lane is a positive feature of the local character and appearance.

The proposal seeks to construct a new dwelling to the rear. It has been laid out so as to continue the linear pattern of the host property. However, it has a wider gable dimension than the host property and is set further forward of the north boundary, with an additional one and half storey side wing (containing an integral garage), front facing gabled dormers and a prominent central projecting gabled element. The result of these design features is to create a slightly obtrusive addition which does not follow the traditional form or detailing of traditional cottages in the area.

In its current form, Conservation finds the development will have some modest adverse impact on the setting of 10 Crab Lane, a Local Interest building. The proposal is therefore contrary to heritage objectives contained within the Council's LDF DPDs. However, as set out under paragraph 135 of the NPPF, a balanced judgement is required. No harm is perceived to the setting of any other heritage assets in this case.

To address Conservation concerns, the proposals would need to be further revised. Traditional cottages within the area typically possess narrow gables, and the gable width of the proposal will therefore benefit from being reduced. The scheme would also benefit from being aligned more closely with the boundary edge to replicate the building line of no 10. The central gabled element should be removed to reduce the overall massing of the property, which would also help project a cottage feel so that when seen in aspect from the roadway, would appear more as a cottage mews (a central door rather than bi-fold doors would also be appropriate in this context). Changing the dormers to eaves dormers or catslide dormers might also help in this case. The chimneys are a positive addition, but would benefit from being true integral gable ridge stacks rather than projecting. In addition to the above, any means of reducing highway engineering would help lessen the impact of development, including removing the passing place as this detracts from the intimate character of the lane.

We are happy to comment on any revised plans.

NCC Highways Authority – Reservations have been previously expressed about adding further residential development to Crab Lane due to its sub-standard nature in terms of width, lack of footways and poor turning facilities.

However, in terms of the application site, the proposal offers some improvements over the current situation i.e. improved access visibility for the existing dwelling; the provision of car turning facilities within the site, and; the provision of space to allow a car to pull-over to allow another to pass on Crab Lane.

Further details to clarify the design and layout of the car pull-in area would be helpful either prior to approval, or prior to commencement. It is acknowledged that an acceptable scheme is possible.

On balance, it is considered that the application could be approved subject to the following conditions:

The shared private driveway shall be laid out to a width of not less than 4.2 metres and shall provide for vehicle parking and turning areas in accordance with approved drawings. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and to reduce the possibility of the proposed development leading to on-street parking problems.

No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 2m behind the highway boundary.

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 occupied until a vehicular verge crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. (002 at the time of writing) are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, vegetation, structures or erections exceeding 0.6 metres in height.

Reason: In the interests of highway safety.

No part of the development hereby permitted shall commence until further details of the car pull-in have been first submitted to and approved in writing by the LPA. Such details should include the extent of the pull-in, construction and maintenance responsibility.

Reason: In the interests of highway safety.

Notes to Applicant:

The development makes it necessary to construct/alter a vehicular crossing over a part of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands, tel. 0115 977 2275 to arrange for these works to be carried out.

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

Trent Valley Internal Drainage Board - The site is within the Trent Valley Internal Drainage Board district.

The Board maintained Muskham Fleet, an open watercourse, exists in close proximity of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

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.

NSDC, Tree Officer - The proposal results in the removal of a large number of trees within the site and potential adverse impact of some remaining as a result of construction activities.

Trees 5,6,12 and 14 have rooting areas within the proposed drive/hard standing.

Tree 26 is shown as retained but has 50% of its rooting area within the footprint of the new dwelling.

Although the majority of trees are of lower quality I would expect there to be some soft landscaping provision to be submitted to mitigate against tree loss.

Therefore, I would recommend any approval has attached conditions.

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

- g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.
- 2. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.
- 3. Prohibited activities
 - The following activities must not be carried out under any circumstances.
 - a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
 - b. No equipment, signage, fencing etc. shall be attached to or be supported by any retained tree on or adjacent to the application site,
 - c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
 - d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
 - e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.
- 4. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards
- 5. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Additional comments received 19 March 2018:

The proposal will result in the loss of the majority of trees on site. However, most of these trees of low quality and could their loss could be compensated by conditioning of replacement soft landscaping.

There is likely to be some minor impact on trees T11 and T12 by construction of the new access-- this could be constructed by no-dig options and porous surfacing by condition.

Proposed position of the new dwelling is likely to result in trees 42, 44 and 45 having to be pruned to facilitate construction and a requirement to subject these trees to further pruning works as they develop (T44/45). I would therefore recommend that a greater stand off from these neighbouring trees is investigated to avoid any such issues.

Representations have been received from 2 local residents/interested parties which can be summarised as follows:

- The proposed dwelling would overlook neighbouring properties and gardens
- The original plan for the neighbouring property was to be two storeys but this was declined due to overlooking
- The footprint should be re-orientated and changed to a bungalow
- The proposed widening to create a passing place is not deep enough to fulfill its purpose – it should be a similar depth to that for Russett House

An additional letter has been received in respect to the revised plans submitted during the life of the application:

- The revised plans have done nothing to alter initial objections
- Neighbouring properties remain overlooked – the building should be rotated or changed to a bungalow

Comments of the Business Manager

Principle of Development

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 we 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 dpa (using 2013 as a base date), although this figure is yet to be tested through an Examination In Public (EIP). 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 defensible figure. Indeed an 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. Therefore 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.

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraphs 54 - 55 state that in rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

North Muskham is not defined within the Core Strategy as a principal village or a main urban area as defined within Spatial Policies 1 and 2. As an 'Other Village' it falls to be assessed against Spatial Policy 3 (Rural Areas) of the Development Plan. Outside of principal and urban areas, new housing should be located within sustainable and accessible villages and should principally meet the five criteria as set out within Spatial Policy 3 (SP3). These are 1) Location; 2) Scale; 3) Need; 4) Impact and 5) Character. The proposal is assessed against this criteria below.

Location

SP3 states that new development should be within the main built-up areas of villages which have local services and access to the Newark Urban Area, Services Centres or Principal Villages. I have assessed the site's location taking into account the existing situation in terms of the built form of the area. I am satisfied that the application site is situated within the main concentration of existing development in the village and is not in an isolated position.

North Muskham is a village with a good range of facilities including a primary school, village hall, a public house and restaurant with access to public transport (bus stops and bus services) to Newark, Normanton-on-Trent, Grantham, Retford and the catchment secondary schools. I therefore conclude that the site meets the locational criteria of SP3.

Need

SP3 provides that new housing must meet an identified proven local need. The 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 onus is ordinarily on the Applicant to demonstrate a local need.

The NPPF states within its core planning principles under paragraph 17 that every effort should be made objectively to identify and then meet the housing needs of an area, and respond positively to wider opportunities for growth. Local authorities should take account of market signals, such as land prices and housing affordability, and take account of the needs of the residential communities.

As referenced by the Planning Statement, I am already aware of the Housing Needs Survey (by Midlands Rural Housing) of March 2015 as a demonstration of housing need for the community which has been accepted as demonstrating a need for additional residential development at a number of sites within the village. The Survey concludes that there is a need for up to 6 affordable homes and a requirement for 10 open market (sale) homes for local people enabling them to be suitably housed in the community. The need for open market dwellings can be broken down into:

- 1 x 2 bed house;
- 2 x 3 bed house;
- 5 x 2 bed bungalows;
- 2 x 3 bed bungalows.

The survey was supported by this Council, its findings are not disputed and so it follows to assess whether the proposal would help to meet the identified need. In the case of social housing, need is addressed through the allocation process administered by the social landlord but with market housing the only control is at the point of sale. As the policy requirement is to 'help meet' proven local need I consider that the availability of a house on the open market which local people *could* (emphasis added) buy is sufficient to meet this.

The proposal is for a three bedroom house and one of the property types identified in the Housing Needs Survey as being in demand (i.e. one of the 10 no. open market dwellings identified). I note that the revised proposal demonstrates a dormer bungalow. The original position presented by

officers as part of the negotiations was that the revisions should show a true single storey bungalow development in order to fully satisfy the identified need for bungalows. The basis for this position was that, although the survey also showed a need for three bed houses, recent approvals in the village could already potentially satisfy (and indeed exceed) this need:

- 1 no. 3 bed dwelling at South View, Crab Lane (17/00282/FUL which supersedes the original outline to which the needs survey was generated – 15/01440/OUT)
- 1 no. 3 bed dwelling at Old Hall Farm, Main Street (15/02239/FUL)
- 3 no. 3 bed dwellings at 8 Willow Drive (16/00155/FUL)

Unfortunately the advice to present a true single storey bungalow has not been carried to the revised design presented. However, officers do not consider that this need be fatal in itself. The revised proposal is substantially smaller than the original design of the application and thus may be more akin to the desire for bungalow accommodation. I am also mindful that there is no guarantee that the other approvals will come forward to be available to the open market and thus I have attached only limited weight to their approval.

Overall, I am satisfied in in this instance a community need has been established which must attract weight. In reaching this view, I am also conscious of the revised wording of SP3 in the amended Core Strategy which somewhat relaxes the need criterion. The principle of the proposal is therefore acceptable subject to its compliance with the remaining requirements of Spatial Policy 3 and any other material considerations.

Scale and Character

SP3 sets out that new development should be appropriate to the proposed location and small scale in nature. New development should not have a detrimental impact on the character of the location or its landscape 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 requires the rich 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 application site falls within the built up part of the village with dwellings on Crab Lane positioned at varying distances from the boundary with the highway. Whilst not within a conservation area, this part of the village retains its traditional rural form and character assisted by the narrow lane which helps make the location feel more rural. Many properties along the lane are two storey and are unique in design. It is notable that both the host dwelling and the neighbouring building are designated as local interest buildings. Para. 135 of the NPPF, requires the effect of an application on the significance of a non-designated heritage asset to be taken into account noting that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposed dwelling would be situated within the residential curtilage of no. 10 Crab Lane. It is intended for the proposed dwelling to broadly follow the host in terms of its positioning along the northern boundary of the site. This amounts to the dwelling being set back from Crab Lane by approximately 31m. In this context it is appropriate to describe the proposal as backland development.

Policy DM5 states that *'proposals creating backland development will only be approved where they would be in keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area.'*

North Muskham, particularly at the part of the village to which the site is positioned, is a relatively linear settlement. The properties on Crab Lane share their eastern boundaries with the residential curtilages which gain access from Main Street. There is by no means a defined urban grain in terms of setback of dwellings from the highway. Some, such as the host dwelling abut the highway edge. Whereas others, more notably on Main Street represent a greater set back from the highway. I am mindful that to some extent backland development has already occurred on Main Street including immediately south of the current application site whereby a bungalow was approved as part of the scheme for the previous public house to be converted to a dwelling. However, having assessed the officer report accompanying this decision, there was a material difference in that weight was attached to the benefits of the scheme in terms of providing an environmental enhancement of the site. What is also materially different is that this application (granted in late 2013) allowed for the erection of a single storey dwelling. The current application seeks permission for a larger, 1.5 storey property.

Following an appraisal of aerial photographs surrounding the site (which don't include the aforementioned bungalow) officers raised a principle concern in respect to the original two storey proposal. This concern was not necessarily one of setting a precedent for further backland development which has arguably already been set by the 2013 permission even if circumstances for approval differed. Of greater concern was that the original application would not be in keeping with the general character and density of existing development as required by Policy DM5. As such it was presented to the applicant that, if the LPA were to accept this application as a backland development site, it should be done in the context of the existing backland development which now contributes to the character of the area (i.e. the scale of the dwelling should be greatly reduced).

I have already identified that there is no conformity to the design of dwellings within the immediate surroundings but it was nevertheless concluded that the original proposal was excessive in its scale to a degree which would be harmful to the established character of the area. As is already referenced, officers sought originally sought a single storey revised scheme. However, the revised plans received 9th March 2018 clearly demonstrate that the proposal for consideration here is a 1.5 storey dormer bungalow. Notwithstanding this, the applicant has clearly taken on board the concerns in respect of overall scale and the significantly reduced scale (both in height and overall bulk) is welcomed.

