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**Monday, 30 July 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 P Duncan  
Councillor J Lee**

**Councillor Mrs P Rainbow  
Councillor F Taylor  
Councillor Mrs L Tift  
Councillor I Walker  
Councillor B Wells  
Councillor Mrs Y Woodhead**

**MEETING: Planning Committee**

**DATE: Tuesday, 7 August 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](mailto:catharine.saxton@newark-sherwooddc.gov.uk).**



## AGENDA

	<u>Page Nos.</u>
1. Apologies for Absence	
2. Declarations of Interest by Members and Officers	
3. Declaration of any Intentions to Record the Meeting	
4. Minutes of the Previous Meeting	5 - 12
<b>Part 1 - Items for Decision</b>	
5. Land at Cinder Lane, Ollerton, Nottinghamshire (16/01102/OUTM) (MAJOR)	13 - 62
Site Visit: 9.30am – 9.40am	
6. Former Garage Site, Thorpe Close, Coddington, Nottinghamshire (18/00413/FUL)	63 - 83
7. 42 Lower Kirklington Road, Southwell (18/00394/FUL)	84 - 101
Site Visit: 10.30am – 10.40am	
8. Land at Main Street, North Muskham (18/00597/FULM)	102 - 141
Site Visit: 10.00am – 10.10am	
9. Land Adjacent To The Manor House, Main Street, Hoveringham (18/00373/FUL)	142 - 168
10. 22 Halloughton Road, Southwell (18/00785/FUL)	169 - 187
11. Land Off Westgate Southwell (18/00832/FUL)	188 - 204
12. 7 Allenby Road, Southwell (18/01006/FUL)	205 - 214
13. Burton Joyce Car Centre, Old Main Road, Bulcote (17/01729/FULM)	215 - 269
Site Visit: 10.55am – 11.05am	
14. 3 Milner Street, Newark On Trent (18/01112/FUL)	270 - 278
15. Land Adjacent To 31 Darricott Close, Rainworth (18/00572/FUL)	279 - 287
16. Former Garage Site Woodlands Winthorpe (18/00630/FUL)	288 - 300
Site Visit: 11.35am – 11.45am	
17. Active4today Ltd Newark Sports And Fitness Centre, Bowbridge Road, Newark (18/01097/FUL)	301 - 310
<b>Part 2 - Items for Information</b>	
18. Appeals Lodged	311 - 312

19. Appeals Determined 313 - 326

**Part 3 - Statistical and Performance Review Items**

20. Quarterly Enforcement Activity Update Report 327 - 344

**Part 4 - Exempt and Confidential Items**

There are none.

21. Exclusion of the Press and Public

There are 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, 24 July 2018 at 3.00 pm.

PRESENT: Councillor D Payne (Chairman)

Councillor Mrs K Arnold, Councillor R Blaney, Councillor Mrs C Brooks, Councillor B Crowe, Councillor P Duncan, Councillor J Lee, Councillor F Taylor, Councillor Mrs L Tift, Councillor I Walker, Councillor B Wells and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor P Handley (Vice-Chairman), Councillor Mrs M Dobson and Councillor Mrs P Rainbow

### 43 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor P Duncan declared a Personal Interest in Agenda Item No. 5 – Site of Robin Hood Hotel, 1-3 Lombard Street, Newark (18/01020/FULM) as he is the Chairman of the Nottingham Building Preservation Trust.

### 44 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

### 45 MINUTES OF THE PREVIOUS MEETING

The Committee considered the minutes of the meeting held on 3 July 2018.

AGREED that the minutes of the meeting held on 3 July 2018 be approved as a correct record and signed by the Chairman.

### 46 SITE OF ROBIN HOOD HOTEL, 1-3 LOMBARD STREET, NEWARK (18/01020/FULM (MAJOR) AND (18/01021/LBC)

The Committee considered the report of the Business Manager – Growth & Regeneration, which sought to re-develop the site of the Robin Hood into a mixed use scheme of commercial development and a 66 bed hotel. Unlike the previously withdrawn schemes, the current applications sought to retain the façade and some additional walls of the Robin Hood buildings in the development. The design of the current proposal had evolved following pre-application discussions with interested parties including Historic England and Travelodge as the end occupier of the hotel.

As clarified by the submitted Design and Access Statement, the scheme proposed commercial development at ground floor. This took the form of commercial units, a hotel entrance and supporting ancillary hotel spaces. The intermediate, first and second floors provided hotel accommodation and supporting ancillary hotel/commercial spaces. The ground and intermediate floors would contain three commercial units.

The proposed use of these units would be flexible to allow shop (Class A1); financial and professional services (Class A2); café/restaurant (Class A3); and leisure (Class D2) uses. The first and second floors provided a total of 66 beds of hotel accommodation, linen areas and stores.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from a neighbouring party and Historic England.

The Business Manager Growth & Regeneration informed the Committee that Officers had agreed that the revised comments received from the Historic England as detailed in the Schedule of Communication and the revised wording to Condition 3 was appropriate and therefore should be amended to read as follows:

“Prior to commencement of development an updated ‘Historic Fabric to be retained’ plan and associated schedule of works, including structural engineering drawings and method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Historic England. The updated ‘Historic Fabric to be retained’ plan shall retain at least the areas shown as ‘Historic Fabric to be retained’ in plan ref. J1565 (08) 113 Rev. B. The details shall include:

- the areas of masonry to be demolished;
- a method statement for ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction;
- the arrangements for temporary secure storage of salvage materials; the person or body specialising in this procedure appointed by the applicant; and a timetable for their reinstatement, re-use or disposal; and a detailed methodology for the repair and renovation of the building fabric to be retained. Particular regard should be given to the following item(s): chimney-pieces; cast guttering and hopper-heads; windows containing historic window glass; historic timber beams, joists and rafters. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority. Where appropriate, sound materials/features/fixtures forming part of the building shall be carefully taken down, protected and securely stored for later re-use. During the works, if hidden historic features are revealed they should be retained in-situ unless otherwise agreed in writing with the District Planning Authority. Works shall otherwise be halted in the relevant area of the building and the Local Planning Authority should be notified immediately. The agreed measures shall be carried out in full.

Reason: To ensure that the maximum level of historic fabric to the Listed Buildings is retained as envisaged through the application submission and to ensure that those areas shown as ‘Historic Fabric to be retained’ in plan ref. J1565 (08) 113 Rev. B are retained in any event.”

It was also recommended that recommendation 3 be revised as detailed within the Schedule of Communication.

The Chairman informed the Committee that the application was before them due to

the objection from the Society of Outstanding Buildings and the application would have to be referred to the National Planning Casework Unit for them to decide if the application should be called in for determination by the Secretary of State.

Members considered the application and a Member commented that the Council needed to be clear that paragraphs 132 and 134 of the National Planning Policy Framework (NPPF) had been applied to determine whether there was substantial harm. It was also confirmed that Historic England had withdrawn their objection, but the Society for the Protection of Ancient Buildings (SPAB) had not. Members felt that as the Robin Hood had been converted to a hotel 50 years ago a return to a hotel was welcomed as there was a shortage of them within the town centre. The improvements to the adjacent car park was also discussed which would offer twenty-four hour parking and would help the night time economy. It was commented that Newark's listed buildings provided added value to the town. The proposed application was a vital gateway to the town and would enhance the street scene.

AGREED (unanimously) that subject to conformity with the newly revised National Planning Policy Framework (NPPF), to be assessed by way of compliance statement published by the Business Manager, Growth and Regeneration:

- (a) both full planning permission and listed building consent be approved subject to the conditions and reasons contained within the report, with the change to Condition 3 as contained above and in the schedule of communication;
- (b) the applications be referred to the National Planning Casework Unit for them to decide if the application should be called in for determination by the Secretary of State; and
- (C) approval of the applications are subject to a signed Section 106 agreement to ensure that:
  - both 18/01021/LBC and 18/01020/FULM are linked such that no development granted by the consents shall commence until a contract for the construction of the development approved by the permission has firstly been submitted to and approved in writing by the local planning authority; and
  - to secure the overnight parking arrangements with the adjacent NCP car park.

47 LAND NORTH AND EAST OF EXISTING FERNWOOD DEVELOPMENT, FERNWOOD, NEWARK (18/00526/RMAM)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought reserved matters for the entire site and details 1,050 dwellings, public open space, sports provision, allotments and associated infrastructure. The reserved matter included the appearance, layout, landscaping and scale of all matters. This was all of the matters reserved at outline stage.

The Committee was informed that this was the largest detailed application to date that the Authority had received.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the following: Fernwood Parish Council; the Applicant and the Planning Case Officer. The Business Manager Growth & Regeneration informed the Committee that the outstanding objection from Cadent Gas had been lifted following the printing of the Late Items Schedule.

Councillor Mrs M Weale, representing Fernwood Parish Council spoke against the application in accordance with the views of Fernwood Parish Council, although it was commented that they were not against development.

The Business Manager Growth & Regeneration informed the Committee that the management of the site, which would be controlled through a Section 106 agreement, was not a matter for debate for this application. Condition 12 was also requested to be deleted as lighting was not required. Additional conditions were requested regarding street furniture, hard landscaping and those necessary to resolve issues associated with a Highway Safety Audit undertaken by the applicant to the request of NCC Highways Authority.

Members considered that the car parking provision on site was acceptable and that the sports facilities could potentially be passed over to the Parish Council to be managed. A Member commented that the Community and Activity village was in close proximity to the development, which was run by the YMCA. It was suggested that Fernwood Parish Council could contact them regarding sports development.

AGREED (with 11 votes For and 1 vote Against) that Reserved Matters be approved subject to the conditions and reasons contained within the report, with the removal of condition 12 and the imposition of additional conditions to control the provision of street furniture and hard landscaping for all public areas and subject to either (a) NCC Highways confirming they are satisfied with the Highway Safety Audit or (b) that the affected plots are deleted from the approval. Subject to conformity with the newly revised National Planning Policy Framework (NPPF), to be assessed by way of compliance statement published by the Business Manager, Growth and Regeneration.

48 LAND AT FERNWOOD SOUTH, NOTTINGHAMSHIRE (16/00506/OUTM)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought outline planning for a phased residential development of up to 1,800 dwellings; a mixed use Local Centre of up to 0.75ha to include up to 535sqm of A1 food retail (not exceeding 420sqm) and non-food retail (not exceeding 115sqm), A3 food and drink uses (not exceeding 115sqm), D1 community uses (not exceeding 1,413sqm); sports pavilion up to 252sqm; primary school (2.2ha) with school expansion land (0.8ha); formal and informal open space including sports

pitches, pocket parks, structural landscaping/greenspace and drainage infrastructure; principal means of access, internal roads and associated works. All other matters to be reserved.

Members considered that the application was acceptable.

AGREED (unanimously) that: Outline planning permission be approved subject to the completion of an associated Section 106 agreement; and the finalisation of conditions in substantive accordance with those Appended through Appendix 4 as contained within the report and subject to conformity with the newly revised National Planning Policy Framework (NPPF), to be assessed by way of compliance statement published by the Business Manager, Growth and Regeneration.

49 NEWARK WORKING MEN'S CLUB, 13 BEACON HILL ROAD, NEWARK (18/00125/FULM)  
(MAJOR)

The Committee considered the report of the Business Manager Growth & Regeneration, which sought full planning permission for the conversion and change of use of the former working men's club to 8 residential apartments and the erection of 8 new build dwellings within its grounds; totalling 16 dwellings. Car parking for 19 vehicles was now proposed on-site having been amended from 16 in an attempt to address highway concerns. A pedestrian access route was also proposed via a passageway at the north-west corner of the site linking the site to Lindum Street to the north.

Following the last meeting of the Planning Committee where the Committee resolved to grant planning permission, which was contrary to Officer recommendation, comments from Nottinghamshire County Council (NCC) transportation team were received on 10 July 2018. NCC had been consulted in January 2018 and that represented their first comments. The Business Manager Growth & Regeneration had very clearly expressed that this was unacceptable, unfortunately such comments did need to be considered in an overall planning balance given that the planning permission had not to date been issued pending completion of the Section 106.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the applicants agent and NCC (Transport & Travel Services Response).

The applicant had requested confirmation that the facing bricks for the new build dwelling were the Weinberger Oast Russet. The applicant had been advised that should planning permission be granted by the Committee, that officers would recommend that this would be a good quality brick that would be acceptable. The suggested conditions were recommended to reflect this and were appended to the schedule of communication as Appendix A.

Members considered the application and felt that it was unacceptable for a public body to take six months to submit their comments and approved the application, contrary to Officer recommendation, subject to the additional condition contained within the schedule of communication.

AGREED (unanimously) that: contrary to Officer recommendation, planning permission be approved subject to the conditions contained in the report and the schedule of communication and subject to conformity with the newly revised National Planning Policy Framework (NPPF), to be assessed by way of compliance statement published by the Business Manager, Growth and Regeneration.

The Business Manager Growth & Regeneration informed the Committee that the revised National Planning Policy Framework (NPPF) had been published that afternoon and requested that delegated authority be granted to allow officers to review and prepare a compliance statement to confirm that the applications before Committee remained in accordance with the NPPF dated 24 July 2018. Only if the revised NPPF raises new material planning considerations would the application need to go back before the Committee.

50 APPEALS LODGED

There were none.

51 APPEALS DETERMINED

There were none.

52 EXCLUSION OF THE PRESS AND PUBLIC

That, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of part 1 of Schedule 12A of the Act.

53 RESIDENTIAL DEVELOPMENT AT EPPERSTONE MANOR, MAIN STREET, EPPERSTONE 05/01839/FULM, 07/00244/FULM AND 08/01841/FULM

The Committee considered the exempt report of the Business Manager – Growth & Regeneration in relation to Residential Development at Epperstone Manor, Main Street, Epperstone (05/01839/FULM, 07/00244/FULM and 08/01841/FULM).

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

Meeting closed at 5.05 pm.