The comments of internal Conservation expertise as listed in full above are noted. Whilst not constituting a formal objection to the proposal, the comments make reference to a number of further suggested design amendments which it is considered would improve the relationship with the host dwelling (which is a non-designated heritage asset). It is contended that as submitted, the design features of the dwelling create a slightly obtrusive addition amounting to some modest

adverse impact on the setting of 10 Crab Lane. It is nevertheless acknowledged that a balanced judgement is required through the provisions of para. 135 of the NPPF. The comments of the Conservation Officer have been passed to the applicant for review and it is understood that consideration of some of the suggested amendments is still being undertaken. If the applicant does revise the scheme then this would of course be reported to Members as a late item and indeed would weigh positively in the overall balance. However, in assessing the current proposal, officers do not consider that the currently presented scheme is sufficiently harmful that it would allow a resistance of the proposal in heritage impacts in its own right. In reaching this judgement, the backland nature of the site somewhat assists in ensuring that the prominence of the host dwelling, including the characteristic gable end to the road is retained. Noting the modern developments which have already occurred elsewhere in the context of the wider site surroundings, on balance, the scheme as submitted is considered acceptable even without further revision.

I have already referenced that the harm arising from backland development in plan form would be limited owing to the existing site surrounding circumstances. It therefore falls as to whether the revised dwelling design would amount to harm from a visual perspective in this backland position. Given the set back from Crab Lane, the proposed dwelling would not display a degree of prominence from either Crab Lane, nor Main Street to the west. Officers have also taken the opportunity to assess the proposal from the vantage point of the nearby public right of way to the north of the site. However, given the hedged boundaries which form the right of way, it is considered that views of the proposed dwelling would be limited to a degree that character harm would not occur.

On balance, it is considered that the revised dormer bungalow would be much more akin to the scale and form of the development in the vicinity such that it would conform with the scale and character criteria of SP3.

The backland positioning of the dwelling also has other implications in terms of the necessity for tree removals and potential impact on neighbouring amenity which are discussed further below.

Impact

SP3 states new development should not generate excessive car-borne traffic from out of the area. Proposals should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. The NPPF and Development Management Policy DM5 also seek to ensure a good standard of amenity for all existing and future occupants of land and buildings whilst protecting the amenities of neighbouring occupiers. Impacts are considered further below.

Highways Impacts

Spatial Policy 7 includes that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

There is an indication from the outset of the comments received from NCC Highways that Crab Lane does not provide an efficient highways network due to its sub-standard nature in terms of width, lack of footways and poor turning facilities. However, the comments go on to acknowledge that the proposal offers some improvements over the current situation in terms of visibility and turning facilities. Whilst these are indeed a benefit of the scheme, it is my officer view that they should be afforded limited weight in the overall balance of the scheme given that the site area would allow for these improvements to be made regardless of whether another dwelling were being delivered (albeit I appreciate that this may not be an intended expenditure of the occupiers of 10 Crab Lane if approval were not granted). Nevertheless, it is concluded that the access arrangements presented are suitable for both the existing and the proposed dwelling and thus I see no legitimate reason to resist the application on highway safety grounds.

Subject to the conditions suggested by NCC Highways, the proposal would be compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

Impact on Residential Amenity

Policy DM5 of the DPD states 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 NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Protection of amenity relates both to the proposed occupiers of development as well as existing neighbouring residents. Given the nature of the application whereby the proposal seeks to divide an existing residential curtilage, regard must be had to the available amenity provision marked for retention for the host dwelling. Although the garden size of 10 Crab Lane would be modest (owing partly to the shared access arrangements) I consider that it would be sufficient to satisfy the needs of the dwelling and would achieve a degree of privacy owing to the proposed division of curtilages through a timber boundary fence.

Given the land locked nature of the site there are a number of existing neighbouring properties which would be potentially affected by the proposed development. Owing to the backland position and orientation of the dwelling the most likely impacts to occur would be overlooking to the rear gardens of neighbouring dwellings to the north and south, namely, September Cottage to the north and The New Bungalow and Crown Cottage to the south.

Matters of amenity formed part of the rationale for seeking revisions to the original proposal and indeed a request was made for the revised block plan to include the footprint of the neighbouring dwelling to the north. I have carefully considered the amenity implications of the revised proposal on site (including in the knowledge of the removal of a substantial amount of tree cover as discussed further below).

In respect of the dwelling to the north of the site; September Cottage, the revised plans demonstrate that the first floor of the northern elevation would be solely served by rooflights. Given that these would be either bathroom or secondary window roof lights I do not consider that these would present a significant opportunity for overlooking.

Moving then to assess the potential impacts to the dwellings to the south of the site it is notable that the proposed footprint of the dwelling does not align with the closest dwellings (i.e. any outlook from the first floor dormer windows towards neighbouring properties would be at an oblique line of sight). The proposed dwelling would be approximately 11.5m from the southern boundary of the site giving a built form distance to the New Bungalow of only approximately 13.5m at its closest point. This distance falls significantly short of what would ordinarily be considered acceptable. However, I am mindful of the specific site circumstances which in my view should be afforded weight in this particular case. The New Bungalow (approved in 2013) is built close to the site boundaries with a fence erected just over a metre away from the windows. The window furthest east (and thus closest to the proposed dwelling) is obscurely glazed. The next easterly window is broadly in line with the side boundary of the application site with a direct outlook towards a detached garage at a neighbouring site. This garage then forms the outlook for the majority of the side elevation of the dwelling moving westwards. Having assessed the floor plans of the planning approval, it appears that, of the three windows on the northern elevation of the neighbouring dwelling, only one serves a bedroom (the others serving bathrooms which conforms to the obscure glazing witnessed on site). The bedroom is annotated as Bedroom 3 and is notably modest in size. I fully appreciate that the distance between the proposed dwelling and this bedroom window is tight (estimated to be a window to window distance of between 17 and 18m). There therefore may be an opportunity for overlooking from the dormer window towards this window. However, as is already identified, this would be at an oblique line of site and it is my view that the amenity of this bedroom is already severely compromised by the proximity to the site boundary and the existence of the neighbouring garage. On this basis I do not consider the potential amenity impact to be so severe as to warrant a refusal of the application in its own right. I do however consider that the relationship could be improved by additional landscaping at this point of the site which could be secured through condition.

In terms of the dwelling known as Crown Cottage, again only outlook from first floor windows would be at an oblique line of sight. As is demonstrated by the proposed block plan, at the point along the shared boundary closest to the neighbouring dwelling, the intention is to retain tree cover. Having assessed this cover in the winter months I am satisfied that this will provide an adequate degree of screening between the site and the neighbouring dwelling to a degree that neighbouring amenity would be protected.

The amenity provision for the proposed occupiers, once the dense shrubbery and indicated trees have been removed would be sufficient to serve the occupiers of the dwelling.

To conclude on matters of amenity, it is fully appreciated that the backland nature of the site gives rise to marginal amenity relationships which have been carefully considered (and indeed formed part of the rationale for seeking a revised scheme). On the basis of this thorough assessment, officers do not consider that the amenity relationships created by the proposed dwelling would be sufficiently harmful to warrant a resistance of the proposal. As is confirmed above, this would be subject to a landscaping condition which could specifically focus on additional screening in the south western corner of the site.

Impact on Trees

The application has been accompanied by a Tree Survey in acknowledgement of the current character of the site which features a densely planted garden with small and medium-sized trees and several larger border plantings of shrubs and conifers. The Survey includes trees along and

outside the boundaries of the site notably an Oak and a Maple Tree in the rear garden of September Cottage.

The majority of the trees within the centre of the site are classified as Category C. However, there are 4 specimens within the site which are classified as Category B. The proposal would necessitate the removal of three of these Category B trees (two apple and one Holly tree which would need to be removed to facilitate the site access). The tree survey commentates that these trees are at the lower end of Category B and have been considered as such in order to differentiate them as being better than the other trees on the site. The other Category B tree shown to be retained is a Hazel tree along the southern boundary.

It is clear that the proposal would result in a fundamental change to the character of the site which as existing is heavily populated by vegetation. Nevertheless I am conscious that the site is not within a Conservation Area nor are the trees protected by virtue of a Tree Preservation Order and thus at present the local planning authority have no control over their longevity. Having assessed the tree cover on site, in particular the 3 Category B trees marked for removal I would concur with the conclusions of the Tree Survey that the removal of these trees and the vast majority of other trees and shrubbery within the centre of the centre would not in itself amount to character harm which would justify a resistance of the application. With the exception of the Holly Tree at the site access, the tree cover within the site is relatively discrete from the public realm and therefore would not justify protection through other means. In terms of the Holly Tree, whilst this is an attractive specimen, its removal is necessary to facilitate the site access arrangements. It is my view that improving the site access (even without the additional dwelling proposed) would be more beneficial than the retention of this specimen.

Comments have been received from the Tree Officer commissioned on behalf of the LPA. Whilst not forming an objection to the proposal, the comments refer to a number of specimens that were originally questionably marked for retention. Specifically, T26 which is a C1 Apple tree which appeared to have half its crown spread within the footprint of the dwelling. Officers sought clarification as to whether this tree could reasonably be secured for retention and indeed it is now marked for removal through the revised scheme. The latest comments of the Tree Officer are noted in terms of requesting an investigation of a greater standoff distance between the proposed dwelling and the trees close to the northern boundary of the site but on the neighbouring plot. Officers have carefully considered whether or not it would be reasonable to suggest this amendment but on balance do not consider it desirable given that moving the dwelling further southwards within the plot would inevitably have a greater impact on neighbouring amenity to the south of the plot which, as discussed above, is already at the cusp of acceptability. In reaching this judgement, I am mindful that the site plan demonstrates that the tree canopies would be set away from the built form of the proposal and indeed separated by a small element of the landscaped garden.

Whilst the level of vegetative removal is an undesirable outcome of the proposal, I am conscious that the level of planting and the vegetated boundaries marked for retention would still be broadly commensurate with that expected for a residential curtilage and I do not consider that the quality of the existing vegetation warrants protection through other means. In addition, the aforementioned amenity discussion justifies the need for further landscaping through condition which presents the opportunity to mitigate the loss proposed.

Other Matters

Despite close proximity to land within Flood Zone 2, the proposed dwelling and its access is designated as Flood Zone 1 according to the Environment Agency maps. There is therefore not a requirement for the application to be accompanied by a Flood Risk Assessment or considered against the Sequential Test and the proposal would be appropriate in flood safety terms.

Overall Conclusion and Planning Balance

North Muskham is a rural village where additional residential development requires consideration against the criteria of SP3. As is identified through the above appraisal, there has been a Housing Needs Survey within the village which the LPA have previously accepted in terms of meeting the requirement for a local housing need. The proposed dwelling would assist in delivering the desire for a three bedroom market dwelling within the settlement.

The applicant has worked with officers to address original concerns through revised plans which have been subject to careful consideration both in respect to their character and amenity relationships and found to be acceptable on balance noting the revisions and concerns which remain outstanding from conservation colleagues. Whilst the nature of Crab Lane is noted, so too are the potential improvements which would be provided to the shared access. Moreover, without an objection to the development on highways safety grounds from NCC as the relevant Highways Authority, it is considered that it would be unreasonable to resist the application on this basis.

The proposal leads to the delivery of additional residential unit which would assist in meeting an identified need in a rural settlement. This has been afforded significant positive weight in the overall balance and no other harm has been identified which would outweigh this benefit. The proposal is therefore recommended for approval subject to the conditions outlined below.

RECOMMENDATION

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

Conditions

01

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

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans received 9 March 2018 reference:

- Proposed Site Development Layout – 1848 – 002 Rev. C
- Ground Floor Layout – 1848 – 003 Rev. C
- First Floor Layout – 1848 – 004 Rev. C
- Proposed Elevations 1848 – 005 Rev. C

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 material 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 shared private driveway shall be laid out to a width of not less than 4.2 metres and shall provide for vehicle parking and turning areas in accordance with approved drawings. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and to reduce the possibility of the proposed development leading to on-street parking problems.

05

No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 2m behind the highway boundary.

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 occupied until a vehicular verge crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

07

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. 1848 – 002 Rev C are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, vegetation, structures or erections exceeding 0.6 metres in height.