Chairman

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

## COMMITTEE REPORT – 7 AUGUST 2018

<b>Application No:</b>	<b>16/01102/OUTM (MAJOR)</b>
<b>Proposal:</b>	<b>Outline application for residential development for 25 dwellings with primary access off Cinder Lane with all other matters reserved.</b>
<b>Location:</b>	<b>Land at Cinder Lane, Ollerton, Nottinghamshire</b>
<b>Applicant:</b>	<b>Ms Anne Staley</b>
<b>Registered:</b>	<b>26 June 2017 (was previously 19 July 2016) Target Date: 25 September 2017 (was originally 13 October 2016) Extension of Time Agreed until 30 September 2018</b>

This application is presented to the Planning Committee at the request of the Business Manager.

### Background

This application was originally due to be considered by the Planning Committee on 5<sup>th</sup> December 2017. However at the request of the applicant, it was withdrawn from the agenda until there was more certainty with regards the Council's 5 Year Housing Land Supply position. The applicant has now requested that the application is considered as it stands.

As this report has appeared on a printed agenda before, it has been reproduced in full with new text provided in bold and any text no longer relevant has been struck out in the interests of transparency and to allow Members to understand any changes in stance.

### The Site

The site comprises an area of approximately 0.95 hectares of land of relatively flat land outside of the main built up area of Ollerton. The application site has been amended to now include a strip of land that is currently within the curtilage of no. 1 Bottoms Row and currently comprises close boarded fencing to the front and side boundary and contains a telegraph pole covered in ivy and vegetation.

The site appears to have previously been part of a former poultry farm site (according to site history and historic maps) albeit there is little trace of this former use of the site, which visually reads as unmanaged agricultural land. The only structure I noted during my site visit was a small breeze block building which is partially covered with vegetation. Electricity apparatus (T pole) is located on the northern part of the site and crosses the site. A public footpath runs from Cinder Lane alongside the northern boundary (comprising metal fencing) to the west between the site and no. 14 Cinder Lane. A low hedgerow forms the western boundary.

Cinder Lane itself is a cul-de-sac that serves residential properties comprising pairs of semi-detached, detached and terrace properties, mainly two storey. The head of the cul-de-sac provides a turning area for the street. Cinder Lane is accessed from the south of Wellow Road. The site is surrounded by open countryside to the east, south and west.



The site lies within a SSSI Impact Zone.

### Relevant Planning History

To northern part (wedge adjacent to no. 14 Cinder Lane) the following history applies:

- 95/51318/OUT – bungalow with garage. Approved 14/02/1996. Not implemented.
- 99/51378/RMA – bungalow with garage. Approved. Not implemented.
- 03/00253/FUL – proposed bungalow with garage. Withdrawn 25/03/2003.

To southern part of the site and land adjacent, the following history applies:

- 96/51352/TEM – Retention of mobile home and septic tank. Approved 30/07/1996.
- 97/51521/TEM – Retention of mobile home and septic tank. Refused 25/07/1997.
- 97/51522/TEM – as above. Refused 17/09/1997.

### The Proposal

Outline permission is sought for residential development for up to 25 dwellings with primary access off Cinder Lane with all other matters reserved.

In support of the application the following has been submitted;

- Masterplan (drawing no. 15/1339/001)-indicative only showing how 25 dwellings might be accommodated on site;
- (Indicative) Plans for house types A to E (1, 3 and 4 bedroom dwellings)
- Design and Access Statement (includes some info on drainage and flood risk)
- Planning Statement (dated February 2016, Rev A by JDA)
- Preliminary Ecological Appraisal (dated February 2016 by Brindle & Green)
- Archaeological Statement
- Transport Statement

The application form suggests that there would be 15 x3 bedroom market houses, 6 x 4+ bedroom houses and 4 x 2 bedroom social rented houses. It is noted that the D&A Statement suggests a tenure split of 66% social rented and 34% intermediate housing.

Further information has now been provided comprising:

- Letter from ADC Infrastructure dated 7<sup>th</sup> March 2017 which includes drawing ADC1307/010 Rev A
- Draft Heads of Terms Rev A (revised 26<sup>th</sup> June 2017)
- Preliminary Ecological Appraisal, dated May 2017 by Brindle & Green
- Outline Great Crested Newt and Reptile Method Statement, dated May 2017 by Brindle & Green (received 14<sup>th</sup> June 2017 – this replaces older version dated January 2017)
- Amended Site Location Plan (showing the land that will provide the additional visibility splay) received 26<sup>th</sup> June 2017.
- Emails from the agent 1<sup>st</sup> September 2017 regarding the applicant's apparent track record of development.

## Departure/Public Advertisement Procedure

Occupiers of 39 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. Due to the amendments received including the revised application site boundary, a further full round of public consultation has taken place.

## 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 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

#### **Allocations & Development Management DPD**

ShAP1	'Sherwood Area and Sherwood Forest Regional Park'
ShAP 2	Role of Ollerton and Boughton
Policy DM1	Development within Settlements Central to Delivering the Spatial Strategy
Policy DM3	Developer Contributions
Policy DM4	Renewable and Low Carbon Energy Generation
Policy DM5	Design
Policy DM7	Biodiversity and Green Infrastructure
Policy DM8	Development in the Open Countryside
Policy DM10	Pollution and Hazardous Materials
Policy DM12	Presumption in Favour of Sustainable Development

### Other Material Planning Considerations

~~National Planning Policy Framework 2012~~

~~Planning Practice Guidance 2014~~

**National Planning Policy Framework July 2018**

**Planning Practice Guidance 2018**

Newark and Sherwood Affordable Housing SPD (June 2013)

Newark and Sherwood Developer Contributions SPD (December 2013)

Newark and Sherwood Landscape Character Area SPD (December 2013)

**Publication Amended Core Strategy**

**Various Appeal Decisions (as referenced within the report below)**

## Consultations

**Ollerton Parish Council** – (29<sup>th</sup> March 2017) Object on the following grounds:

- i) Outside village envelope
- ii) Land not included in Local Development Framework Allocations
- iii) Highways issues safety at junction due increased traffic on Wellow Road which is already stretched due to recent large development on opposite side.
- iv) Anticipation of use of public transport is unrealistic due to fall in already sparse service
- v) Contrary to Policy DM8 development in the open countryside
- vi) Ecology not adequately surveyed

**NCC Highways Authority** – **Comments as of 16<sup>th</sup> May 2017:**

“Further to comments dated 13 September 2016, a revised submission has been received and I refer to drawing ADC1307/010/A showing an improved visibility splay at the Cinder Lane/ Wellow Road junction that attempts to overcome previously expressed concerns,

Previous comments focused on the application of visibility standards, none of which could be fully achieved by the existing junction arrangement. However, it is now proposed that the splay can be improved from 2.4m x 40.5m to 2.4m x 52.7m. Whilst this would not meet the 2.4m x 90m standard prescribed by the Highway Agency’s ‘Design Manual for Roads and Bridges TD/42/95’ (DMRB) it would exceed the 2.4m x 44.4m standard prescribed by Dept. of Transport’s ‘Manual for Streets’ and the CIHT document ‘Manual for Streets 2’ (MfS).

I am now willing to rescind my recommendation to refuse this application due to a number of factors which include:

- The proposal now offers a recognisable and potentially justifiable standard of visibility splay using MfS.
- Cinder Lane/ Wellow Road is an existing junction serving about 30 dwellings that has functioned without any recent injury accident history.
- The improved splay will benefit existing users of Cinder Lane.
- The proposed modest-sized development of 25 new dwellings is not considered excessive given the proposed improvement.
- The Avant Homes development, about 100m to the east of Cinder Lane, will ‘urbanise’ the approach to the Cinder Lane junction from the south-east and help to naturally reduce speeds.

Notwithstanding the above, the decision to rescind the recommendation to refuse has been made only after consideration of the close balance between arguments that could be presented at an appeal (should that be an eventual course of action) particularly with regard to which highway guidance should be applied. For this reason the LPA may wish to give consideration to ensuring that further development beyond the 25 dwellings hereby sought is prevented due to the nature of the access road and junction detail.

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

No development shall commence on any part of the application site unless or until improvements have been made to the visibility splay at the Cinder Lane/Wellow Road Page No. 2 junction in accordance with drawing ADC1307/010/A to the satisfaction of the Local Planning Authority. Such

improvement will include the surfacing and dedication to the Highway Authority of the land identified to become public highway to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety

No part of the development hereby permitted shall take place until details of the new access road(s) have been submitted to and approved in writing by the Local Planning Authority including street lighting, drainage, and surfacing. All details submitted to the LPA for approval shall comply with the County Council's current Highway Design Guide (6C's) and shall be implemented as approved.

Reason: To ensure the development is constructed to adoptable standards.

#### Notes to Applicant

The applicant should note that, notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and/or widened footway in this case, including any highway drainage, will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

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, and/or 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.

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 in writing before any work commences on site. Contact with the Highway Authority should be made via [david.albans@nottscc.gov.uk](mailto:david.albans@nottscc.gov.uk)

#### **Previously Objected 13/09/16 as follows:**

"As pointed out in the submitted Transport Statement considerable time has been spent by Highway Authority Officers prior to the application being made to consider the proposal and in particular conditions at the Cinder Lane/ Wellow Road junction.

The main issue in considering this submission is the visibility splay at the junction of Cinder Lane and A616 Wellow Road. The existing splay to the right/east has been measured at 2.4m X 40.5m \*1.

Speed reading recorded by the Highway Authority on Thursday 28th April 2016 in accordance with the Highways Agency document TA22/81 'Vehicle Speed Measurement on All Purpose Roads' revealed that the 85th percentile wet weather speed of westbound traffic is 30.75mph. This equates to a stopping distance of 44.4m.

Historically, speed has been an issue of concern for local residents and there is often Police speed camera enforcement on this stretch of road. A vehicle activated speed has been erected in recent years on Wellow Road. The sign lies about 120m inside the 30mph speed restriction, and about 280m east of the Cinder Lane junction.

The Highway Authority contends that the A616 Wellow Road carries significant levels of traffic as an inter-urban all-purpose route and, accordingly, visibility standards should be applied commensurate with the Highways Agency's 'Design Manual for Roads and Bridges TD42/95' (DMRB) rather than those associated with the Dept. of Transport's 'Manual for Streets' and the CIHT document 'Manual for Streets 2' (MfS).

To compare the 2 standards; DMRB standards would seek a visibility splay of 2.4m x 90m and the MfS standards would seek 2.4m x 44.4m.

Regardless of which standard is used (and these are minimum standards) neither can be achieved at the Cinder Lane/Wellow Road junction.

In para. 3.9 of the Transport Statement it is suggested that a 2.4m x 44.4m splay could be achieved if measured to an offset of 1.36m from the kerb rather than 1.0m. (Please see note \*1) But this is *not* the way it should be measured in *any* guidance. The statement also suggests that if measured in this way the majority of a vehicle would be visible at 44.4m. However this potentially discounts cyclists and motor cyclists riding closer to the kerb. Also, the distance and the way it is measured allows drivers to recognise approaching vehicles beyond the minimum splay distance e.g. see the offside of an approaching car at, say, 60m away.

It is recognised however that Cinder Lane already serves about 30 dwellings and there is no recent history of injury accidents. In view of this, it is considered that some development may take place but that 25 dwellings would generate an unacceptably higher proportion of vehicle trips traveling through a sub-standard junction. It has therefore been suggested that a development of say 5 dwellings could be acceptable.

It is also acknowledged that an offer has been made to provide a vehicle activated sign (VAS) in an attempt to reduce speeds so that the available visibility splay distance is adequate. However, there is no guarantee that such a sign would achieve the required reduction in speed particularly since such a sign already exists only 280m away.

In addition, the Highway and Planning Authorities have seen it appropriate, in agreement with the Developer (Avant Homes), to apply DMRB visibility standards to the new housing development only 100m to the east of the Cinder Lane junction, where junction splays with a 90m 'y' distance have been used. It would be inconsistent to apply two different standards in such a short distance of road.

I continue to consider it reasonable for some development to take place but that 25 dwellings would be too many; adding significantly to the risk of an accident.

In conclusion, I recommend that this proposal be refused on the following grounds:

The traffic generated by the proposed development would be likely to result in an increase in danger to other users of the highway owing to increased use of the existing access which affords restricted visibility for drivers emerging from Cinder Lane.

Note:

\*1 It may be noted that the 'y' measurement was taken to an offset of 1.0m from the kerb line. Both DMRB and MfS describe visibility splays as being measured to the kerb line itself. The 1.0m offset is found only in the Highway Authority guidance (the 6C's design guide)"

### **NCC Strategic Policy - "National Planning Policy Framework (NPPF)**

One of the core principles of the National Planning Policy Framework (NPPF) is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of, and the need to protect and enhance the natural, built and historic environment and biodiversity, together with the need to adapt to climate change.

A key aspect of the NPPF is that it includes a presumption in favour of sustainable development which means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.

The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. The weight given to these policies will be very dependent on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

Paragraphs 47 and 49 of the NPPF state that local planning authorities should identify sufficient deliverable housing sites to provide five years' worth of housing against their housing requirement with an additional buffer of either 5% (to ensure choice and competition) or 20% (where there has been a record of persistent under delivery) and that "...relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe.

The 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. To support this Local Planning Authorities are tasked with involving all sections of the community in the development of Local Plans and in planning decisions. 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 and public rights of way.

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.

Paragraph 72 of the NPPF states that,

*“The Government attached 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 school promoters to identify and resolve key planning issues before applications are submitted”*

## County Planning Context

The adopted Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy (adopted 10 December 2013) and the saved, non-replaced policies of the 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.

### Waste

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

### Minerals

The site does not lie within close proximity to any existing or proposed mineral site or within a Mineral Safeguarding and Consultation Area. Therefore, the County Council does not wish to raise any objections to the proposal from a minerals safeguarding perspective.

## Strategic Planning Issues

### Public Health

The Nottinghamshire Joint Strategic Needs Assessment (JSNA) provides a picture of the current and future health needs of the local population. 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. A current health profile of the area local to the proposal is provided at Appendix A. All development should take in to account local health issues and minimise the negative impacts of the development on health, whilst also seeking to deliver health benefits where possible.

Nottinghamshire County Council Health and Wellbeing Board have approved the Spatial Planning for the Health and Wellbeing of Nottinghamshire, Nottingham City and Erewash Document provides guidance on addressing the impact of a proposal or plan on the health and wellbeing of

the population and provides a planning and health checklist to be used when assessing planning applications.

#### 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 applicant's 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.

#### Strategic Highways

The County Council have no strategic transport planning observations to make.

#### Transport and Travel

Site access appears to be from the existing farm entry onto Cinder Lane with the closest bus stop approximately 1km away in the village centre. It is noted that two new bus stops will be installed on Wellow Road as part of the planning agreement for the 150 dwelling development in the area. This should provide bus stops approximately 250m away from the proposed development.

#### *Bus services*

The County Council has conducted an initial assessment of the site in the context of the local public transport network. Over the past three years there have been significant cuts to local bus support, and following consultation events during this period, services in this area will be revised from 1 August 2016. The current service 32 to Newark will be withdrawn and replaced by a limited service at peak time and on market days only. An off peak service to Ollerton will provide an additional shopping facility.

At this time, because of the relatively small size of this site, it is not envisaged that contributions towards local bus service provision will be sought. However, the County Council would expect all properties in the proposed development 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.

#### *Infrastructure*

The new infrastructure to be installed on Wellow Road, as discussed above, are as follows:



- New Bus Stop 1 – polycarbonate bus shelter, solar lighting, raised boarding kerbs and enforceable bus stop clearway
- New Bus Stop 2 – polycarbonate bus shelter, solar lighting, raised boarding kerbs and enforceable bus stop clearway

Possible infrastructure improvements that could be made are as follows:

- New Bus Stop 1 – real time bus stop poles and displays, including associated electrical connections
- New Bus Stop 2 – real time bus stop poles and displays, including associated electrical connections

To this end, the County Council request that a planning condition be added to any grant of planning permission as follows:

*No part of the development hereby permitted shall be brought into use unless or until the enhancements to the bus stop on Wellow Road have been made to the satisfaction of the Local Planning Authority, and shall include real time bus stop poles and displays, including associated electrical connections.*

*Reason: To promote sustainable travel*

#### Built Heritage

The County Council has no comments to make from a historic built environment perspective.

#### Rights of Way

The proposed site impacts on Ollerton and Bougton Parish Foot Path No 2 which runs through the site, as shown on the working copy of the definitive map in Appendix B.

The County Council would require that the availability of the above path is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. The County Council's Countryside Access Team should be consulted on any re-surfacing or gating issues and developers should be aware of potential path users in the area who should not be impeded or endangered in any way by the proposed development. Any required path closure or diversion application should be made via consultation with the Countryside Access Team.

The County Council notes that the path appears to be accommodated in the proposed site layout as a hedged corridor. This should be a minimum of 2 metres clear width to take into account future hedge growth and vegetation encroachment over the path.

#### Contaminated Land/Reclamation

The applicant has introduced a certain amount of ambiguity within their application; the applicant has quite rightly addressed issues related to ecology and archaeology, however appears to dismiss the potential for land contamination.

In Section 14 of the application form the applicant has stated:

- The current use of site as being a 'brownfield site, derelict house and hard-standing to previous poultry sheds'.
- That the land is not known to be contaminated and land contamination is not suspected for all or part of the site.
- The proposed use is not particularly vulnerable to the presence of contamination.

In relation to these statements the County Council would comment that:

- By its very definition, a brownfield site or previously developed land has the potential to be contaminated until proven otherwise.
- The site is not known to be contaminated because no assessments and or investigations appear to have been undertaken.
- Contamination should be suspected as the site has had a former commercial use and as a brownfield site has the potential to be contaminated until proven otherwise, which it has not.
- The proposed use would be particularly vulnerable to the presence of contamination as the development is for residential properties with gardens.

Both the ecological and archaeological reports presented with the application make reference to on-site materials which could potentially indicate ground contamination:

- Archaeological report o Section 5.4 site – walkover survey – 'other material' 'considerable amount of fragmented ceramic building material' 'made ground'
- Ecological report o Paragraph 5.2.7 – bare ground – 'bare ground dominated the site owing to clearance works to remove former agricultural sheds', 'disturbed ground',  
o Paragraph 7.5 – reptiles

Further to these observations in the reports, examination of aerial photography of site suggests that the five demolished sheds, which comprised the former poultry farm, had asbestos cement board roofs. There is therefore the suspicion that there are potentially Asbestos Containing Materials (ACMs) within the demolition rubble, soil stockpiles and/or soils across the site. The County Council therefore considers that the applicant should provide:

- A Phase 1 Desk Top Study report that provides as assessment of the site's development and environmental context, to develop a site conceptual model assessing viable contamination sources, pathways and receptors and a preliminary risk assessment related to potential contamination on-site
- A Phase 2 Intrusive Site Investigation targeting potential contamination identified within the Phase 1 report
- Based on the findings of these reports, a viable remediation strategy should be provided to mitigate the potential contamination possibly identified, thereby making the site suitable for its intended use as a residential development with gardens.

From the aspect of Contaminated Land Management, it would appear that the applicant has not supplied the relevant assessment reports or correctly identified the site as potentially impacted by contamination associated with its former commercial use.

These assessment/investigation/remedial strategies are required to ensure that the site does not pose a threat to ground workers, future residents and the wider environment and is in fact 'fit for its intended use' as residential development with gardens.

The County Council therefore recommends that prior to the determination of the application, the applicant be required to submit a Phase 1 – Contaminated Land – Desk Top Study, including an environmental risk assessment and conceptual site model and a Phase 2 – Intrusive Site Investigation Report. Based on the findings of these reports a robust Site Specific Remediation Strategy should be submitted to and approved in writing by the local planning authority. Then, once the proposed remediation works are completed a final Validation Report would need to be submitted to prove the identified contamination issues had been properly dealt with, to be approved by the local planning authority prior to the main construction works being undertaken.

## Ecology

3<sup>rd</sup> April 2017 updated comments– ‘An Outline Great Crested Newt Method Statement (dated January 2017) has now been provided in support of the above application. I am not clear of the purpose of this, as the report states in sections 2.2 and 3.7 that “This report does not substitute the need for presence/absence surveys in accordance with guidance contained within the ‘Great Crested Newt Mitigation Guidelines’ English Nature (2001)”.

It therefore remains the case that great crested newt surveys are required, along with reptile surveys (also flagged up as being necessary in the original Preliminary Ecological Appraisal), prior to the determination of this application - It should be noted that paragraph 99 of Government Circular 06/2005 states that “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances...”

We are entering the optimal period for these to be carried out, so I would advise that the applicant arrange for these surveys to be carried out as soon as possible.’

## Survey and results

The application is supported by an up-to-date Preliminary Ecological Appraisal (PEA) with surveys carried out on 16 February 2016. The site is not covered by any ecological designations, and no such sites are present in the immediate vicinity that would be affected by the proposals. Aerial photography indicates that the site previously housed five large poultry houses, which have since been demolished (within the last year) due to their increasingly dilapidated condition. Subsequently, the area now comprises largely of areas of bare ground (stone and soil) and some improved grassland. In addition, dense scrub, hedgerows, fencing and a single building are also present.

The PEA assesses the site as being of low ecological value. No evidence of badgers or roosting bats was found, although there may be potential for the linear vegetative features to serve as routes for foraging and commuting bats. It is stated that the site has suitable habitat for reptiles and also great crested newts, with three suitable breeding ponds located within 500m of the application site. The site, in particular the hedgerows, dense scrub, scattered trees and the building within the application site, will be suitable for supporting a range of breeding birds. In particular, there were

some species of high conservation concern present in the survey, including house sparrow (*Passer domesticus*) and dunnoek (*Prunella modularis*).

*Further survey requirement, species mitigation and site enhancement*

To mitigate against the potential presence of great crested newts, the PEA states that a full great crested newt presence/absence survey should be undertaken at appropriate times of the year for all suitable ponds within 500m radius of the site (of which there are three). However, it is noted that the recent demolition of the poultry houses on the site has caused considerable disturbance on the site. Considering that the suitable times for carrying out the survey (mid-March to mid-June) have passed, the County Council would refer back to the applicant's ecologist as to the necessity of such a survey given the recent disturbance at the site.

The PEA also recommends that reptile surveys are carried out at the site, due to the presence of suitable habitat, with seven visits to be completed in the survey period of March and September.

These surveys should be required prior to the determination of the application, to comply with paragraphs 98 and 99 of Government Circular 06/2005.

Conditions should be applied to any grant of permission as follows:

- A standard condition should be used to control vegetation clearance during the bird nesting season, which runs from March to August inclusive
- A condition should require that the precautionary working methods in relation to badgers, as outlined in section 7.3 of the survey report, are adhered to
- It is assumed that the existing site boundary hedgerows to the west and north will be retained (confirmation of this would be welcomed). A condition should be used to require that the existing boundary hedgerows are protected during development, with gaps replaced with native trees and shrubs.
- A condition should require the submission of a detailed landscaping scheme, to provide species mixes, establishment methods and maintenance regimes. This should specify the establishment of a new native species hedgerow around the southern and eastern site boundary, planted with native trees. Species should be selected with reference to the species lists contained within the Nottinghamshire Landscape Character Assessment.
- As well as suitable landscaping, it is requested that a condition is used to require that bat and bird boxes are incorporated into the fabric of a proportion of the new buildings, the latter targeting house sparrow and starling.

## Landscape

Full comments on landscape and visual impact can be found in Appendix C (which is as follows)

"The proposed site is located to the southern edge of the town of Ollerton, in central Nottinghamshire; which consists of the settlements of Ollerton Village, New Ollerton and Boughton. The proposed site is located to the south of Wellow Road, which links Ollerton to the nearby village of Wellow, and is accessed off Cinder Lane. A larger site area is under the ownership of the applicant and has been promoted in the SHLAA plan (site reference 08-0103). The wider site was formerly used for poultry farming but the poultry houses have now been demolished. A single building – Bookers Stile (now semi derelict) is located within the wider site area.

There are a number of new residential developments to the north of A616 Wellow Road, including a static caravan park, and beyond this is the former Ollerton Colliery Spoil Tip. To the north west and north lie the older residential areas of Ollerton. There are arable fields to the west, south west and east. The site is at a level of approximately 55m AOD and falls gently to the west and rises gently to the east towards the village of Wellow

The proposed development sits within the larger site area and is approximately 0.95 ha in extent, the majority of this site is semi improved grassland. A combination of hedgerow, and timber and metal fencing form the western and northern boundaries of the site. The southern and eastern boundaries have no defining features.

### **Proposed Development**

It is proposed to erect 25 residential dwellings with associated access off Cinder Lane. The application includes as reserved matters - drainage infrastructure, landscape, open space, car parking and ancillary works.

The proposals for the site are shown on the following drawing - Proposed Master Plan – JDA – 15/1339/001 - December 15. This shows houses arranged along a spine road which extends to form 2 private access areas surrounded by housing. The houses are a variety of types, including detached and semi-detached properties, which are either double or single storey.

The Master Plan indicates that additional trees will be planted to supplement the existing boundary hedgerow vegetation, and the proposed landscape treatment to the site is described as high quality in the Design and Access Statement. However this statement has no value without details of the landscape proposals being provided, and further information is required from the applicant.

Although the SHLAA allocates the whole area for development, it is not clear how future development will link with the spine road in the proposed development, as the development site will be separated from the wider area by the proposed hedgerow and tree planting. The application does not include a full Flood Risk Assessment document but additional information is included in section 4.8 – 4.15 of the Design and Access Statement. This indicates that Sustainable Urban Drainage features such as attenuation basins may be incorporated into the scheme but no further details are provided, further information should be provided on this matter by the applicant.

### **Impact of the proposals on the existing physical landscape**

It appears from the aerial photographs that no mature vegetation will need to be removed in order to develop the proposed site, the physical landscape impact of the development is therefore assessed as **negligible**. However an arboricultural survey to BS 5837:2012 should be presented with the full application which includes details of how the boundary vegetation to the site, including trees and hedgerows will be protected including the root zone.

### **Impact of the proposals on the existing landscape character**

The Design and Access Statement describes the landscape character of the area with reference to Natural England Character Area 49 – Sherwood, and lists the key characteristics of this area.

The document should also make reference to the Newark and Sherwood Landscape Character Assessment (2013) which has been adopted as a Supplementary Planning Document to the Core Strategy. The site is located in Policy Zone Sherwood 27, full details of the Policy Zone are attached.

The area is defined as having a 'moderate' landscape condition and a 'moderate' landscape sensitivity, the overall landscape action for the policy zone is 'Conserve and create'.

Recommended actions include the following:-

#### **Landscape Features**

- Conserve the ecological diversity and character of woodland habitats
- Conserve existing hedgerows and seek opportunities to restore the historic field pattern with new hedgerow planting
- Seek opportunities to restore hedgerows with some hedgerow trees where appropriate to field boundaries
- Seek opportunities to restore arable land to mixed woodland, permanent pasture, and heathland

#### **Built Features**

- New development should be contained within historic field boundaries
- Conserve the historic character and setting of Walesby – new development should respect the scale, design and materials used traditionally in the Policy Zone and be contained near to the existing settlements of Walesby and Ollerton.
- Sensitive design and siting of new agricultural buildings.

The landscape proposals for the site will help to achieve the action to improve the existing hedgerows, and add additional tree and shrub planting. A landscape proposals drawing should be provided which details the landscape treatment, including a planting schedule and specification. This should make reference to the species list for the Sherwood Landscape Character area, but should avoid the use of Ash at the present time due to the prevalence of *Hymenoscyphus fraxineus* (see attached) A maintenance specification and programme of works for any soft landscape works proposed should also be provided. The section 106 agreement for the site also needs to make provision for the costs of the maintenance treatment to the proposed site.