Reason: In the interests of highway safety.

08

No part of the development hereby permitted shall commence until further details of the car pull-in have been first submitted to and approved in writing by the LPA. Such details should include the extent of the pull-in, construction and maintenance responsibility. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: In the interests of highway safety.

09

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.

10

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. The scheme should also focus on additional plant screening in the south western corner of the site specifically stating planting heights of the proposed specimens.

- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction. This scheme shall include:
 - a. A plan showing details and positions of the ground protection areas.
 - b. Details and position of protection barriers.
 - c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
 - d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).
 - e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. Details of any scaffolding erection within the root protection areas
 - g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.
- proposed finished ground levels or contours;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;

- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

Reason: In the interests of visual and residential amenity and biodiversity.

11

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

- No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- No soakaways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: In the interests of biodiversity.

12

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 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 on site prior to first occupation.

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

13

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 B - additions etc. to the roof of a dwellinghouse
Class C - other alterations to the roof of a dwellinghouse

Reason: In the interests of visual and residential amenity.

Notes to Applicant

01

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

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

02

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

03

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

Background Papers

Application Case File

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

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

Matt Lamb

Business Manager – Growth & Regeneration

Committee Plan - 18/00015/FUL



Application No:	17/02337/FUL	
Proposal:	A new dwelling infilling a vacant site between existing properties. (Re-submission)	
Location:	Land at Church Lane, Maplebeck, Nottinghamshire	
Applicant:	Mr & Mrs Kieran and Jane O'Connell	
Registered:	03.01.2018	Target Date: 28.02.2018

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the previous application was refused by the Planning Committee and the officer recommendation for this current application differs from the determination of the previous application.

The Site

The application site is a large broadly rectangular plot of land approximately 0.59ha in extent to the north east of Church Lane but accessed from the end of Butt Lane at the northern boundary of the site. The site rises steeply in gradient from Church Lane with the south western boundary of the site forming a steep bank from the narrow lane. This boundary is heavily vegetated such that the site is largely screened from Church Lane. Butt Lane from which the site is accessed is a byway open to all traffic albeit it is narrow in nature serving three dwellings before terminating at the entrance to the site.

The site is bounded to the east and west by neighbouring residential curtilages typically occupying relatively large plots. Land to the north of the site is characterized as open countryside. In terms of geographic location, Maplebeck is surrounded by a number of other small villages such as Kersall, Winkburn and Caunton. Southwell is the nearest urban centre situated approximately 6km to the south west.

The site is within the designated Conservation Area which covers the majority of the village of Maplebeck. The Grade I listed Church of St Radegund is within the centre of the village to the south of the site. There are public footpaths in close proximity to the site. The site is within Flood Zone 1 according to the Environment Agency maps although a small portion of the site towards the south is shown as being at low risk of surface water flooding. There is also an area in the north eastern corner of the site which is considered to be at medium risk of surface water flooding.

Relevant Planning History

17/00694/FUL – Erection of 1 dwelling. Refused by Planning Committee in line with officer recommendation on 6 June 2017 on the grounds of lack of proven identified local need in an unsustainable location and scale and design. The full reasons for refusal are set out below:

01

Spatial Policy 1 (Settlement Hierarchy) of the adopted Newark and Sherwood Core Strategy Development Plan Document sets out the settlement hierarchy for the District. In respect of Maplebeck, this falls within the category of an "other village within Newark and Sherwood." This means that it does not form part of the Sub-Regional Centre, is not a Service Centre and is not a Principal Village. Spatial Policy 3 (Rural Areas) contains a number of criteria which need to be satisfied before the proposal could be considered to be in compliance. The applicant has not provided evidence to demonstrate that there is an identified proven local housing need, which is required by Spatial Policy 3. The Council is of the opinion that it has a demonstrable 5 year land supply against its Objectively Assessed Need (yet to be tested via full plan review) and that on this basis the issue of need as a material planning consideration should carry significant weight, particularly within a village such as Maplebeck which itself has limited local services.

The proposal represents an unsustainable pattern of development, contrary to Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy 2011 (Core Strategy) and the National Planning Policy Framework 2012 (NPPF). There are no material considerations that outweigh the harm; the Council is satisfied that it has 5 year housing land supply which identifies suitable locations for new dwellings across the district on more suitable and sustainable sites. Therefore the Council is not in an intensified position to allow dwellings in such unsustainable locations where there is a proven supply of adequate land in other locations throughout the District.

02

The scale of the proposed building is considered to be excessive in the context of the surrounding built form in this small rural hamlet. The cumulative impact of both the ridge height and footprint are considered to represent a substantial scheme for its location. The incorporation of design features such as a continuous band of solar panels and integral garaging on the front facing elevation are considered to be alien design features in this landscape and harmful to the character of the designated Conservation Area. The development is therefore contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Core Policy 14 of the Core Strategy, Policies DM5 and DM9 of the Allocations and Development Management DPD as well as the NPPF which forms a material planning consideration. There is no clear and convincing justification which has been presented to outweigh the identified heritage harm.

The Proposal

The proposal seeks full planning permission for the erection of a detached 4 bedroom single storey storey dwelling with basement level accommodation in an up-side down arrangement with bedrooms and bathroom located within the basement level and living accommodation within the ground floor level. The property has been designed to be finished with timber cladding with large glazed panels within the gable ends and front facing roof pitch. The maximum pitch height of the dwelling would vary between approximately 7m and 8m owing to the gradient within the site. The dwelling would have a depth of 7.1m and span a total of 20.5m in width.

The proposed dwelling would be set back into the site some 30m from the boundary with Church Lane and positioned 11m from the boundary with Rose Cottage to the north-west and 14m to the boundary with Church Cottage to the south-east.

The site is in an overgrown state presently and there a number of mature trees along the front of the site close to the boundary with Church Lane. No detailed information on the proposed landscaping of the site have been submitted within the application.

Vehicular access to the site would be via Butt Lane in the far north-western corner of the site, with a new private driveway proposed to run through the site and lead to the rear of the proposed dwelling.

The main changes to the proposed scheme from the previous application are a significant reduction in scale and ridge height of the proposed dwelling. This has been achieved through using the slope of the site and introducing basement level accommodation instead of the previously proposed two storey design, as well as a reduction in the amount of accommodation. The proposal is now for a 4 bedroom dwelling instead of the previous 5 bedroom and the overall width of the proposed dwelling has been reduced by 5m.

Public Advertisement Procedure

Occupiers of eleven 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 3: Rural Areas
Spatial Policy 7: Sustainable Transport
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 (adopted July 2013)

Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance, on-line facility
- Guidance Note of Spatial Policy 3, 2013
- Publication Amended Core Strategy

Consultations

Maplebeck Parish Council – Supports Application.

NCC Highways Authority – ‘This proposal is for the construction of a single dwelling served by a new vehicular access onto Butt Lane, which is public adopted highway and also a Byway Open to All Traffic. It is recommended that the Rights of Way Section, Environmental Management and Design Team, Via East Midlands be consulted for further advice.

There are no highway objections to this proposal subject to the following:

No part of the development hereby permitted shall be brought into use until a vehicular crossing is available for use and constructed in accordance with the Highway Authority’s specification.

Reason: In the interests of highway safety.

Note to applicant

The development makes it necessary to construct a vehicular crossing over a verge 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 NCC, tel: 0300 500 8080 to arrange for these works to be carried out.’

NSDC Conservation – ‘Legal and policy considerations

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

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).

Introduction

The village of Maplebeck is a Conservation Area which has benefitted from minimal intervention through insensitive modern development. As such it is a small, rural location which demonstrates a clearly legible historic pattern of linear growth along the main thoroughfare, running east to west through the village. The village is dominated by the imposing Grade I listed Church of St Radegund (list entry 1045596), which has Norman origins and was restored in 1898.

The application site is located on Church Lane, on the opposing side of the road from the church to the north, and the levels change dramatically as Church Lane rises above the Church, towards the end of the cul-de-sac, with the land to the north side of Church Lane set high above the street, behind retaining walls and dense tree and foliage planting.

Flanking either side of the application plot are two dwellings, which do not make a positive contribution to the character of the Conservation Area. To the west of the application site is a modern, late C20 dwelling which has been constructed in a palette of unsympathetic materials that are not suitable for their setting, although due to screening and distance, it only marginally impacts on the setting of the Church of St Radegund. To the east of the site is a Victorian house that has been largely extended and modified with a similar brickwork treatment, however the architectural form includes a streamlined, curved single storey 'art deco' style bay that is wholly incongruous with the character of the Conservation Area and the setting of the church.

The application site itself is heavily screened by tree planting and foliage and does not form a strong relationship with the Church of St. Radegund, or the neighbouring properties which are also contained within their own plots by planting.

Assessment of Proposals

Conservation objected to the original planning application for a dwelling in this location under 17/00694/FUL. The principle issues were considered to be:

- Solar panels and integral garages which would have been prominent features when viewed from the streetscene of the conservation area
- 5 large bedrooms with an excessive ridge height that would have impacted upon the character of the conservation area
- A building that would have been overly large in scale that could not have been sufficiently screened by the hedge planting at the front of the site along Church Lane

Conservation has scrutinised the plans for a revised scheme under 17/02337/FUL and no longer objects to the proposal. The necessary amendment to the original two storey dwelling has been achieved through the inclusion of a subterranean ground floor which has significantly reduced the ridge height of the newly proposed dwelling. It will no longer be unduly prominent when viewed from the streetscene of the conservation area.

Furthermore the removal of the solar panels across the front elevation will soften the impact of the new dwelling, which includes contemporary features such as the glazed gable ends. The building would be identifiable as a modern barn style structure and the alien features of solar panels and an integral garage make the building appropriate for its location. A visibility impact assessment included by the applicant demonstrates the minimal impact of the revised ridge height on Church Lane, which is additionally obscured by banked ground and trees.

It is noted that the overall palette of materials have not been specified in the application. If the case-officer is minded to recommend the application for approval, the following pre-commencement conditions would be required:

Details of windows & doors to be agreed

Details of the material, design, specification, method of opening, method of fixing and finish of all windows and doors in the form of drawings and sections to 1:20 and 1:1 scale shall be submitted to and approved in writing by the District Planning Authority unless otherwise agreed in writing before development commences. The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the character and appearance of the conservation area.

External materials to be agreed

Samples of all external materials to be used on the construction hereby permitted shall be submitted to and approved in writing before development commences. The development shall be carried out using only the agreed materials.

Reason: To safeguard the character and appearance of the conservation area'

Trent Valley Internal Drainage Board - The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

NSDC Strategic Housing -

'NPPF – States that LPA's should avoid isolated homes in the countryside unless there are special circumstances. Any proposal which has a maximum floor space of more than 1,000 square metres (gross internal area) attracts an affordable housing contribution.

N&S Core Strategy – Spatial Policy 3 – Rural Areas - Reflects the NPPF and 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.

Core Policy 2 – Rural Affordable Housing – 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. The applicant has not suggested that the site is an exception site.

AFFORDABLE HOUSING REQUIREMENTS

The application does not meet the Council's policy requirements to provide affordable housing on site (CP1). The site is not being promoted as an affordable housing application.

HOUSING NEED

The application site is located within the village of Maplebeck 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. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing.

A private client recently commissioned a Parish Housing Needs Survey (June 2017) to ascertain housing need to support a planning application for residential dwellings. This survey is available on the Council's Planning Portal as evidence for another planning application. The survey established a picture of housing need in the parishes of Maplebeck, Kersall and Winkburn and identified there was a preference for up to three market dwellings (1 x 2 bed house, 1 x 3 bed house and 1 x 4 bed house) across all three villages. There was no need for affordable housing. The survey identifies the preferences below:-

1 x 2 bed house	-	resides in Maplebeck
1 x 3 bed house	-	resides in Winkburn
1 x 4 bed house	-	no details provided

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. Maplebeck 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 four bedroom dwelling if the housing stock in Maplebeck has a good supply of this type of housing and they appear on the open market for sale.

Currently there are no properties for sale in or close to Maplebeck giving an indication of the popularity of the village.