The Planning Statement (JDA – February 2016 – Document reference 03/1339/PS revision A) paragraph 5.30, mentions that a landscape buffer and additional planting are to be included in the scheme, this landscape buffer is not shown on the Master Plan and this needs to be added to the landscape proposals drawing.

The proposal will involve the loss of 0.95 hectares of open green space which will stretch out from and form an extension to the existing village envelope. This will have a **slight adverse** impact on the landscape character of PZ 27.

#### **Visual Impact of the proposed development**

The main visual receptors are residents on either side of Cinder Lane to the north, on Griceson Close to the North West, and Maltkiln Close to the north east, who currently have views of open agricultural areas. The Design and Access statement does not include any assessment of the visual impact of the proposals on these residential areas. Visual impact is likely to range from **slight to moderate adverse** dependant on the properties orientation and distance from the proposed site.

It is essential that surrounding hedgerows are maintained and managed in order to provide additional screening of the proposed development.

There are also likely to be visual impacts on surrounding Public Rights of Way in particular Ollerton and Boughton Footpath 2, which passes along Cinder Lane and then branches to the west away from the site entrance, visual impacts at the entrance to the estate are likely to be **substantial adverse** from this path. Ollerton and Boughton Footpath 3 passes further to the east of the site and impacts are likely to be **moderate adverse** at the commencement of the path. Ollerton and Boughton Footpath 6 passes to the north of the site along the edge of the former colliery tip and views from here are likely to be partially screened by the recently developed static caravan park. The former Ollerton Colliery Spoil Tip is now a recreational area and has informal footpaths to its highest point, however the south western face is steeply sloping and densely wooded therefore the proposed site is not likely to be visible as an extension to the built edge of Ollerton, over the top of this vegetation.

### **Summary**

We recommend that the following issues are addressed before full approval is granted:-

- A detailed Landscape Proposals plan should be provided, including a planting schedule and specification which details species, size at planting, spacing and including details of planting to and the management of the existing hedgerow boundary of the site. Details should also be provided of establishment maintenance operations and the long term management of the planting,
- Native species should be used for supplementary boundary hedgerow and tree planting - attached is the recommended species list for the Sherwood Landscape Character area
- Further details about SUDs features such as balancing ponds, and associated biodiversity features to be shown on a landscape proposals plan (if applicable).
- Details of maintenance funding for hard and soft landscape treatment and any SUDS features (if applicable) to be included in a section 106 agreement.
- An Arboricultural Impact Statement should be provided to illustrate that there will be no detrimental impacts on the existing boundary hedgerow and trees
- Additional analysis of the visual Impacts on the residential receptors discussed above should be provided by the applicant, and details of how these effects will be mitigated should be shown on landscape proposals drawing. This drawing should also show how the existing footpath Boughton and Ollerton 2 will be integrated into the entrance to the site.

**Subject to the above issues being addressed, the Environmental Management and Design Team support the application in respect of landscape and visual impact issues”**

### *Summary*

The County Council recommend that the following issues are addressed before full approval is granted for the proposed development:

- A detailed Landscape Proposal plan should be provided, including a planting schedule and specification which details species, size at planting, spacing and to include details of planting to and the management of the existing hedgerow boundary of the site. Details should also be provided of establishment maintenance operations and the long term management of the planting
- Native species should be used for supplementary boundary hedgerow and tree planting – see Appendix E for the recommended species list for the Sherwood Landscape Character area
- Further details about SuDS features such as balancing ponds, and associated biodiversity features to be shown on a landscape proposals plan (if applicable)

- Details of maintenance funding for hard and soft landscape treatment and any SuDS features (if applicable) to be included in a section 106 agreement
- An Arboricultural Impact Statement should be provided to illustrate that there will be no detrimental impacts on the existing boundary hedgerow and trees
- Additional analysis of the visual impacts on the residential receptors discussed should be provided by the applicant, and details of how these effects will be mitigated should be shown on landscape proposals drawing. This drawing should also show how the existing footpath Boughton and Ollerton 2 will be integrated into the entrance to the site.

Subject to the above issues being addressed, the Environmental Management and Design Team at the County Council support the applicant in respect of landscape and visual impact issues.

#### 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](mailto:andrew.norton@nottsc.gov.uk) or 0115 9939309) with any queries regarding developer contributions.

#### *Education*

A development of 25 dwellings would yield an additional 5 primary places. The County Council would therefore wish to seek an education contribution of £57,275 (5 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 housing development is in the catchment of The Dukeries Academy, for which any contributions would be covered by CIL. Further information about the contributions sought and the justification for this has been forwarded directly to the District Council.

#### *Libraries*

The County Council only requests contributions for libraries on schemes for 50 dwellings or more. As this application is below this threshold, the County Council will not be seeking a contribution for library provision.

#### **Conclusion**

The County Council raises no strategic planning objections to the proposals, however it is requested that further work is completed with regards to land contamination and ecology prior to the determination of the application. Notwithstanding this additional work, information has been provided in relation to rights of way affected by the development and improvements to bus services that the County Council would wish to see delivered. A number of conditions have been requested.

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 Archaeologist** - ‘The application is accompanied by an archaeological desk based assessment which has done a fair job of summarising the archaeological implications of the development, and notes that the site is surrounded by archaeological remains which are visible as cropmarks. The assessment also point out that there has been some levelling on the site associated with the erection of the now demolished chicken housing. The impact of this groundwork on buried archaeological remains is not clear, and there has to be a likelihood that such remains will survive in at least part of the site. I therefore recommend that if planning is granted, this should be conditional upon a programme of archaeological mitigation being undertaken. The works required could either take a phased approach of archaeological evaluation followed by whatever further mitigation the evaluation demonstrates is appropriate, or a programme of strip, map and record, where topsoil from the site is stripped under archaeological supervision and the archaeological remains which are uncovered are cleaned, planned and sample excavated. A condition such as the following may be appropriate:

"No development shall take place within the application site until a written scheme for archaeological mitigation has been submitted to and approved in writing by the CPA." "Thereafter, the scheme shall be implemented in full accordance with the approved details."

I hope this is helpful, please do not hesitate to contact me should you require further comment or information.’

**NCC Lead Flood Risk Authority** – Initially commented: “Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having examined the proposals it would appear that although required to do so the applicant appears to have failed to submit a Flood Risk Assessment. Unfortunately the LLFA is unable to consider and comment on the applicant’s proposals until it is able to view this document. Should the applicant subsequently submit the Flood Risk Assessment to you and you request a further consultation with the LLFA we will be pleased to consider and comment on it.”

Clarification was sought given that the site is under 1ha, as to whether drainage can be conditioned. The following comments were received:

“Further to your comments and in specific relation to the site being <1ha in size I confirm that we do not require a formal Flood Risk Assessment as part of the outline planning application.

A further assessment shows that we have no objection to the proposals subject to a condition being included that references the following requirements, all of which can be included in a surface water design and management proposal from the developer.

1.1 - Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.

1.2 - For greenfield areas, the maximum discharge should be the greenfield run-off rate (Qbar) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate

should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.

1.3 - 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 buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.

1.4 - Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.

1.5 - Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.”

31/03/17 - No further comments to add.

**Nottinghamshire Wildlife Trust** – 4/07/2017 – ‘Thank you for re-consulting Nottinghamshire Wildlife Trust on the above application.

The revised PEA (Brindle and Green, May 2017) now includes information regarding the possible Sherwood pSPA. The report confirms that on site habitats are not considered suitable for either nightjar or woodlark and therefore direct impacts are not anticipated. There is no mention of potential indirect impacts, for example increased recreational pressure on nearby sites such as Ollerton Pit Wood (Ollerton Colliery LWS). There is no public open space included within the Proposed Masterplan which could help to mitigate this impact.

Regarding reptile and GCN, we welcome that the draft heads of terms (S106 agreement) makes reference to completing the necessary surveys. However, we would prefer to see these surveys completed before the application is determined, in accordance with Circular 06/2005 as previously explained. Regardless of when the surveys are undertaken, we recommend that the LPA seeks confirmation from the applicant that all of the necessary mitigation measures (for example the 3m buffer) could be accommodated within the design of the proposed development.’

**Initial comments (02/08/2016)** - “Thank you for consulting Nottinghamshire Wildlife Trust on the above application. We welcome the provision of the Preliminary Ecological Appraisal report (Brindle and Green, February 2016) as this allows consideration of protected and priority species and habitats.

The report concludes that further survey is required with respect to protected species - **great crested newt** and **reptiles** in order to establish presence/likely absence. As protected species are a material consideration, and in line with government guidance, we recommend that the LPA requests that these surveys are undertaken **before this application is determined**.

Paragraph 99 of Government Circular 1/2005 (also known as ODPM Circular 06/2005) (which accompanied PPS9, but remains in force), states that:

- It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established **before the planning permission is granted**, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.
- Additional recommendations given in Section 7 regarding **breeding birds, bats and badgers** are supported and could be secured through use of planning **conditions**.
- **Possible Sherwood potential Special Protection Area (SPA)** This site lies within the 5km buffer zone identified in Natural England's Indicative core area & RSPB's IBA boundary and within 500m of an IBA 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. Notwithstanding the issue of whether Newark and Sherwood District Council considers that the area qualifies as an SPA or not, it is essential 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. In this case, we recommend attention is given to the potential impact of:
  - disturbance to breeding birds from people, their pets and traffic
  - bird mortality arising from domestic pets and/or predatory mammals and birds"

**Natural England** – (23/03/17) Offer no comments but refer to Standing Advice.

"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."

30/06/17 – reiterate these comments.

**Ramblers** – 'The application comments on the proximity of local rights of way to Cinder Lane and they are shown on one of the maps. As long as Ollerton and Boughton Footpaths 2 & 3 remain open we have no objection to the development.'

**Severn Trent Water** – **30/03/17** - No objection subject to condition to control surface water and foul sewage disposal.

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 advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. Should you require any further information please contact us on the telephone number or email below.

**NSDC Strategic Housing** – Provide detailed comments on affordable housing. They summarize with the following:

- The total number of affordable housing units on the proposed site is 7 out of a total of 25 dwellings. I note the applicant is offering to provide 4 affordable dwellings. As far as I can see there is no evidence to support the shortfall in affordable housing provision provided.
- The Proposed tenure is 60% rent (Social or affordable) and 40% Intermediate (shared ownership) and the Council supports the provision of accommodation to meet the needs of older people in this vicinity.
- There is demand for bungalows for existing households in the Sherwood Area (408 units).

Type	Social/Aff Rent	Intermediate Housing (S/O)	Total
2 Bed	4	-	4
3 Bed		1	1
2/3 Bed Bungalow		2	2
	4	3	7

**NCC (Developer Contributions)** – “In respect of education, a proposed development of 25 dwellings would yield an additional 5 primary places. The County Council would therefore wish to seek an education contribution of £57,275 (5 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 housing development is in the catchment of The Dukeries Academy, for which any contributions would be covered by CIL. Further information about the contribution sought and the justification for this can be found in the attached document.

In terms of libraries I can confirm that contributions are only requested on schemes for 50 dwellings or more. As this application is below this threshold the County Council would not be seeking a contribution for libraries provision.”

**NSDC Policy – December 2017 update on 5 Year Land Supply Position** - The Authority published its 2017 Housing Land Supply Position in July 2017. The proposed housing requirement of 454 dpa as set out in the SHMA, was included in the Preferred Approach - Strategy consultation that was conducted in July 2016 and reflected in the Sites and Settlements Paper consulted on in January 2017. It is included in the Publication version of the Plan Review Core Strategy that has now been Submitted to the Secretary of State for Independent Examination. A large amount of work has been undertaken, including consideration of a range of other issues (such as sustainability, landscape and ecology) in producing the Amended Core Strategy. Following this, and due to the progress that has been made through the Plan making process across the Nottingham Outer Housing Market Area, the Council is now confident that this is the most appropriate figure against which to assess housing land supply.

When using the annual housing requirement of 454 dwellings per annum, including a 20% buffer and meeting the shortfall (which occurred between 2013/14 and 2015/16) within the next five years, the Council can demonstrate a 6.2 year supply of housing land.

**NSDC Policy – 22<sup>nd</sup> March 2017** in response to the additional highways and ecology information (but before the applicant made their position clear in relation to developer contributions).

“The inability to demonstrate a safe standard of access at the full level of development contributed to my earlier view that the balance ought to weigh against the scheme. Whilst I would defer to the Highways Authority for consideration of this particular matter it is important that we are content that safe access can be achieved.

My comments also referred to the lack of clarity provided over the approach to affordable housing and the need for justification of any shortfall in provision. As advised the applicant may wish to present a viability case or highlight site specific issues in support of reduced affordable housing provision, I am however unaware of any additional information having been provided. In any case I would find it very difficult to see how a viability case could be made, given that the application site falls outside of the settlement boundary and so would, ordinarily, have limited development potential, and the uplift in land value which would occur from planning permission being granted.

Should the outstanding ecology and highways matters be satisfactorily resolved without the shortfall in affordable housing provision being robustly justified then my view remains that the balance ought to weigh against the scheme. In light of the pragmatic approach the Authority has adopted to boost housing supply over the short-term I recognise that there would, to varying extents, be some environmental, social and economic benefits to the proposal. However in my opinion these benefits would be outweighed by the failure to promote a mixed and balanced community. Notwithstanding this should you be minded to support the proposal then I would recommend the use of a short-term consent, this is critical if the proposal is to have the capacity to boost housing delivery over the short term. My previous comments on the use of Conditions to control the housing mix and affordable housing contribution would remain relevant in this event.”

#### **“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.

National policy also requires Authorities to maintain a supply of specific deliverable sites to deliver a five year housing land supply.

The Framework seeks the active management of patterns of growth to make the fullest possible use of public transport, walking and cycling, and the focussing of significant development in locations which are, or can be made sustainable. This is supplemented by the emphasis on an integrated approach to considering the location of housing, economic uses and community facilities and services which the Framework holds as central to the promotion of healthy communities. Accordingly it is set out that local planning authorities should avoid new isolated homes in the countryside with rural housing being provided where it would enhance or maintain the vitality of rural communities unless special circumstances are demonstrated.

### ***Development Plan***

#### *Core Strategy DPD*

- Spatial Policy 1 'Settlement Hierarchy'
- Spatial Policy 2 'Spatial Distribution of Growth'
- Spatial Policy 3 'Rural Areas'
- Spatial Policy 6 'Infrastructure for Growth'
- Spatial Policy 7 'Sustainable Transport'
- Core Policy 1 'Affordable Housing Provision'
- Core Policy 3 'Housing Mix, Type and Density'
- Core Policy 9 'Sustainable Design'
- Core Policy 12 'Biodiversity and Green Infrastructure'
- Core Policy 13 'Landscape Character'
- ShAP1 'Sherwood Area and Sherwood Forest Regional Park'
- ShAP2 'Role of Ollerton & Boughton'

#### *Allocations & Development Management DPD*

- Policy DM3 'Developer Contributions and Planning Obligations'
- Policy DM5 'Design'
- Policy DM7 'Biodiversity and Green Infrastructure'
- Policy DM8 'Development in the Open Countryside'
- Policy DM12 'Presumption in Favour of Sustainable Development'

### ***Housing Land Supply Position***

These comments have had regard to the 'Five Year Housing Land Supply – Current Position' statement (April 2016). National policy requires Local Plans to meet the full, objectively assessed, needs for market and affordable housing in the housing market area. To this end the Authority has, with its partners in the Nottingham Outer Housing Market Area, commissioned a Strategic Housing Market Assessment. The Study has identified a lower 'objectively assessed need' (OAN) than the level of development the Development Plan currently seeks to meet, with the completion of 454 dwellings per annum (p/a) required between 2013 and 2033. The SHMA has been produced in line with Government guidance and been subject to stakeholder consultation. Importantly the assessment provides us with a clear indication of the level of housing need in the District.

In terms of the ability to demonstrate a five year housing land supply the Authority is confident that it is able to do so, when set against the OAN requirement of 454 dwellings p/a. It is however recognised that the SHMA and the OAN figure are yet to be tested through the Local Plan process.

As you will be aware the Inspector for the Southwell Road, Farnsfield appeal disagreed with an annual requirement of 454 dwellings, concluding that on balance, and that with regard to the evidence available to her a reasonable assessment of the full OAN would be in the order of 550 dwellings p/a. Whilst the Authority does not agree with the Inspectors reasoning on this matter it is still, nonetheless, a material consideration which will need to be weighed in the balance.

The Council has therefore produced five year land supply positions for three different annual requirements:

454 dwellings p/a (the SHMAA OAN): 5.62 years

500 dwellings p/a (OAN plus 10%): 4.91 years

550 dwellings p/a (the Farnsfield appeal figure): 4.31 years

In light of the above and until such time as the OAN figure provided by the SHMA has been tested and found sound through the Local Plan process the Authority has adopted a proactive approach to boost housing supply over the short term. Consequently the development of sustainable sites which fall immediately adjacent to urban boundaries and village envelopes, that are able to meet relevant Development Plan requirements in all other respects and which have the capacity to positively contribute to a short-term boosting of housing supply will be considered.

Having adopted this position it is particularly important, given the expectations of the communities involved, that any development outside of established main built up areas should provide for the appropriate level of affordable housing, open space and other social contributions required to meet the needs of the development. Given the locations of these sites it is also crucial that care is taken to respect landscape setting through design, layout and landscaping which manages the transition from the countryside.

## **Assessment**

In my view the main strategic issue is whether the site, and proposal, can be considered sustainable. Beyond this you will still need to be satisfied that the proposal is able to address any other remaining issues. To assist your consideration I would suggest that your assessment should be focussed around those factors which contribute towards the 'golden thread' of sustainable development. With the aim being to conclude whether the proposed development strikes an appropriate balance between its economic, social and environmental dimensions. Through my comments I hope to assist you in doing so.

### *Principle of Development*

The proposal is located outside of the Urban Boundary for Ollerton & Boughton and so for planning purposes is located within the open countryside, where the presumption would be against this form of development (as detailed in Policy DM8). However, as outlined above, the Authority has adopted a position whereby consideration will be given to sustainable sites, located immediately adjacent to Ollerton & Boughton's Urban Boundary. At up to 25 dwellings the proposed development would be appropriate to the size and location of the Service Centre and its status within the settlement hierarchy.

### *Design and Layout*

Given that design and layout will be matters reserved for subsequent determination you will need to be satisfied, in line with Core Policy 9 'Sustainable Design' and Policy DM5 'Design', that a good standard of design and layout can be subsequently achieved within the parameters provided by outline consent. I would underline that it is crucial, on sites such as this, that care is taken to respect landscape setting and that the transition from the countryside is appropriately managed in accordance with Core Policy 13 'Landscape Character'.

### *Housing Mix, Type, Density*

I note that the indicative layout indicates that the site could provide for a mix accommodating 2, 3 and 4 bedroom units. However the precise level, mix, type and density of development are all matters which will be reserved for later determination. It is crucial therefore that any subsequent scheme is able to provide for a mix of dwelling types which reflects the nature of local housing need. Contributing towards the creation of mixed and balanced communities should be seen as a key objective of sustainable development.

Given the circumstances which have led to the Authority to adopt a pragmatic approach over site location to boost housing supply, and the importance of housing mix and type to sustainability, I am of the view that should you be minded to support the proposal then this matter ought to be controlled by Condition. Such a Condition would require 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 the time of submission.

I note that the Design and Access Statement indicates that at the maximum 25 dwellings the proposal would have a density of 25 dph. This is below the level which Core Policy 3 requires (30dph) and as far as I can see the applicant has not provided any justification in support of this approach. Significantly any lesser level of development would also result in a density lower than 25 dph. Having said this the applicant may be able to present a case in support of 25dph, on the basis that it would likely support a layout appropriate for the edge of settlement location, and also allow for landscaping to manage the transition from open countryside.

### *Affordable Housing Provision*

At its maximum the proposal exceeds the revised affordable housing thresholds (11 units or more, or where the combined gross floorspace exceeds 1000 sqm). The Planning Statement suggests that the 30% requirement carried through Core Policy 1 would be met, with a 66% social rented and 34% intermediate housing split. However the planning application indicates only 4 x 2 bed social rented units in total. I have not been able to view the Draft Heads of Terms, which it is suggested have been submitted alongside the application. On this basis the approach to affordable housing provision appears somewhat unclear.

I would emphasise therefore 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. Without robust justification I would therefore question the sustainability of any scheme where there is a deficit in affordable housing provision. Of course the applicant may wish to present a viability case or highlight site specific issues in support of reduced affordable housing provision. However I would find it very difficult to see how a viability case could be made,



given that the application site falls outside of the settlement boundary and so would, ordinarily, have limited development potential, and the uplift in land value which would occur from planning permission being granted.

Nonetheless should you be minded to support the proposal and consider that the information in the Draft Heads of Terms is insufficient with regards to; 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 the guidance provided at Para 3.35 of the Affordable Housing Supplementary Planning Document.

#### *Transport and Highways*

In line with Spatial Policy 7, the ability to support more sustainable transport choices (public transport etc.), there being an acceptable level of impact on the highway network and providing for a safe standard of access all contribute towards site sustainability. I have no doubt that the site is likely acceptable, or could subsequently be made so, in terms of the first two points. However whilst accepting the principal of development the Highways Authority consider 25 dwellings to be too high and as adding significantly to the risk of an accident. Consequently I note that the Authority have objected on this basis.

#### *Biodiversity*

Both Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets, and I note that the application is supported by a Preliminary Ecological Appraisal. In light of its findings the Wildlife Trust has made various comments, which suggest the need for more detailed assessment prior to determination of the proposal. In terms of considering impacts on the breeding population of nightjar and woodlark in the Sherwood Forest area, the Trust have identified the need for an assessment of the impact from disturbance to breeding birds by people, pets and traffic, along with the effect of predation by domestic pets and/or predatory mammals and birds. These comments should be considered in the light of the recommendations from Natural England over adopting of a precautionary approach prior to the resolution of the Special Protection Area issue.

Core Policy 12 and Policy DM7 both seek provision of Suitable Alternative Natural Green Space (SANGS) within 5km of the Birklands & Bilhaugh Special Area of Conservation, in order to reduce visitor pressure on the designation. The site falls within this radius and the Planning Statement indicates that the Section 106 agreement would be the vehicle through which this matter will be resolved, presumably via off-site provision. Policy DM7 is clear in advising that the quantity and quality of SANGS shall be developed and agreed in conjunction with the District Council and Natural England. I am unaware of any such discussions and Natural England has not commented on the proposal. Therefore you will need to be satisfied that off-site provision (if this is to be the route) is firstly acceptable and secondly what level of provision would be required.

#### *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**

The application site is located in an edge of settlement location with access to public transport and employment, retail, educational, leisure and community facilities. On the basis that you are satisfied that a suitable design and layout could be achieved at the Reserved Matters stage then the proposal would be capable of addressing some of its environmental impacts. Question marks remain with respect to ecology, though these may be able to be addressed through additional work and discussion. Turning now to the economic strand of sustainable the development, the scheme would given its scale result in a modest level of economic benefit from development taking place. In addition it is acknowledged that the proposed development would contribute towards the boosting of housing supply, which would support the social element of sustainable development - albeit marginally given the numbers proposed. It should however be noted that the creation of mixed and balanced communities is a key element of sustainable development, and that the proposal is in this sense lacking as a result of a shortfall in affordable housing provision.

Taking account of the above it will fall to you to come to a view over whether the planning balance weighs in favour or against the proposal. However my own view is that the balance ought to weigh against the scheme as currently proposed. Whilst there would, to varying extents, be some environmental, social and economic benefits these would nonetheless be outweighed by the failure to promote a mixed and balanced community and critically the inability to provide for a safe standard of access at the full level of development proposed. Nonetheless should you be minded to support the proposal then I would recommend the use of a short-term consent, this is critical if the proposal is to have the capacity to boost housing delivery over the short term.

**NSDC Environmental Health** – ‘The application site was previously occupied by five poultry sheds which appear to have been of asbestos construction. Recent aerial photography shows these to be in a poor state of repair, the planning statement reports that they have now been removed. There is clearly the potential for the site to have become contaminated from the former poultry farm use and from asbestos within the poultry shed construction materials. As no phase 1 desktop study has been submitted with the planning application, I would recommend the use of our full phased contamination condition.’

**22 March 2017** - No additional comments to make.

**NSDC Parks and Amenity Manager** – “We wouldn’t normally expect to include on-site children’s playing space for a development of 25 houses. The nearest existing children’s play facilities that I’m aware of are c800m away (as the crow flies) on the central park facility. There will of course be a play area on the Ben Bailey Homes development off Wellow Rd - which is only 200m away. O&B Town Council will be adopting this facility so I guess the off-site money could be used to help improve/maintain it.”

**NSDC Community Projects** – “I have not been able to speak to the Town Clerk but I am aware that there is a project to deliver new changing facilities/clubhouse for Ollerton Town FC primarily but the building can and will be used by the wider sporting community that will utilise the planned

improvements to the Walesby Lane Sports Ground, therefore I would propose that this site and scheme be a strong contender for the S106 contribution as being proposed. The Walesby Lane site is seen as the strategic site in the locality and will hopefully link up with the Petersmith Drive development if approved to deliver a sustainable sports hub site for the wider community.”

**In relation to the scheme as originally submitted 14 representations have been received from local residents** all objecting and/or raising concerns which can be summarised as follows:

- Adverse impact on road safety:
  - Due to limited visibility at the junction of Cinder Lane/Wellow Road;
  - Volume of traffic using Wellow Road especially in the morning and evening;
  - Due to additional new homes still to be occupied north of Wellow Road, traffic diverted from the A1 when there are road works or incidents and due to speeding;
  - Road not big enough to take traffic safely, due to lane already being overcrowded with parked cars which would be made worse by the development;
  - Footways along Cinder Lane are no 2m wide for the full length so cannot cope with pedestrians;
- Outside of Settlement Boundary – site was judged to not be appropriate for housing in the recent Allocations Document;
- Contamination –former chicken sheds included asbestos;
- Disproportionate size of development not in keeping with the area, smaller number might be more appropriate;
- This could set a precedent for remainder of the former poultry unit being developed for housing;
- Query whether an ecology survey should have taken place before demolition of the sheds;
- Is infrastructure capable of taking on extra loadings?
- Detrimental impact on surrounding countryside;
- Demolition has already destroyed a colony of bats;

**A further 4 comments have been received following the amendments (March 2017) to the visibility splay/additional information** which are summarised as follows:

- The amendments do not improve visibility for traffic turning left into Cinder Lane from Wellow, it will still be a "leap of faith";
- Insufficient environmental study has been completed;
- Contamination has not been addressed;
- Worried that the developers can't distinguish between a telephone pole and a bush, as the bush indicated on the plan is a telephone pole covered with ivy, there shouldn't be this sort of oversight on initial planning;
- Previous objections were about the size of development and safety issues due to a 100% increase in car traffic onto the lane.
- The reported average traffic speed of 30.75 mph. For this to be so, a significant amount of traffic must be travelling in excess of 32 mph. Considering that when drivers see speed checks in progress they tend to slow down, the true average speed is probably significantly higher.
- Regularly witness vehicles travelling in excess of 40 mph especially early morning and evening. This even worse when the A1 is on divert and drivers (including a significant

number of HGVs) are speeding to minimise time lost due to the diversion with estimated speeds in excess of 50 mph.