The survey suggests that 60% of respondents felt there was a lack of adequate housing in the village. 66% of respondents said that they would be in favour of a small number of homes to meet the needs of local people. There is a requirement/preference for one, two and three bedroom bungalows for households wishing to downsize to smaller accommodation on one level. Respondents to the survey cited smaller properties as the type of housing needed in the village. I consider the survey to be robust and valid for an evidence base in a planning application but must point out that the proposed housing is for open market sale and will not necessarily meet the preferences of the people identified in the survey.'

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 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 dwelling is an important consideration and an obstacle free suitably surfaced firm level and smooth ‘traffic free’ accessible route is important to and into the dwelling from facilities such as car parking and from the site boundary. 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 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.’

Representations have been received from 6 local residents which can be summarised as follows:

- Concerns over highway safety and construction traffic damaging the end of Butt Lane and ‘The Hollows’
- The remaining comments received from local residents write in support of the application and include comments that the design of the proposed dwelling fits in well with the rural setting.

Comments of the Business Manager

Principle of Development

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 we 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 dwellings per annum (using 2013 as a base date), although this figure is yet to be tested through an Examination In Public (EIP). 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 defensible figure. Indeed more recent appeal decisions received have recently concluded that the Council does indeed have a 5 year supply against its OAN. Therefore 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.

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraphs 54 - 55 state that in rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

The Settlement Hierarchy within the Core Strategy outlines the intended delivery for sustainable development within the District. Primarily the intention is for further growth to focus of the sub-regional centre of Newark before cascading to larger Service Centres such as Ollerton and Southwell and then subsequently to the larger villages of the District referred to as Principal Villages. At the bottom of the hierarchy Spatial Policy 1 confirms that within the rest of the District, including the village of Maplebeck, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas).

I am mindful of the proposed changes to SP3 as part of the on-going plan review, some of which can now be afforded weight in the decision making process. The Amended Core Strategy and evidence base documents were submitted to the Secretary of State on 29th September 2017, with the examination undertaken last month. For the purposes of paragraph 216 of the NPPF (stage of preparation, extent of unresolved objection and degree of consistency with national policy), it is considered that those areas of the emerging SP3 content not identified in the Inspector's post-hearing notes, satisfy the tests to the extent that 1) it is at an advanced stage, with the Examination taken place in February 2018 with only the modifications to be finalised and consulted upon and 2) there are no unresolved objections to aspects of the policy relevant to this proposal. Accordingly for the purposes of this proposal, I consider that weight can be attached to the emerging policy in the overall planning balance.

Both the extant and emerging Core Strategy confirm that the District Council will support and promote local services and facilities in rural communities. Proposals for new development will be considered against five criteria of Policy SP3.

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, Service Centres or Principal Villages.' The proposed development site is located between existing residential curtilages to the north of Church Lane. The junction of Church Lane forms a nodal point in the village with the Church and associated grounds adjacent. The site represents a gap in the street scene fronting Church Lane and thus, although the Lane is a quiet rural track, it is considered that the site is within the main built up area of the village.

In terms of local services, Maplebeck has limited amenities although within the settlement there is a Church, public house and a village hall which has recently undergone refurbishment and is understood from the village website that there are a series of regular events operated from the village hall facility. Reference has also been made in the D&AS to a bus services which connect Maplebeck to wider settlement however I can find no reference online to the 31A service which it is claimed to connect Maplebeck to Southwell. The 330 service to Newark only operates once inbound and once outbound on Monday to Fridays and not at all on weekends or bank holidays. The service arrives into Newark at 12:10 and departs to return to Maplebeck at 14:05. I therefore consider that this service presents limited opportunity to meet sustainability needs.

The last application was considered in the light of the lack of a proven local need combined with the unsustainable location of Maplebeck for new housing development when considered against the currently adopted Policy SP3.

The emerging Policy SP3 within the Core Strategy Review, proposed changes to this policy as part of the plan review but which can be afforded only limited weight, as this element still has unresolved objections to it. The supporting text to the emerging policy states that 'within settlements which do not meet the locational criterion of this policy but are well related to villages that do, consideration will be given to the infilling of small gaps with 1 or 2 dwellings so long as this does not result in the joining of outlying areas into the village in question, or the coalescence with another village. Such development will need to comply with the scale, need, impact and character criteria of this policy.'

So the emerging policy does allow for more limited development within the main built up areas of villages that do not meet the locational criterion providing they are well-related to villages which do provide local services, which reflects the guidance within the NPPF. I consider the application site to be within the built-up area of the village and would result in the infilling of a small gap which would not result in the joining of outlying areas into the village. However, there are several small villages within a 3km radius of the site that will again only provide very limited local services, namely Winkburn and Kersall which contain Churches and Village Halls and Caunton which contains 2 public houses. These facilities are not local services that can be said to address day to day needs. As such, when assessed against the locational criterion of the policy, the proposal remains to fall short. However, in the consideration of this more recent application weight can now be given to the material identification of a proven local need, referenced in detail in the need section of this report. For this reason, the failure of the proposal on locational sustainability is outweighed by the need locally for a 4-bed market property, which is set out in detail in the need section of this report.

Scale and Impact of Development

The guidance note to accompany SP3 referred to above 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. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems.

Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD state that the Council will aim to steer new development away from areas at highest risk of flooding. The site lies within flood zone 1 and is therefore within an area at low risk of flooding. It is acknowledged above that part of the site is subject to a low / medium risk of

surface water flooding but this is primarily outside of where the building footprint is proposed. I therefore do not consider that the proposal is likely to result in an increased flood risk to the local area.

Impact on the Character of the Area (including heritage)

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 Policies DM5 and DM9, which confirm 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.

Given the location of the site within the conservation area, comments from the conservation officer have been sought and I concur with the expressed opinion in that the re-design of the proposed dwelling, including the reduced ridge height through the inclusion of a subterranean level and omission of the integral garage and solar panels would reduce the detrimental visual impact of the proposal significantly and would no longer result in harm to the character and appearance of the Conservation Area. I also agree that the simple barn form with a contemporary appearance of the proposed dwelling would be appropriate in this location. However, the recommended conditions relating to materials and joinery details are considered necessary in order to ensure a high quality and sympathetic overall finish.

Matters of landscaping have not been addressed with the application submission. As is described in the site appraisal above, the site as existing is heavily vegetated along the south western boundary fronting Church Lane contributing to the rural character of the site. If Members were minded to approve the application then it is strongly recommended that a condition be added to ensure details of proposed landscaping are submitted. The retention of this rural character through established tree cover is considered to be both desirable and reasonable in terms of the size of the site (i.e. there would be little compromise to the amenity of the proposed occupiers).

Overall, with the conditions attached to any grant of planning permission it is considered that the proposed development would preserve the character and appearance of the conservation area in accordance with the aims Policies CP14 and DM9 and consistent with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Housing Need

Any new housing within 'other villages' must meet an identified proven local need in order to be considered acceptable against Spatial Policy 3. Spatial Policy 3 Guidance Note 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.

A housing needs survey was commissioned in June 2017 covering 3 villages within the locality – Winkburn, Maplebeck and Kersall. Across the 3 villages the survey has identified a preference for up to three market dwellings (1 x 2 bed house, 1 x 3 bed house and 1 x 4 bed house).

Winkburn is an estate village and as such there are currently no dwellings for sale. There are also no known properties for sale within Maplebeck or Kersall.

As outlined by the Strategic Housing Officer, housing needs surveys usually refer to a need for affordable rather than market housing. The area covered by the survey conducted in June 2017 is considered to be a high value area where many people struggle to secure housing that is affordable. As such the proposal put forward may not necessarily meet the needs of those identified in the survey.

I have concerns with regards to the information obtained and the small number of responses received. I appreciate that residents have shown a preference for new market dwellings but these are personal preferences based on current sizes of their dwellings and I would concur with the Strategic Housing Officer that it is difficult to quantify up/down sizing as an identified need.

However, the Strategic Housing Officer considers the survey to be robust and as such the LPA must accept the survey as proof that there is a local need for 3no. dwellings across the 3 villages including 1 no. 4-bed dwelling. On this basis, I consider that the local need could be considered to outweigh the unsustainability issues relating to the site.

I am also mindful of the proposed changes to Policy SP3 as part of the plan review which given its recent examination can be afforded some weight (as set out in the principle of development section above). This states that new housing will be considered where it helps to support community facilities and local services. Supporting text to this revised policy states that this policy requires applicants to demonstrate the services it will support and the housing need within the area.

I consider the proposed dwelling likely to support community services and facilities within the village including the church, public house, village hall and the local bus services. I am therefore satisfied in this instance that the proposal would accord with the need element of the current policy SP3 in itself and also when attaching weight to the emerging Spatial Policy 3.

Impact on Residential Amenity

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

The proposed dwelling is orientated broadly east to west roughly in line with the building line established by Bryn Cottage and Rose Dene to the west. However, the immediately adjacent neighbours; Rose Cottage and Church Cottages, are set further southwards within their respective plots closer to Church Lane.

The re-design of the proposed dwelling has resulted in a reduced maximum ridge height although this varies due to significant changes in land levels which exist on the site and increased separation distance to the closest neighbouring properties. The site as existing is heavily overgrown and includes dense landscaping along the majority of the boundaries, nevertheless there are elements of the boundary treatments that are more sparse such that both of the immediately adjacent neighbours side gables are visible from within the site.

Dealing firstly with the neighbouring dwelling to the east; Church Cottage, there would be a separation distance of approximately 24m at the closest habitable point. I noted on site that the rear elevation of Church Cottages does not feature any first floor windows at its closest point which would be orientated towards the dwelling. Whilst there would undoubtedly be visibility of the proposed dwelling to the neighbour, I am confident that this would not amount to an overbearing impact to any principle windows. Equally the distance and aforementioned boundary treatment would restrict the ability for overlooking from the principle elevation of the proposed dwelling.

Moving then to assess the neighbouring dwelling to the west; Rose Cottage, the distance between would be much closer at approximately 13m. I have carefully assessed the likely impacts of the proposed dwelling in particular noting that Rose Cottage has a first floor window both on the gable end orientated towards the site and the rear elevation. There are no hard and fast rules to set distances which are considered to be acceptable in neighbouring amenity terms and indeed as with other matters, each application must be considered on its own merits. There are however guidelines which direct assessment. One of these guidelines is to apply a '45 degree test' to ascertain whether a development will have an overbearing impact. Having applied this test in plan form, the proposed dwelling would not breach 45 degrees from broadly the centre of the neighbouring window on the rear elevation. Given the positioning of the proposed dwelling, the outlook of the neighbouring window on the side gable would be forward of the proposed dwelling rather than at the stark built form.

I have further considered impacts such as loss of light and privacy. I am mindful that the proposed dwelling is sited to the north-east of the neighbouring plot and thus any impact on sunlight in the rear garden should be minimal and if anything limited to early hours of daylight. The windows on the north-west elevation although facing the neighbouring property are at a ground floor level. Any outlook from the rear windows would be at an oblique line of sight, at ground floor level and in any case towards the rear extremes of the neighbouring garden. Moreover, the overall dense boundaries around the site will greatly assist in protecting neighbouring privacy from these windows.

Again there is full appreciation that there will be a degree of visibility of the development from the neighbouring plots primarily due to the proposed scale but I do not consider that this would amount to a detrimental impact on neighbouring amenity which would warrant a resistance of the application in its own right.

The plot is of a substantial size to allow adequate provision of private amenity space for any proposed occupiers.

Impact on Highway Safety

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.

I note the comments of the Highway Authority listed in full above, and I am mindful that no highway objections are raised in relation to this proposal. While I am mindful of the narrow roads and lack of visibility or vehicles emerging from Butt Lane onto The Hollows, in considering the low vehicle speeds along these narrow roads it is considered that a refusal of planning permission on highway safety grounds could not be substantiated at appeal.

I note the comments in relation to the status of Butt Lane being an adopted highway and Byway open to all traffic, however this issue was not raised within the previous scheme for a single dwelling at the site and it is felt that it would be unreasonable to delay the application further in order to carry out further consultation. However an informative advising the applicant that the Byway must not be obstructed or damaged during construction and contact information for the relevant departments is considered appropriate to be attached to any grant of planning permission.