- Applicant has purchased the triangular piece of land at the side of No1 Bottom Row on the Wellow Road to widen the access into Cinder Lane - To do this would mean closing the carriageway on this side of the road which result In tailbacks into Newark. Please remember Wellow Road is the A616 and official detour route for both North and South bound traffic off the A1.
- The residents of Cinder Lane each own the land to the middle of the road because they paid for it out their own money to be tarmaced and pavement installed around 1974.
- Any large delivery vehicle or refuse bin lorries have to reverse into the street off Wellow Road because they are unable to turn round in the cul de sac due to the number of cars parked there.
- The land in question has covenant on it that dates from 1787 and it can only used for agricultural purposes.
- Site is used by skylarks and badger setts

**In response to the consultation undertaken 26/06/17** (relating to the revised site location plan to include the splays, the revised draft heads of terms and the additional ecological information) the following comments have been made:

- Alterations to the junction won't make any difference to visibility and turning left off Wellow road onto Cinder Lane will not be improved due to presence of covered telegraph pole.
- Another important reason why it was turned down is that the Great Crested Newt resides on the land which can't be disturbed by law.
- Tax payers money should not be spent on this project and it should be I permanently turned down.

**In addition, Ollerton Village Residents Association** strongly object to the proposal on the grounds of:

- Contamination concerns
- Road safety (poor visibility to the east and number of parked cars along Cinder Lane)
- Location outside of settlement boundary
- Lack of public transport nearby

Comments were reiterated on **4 May 2017** with the objecting remaining; it goes on to say that:

The drawing included in the ADC letter indicates a telegraph pole in the north eastern corner of the garden to be just behind the visibility splay. This telegraph pole is covered throughout its height with vegetation which projects forward of the splay line. we note that the ADC letter fails to mention this. Unless the vegetation is removed there will not be any improvement in visibility. The letter does not make any reference to removing and preventing re-growth of this vegetation. Even if the growth was permanently removed, it is our opinion that the telegraph pole itself will obstruct visibility.

They go on to request conditions are imposed if approved to include;

- 1) Approved visibility splay prior to any on-site activity, and;
- 2) Developer to retain responsibility for maintaining visibility splay for at least 25 years.

## Comments of the Business Manager

### Preliminary Matters and Background Information

It is noted that within the Design and Access Statement and subsequent emails the agent states the land is previously developed land. I acknowledge that the site was previously a poultry farm; however the site visually reads as agricultural land that has assimilated back into its former landscape over the passage of time. The definition of previously development land within the **revised** NPPF **continues** excludes land that is or has been occupied by agricultural or forestry buildings. I therefore consider the land is a green field site and have considered the scheme in this context.

According to the Design and Access Statement the scheme is for 'Residential development of 25 dwellings (30% affordable) with associated access, drainage infrastructure, landscaping, open spaces, car parking and all ancillary works.' This is echoed in the Planning Statement (save for the reference to open spaces). On this basis, the description of development has been changed to make this clear.

It will be noted that the Highways Authority initially raised objections to the scheme. Following the initial consultation period Officers were preparing to refuse the scheme under delegated power on the grounds of highway safety, concerns regarding the failure to properly demonstrate impacts on ecology (particularly great crested newts, reptiles, breeding populations of nightjar and woodlark) and that the scheme as promoted originally did not promote any means of securing appropriate provisions of social contributions required to meet the needs of the development. It should be noted that at that time there was ~~greater~~ caution regarding the Council's ability to demonstrate a 5 Year Housing Land Supply against an OAN target to which significant weight could be attached. The application was not, at that time, proposed by officers to be refused as a matter of principle. However, the applicant requested that the scheme was held in abeyance whilst they attempted to deal with the concerns raised.

~~Some Months~~ have since passed and additional information ~~was has been~~ forthcoming (June 2017) which has dealt with the technical reasons for refusal which were previously conveyed to the applicant. I will deal with each of these technical matters in turn below. Firstly, however, one must assess the extent to which the Authority has a 5 year land supply and thus, in accordance with paragraphs ~~47-55~~ **73-76** of the NPPF, which in turn affects the degree to which policies are up to date and the 'tilted' planning balance.

### 5 Year Housing Land Supply

**Members will be well aware that** the Council's position in terms of its 5 year housing land supply has changed during the lifetime of officers discussions on this particular application, which has been in for some considerable time (at the applicants request) and has been known about prior to the formal planning application.

**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 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 Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making. This has been confirmed by an Inspector through recent appeal decisions dating from April 2018, including a decision recovered by the Secretary of State in respect of the 2<sup>nd</sup> Farnsfield Public Inquiry which was dismissed.

### ***Lowfield Cottages Appeal***

It is important to note that one of the appeal decisions mentioned above bears some striking similarities to this application now before Members. This was in relation to a site known as Lowfield Cottages, Bowbridge Lane in Balderton. The application was for 35 new houses outside of the defined built up area of the 'Newark Urban Area' which actually formed part of the landscaping/green infrastructure (surplus land that was essentially assimilated back to countryside) for the strategic site known as 'Land South of Newark'. This was a scheme that had been lodged during the period of uncertainty with our 5YHLS with matters of concern having been addressed throughout the life of the application (alike this application). By the time the application was ready to be considered by the Planning Committee, the 5YHLS had become clearer, albeit the officer recommendation was for approval. Members however considered that the 5YHLS was clear and robust and considered that it should carry more weight, refusing the application. The decision was subject to appeal and was dismissed.

In determining the appeal, the Inspector was satisfied that a 5 year housing land supply had been demonstrated and that the titled balance did not apply. Notwithstanding the description of the development the Inspector concluded that the appeal site was green field (I have also concluded this site to be greenfield) and therefore there are no benefits associated with developing a brownfield site.

The Inspector found there to be conflict with the Development Plan due to its location in the countryside and found that no other harm such as design, highways, biodiversity and drainage had been identified '*a lack of harm with regards to these factors is neutral*' (para 13).

In the appeal, the appellant placed significant weight to the Council's assessment of the site being reasonably well placed to the settlement (not dissimilar to the application before Members) however the Inspector concluded that;

*"...However, there are likely to be many sites outside the urban area with a similar relationship to the urban area as the site and thus there is no particular advantage of development in this location. There would be some general economic benefits associated with house building in terms of additional expenditure in the area and, for a short period, construction. However, I have not been provided with any evidence to suggest that defined centres, services or facilities in the area are in need of additional development over and above that already committed or planned in order to address issues of vitality or viability. Paragraph 55 is also specific in its reference to supporting the vitality of rural communities. Newark is defined as a sub-regional centre in the plan and I have seen nothing which suggests the vitality of this community is likely to be dependent on windfall sites outside the settlement boundary."*

In the case before Members, Ollerton is a 'Service Centre' and the same can be said for this settlement.

The Inspector went on to confirm that the facilities within Newark weren't far and that it may promote some sustainable modes of transport, however concluded that as this would only be achieved through development in the open countryside it could only attract modern weight. In the balance, there was nothing to outweigh the harm.

This appeal decision carries significant weight as do the numerous appeal decisions that have confirmed that the Council does indeed have a 5YHLS.

~~This Council, as Local Planning Authority (LPA), has dealt with a number of housing planning applications in recent years. The issue as to whether an LPA has a 5 year housing land supply (HLS) is of significant importance when dealing with planning applications for housing development, particularly in terms of the weighting of Development Plan policies and the need for housing delivery when weighted against other material planning considerations, with the 'tilted balance' potentially coming into play.~~

~~As an LPA we have been challenged in the past on our ability to demonstrate a 5 YHLS, notably in January 2016 (a Public Inquiry appeal decision in Farnsfield) and November 2017 (the Public Inquiry which concluded its sitting days on the 17<sup>th</sup> November 2017 with a decision now awaited from the Secretary of State). Whilst coincidentally within the same settlement within Newark and Sherwood District both appeals, and the evidence heard at them (given the passage of time), demonstrate that things have considerably moved in terms of material planning considerations to which this Authority must have regard in its decision making.~~

~~In order to bring Members up to date (which includes some of the debate within the recent Inquiry) I can comment as follows.~~

~~The adopted Core Strategy (March 2011) details the settlement hierarchy which will help deliver sustainable growth and development within the District. As detailed in Spatial Policy 1 of the Core Strategy the intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services. The policy goes on to confirm the lowest tier of the hierarchy as 'other villages' in the District. In such areas development is considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas).~~

~~It is a matter of fact that the housing requirements set out in the Council's adopted Core Strategy (which set a target for delivery of 740 dwellings per annum) was based on the now abolished Regional Plan. It is also a matter of fact that housing delivery should now be planned, in accordance with both the NPPF and Housing White Paper, using an evidence base of Objectively Assessed Need (OAN).~~

~~It is interesting to note that it is a matter of agreement at both Farnsfield appeals and in every other 5 year land supply professional debate that officers have engaged in for ANY application in this District that the figure of 740 per annum is no longer relevant for decision making and 5 year land supply determination. It remains the OAN.~~

~~The National Planning Policy Framework promotes the principle of a presumption in favour of~~

sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

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

~~The need for housing remains an important material planning consideration in the planning decision making of the Council, as LPA, as underlined within the National Planning Policy Framework (NPPF) and most recently the Housing White Paper and November 2017 Budget. The White Paper itself promotes a requirement to boost housing supply. The importance of a plan-led system in assisting with housing delivery is clearly identified, as is the requirement for housing targets to be based on Objectively Assessed Need (OAN) which is applied consistently nationally in terms of methodology. The White Paper clearly (re)endorses a plan-led system both in making clear for communities the quantum of development required and in how they can assist in identifying appropriate sites and densities to ensure delivery. The role that neighbourhood planning plays as part of this is also noted.~~

~~The Council has for many years been committed to ensuring that the plan-led system prevails. The Council was the first in Nottinghamshire to have a set of LDF plan documents adopted in the form of a Core Strategy (March 2011) and Allocations and Development Management Policies DPD (July 2015). The Council were also the first authority in the Country to adopt the Community Infrastructure Levy (December 2011). The Council has had 5 Neighbourhood Plan referendums, meaning that in several locations (not in Ollerton currently) a Neighbourhood Plan forms part of the Development Plan. The Council also has a track record of working proactively with applicants to secure planning permission in the right place and in the right form. This is evident in the numerous planning consents granted on a range of both allocated and non-allocated sites and the fact that national, regional, and local housebuilders are actively building across the District.~~

~~Newark is a sub-regional centre and, at the time of Core Strategy adoption, was a designated Growth Point with an allocation of c70% of the district's overall housing growth, principally in three Sustainable Urban Extensions (SUEs). There remains a commitment in spatial development terms to deliver significant housing numbers via the SUE's. By their very nature, these have taken longer to be brought to market. However, Land South of Newark (Core Strategy Site NAP2A) now has 2 no. national housebuilders involved, the first of which is building (and can build up to 599 units with the infrastructure now in). Consent will shortly be issued to a national housebuilder for the Fernwood SUE (Core Strategy Site NAP2C) for 1050 houses (S106 awaiting execution) with an application for another 2 no. housebuilders pending. NSDC are confident that the SUE's can and~~



~~will now deliver significant housing, proving that the Core Strategy and its spatial distribution of Growth is deliverable, and that previous delays have been overcome. This is a matter which has also been rehearsed recently in an appeal in Rushcliffe (Ref. APP/P3040/W/16/3143126 — an outline application for 65 dwellings in Aslockton), with the appeal having been dismissed on 25<sup>th</sup> October 2016.~~

~~In order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, has produced a Strategic Housing Market Assessment (SHMA). The SHMA has been produced in line with Government Guidance by consultants G L Hearn, in conjunction with Justin Gardner of JG Consulting, on behalf of Ashfield, Mansfield and Newark & Sherwood District Councils who form the Nottingham Outer Housing Market Area. The SHMA has produced an OAN for NSDC of 454 dwellings dwelling per annum (dpa) (using 2013 as a base date). Although this figure is yet to be tested through an Examination In Public (EIP) this is the *only (emphasis added)* objective assessment of need (OAN) available in NSDC that has regard to the housing market area, as required by both the NPPF and the Housing White Paper.~~

~~The aforementioned Appeal in Farnsfield in January 2016 (Farnsfield 1) was allowed on the basis that this Council was deemed not have a 5 year housing land supply. This was the view of one Inspector who disagreed with the annual requirement figure, noting that the information for the whole HMA was not before them. The Inspector concluded that on the balance of the *evidence available to them at the Inquiry (emphasis added)*, a reasonable assessment of the Full OAN for Newark & Sherwood would be in the order of up to 550 dwellings per annum. The Council applied for leave to Judicially Review (JR) the Inspector's decision but this was not granted. Since the JR the Council has re-visited the OAN with its consultants and its two neighbouring Councils, all of whom are confident they can robustly defend the OAN at an EIP and that the planning appeal inspector was incorrect. This was underlined by the publication in July 2016 of a Farnsfield Appeal Statement Position Statement (see~~

~~<http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/prefapp/HMA%20Position%20Statement%20-%20Farnsfield%20Appeal.pdf>.~~

~~Moreover, this Council has now submitted its Amended Core Strategy to the Planning Inspectorate following ratification by a special Full Council meeting on the 26<sup>th</sup> September 2017. An Examination hearing has been confirmed for the week commencing 29<sup>th</sup> January 2018. Ashfield, one of our HMA colleagues has already had its EIP, following which it has been confirmed that no main modifications have been requested by the Inspector in relation to the OAN, which together with Mansfield (also progressing their plan on the basis of their HMA OAN target) combine to create the full OAN for the whole HMA.~~

~~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 since the original Farnsfield appeal decision.~~

~~The OAN across the HMA has been reconsidered following Farnsfield 1, specifically addressing the points which persuaded the original inspector to conclude that an OAN of up to 550 would be appropriate. The OAN of 454 remains the only robustly and recently assessed figure before us as decision-makers to determine the appropriate figure against which 5 year delivery should be assessed. Indeed, Members will recall that Officers have consistently advised that a 5 year land~~