Planning Balance and Conclusion

The above appraisal has assessed each of the 5 criterion identified by Spatial Policy 3 of the Core Strategy.

It has been concluded that the site whilst lying within the main built up area of Maplebeck, the remote location of the village is such that the development would not be considered sustainable given the lack of local services and distance to larger settlements amenities and public transport. However, the fact that there is an identified proven local need for a 4 bedroom house in the area means that this need would outweigh concerns relating to locational sustainability.

However, a housing needs survey carried out across Maplebeck, Winkburn and Kersall is considered to quantify a reasonable need for the development put forward and therefore satisfies the 'need' criterion. Weight is also given to the emerging SP3 policy in relation to need and the general favourable view for development that would support existing services and facilities.

In terms of the proposal's impact and scale, the addition of a single dwelling is considered to be an appropriate scale for the village and unlikely to have a detrimental impact upon existing services provided for the village, nor a significant increase in vehicular traffic that would have a harmful impact upon the highway network or result in unacceptable drainage/flooding issues.

Furthermore, it is welcomed that revised design has reduced the scale and bulk of the dwelling considerably to better reflect the local character and the proposed scheme is considered to not result in any harmful impact upon the character and appearance of the conservation area. The proposal is therefore considered to comply with the 'character' criterion of Spatial Policy 3.

In addition to Spatial Policy 3, the development has also been assessed against other local and national policies in respect of residential amenity, impact on character including heritage assets and highway safety, all of which are considered to be unduly impacted, subject to reasonable conditions attached to the planning permission.

Taking the above in to account, it is concluded that whilst the proposal site is not considered sustainable in accordance with Spatial Policy 3, the proposal is considered to accord with the remaining criteria of this policy, including proving an identified need for housing, as well as other relevant local and national planning policy, which are considered on balance to outweigh the sustainability issues in this instance. It is therefore recommended that the application is approved, subject to appropriate conditions.

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 plan references:

- 02 Rev F Proposed site plan, location plan and street elevation.
- 03 Rev C Proposed Plans and Elevations
- Submitted Design and Access Statement

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 a vehicular crossing is available for use and constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

04

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

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

an implementation and phasing programme;

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

proposed finished ground levels or contours;

means of enclosure;

car parking layouts and materials.

Reason: In the interests of visual amenity and biodiversity.

05

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

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

06

Notwithstanding the details that have been submitted with the application, no development shall be commenced until details of the material, design, specification, method of opening, method of fixing and finish of all windows and doors in the form of drawings and sections to 1:20 and 1:1 scale have been submitted to and approved in writing by the District Planning Authority unless otherwise agreed in writing. The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the character and appearance of the conservation area.

07

Samples of all external materials to be used on the construction hereby permitted shall be submitted to and approved in writing before development commences. The development shall be carried out using only the agreed materials.

Reason: To safeguard the character and appearance of the conservation area.

08

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 of a dwellinghouse.

Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.

Or Schedule 2, Part 2:

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

Class B: Means of access.

Class C: The painting of the exterior of any building.

Or Schedule 2, Part 40 of the Order in respect of:

Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.

Class B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.

Class C: The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse.

Class D: The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse.

Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

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

Reason : To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location in terms of its impact on the character and appearance of the Conservation Area and impact upon the openness of the countryside.

Notes to Applicant

01

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

02

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential

annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

03

The development makes it necessary to construct a vehicular crossing over a verge 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 NCC, tel: 0300 500 8080 to arrange for these works to be carried out.'

04

Your attention is drawn to the comments of the Highway Authority which advises of the status of Butt Lane as a Byway open to all traffic. You are advised that Butt Lane should not be obstructed or damaged during construction works and to contact Notts County Council Rights of Way section should you have any queries regarding matters with the Byway.

Background Papers

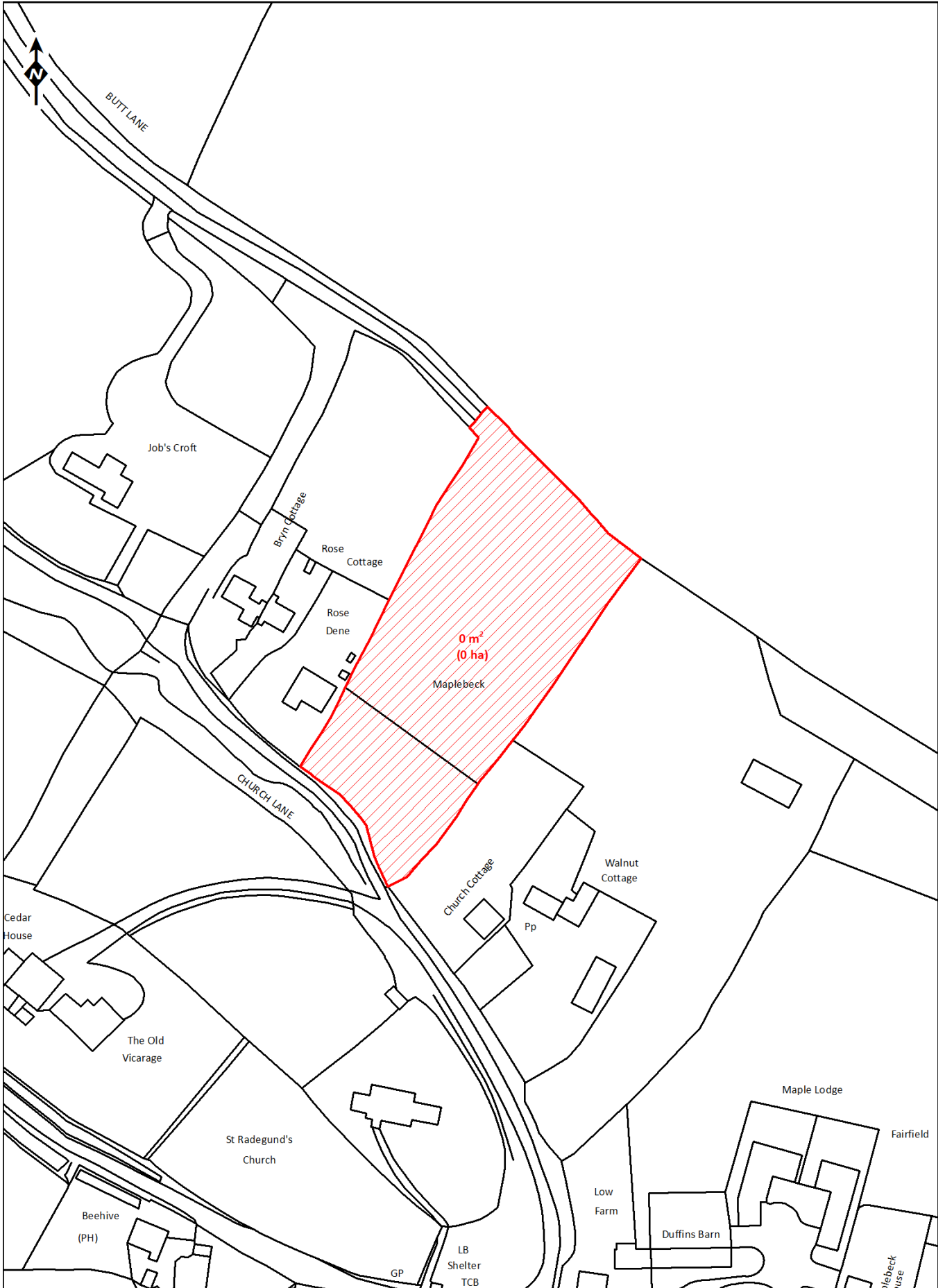
Application case file.

For further information, please contact Gareth Elliott on ext 5836.

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



Application No:	18/00436/FUL	
Proposal:	Change of use from A2 former Citizens Advice Bureau to B1 office accommodation	
Location:	Keepers Cottage, Great North Road, Newark, NG24 1BY	
Applicant:	Newark and Sherwood District Council – Mr D Best	
Registered:	02 March 2018	Target Date: 27 April 2018

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the building is owned by the District Council who is also the applicant.

The Site

The site comprises an attractive, unlisted, red brick, two storey building with a single storey modern lean-to extension on its southern (side) elevation. The building, known as Keepers Cottage, is set back from Great North Road, with hard surfacing to the front and side. To the rear of the building is a small grassed area. The site is bound from Riverside car park to the south by a dwarf red brick wall and green painted railings and from the railway line to the north by vegetation and fencing. The building is currently vacant but was last used as the Citizens Advice Bureau and prior to that was the Unique Coffee Bar which operated as a youth community centre.

The site is located within the Newark Conservation Area and outside of the defined Newark Town Centre. The site lies within Flood Zones 2 & 3 according to the Environment Agency Maps which means it is at medium and high risk of flooding and is within an area prone to surface water run-off.

Relevant Planning History

08/00194/FUL – Addition of window to (Unique Coffee Bar) provide natural light to education room. Approved 02/04/2008.

98/51154/FUL – Conversion and extension to form community building. Approved 28/04/1998.

01830601 – Change of use to offices. Approved 1983.

The Proposal

Full planning permission is sought for the change of use of the building to offices; from A2 Use Class (financial and professional services) to Use Class B1 offices.

No physical changes to the building (externally) or to the site are proposed.

The site would be occupied by a building services contractor and used as office accommodation only. The proposed hours of operation of the site are 0800 to 1700 Monday to Friday.

The application is accompanied by a Site Location Plan (unreferenced but received 28/02/2018), a Planning Statement and Flood Risk Assessment.

Departure/Public Advertisement Procedure

Occupiers of seven 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 giving an overall expiry date of 5 April 2018.

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 6 – Shaping our Employment Profile

Core Policy 8 – Retail Hierarchy

Core Policy 9 – Sustainable Design

Core Policy 10 – Climate Change

Core Policy 14 – Historic Environment

NAP1 – Newark Urban Area

Allocations & Development Management DPD (adopted July 2013)

Policy DM1 - Development with Settlement Central to Delivering the Spatial Strategy

Policy DM5 – Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM11 – Retail and Town Centre Uses

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Amended Publication Core Strategy

Consultations

Newark Town Council – Comments will follow the printing of the agenda.

NSDC, Conservation – ‘Keeper’s Cottage is located within Newark Conservation Area (CA). The property has architectural and historic interest which is considered to contribute positively to the character and appearance of Newark CA.

We provided pre-application advice and I can confirm that the submitted scheme reflects those discussions.

Legal and Policy Considerations

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. Section 66 of the Act requires the LPA to pay special regard to the desirability of preserving the setting of listed buildings. In this context, case-law has established that 'preservation' means 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).

Significance of Heritage Asset

Newark CA was originally designated in 1968 and focused on the Market Place. In 1974, the CA was extended to include Millgate, Parnhams Island and the traditional residential streets up to Victoria Street. The CA was then extended in four more stages: in 1979 when a more rational boundary to the central area was defined; in 1987 when the majority of Northgate either side of the Trent was included; and in 1992 and 1995 when the London Road suburbs and the Cemetery were added.

Keeper's Cottage is situated in the old cattle market, adjacent to the railway crossing. The old cattle market is now a car park. The embankment walling enclosing the car park and the causeway arches to the roadway are Grade II listed. The list entry advises: "Causeway arches and embankment walling with gates. 1770 with mid C19 alterations. Designed by John Smeaton. Red brick with ashlar dressings. Walling runs for 80metres along the south-west side of the Great North Road, with buttresses at regular intervals. To the south-east a 30 metre section of wall

slightly curved, with ashlar coping. Then a mid C19 gateway, inserted as an entrance to the cattle market, with square brick piers with blue brick and ashlar decoration, and a pair of iron gates. Beyond to the north-west 40 metres of walling with 9 segmental brick arches (2 not visible), stretching under the road to the north-east, with buttresses between. The corresponding north wall of this causeway and embankment walling was demolished when the road was widened in the C19. Part of a causeway carrying the Great North Road across the flood plain of the Trent.”