~~supply against a 454 OAN could likely be demonstrated. However, uncertainly with respect to the weight which could be attached to the OAN, together with a lack of information on in year completions (as you know at the end of each municipal year officers review and ultimately publish actual new housing completion information), a 'pragmatic' approach was recommended. This entailed an approach whereby having a 5 year land supply was accepted, but that could support schemes which fell immediately adjacent to main built up area boundaries and village envelopes, which are acceptable in all other technical and environmental respects (emphasis added) and which will demonstrably boost housing supply in the short term (including imposing shorter timeframes for implementation and demonstration of no other site impediments eg. infrastructure costs or contamination). This position was to be re-assessed as the Plan Review progresses.~~

~~The Council's position on new housing delivery was captured in July 2017 when its annual monitoring information was published. This identified that both stalled and new sites were contributing to an increased build out rate. Indeed, based on housing completions as of 31<sup>st</sup> March 2017 the authority confirmed that it has a 6.2 year supply based on a housing target of 454 dwellings per annum.~~

~~Moreover, all 3 of the HMA Council's remain fully committed to the OAN figures we have each adopted, with Ashfield having concluded Examination (and awaiting the Inspectors report), ourselves being at Examination in January, and Mansfield progressing. On this latter point Members may have noted that Mansfield have been identified in a Written Ministerial Statement dated 16<sup>th</sup> November 2017 have been identified as an Authority who has made unsatisfactory progress on Plan Review. In light of this it is likely that Mansfield will be keen to progress their Local Plan at speed, on the basis of the Preferred Approach which has recently concluded its consultation period, utilising the figures set out in the SHMA as their housing requirement.~~

~~This position has also been confirmed by a recent (August 2017) appeal hearing decision which has accepted that this Council has a 5 year housing land supply against a target of both 454 and 500 dwellings per annum. Even on a 550 OAN the Inspector in that case concluded that any shortfall would most likely be made up by windfall schemes.~~

~~Given this position the Council considers that limited weight should now be attached to the Farnsfield Inspector's decision. 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. This stance is consistent with the Council's case at the most recent Farnsfield Appeal, a decision on which is awaited (timescales unknown). This must ultimately be weighed in the overall planning balance.~~

### Principle of Development

Paragraph ~~14~~ **10** of the NPPF makes clear that at the heart of the **revised** National Planning Policy Framework is a presumption in favour of sustainable development, ~~which should be seen as a golden thread running through both plan-making and decision-taking.~~ I concur with my Policy colleagues comments in that the main strategic issue is whether the site, and proposal, can be considered sustainable and my assessment seeks to focus on factors which contribute to this in

order to assess whether the proposed development strikes an appropriate balance between its economic, social and environmental dimensions.

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.

It is noted that this site was promoted as a potential site for housing as part of the Strategic Housing Land Availability Assessment (SHLAA). However, the 2011 draft Allocations & Development Management Development Plan Document identified the site as not suitable, due to potential highways impact on Cinder Lane and intrusion into the open countryside and consequently it was not allocated for development. The planning statement sets out that this application is being made given that many allocated sites have not yet come forward and given the position with our 5 year housing land supply, which I have rehearsed above.

The application site is, as matter of fact and policy, located outside of the town of Ollerton. It therefore falls in the first instance to be considered against the sustainability criteria of Spatial Policy 3 relating to Rural Areas. Under this policy development away from the built up areas, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. The policy goes on to direct the decision maker to an open countryside policy in the Allocations and Development Management DPD, being Policy DM8. It is important to note that DM8 was found to be consistent with the NPPF in the adoption of the Allocations DPD. Both DM8 and the NPPF state that local planning authorities should avoid new isolated homes in the countryside unless there are specific circumstances to justify them.

I note from the submitted planning statement that the applicant acknowledges the site is within the countryside (albeit they say it is previously developed, a matter addressed above). The statement goes on to state that the Development Plan is out of date due to a recent appeal decision within the district which concluded that the authority cannot provide evidence of a 5 year housing supply, a matter which the Council is confident **has now been can be rebutted**.

Clearly given the location of the site (countryside) it is also crucial that care is taken to respect landscape setting through design, layout and landscaping which manages the transition from the countryside.

A scheme of 25 dwellings would in terms of its scale be appropriate/commensurate to the size and location of the Service Centre and its status within the settlement hierarchy. However the scheme proposed here is beyond the main built up area of the settlement. On the basis of the above, given that the site is located immediately adjacent to the settlement of a service centre (thus a very sustainable settlement) in forming a view on the acceptability of the principle of the development it is considered that a balanced view of the all of the relevant considerations needs to be reached, which is provided at the end of this report.

#### Landscape and Visual Impacts

The site appears odd in plan terms relative to the settlement boundary. It follows no obvious built plan form or settlement line/boundary. That said, one must understand the impacts of the development on the ground.

The site is located in Policy Zone Sherwood 27 (Ollerton Estate Farmlands) where landscape characteristics are gently rounded topography, medium to large scale semi-irregular field patterns and occasional hedgerow trees etc. The area is defined as having a 'moderate' landscape condition and a 'moderate' landscape sensitivity, the overall landscape action for the policy zone is 'Conserve and create'. Indeed on site I noted the site is relatively flat with little by way of vegetation on site. I also noted the footpath that runs adjacent to the site where receptors would note a change, but one that is not necessarily harmful.

The applicants Planning Statement at paragraph 5.30 mentions that a landscape buffer and additional planting are to be included in the scheme, however this is not shown on the indicative Masterplan.

The County Council's Landscape Architect's comments are noted, which request further information including details of landscaping and an arboricultural survey. Given landscaping is a reserved matter and there is no mature vegetation to be removed to accommodate the proposals I do not consider it reasonable for the applicant to provide this at this stage and could be properly assessed at reserved matters stage. I also note that they support the proposal in principle.

In terms of visual impacts, I note that NCC have also commented that the main visual receptors are residents on either side of Cinder Lane to the north, on Griceson Close to the north west, and Maltkiln Close to the north east, who currently have views of open agricultural areas. Whilst no assessment has been provided by the applicant on the visual impact, I consider that it would be reasonable for the District Council to form a view on likely impacts based on the parameters known at this time. Having visited the site and having noted comments from consultees I find no reason that the site could not be developed for this level of development from a visual perspective (subject to proper demonstration and mitigation at reserved matters stage). There clearly will be landscape impact and harm from the baseline position of open land. However, that does not, in my view, mean that there a scheme cannot be designed which would allow the site to be properly assimilated. Consequently, I consider there are no grounds for refusal in respect of landscape or visual impacts alone.

#### Housing Density/Mix/Disposition

CP1 (Housing Mix, Type and Density) states that densities of around 30 dwellings per hectare or more will be set for sites other than strategic sites in the district. The submission of 25 dwellings would equate to just under 25 dph, which is lower than normally expected. No justification has been given for this. However given its position on the edge of the settlement I consider that it would be appropriate when taking into account matters such as landscape buffers around the edge of the development to manage the transition to open countryside.

CP1 also sets out that the District Council will seek to secure a mix of housing types to reflect local housing need, which will be dependent on local circumstances and viability. No viability case has been put forward. The Housing Market Needs Assessment and Sub Area Reports commissioned by this Council and undertaken independently by DCA in 2014 sets out the market needs for Sherwood Sub Area, within which Ollerton falls. This suggests that the main type of properties required by existing households would be bungalows and detached, with private rented being the most sought after tenure for concealed households. Housing need appears to be greatest for those with 3 bedrooms, 2 bedrooms and 4 bedrooms respectively with limited need identified for 1 bedroom.

The indicative layout indicates that the site could provide for a mix of 2, 3 and 4 bedroom units, including 2 bungalows albeit the precise mix would be reserved for subsequent consideration. The indicative plan suggests a mix as follows:

<b>House Type</b>	<b>No. of Houses Shown Indicatively</b>
4 bed detached	6
3 bed detached	7
3 bed semi-detached	6
3 bed bungalow	2
2 bed semi-detached	4
<b>Total</b>	<b>25</b>

The indicative mix does not reflect exactly the need identified (in that I consider it would be reasonable to have more 2 bedroom dwellings than 4 bedroom dwellings and more bungalows) based on the evidence of local need. I concur with my policy colleague in that I believe it is important that the scheme meets local need in order to create a mixed and balanced community thus contributing towards a sustainable development. The indicative mix does not; however I appreciate that this is an outline application and the matter could be controlled by condition if minded to approve the scheme. Commentary on affordable housing is set out in the developer contribution section later in this report.

In terms of disposition, I am mindful that layout is reserved. I consider that given the sites position in the countryside/on the edge of the settlement more consideration would need to be given to having stronger landscaping buffers, certainly around the periphery of the development and perhaps lower density detached dwellings located towards the edges of the development to help manage the transition towards the countryside. I do not consider the indicative layout would be acceptable. At present insufficient space appears to be available to achieve any meaningful landscaping but given the low density, I am satisfied that the site is sufficient in size to accommodate a layout that would be able to provide a scheme that is appropriate for its context.

### Highways Matters

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides that proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided.

The Highways Authority initially objected to the application on the basis of inadequate visibility for vehicles at the Cinder Lane junction with A616 Wellow Road. The objection related to the visibility splay to the east onto the A616 which carries significant levels of traffic, a matter I noted on site during my site visit.

There are two highway standards that could be applied (detailed in the Highway Authority comments) but the HWA stated that this application could not achieve either (it is noted that we have applied the larger splay on the allocated site development over the road). The HWA commented that the way in which the applicant measured the visibility splay is flawed potentially discounting cyclists and motorists riding close to the kerb. Cinder Lane already serves around 30 dwellings and the HWA recognise there is no recent history of injury accidents but were clear that 25 houses would generate an unacceptably higher proportion of vehicle trips traveling through a

sub-standard junction and adding significantly to the risk of an accident. They also acknowledged that an offer was made to provide a vehicle activated sign (VAS) in an attempt to reduce speeds so that the available visibility splay distance is adequate although the HWA raised concern that there is no guarantee that such a sign would achieve the required reduction in speed particularly since such a sign already exists only 280m away. On this basis the LPA were preparing to refuse the application when the applicant requested that the applicant was held in abeyance whilst they tried to resolve matters, which the LPA agreed to.

Some months have passed, however the applicant has now presented an amendment to the scheme in an attempt to overcome the highway concerns. The applicant has now secured a legal agreement to purchase a strip of land (front and side garden) at 1 Bottom Row which would then allow the visibility splay to be improved from the originally proposed 40.5m to 52.7m in an easterly direction.

The Highways Authority have therefore reconsidered their position and comment that whilst this would not meet the 2.4m x 90m standard prescribed by the Highway Agency's 'Design Manual for Roads and Bridges TD/42/95' (DMRB) it would exceed the 2.4m x 44.4m standard prescribed by Dept. of Transport's 'Manual for Streets' and the CIHT document 'Manual for Streets 2' (MfS). On this basis they have removed their objection based on a number of factors; which include

- The proposal now offers a recognisable and potentially justifiable standard of visibility splay using MfS.
- Cinder Lane/ Wellow Road is an existing junction serving about 30 dwellings that has functioned without any recent injury accident history.
- The improved splay will benefit existing users of Cinder Lane.
- The proposed modest-sized development of 25 new dwellings is not considered excessive given the proposed improvement.
- The Avant Homes development, about 100m to the east of Cinder Lane, will 'urbanise' the approach to the Cinder Lane junction from the south-east and help to naturally reduce speeds.

They do however make clear that their decision to rescind the recommendation to refuse has been made only after consideration of the close balance between arguments that could be presented at an appeal (should that be an eventual course of action) particularly with regard to which highway guidance should be applied.

I note that some local residents have commented that the visibility splay to the east would not be improved due to the continuing presence of an existing telegraph pole within the land to be acquired. This pole is currently covered in thick ivy giving it the appearance of a tree. All of this vegetation would be removed. The proposal is actually for the additional slither of land to form part of the public highway. I am therefore satisfied that the clearance can be secured and there would be no need to require the applicant to maintain the visibility splay (free from obstruction) as this would fall to the County Council once it is provided and handed over, the provision of which is secured by recommended condition.

Based on the above it is concluded that the proposal would accord with SP7.

## Amenity

The consideration of amenity impacts is required by virtue of Policy DM5 which states that development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. Given the outline nature of the proposal it is not possible to assess all amenity impacts such as overbearing or loss of privacy through overlooking. These factors could be fully assessed at reserved matters stage. However suffice to say that I am satisfied that the development of 25 houses would not have an adverse impact on amenity in principle (such as through general disturbance) to existing occupiers of dwellings.

## Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The application is supported by an updated Preliminary Ecological Appraisal (PEA).

### *Birklands and Bilhaugh Special Area of Conservation (SAC)*

The application site is in close proximity to the Birklands & Bilhaugh Special Area of Conservation (SAC), which is a European wildlife site (also commonly referred to as a Natura 2000 site), and therefore has the potential to affect its ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations').

### 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

In the NWT consultation response they draw to this Authorities attention that the site is within the 5km zone of influence of Birklands & Bilhaugh Special Area of Conservation (SAC), therefore there is potential for recreational impacts as a result of possible increased visitor pressure, to damage the interest features (old acidophilous oak woods) of the European site. Policies within the Council's Core Strategy and Allocations and Development Management DPD set out the requirements for proposals within 5km of the SAC to provide measures in order to relieve pressure on the SAC. It should be noted that no information or mention has been made within the applicant's submission on the potential impacts on the SAC. However within the submission there is a cursory mention within the bullet point list of matters which a S106 would need to secure to SANGS being Suitable Alternative Natural Green Space and therefore it is assumed that this implies the applicant considers there may be a need for such mitigation and therefore impacts cannot be ruled out. Given the indicative masterplan it is also presumed that it would not be the intention to provide open space on site that may qualify as green space that could alleviate pressure from the SAC.