In 1839, the older cattle market was moved from Beastmarket Hill to the castle grounds, but then again in 1886 was moved across the river to the proposal site. Keeper’s Cottage was built at this time and can be seen as part of an extensive linear range (see historic map extracts attached). The building is red brick with tile roof, chimneys and stone dressings surrounds to sash windows. The sash windows facing the road appear to be historic, whereas the windows facing the car park are modern replicas and the north elevation contains modern joinery. There is a late 20th century linear rear extension and a glazed addition on the south side of the building. The public toilet building to the southwest forms part of the same grouping, and the car port columns appear to be salvaged from the older covered pens.

Importantly, the building forms part of an important group of historic buildings at the entrance to the CA, giving important first impressions of the town on approach to the Castle (Keeper’s Cottage forms part of a visual group with the embankment walling surrounding the car park (Grade II listed), the Midland Hotel, Castle Station (Grade II listed) and the Station Manager’s House (also Grade II).

Until recently, the building was used as a Citizens Advice Bureau, and prior to that a community building.

Assessment of Proposal

The proposal seeks approval for change of use to office.

Conservation welcomes the retention and re-use of this building. No external changes are proposed and therefore the change of use will cause no material harm to the character and appearance of the CA or setting of nearby listed buildings.

The external historic fabric and joinery (where it survives) is significant in terms of the positive contribution made by the building to the CA, and therefore any external changes needed as a result of renovations and/or Building Regulations should be properly considered. I have suggested an appropriate informative note below.

Summary of Opinion/Recommendation

The change of use is considered to cause no harm to the character and appearance of the Newark Conservation Area or setting of any other heritage assets. The proposal, if approved, will likely help keep the heritage asset in active use which is beneficial in this case. The proposal therefore accords with the objective of preservation required under sections 66 and 72 of the Planning (LB&CA) Act 1990. The proposal is also considered to comply with heritage advice contained within CP14 and DM9 of the Council’s LDF DPDs and section 12 of the NPPF.

If approved, the following informative note might be added:

This permission relates solely to the change of use of the premises and does not permit any building or other operations. The applicant is advised that any renovation works which result in external works that subsequently require approval under the Building Regulations must also be approved in writing by the District Planning Authority in order that any planning implications arising from those amendments may be properly considered.'

Cadent Gas Ltd – due to the proximity of operational gas apparatus with the application boundary site request that a note to applicant be imposed which is set out in full as requested as note to applicant no. 04.

No representations have been received from local residents/interested parties to date.

Comments of the Business Manager

Principle of Development

The site lies within Newark, the Sub Regional Centre as identified in the settlement hierarchy. Policy DM1 (Development within Settlements Central to Delivering the Spatial Strategy) of the ADMDPD supports development proposals, including employment, within, amongst other locations the Sub-Regional Centre subject to an assessment against other relevant development plan policies.

As the last use of the site was as the Citizens Advice Bureau, a community facility, the proposal warrants assessment against Spatial Policy 8 (Protecting & Promoting Leisure & Community Facilities) which seeks to protect against the loss of community and leisure facilities unless it can be clearly demonstrated that:

- Continued use as a community facility or service is no longer feasible having regard to appropriate marketing, the demand for the use of the site or premises, its useability and the identification of a potential future occupier; and
- That sufficient alternative provision has been made elsewhere which is equally accessible and of the same quality or better as the facility being lost; and
- There is sufficient provision of such facilities in the area.

This is broadly reflective of Paragraph 70 of the NPPF which states that decisions should “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs” albeit the emerging Policy in the Plan Review (which is at an advanced stage) seeks to further align with the NPPF. Emerging Spatial Policy 8 is similar in nature to that currently adopted, however where currently compliance is required with each individual element of the policy, the revised wording seeks to ensure that development will be considered acceptable where it demonstrates compliance with at least one element. This is in order to make the Policy compliant with the NPPF, which superseded the original SP8. I consider that significant weight can be attached to Emerging Policy SP8 in decision making given that there are no unresolved objections to this policy and given there has been an Examination in Public.

The CAB has relocated to Castle House approximately 150m to the north east following the opening of the new District Council offices in September 2017 such that there is sufficient alternative provision of such a service which is just as accessible (and benefits from being close to other linked services) and is of equal quality. It is also noted that the site is located within an

accessible and sustainable location, and would make an efficient use of a previously developed site. I am therefore content that the proposal complies with the second two elements of the policy and whilst the first element has not been demonstrated, I do not consider it to be fatal having regard to the emerging policy and the NPPF which carry significant weight in my view.

The existing A2 use (financial & professional services) tends to be offices visited by members of the public and whilst a B1 office use falls within a different use class, I do not consider that the proposed office use would be harmful and in my view would be preferable to many of the permitted fallback positions of reverting to an open retail (A1) restaurant/cafe (A3), assembly and leisure (D2) or residential (C3) use without the need for planning permission given its out of centre location from the retail town centre and potential impacts from these alternative uses. Overall I consider that the proposal accords with the relevant Development Plan policies in this regard.

Heritage Impacts

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, case-law has established that 'preservation' means 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.

As no physical alterations are proposed to the building, I do not consider there would be any harmful impacts to the character and appearance of the Conservation Area. I agree with the Conservation Officer that the building has architectural and historic interest which is considered to contribute positively to the character and appearance of Newark Conservation Area and should be regarded as a non-designated heritage asset and its retention is therefore welcomed. In any event the proposal accords with CP14 and DM9 of the Development Plan.

Amenity Impacts

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 NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

There are no buildings immediately adjacent to the site that would be impacted by this development. The proposed office use is not considered to result in any greater impact on amenity than that which existed from the previous use as a citizen's advice bureau and the office hours during the working week are acceptable. It is not considered necessary to control this by condition as longer hours would not be harmful given the site's location away from residential neighbours.

Highway Impacts

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of 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 of the DPD requires the provision of safe access to new development and appropriate parking provision.

There is an area of hardstanding that is available for parking to the front and side of the building accessed from an existing access from Great North Road. In any event there are public pay and display car parks located very close to the site. The site is also within proximity to public transport, such as Castle Gate train station, allowing for easy access to Newark and surrounding settlements. The proposal is therefore not considered to result in any highway safety concerns.

Flooding Impacts

The site lies within Flood Zones 2 and 3 according to the Environment Agency maps. The Sequential Test and Exception Tests as set out in the NPPF are not necessary for change of use applications. Both the existing and proposed uses are classes as 'less vulnerable' in flood risk terms according to the NPPF and its technical guidance. No external alterations are proposed to the building and therefore the development would not bring about any change in terms of flood risk and consequently the proposal is acceptable on these grounds.

Conclusion

The principle of the change of use as an office is acceptable and would not result in an unacceptable loss of a community facility, would preserve the character and appearance of the conservation area, would have no detrimental impact on neighbouring amenity, highway safety nor flood risk. Indeed the proposed use would bring a vacant building in Newark back into use which is the best way of sustaining the non-designated heritage asset. The proposal accords with the Development Plan and it is recommended for approval.

RECOMMENDATION

Given that the consultation period does not expire until 5 April 2018, after the Committee meeting, is it recommended that provided no additional consultation responses or representations are received that raise any new material matters not already considered within these two days, that 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.

Notes to Applicant

01

This permission relates solely to the change of use of the premises and does not permit any building or other operations. The applicant is advised that any renovation works which result in external works that subsequently require approval under the Building Regulations must also be approved in writing by the District Planning Authority in order that any planning implications arising from those amendments may be properly considered.

02

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

03

The 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.

04

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

Background Papers

Application Case File

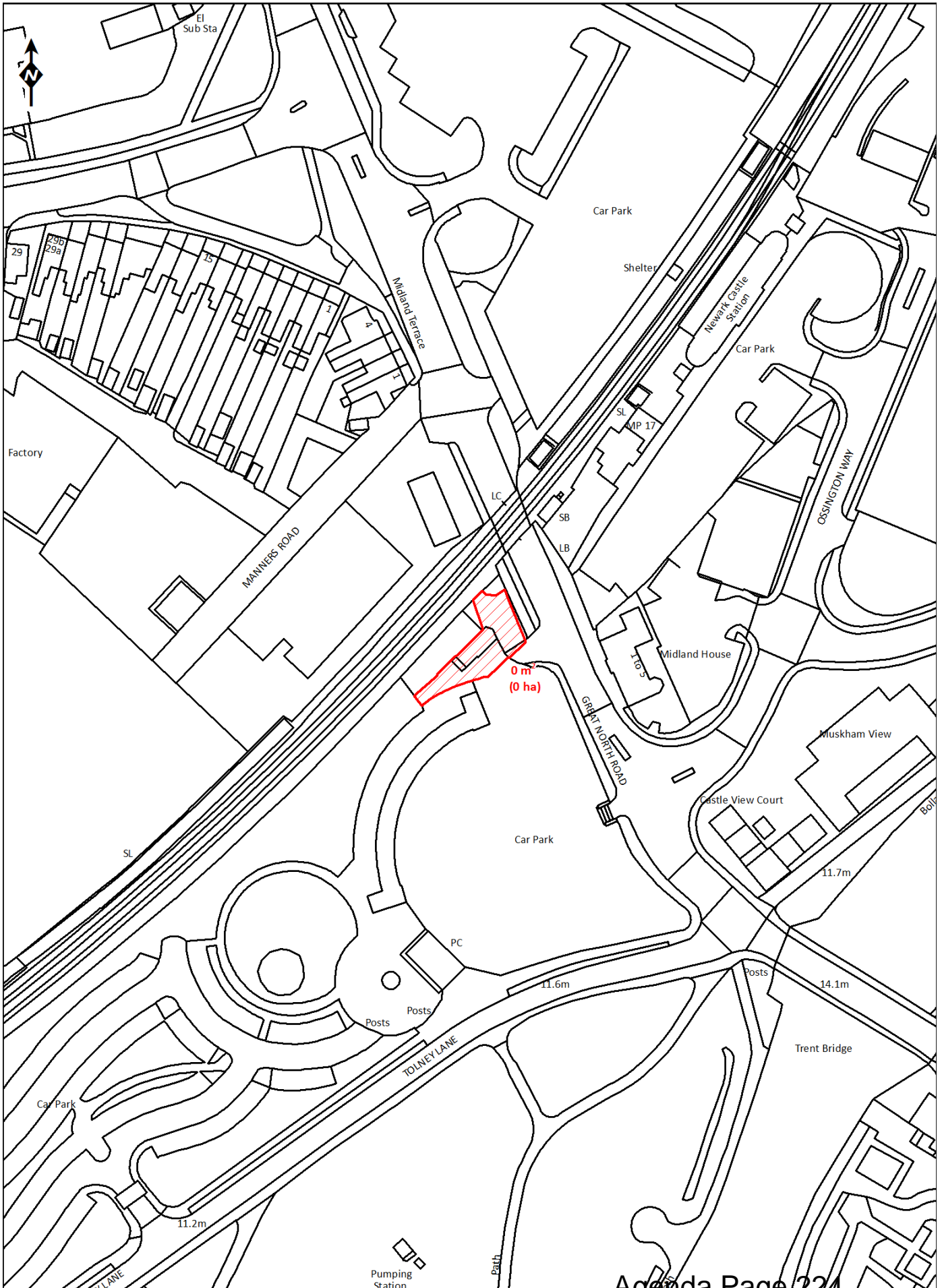
For further information, please contact Clare Walker on ext 5834.

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 & Regeneration

Committee Plan - 18/00436/FUL



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 11.05.2018

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.

Members will recall that the application was presented at the March 6th Planning Meeting. The resolution of Members was that the application be deferred to allow further negotiations on the affordable housing offer presented. The applicant has confirmed that they are willing to increase the proportion of affordable dwellings from 5% to 10%. Discussion on this is included in bold text in the relevant Developer Contributions section of the report below. The agent has also requested that attention is drawn to the applicant's position in terms of the support for the A614 and Mickledale Lane junction to be delivered early through the CIL 123 list (included as part of March late items report).

For the avoidance of doubt the report below remains otherwise unchanged (save for the changes to conditions referred to in March Late Items report).

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.

Additional comments received 21st March 2018:

Bilsthorpe Parish Council – Meeting 12th March 2018

At the Parish council meeting an update as to the outcome from the planning committee meeting was given and it is understood that the decision has been deferred to investigate the level of affordable housing.

It was agreed by the Parish Council that they do not feel that more than 5% is necessary for Bilsthorpe and would like to resubmit the below comments along with their wishes for this to also be taken into mind when deciding the amount of affordable housing required. There are houses in the village that are below the level of cost and if 10% is agreed there is concern that there will be less investment for other amenities within the village, for example the village hall is in a very poor state and is desperately in need of modernisation and repair.

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.

Additional comments dated 9th March 2018:

In relation to the attached version 4 of the travel plan for the above development, I can confirm that the travel plan is now acceptable.

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/landscapecharacterhtm>.

- 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 **£106 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 retail 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 Annexe 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 was 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.'

Members were presented with an affordable housing offer of 5% at the March Planning committee meeting. Following a resolution to defer the application for further discussions, the agent has confirmed that the applicant is willing to increase the proportion of affordable dwellings to 10% which would deliver 8 units on site (4 intermediate and 4 affordable rent units). It has been confirmed that the increase in affordable housing would reduce the developers profit margins from 18.86% on Gross Development Value (GDV) to 17.36% on GDV. The latest offer of 10% affordable housing delivery on site represents a compromised position but one that the applicant is willing to entertain in light of the discussions from the last committee meeting.

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 **10%** of the overall scheme amounting to **4** Intermediate units and **4** Affordable Rent units (i.e. a 50:50 split).

Members will note the changed position, however given that the affordable housing offer has increased, additional comment has not been sought from the Council's Independent Consultant. The following discussion in relation to the original 5% offer nevertheless remains of relevance. 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 is 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	10% 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 **10%** affordable housing (the original position was that no affordable housing would be provided). 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 **10%** 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 **10%** of affordable housing (amounting to **8** 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 accepted the previous offer of 5%. The recent increase to 10% affordable housing on site goes some way to reducing the deficit against the 30% policy requirement and thus can be afforded greater positive weight.**

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 27/02/2018 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 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.

22

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.

23

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

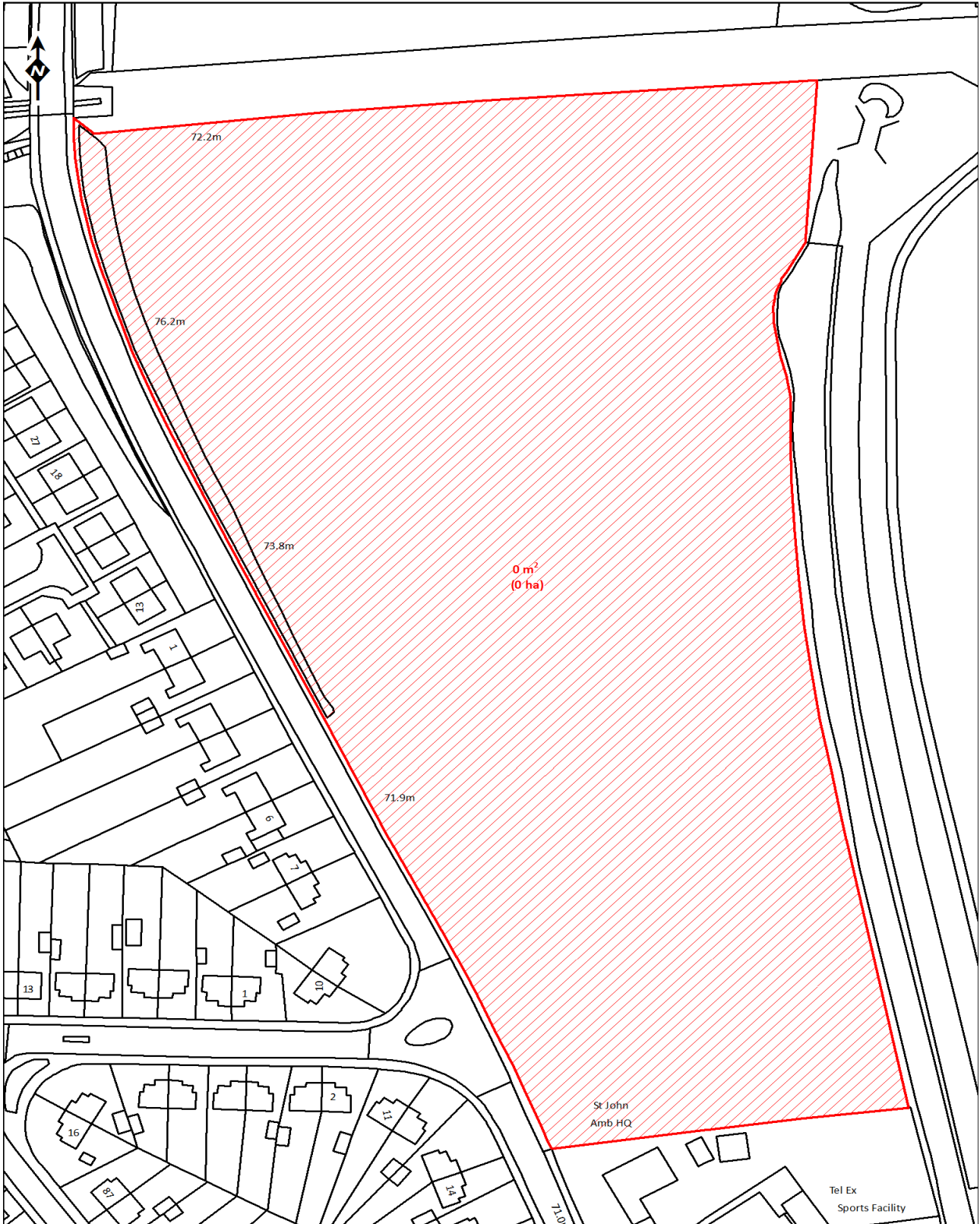
Application case file.

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



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APPENDIX 1

Developer Contributions 17/01139/OUTM – Eakring Road, Bilsthorpe

Contribution	SPD Requirement	Anticipated contribution	Monitoring Contribution
<i>Affordable housing</i>	30%	10% on site (4 Intermediate units and 4 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 | | |
|--|---|--|--|

APPENDIX 1

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|--|---|--|--|
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|--|---|--|--|

Application No:	18/00401/FUL	
Proposal:	Application to vary conditions 2 and 7 attached to planning permission 16/02172/FUL (for erection of two 2 bed dwellings) to amend the proposed layout and update the car parking layout and boundary treatments	
Location:	Land at Eastfield Close Clipstone Nottinghamshire	
Applicant:	Newark and Sherwood Homes	
Registered:	6th March 2018	Target Date: 1st May 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 development is being put forward as part of a five year building programme by Newark and Sherwood Homes (NASH) to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. Under the Council's constitution, schemes submitted specifically as part of this 5 year affordable housing programme need to be determined by the Planning Committee where the officer recommendation differs from that of the host Parish or Town Council.

Previously the officer recommendation differed from that of the Parish Council and the application was presented to Planning Committee on the 7th February 2018 for determination when Members resolved to grant planning permission.

The Site

Eastfield Close is a residential cul de sac located within the main built up area of Clipstone accessed from Central Drive. The application site comprises triangular area of circa 0.072 hectares of land currently used as a public parking area providing circa 13 off street spaces with pockets of grassed and soft landscaped areas to the front and rear.

The surrounding area consists of a mix of semi-detached and two and single storey dwellings. Immediately to the south west are a pair of semi-detached two storey dwellings set at an angle to the application site whilst to the south east towards the rear of the site are a pair of semi-detached bungalows. There are semi-detached bungalows directly opposite the site on the other side of Eastfield Close.

Relevant Planning History

16/02172/FUL – Planning permission was granted in February 2017 for the erection of a pair of two storey semi-detached 2 bed dwellings with off street parking to the side together with the provision of 9no. public parking spaces to replace those to be lost to facilitate the development.

The Proposal

Conditional planning permission was originally granted in February 2017 for the erection of 2 dwellings and the provision of replacement public parking spaces (16/02172/FUL)

Condition 2 of this original permission relates to approved drawings and states that:-

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

*Proposed Site Layout Plan - drawing no. **40860/ID132/003A***

Proposed Plan and Elevations - drawing no. 40860/ID132/004

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

Condition 7 of this permission again refers to the approved layout drawing. This states :-

*No part of the development hereby permitted shall be brought into use until the replacement public parking areas are provided in accordance with the approved plan (**rg+p drawing ref: 40860/D132/003A.**) The parking areas shall not be used for any purpose other than parking, loading and unloading of vehicles.*

This Section 73 application seeks to vary these conditions to take account of the proposed revised site layout drawing (drg ref. 40860/AD132/008A) which re-sites the dwellings further back into the site and relocates the proposed parking areas to serve the dwellings from the side of the properties to the front and the shows revisions to the siting of the 9 no. replacement public parking spaces and consequential revised landscape plan (drg. ref:- Landscape Specification Plan MR17-062-109A) together with proposed plan and elevations (drg ref. 40860/ID132/009A, proposed drainage drg ref. 100 P03, Site setting out and external works drg ref. 41019/ID132/001C, soft landscape specification drg. Ref. . MR17-062/109, site plan drg ref. 001 revision P02, House Type D (notwithstanding window detail) - drawing no. 010 revision P03 and Material Elevations Plans - drawing no. 40860/ID132/006B.

The applicant has advised that the revised layout is to avoid the relocation of the internet provider's telecoms box that fell in front of two replacement parking spaces which would not be feasible to be moved.

There would also be a revision to the side elevation of plot 1 by virtue of the removal of a ground floor window to the side elevation (as shown on revised drg ref. 4080/ID32/009).

The revised/additional plans deposited with the application also indicate drainage, landscape and boundary treatment details together with details of external materials. These details would address some of the pre commencement/use conditions (3, 4, 5, 6, 7 and 12) attached to the previous planning permission.

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 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 (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, on line resource

Consultations

Clipstone Parish Council – No comments received at the time of writing this report. Any comments received will be reported on the late items schedule.

NCC Highways Authority – This application is for the amendment of Conditions 2 and 7 of planning permission 16/02172/FUL, as a revised site layout plan is submitted and the development is now required to be constructed in accordance with plan 40860/ID132/008A.

The layout is acceptable to the Highway Authority, therefore, there are no objections to this application.

NSDC, Environmental Health Contaminated Land – No comments received.

At the time of writing this report 1 written representation has been received from local residents/interested parties which can be summarised as follows. Any further comments received will be reported to Planning Committee as a late item.

- There are existing on street parking issues and access for disabled residents to their properties;

- There are no disabled parking spaces shown to be proposed; and
- There is room in front of the local centre which could provide additional parking spaces.

Appraisal

Principle of Development

Section 73 of the Town and Country Planning 1990 Act provides that applications may be made for planning permission to remove or vary conditions applied to a previously approved planning permission. It is stated that local authorities may decide whether to grant permission subject to differing conditions, remove the conditions altogether or refuse to alter the conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear that in considering such an application a local planning authority may only consider the “question of the conditions” affected rather than considering the principle of the development again. However, in terms of decision making, a Section 73 application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

An application under Section 73 is therefore 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 development cannot be revisited as part of this application.

The principle of development has been established through the previous granting of planning permission (16/02172/FUL), it is only the amendments as outlined above in the proposals section of this report which are the subject of this application.

The application seeks to amend the layout, landscaping, boundary treatments and detailing of the previously approved dwellings. The amendments sought are outlined within the proposal section of this report.

Although the principle of the development has already been established in light of the nature of the proposed amendments the following planning considerations would need to be reassessed.

Impact on Character of the Area

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

The layout of the development has still been designed such that the proposed buildings remain to be set back from the highway, albeit some 6.6m rather than the circa 4.6m previously proposed. I

am mindful that the proposed revised layout will result in greater areas of hard surfacing to the street frontage given the re-siting of the buildings, the relocation of the parking spaces serving the approved dwellings and the re-siting of some of the public parking spaces again to the street frontages. In the previously approved scheme 11 trees were shown to be retained. The revised layout plan indicates the loss of a further tree to the corner of the site adjacent to no. 7 Eastfield Close. I remain of the opinion that the modest number of trees to be lost would not result in any significant detrimental impact upon the visual amenity of the streetscene or the proposed development. Additional plans showing the proposed construction method for the foundations have been deposited together with confirmation that the foundations will not unduly impact on the roots of trees to be retained. I therefore remain satisfied that the character and appearance of the area will not be unduly harmed by virtue of the retention of some of the existing mature trees and pockets of landscaping together with small pockets of additional landscaping.

Taking these factors into account I consider that, on balance, the revised layout and the revised landscaping scheme of the proposed development would not result in any greater impact upon the visual character or amenity of the immediate street-scene or the wider area than the previously approved scheme. The proposal therefore complies with Core Policy 9 and Policy DM5 in this regard.

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.

Taking account of the re-siting of the proposed dwellings further back into the site given their relationship with and separation distances from the adjacent dwellings and those on the opposite side of Eastfield Close together with the orientation of the plots and existing boundary treatments I remain satisfied that the proposal would not result in any undue overshadowing, overbearing or direct overlooking impacts to justify refusal on these grounds.

Notwithstanding this, revised elevations have been received which show the first floor side windows serving the bathrooms to be a slightly different design (they are now shown to be high level top hung rather than half and half frames). Condition 13 of the original permission requiring these to be obscure glazed and non-opening up to a minimum height of 1.7m will safeguard the amenity of the neighbouring properties.

Although the revised layout reduces the length of the rear gardens serving the proposed dwellings I am of the view that any future occupiers would still be afforded private amenity space within their rear gardens commensurate to the size of the dwellings.

Taking these considerations into account I remain satisfied that the proposed development would not result in any greater impact upon the residential amenity of existing neighbouring dwellings in terms of overlooking, overbearing impact or overshadowing than the previously approved scheme and would continue to provide an appropriate standard of amenity for future occupants of the properties. It is therefore considered that the proposal would accord with Policy DM5 of the DPD.

Impact on Highway Safety

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

I note the comments received in respect of the potential impact of the loss of existing off street parking and the problems already experienced in the area with on street parking.

The Highway Authority has raised no concerns with regards to this matter nor have any concerns been raised more generally with regards to the impact of the proposals on on-street parking or vehicle/pedestrian access in the area.

Furthermore parking on Eastfield Close is not restricted by any Traffic Regulation Order which allows on street parking and 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 the street. Notwithstanding this I am mindful that the proposal would result in the overall loss of four of the existing public parking spaces. However, given that 9 public spaces will remain to be provided I am of the view that this would not so significantly alter the existing situation to justify refusal of planning permission.

Furthermore the site layout plan deposited with the application indicates appropriate off street parking provision for the proposed dwellings.

Given that the Highway Authority raise no objections to the proposal I am satisfied that the proposed scheme would not result in highway issues to justify refusal on these grounds. The proposal is therefore considered to accord with Policy SP7 and DM5.

Conclusion

For the reasons outlined above it is therefore considered that the proposed variation of the conditions 2 and 7 is acceptable and that the application should be supported.

As noted above, Section 73 allows the Local Authority to modify conditions as deemed necessary upon the granting of a variation. In this instance additional details of landscaping, boundary treatments, drainage and elevations have been deposited as part of this application before Members which satisfy the pre commencement conditions attached to the original planning permission. Therefore wording to conditions 3 (materials), 4 (boundary treatments) 5 and 6 (landscaping) and 12 (glazing to first floor side windows) have been worded accordingly.

RECOMMENDATION

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

01

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

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

02

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

- Proposed Site Layout Plan – drawing no. 40860/ID132/008B received on the 14th March 2018
- Proposed Plan and Elevations – drawing no. 40860/ID132/009A deposited on the 14th March 2018
- Proposed Drainage – drawing no. 100 P03
- Site Setting Out And External Works – drawing no. 41019/ID132/001C received 18th March 2018
- Soft Landscape Specification – drawing no. MR17-062/109A
- Site Plan - drawing no. 001 revision P02 received 13th March 2018
- House Type D (notwithstanding window detail) - drawing no. 010 revision PO3 received 13th March 2018
- Material Elevations Plans - drawing no. 40860/ID132/006B received 14th March 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

The development hereby approved shall be carried out in complete accordance with the details of external materials shown on drawing no. 40860/ID132/006B (Material Elevations) unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

The development hereby approved shall be carried out in complete accordance with the details of the boundary treatments as shown on drawing no. 41019/ID132/001C (Site Setting Out And External Works). 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 approved shall be carried out in complete accordance with the soft and hard landscaping details indicated on the following drawings:-

Site Setting Out And External Works – drawing no. 41019/ID132/001C; and

Soft Landscape Specification – drawing no. MR17-062/109A

Reason: In the interests of visual amenity and biodiversity.

06

All hard and soft landscape works hereby approved shall be carried out in accordance with the drawings approved under condition 5 of his permission 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

No part of the development hereby permitted shall be brought into use until the replacement public parking areas are provided in accordance with the approved plan (rg+p drawing ref: 40860/ID132/008B.) The parking areas shall not be used for any purpose other than parking, loading and unloading of vehicles.

Reason: In the interests of highway safety.

08

No part of the development hereby permitted shall be brought into use until the individual access driveways are constructed with provision to prevent the unregulated discharge of surface water from the driveway, parking, and turning areas 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: In the interests of highway safety.

09

No part of the development hereby permitted shall be brought into use until each replacement public parking spaces are constructed with provision to prevent the unregulated discharge of surface water from the driveway, parking, and turning areas 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: In the interests of highway safety.

10

No part of the development hereby permitted shall be brought into use until dropped vehicular footway crossings are made available for use at each individual driveway and each of replacement public parking areas are constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

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

Or Schedule 2, Part 2:

Class A - gates, fences, walls etc

Reason: In the interests of visual and residential amenity.

12

The first floor window opening on the side elevations of the properties shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be top opening (the opening being a minimum height of 1.7m above the internal floor level of the room in which it is installed) as shown on drawing no. 40860/ID132/009A (Proposed Plan and Elevations) hereby approved. 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.

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

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

03

The development makes it necessary to construct vehicular crossings 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 NCC tel: 0300 500 8080 to arrange for these works to be carried out.

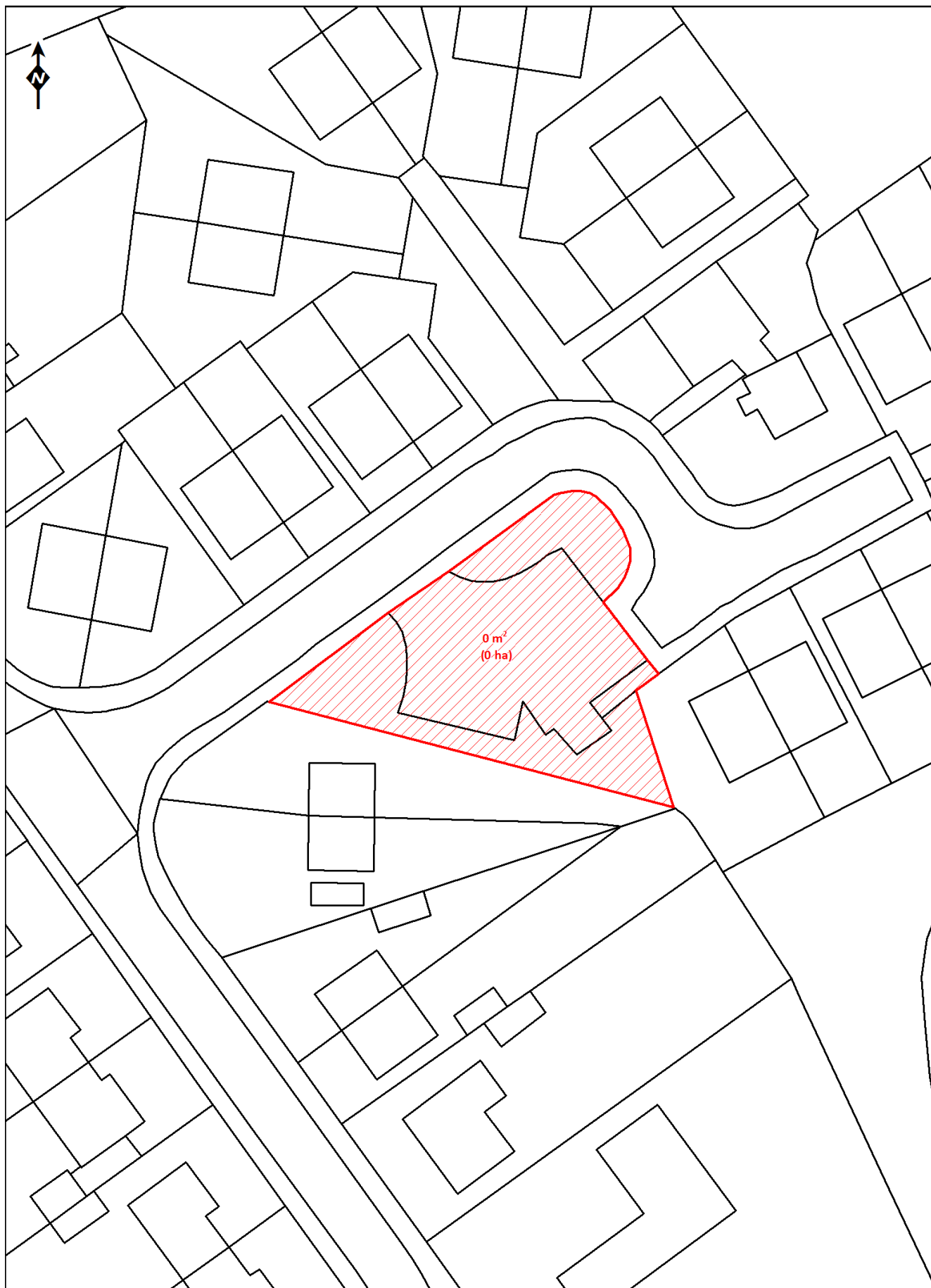
BACKGROUND PAPERS

Application case file.

For further information, please contact Bev Pearson on ext. 5840.

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



APPEALS A

APPEALS LODGED (received between 19th February 2018 – 20th March 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

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/17/3184203	16/01638/FUL	Rear Of Chapel Farm Newark Road Wellow Nottinghamshire NG22 0EJ	Erection of buildings and change of use of existing buildings to form holiday let accommodation	Written Representation
APP/B3030/W/17/3191102	17/01740/FUL	The Old Library High Street Edwinstowe Nottinghamshire	Application for retrospective permission for front elevation adaption	Written Representation
APP/B3030/C/17/3191626	17/00326/ENF	The Old Library High Street Edwinstowe Nottinghamshire	Appeal against	Written Representation
APP/B3030/C/17/3191826	17/00406/ENF	2 Adams Row Southwell Nottinghamshire NG25 0FF	Appeal against	Written Representation
APP/B3030/X/17/3192487	17/01020/LDC	Hilltop House Balderton Lane Coddington Newark On Trent Nottinghamshire NG24 2QE	Lawful Development Certificate for proposed development of additional stores and stables	Written Representation
APP/B3030/W/18/3194467	17/01151/FUL	The Old Vicarage Holme Lane Langford Newark On Trent Nottinghamshire NG23 7RT	Change of use and extension of dwelling (including demolition of existing outbuilding) to form C2 residential care home	Written Representation
APP/B3030/W/18/3194923	17/00643/FUL	Land Off Main Street Balderton Nottinghamshire	Proposed 6 No. New residential units	Written Representation

APPENDIX B: APPEALS DETERMINED (19 February – 20 March)

App No.	Address	Proposal	Decision	Decision date
17/01265/OUT	Land Rear Of 5 Sibcy Lane Balderton Newark On Trent Nottinghamshire NG24 3LR	Erection of detached bungalow	DISMISS	14.03.2018
17/01285/FUL	1 Cross Street Bilsthorpe NG22 8QY	Householder Application for Side Elevation Extension at First Floor Level Over Existing Ground Floor	ALLOW	05.03.2018

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