Given the substantial population of Nightjar and Woodlark in the Sherwood Forest area the site is a potential Special Protection Area ('SPA') under the EU Birds Directive. As such the provisions of the Conservation of Habitats and Species Regulations 2010 (formerly the Conservation (Natural Habitats etc.) Regulations 1994) would have to be applied for developments within a 5km buffer, which this application falls within. This precautionary regime seeks to determine whether the development is likely to have a significant effect on the pSPA (either alone or in combination with other plans or projects).

NWT have pointed out it is essential 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. Particular attention is drawn to the potential impact of

- disturbance to breeding birds from people, their pets and traffic
- bird mortality arising from domestic pets and/or predatory mammals and birds"

Adopting a precautionary approach it is for the Council as Local Planning Authority to judge and balance the impacts in this particular case. The site itself it is not a breeding habitat and there will be no direct impact on Night Jar and Wood Lark habitat. Equally there will not be, in my submission, given the distances involved, any impact or disturbance from the anticipated lighting associated with the development.

I therefore turn to indirect or associated impacts such as pet ownership or increased activity i.e. more people going to recreational sites within the District. In terms of daily recreational activity, provision hasn't been made on site. However it would be expected that some form of SANGS would be provided off-site *if* a S106 was able to secure this. What is more difficult to assess is the specific impact of this proposal with respect to any likely increase of visitors to affected recreational areas such as Sherwood Forest.

Notwithstanding the above, in taking a precautionary approach and bearing in mind the significant distances involved my submission would be that provided potential for SANGS offsite, together with awareness messages for any future occupiers of the development, the matter would be adequately addressed especially when taken together with the overall balance of planning considerations detailed in this report.

Mitigation by way of a financial contribution to provide suitable alternative green spaces (SANGS) is therefore considered appropriate, which could be controlled by Section 106 Agreement. It is also recommended that the provision of information to all new residents in the form of a 'welcome pack' to first occupants regarding ecological value of the local area and the sensitivities of woodlark and nightjar, requesting that dog walking after dusk during the breeding season within key areas for nightjar is avoided. This pack would be required to stay with the property and handed over to subsequent residents. This could be controlled by Section 106 and the applicant has agreed to both such measures.

However, I am mindful that the public footpath is an existing right of way and the proposed development could lead to increased use of this footpath. Given that this application is made in outline, a reserved matters application would be a suitable forum to ensure that details of design such as appropriate boundary treatment and matters to assist awareness to residents such as signage could be controlled by condition.



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. I note that Natural England have not raised any objection and in fact neither have the NWT in this regard. The County ecologist has also remained silent on the matter. In my view, there is sufficient information to enable this Authority to come to a judgement on the matter.

Given that there would be unlikely be any public open space on the development, I consider this will likely place some additional recreational pressure on the pSPA and the SAC. I consider it unlikely that the proposal would result in a direct impact on the pSPA and any impact would be indirect from recreational pressure. I consider that on balance the mitigation measures could be secured by conditions and through a SANGS contribution which the developer has agreed to.

The impact on protected species has been assessed following standing advice. The preliminary ecological survey assesses the site as being of low ecological value. No evidence of badgers or roosting bats was found, although there may be potential for the linear vegetative features to serve as routes for foraging and commuting bats. It is stated that the site has suitable habitat for reptiles and also great crested newts, with three suitable breeding ponds located within 500m of the application site. The site, in particular the hedgerows, dense scrub, scattered trees and the building within the application site, will be suitable for supporting a range of breeding birds. In particular, there were some species of high conservation concern present in the survey, including house sparrow (*Passer domesticus*) and dunnock (*Prunella modularis*). The preliminary ecological assessment makes a number of recommendations relating to avoidance of clearance works during bird breeding season, enhancements such as sparrow boxes, sensitivity external lighting and measures to protect badgers during construction all of which can be controlled via condition.

It also suggests further surveys in relation to great crested newts and reptiles which I discuss below:

#### *Great Crested Newts/Reptiles*

Due to the presence of ponds and suitable habitat within a 500m radius of the site, the preliminary ecological appraisals flags up that great crested newts and reptile surveys of the site are required and haven't been undertaken during the season (mid-March to mid-June). I note that paragraph 99 of Government Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

Both NWT and the County Ecologist have made representations that the scheme should not be granted until the surveys have been undertaken. In an attempt to allow the application to proceed the applicant has commissioned a Great Crested Newt Method Statement which sets out a worst case scenario and means of mitigation in an attempt to provide comfort to the decision maker that this matter need not stall a positive recommendation. The idea being that the mitigation proposed is based on a worst case scenario (such that the site supports a large population of GCN and a population of common reptiles) to ensure that it over mitigates any harm.

In brief the mitigation strategy compromises a 3m wide buffer zone and corridor around the site

boundary (within the application site) which would be planted with tall tussock grasses and a hibernaculum would be created as well as the retention of hedgerows. I consider that the mitigation proposals demonstrate that the impact on GCN and reptiles could be made as acceptable subject to condition.

I do not disagree with the comments of the NWT or County Ecologist, in that the applicant has neither confirmed or ruled out the presence of a reptiles or great crested newts. However I am satisfied that in either case appropriate mitigation can be provided and thus the harm will be minimised/ negated providing this is subject to a condition. Bearing in mind that harm can be minimised/avoided, I do not consider that it would be reasonable to withhold a planning permission in this instance. It should be noted that the agent has offered to secure the undertaking of the necessary surveys through a Section 106 Agreement. However I do not consider that this is necessary and it can be dealt with adequately by condition.

Based on the above, I do now consider that the application has satisfactorily demonstrated compliance with CP12, DM7 the SPD on Developer Contributions or the NPPF, a material planning consideration.

#### Drainage and Flood Risk

The NPPG does not explicitly require the submission of Flood Risk Assessments for sites of less than 1 hectares which this is (just; 0.95h), in flood zone 1. The applicant has not submitted a full Flood Risk Assessment (FRA) as part of the submission although has referenced flood risk within the Design and Access Statement. According to the EA maps the site appears to be located within Flood Zone 1 and as such is assessed as having less than 1 in 1,000 annual probability of river or sea flooding. The Sequential Test does not apply to residential development within flood zone 1 and as such the location of the proposed development is considered appropriate in terms of flood risk.

I note the comments of the LLFRA who initially commented that a FRA is required (they had assumed the site was over 1ha) but whom have now clarified that surface water drainage is not a matter that is insurmountable on this site and one that could be satisfactorily controlled by condition. I therefore find there are no grounds for refusal on this basis.

#### 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.

#### **Affordable housing**

Core Policy 1 sets out that qualifying schemes should secure 30% affordable housing on site. It goes on to say that where the viability of the scheme is in question, the developer will be required to demonstrate that this is the case.

The proposal would exceed the revised affordable housing thresholds (11 units or more, or where the combined gross floorspace exceeds 1000 sqm) and thus is a qualifying development.

The applicants Planning Statement suggested that the 30% requirement would be met, with a 66% social rented and 34% intermediate housing split, the planning application indicated only 4 x 2 bed (16% provision) social rented units were to be provided in total. However a Draft Heads of Terms has now been submitted with the application. This shows a policy compliant (30%) offer of 7 affordable houses comprising 4 dwellings for social/affordable rent and 3 dwellings for shared ownership. The applicant has now confirmed that the mix they are offering matches the precise mix identified as being needed by Strategic Housing. 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. Given the scheme has been amended to be policy compliant and reflects the precise need identified I am now satisfied that the proposal complies with CP1, the Council's SPD on Affordable Housing and the NPPF.

### **Public Open Space**

The Design and Access Statement indicates that this obligation is to be satisfied through contributions towards off-site provision. The SPD states that the scheme would need to provide for open space in the form of provision for children and young people (18m<sup>2</sup> per dwelling) and natural and semi natural green space.

#### *Provision for children and young people*

As a development of 25 dwellings, this application should make provision for public open space. No areas of public open space have been demonstrated on the indicative site layout and it is therefore assumed that the applicant would expect provision to be made off-site.

It is useful to note that for the allocated site to the north of Wellow Road (the allocated site OB/Ho/1, 14/01533/RMAM) which is being built out by Avant Homes for 147 dwellings has some open space on site including a LEAP to its south-eastern corner. Whilst they have done what they could on-site, they by a deed of variation have also paid a commuted up to make up for a shortfall. It therefore appears to me that the LEAP would therefore be not capable of being enhanced (if it could have been, the developer would logically have done this rather than pay to provide it elsewhere) on the adjacent site.

On this basis there would be a LEAP to the north some 500m away if walking. I note that there is existing public open space within the service centre (central park is approximately 800m away but as the crow flies) that could be enhanced to accommodate the children and young people from this development. Our Parks and Amenities Manager has suggested that we wouldn't normally expect to include children's play space for this size of development and therefore an approach such as enhancing facilities elsewhere is considered reasonable. The applicant has now confirmed that they will provide a policy compliant contribution towards POS which can be secured via a Section 106 Agreement.

#### *Natural and semi-natural green space*

The Newark & Sherwood Green Spaces Strategy has set local provision standards for a number of different types of open space. Those of relevance to new housing developments are as follows:

Natural and semi-natural green spaces – 10ha per 1,000 population. However in recognition of the difficulty of achieving this standard in urban areas the Strategy recommends that all residents of the district should live within 300m of an area of natural and semi-natural green space. Given that the site is on the edge of the settlement there are fields immediately to the east, south and west of the development which I consider would meet the aspirations of the policy.

#### *SANGS*

This is discussed earlier within the ecology section of this report.

#### **Community facilities**

Community facilities are defined as including Community Halls; Village Halls, Indoor areas for sport, physical activity, leisure and cultural activity and Halls related to places of worship. The Council's SPD provides where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate to support the existing infrastructure such as a village or community hall or other community asset. It goes on to say that 'it is further recognised that some community facilities are not fulfilling their potential to meet the needs of residents and thus may appear to be underused. In such circumstances qualitative improvements to such facilities would increase their ability to make a positive contribution to meeting the needs of the community.'

The site itself in my view is too small to provide community facilities on it and therefore any additional pressure upon community facilities that this scheme would place upon the community should be met off-site. In order to ascertain whether any community facilities contribution is justified consultation with the Community Sports, Arts and Culture Manager has been raised to ascertain which projects would benefit from a commuted sum. In response the Manager has suggested there are a number of projects that would benefit from enhancement to cope with the additional pressure from development of this site. It is suggested that the S106 monies be used to help deliver a new changing facilities/clubhouse for Ollerton Town football club (albeit the building is used in a wider sporting community) that will utilise the planned improvements to the Walesby Lane Sports Ground. The Walesby Lane site is seen as the strategic site in the locality and will hopefully link up with the Petersmith Drive development if approved to deliver a sustainable sports hub site for the wider community.

The contribution would be based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling equating to a maximum of £34,601.75. The applicant has confirmed that they would be willing to pay this contribution and this can be secured via a Section 106 Agreement.

#### **Education**

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. Nottinghamshire County Council has reviewed the proposals and state that a development of 25 dwellings would yield an additional 5 primary places. Consequently, the County Council have requested an education contribution of £57,275 (5 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 housing development is in the catchment of The Dukeries

Academy, for which any contributions would be covered by CIL. The applicant has now confirmed in their draft S106 Heads of Terms a willingness to provide this.

## Other Matters

### **Heritage**

The consultation response from the County Archaeologist states:

“The application is accompanied by an archaeological desk based assessment which has done a fair job of summarising the archaeological implications of the development, and notes that the site is surrounded by archaeological remains which are visible as cropmarks. The assessment also point out that there has been some levelling on the site associated with the erection of the now demolished chicken housing. The impact of this groundwork on buried archaeological remains is not clear, and there has to be a likelihood that such remains will survive in at least part of the site. I therefore recommend that if planning is granted, this should be conditional upon a programme of archaeological mitigation being undertaken. The works required could either take a phased approach of archaeological evaluation followed by whatever further mitigation the evaluation demonstrates is appropriate, or a programme of strip, map and record, where topsoil from the site is stripped under archaeological supervision and the archaeological remains which are uncovered are cleaned, planned and sample excavated. A condition such as the following may be appropriate...”

The County Archaeologist then goes on to suggest an appropriate condition. I concur that this would ensure that archaeology would be satisfactorily dealt with in the event that permission was granted.

### **Land Contamination**

The NPPF paragraph ~~121~~ **178** 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. The application site was previously occupied by five poultry sheds which appear to have been of asbestos construction which have now been removed. Both our EHO and Nottinghamshire County Council have confirmed there is clearly the potential for the site to have become contaminated from the former poultry farm use and from asbestos within the poultry shed construction materials. As no phase 1 desktop study has been submitted with the planning application, they have recommended that if minded to approve a full phased contamination condition would be necessary, which I concur with.

### **Rights of Way**

The public footpath running alongside the northern boundary would not appear to be affected by the proposal.

## Planning Balance and Conclusions

It is noted that the site lies within the countryside. However, the application site is located on the edge of a settlement which is a Service Centre in the settlement hierarchy with access to public

transport, employment, retail, educational, leisure and community facilities thus in my view the site is relatively sustainable geographically.

I am satisfied that a suitable design and layout could be achieved at the reserved matters stage.

Highway safety ~~which~~ has been raised as a concern by many residents and indeed initially by the Highways Authority. The acquisition by the applicant of additional land to improve the visibility splay is noted. Indeed, this has been persuasive for the highway authority, who's views I attached weight to and cannot disagree with, on balance. Other harm previously identified such as adverse impacts upon ecology has been addressed and I am now satisfied that they can be mitigated.

With regard to the economic strand of sustainable the development, given its scale the scheme would result in a modest level of economic benefit from development taking place. In addition it is acknowledged that the proposed development would contribute towards the boosting of housing supply, which would support the social element of sustainable development - albeit not significantly given the numbers proposed.

The creation of mixed and balanced communities is a key element of sustainable development and that the proposal advanced is now a policy compliant proposal in that it offers 30% on-site affordable housing to the exact mix and tenure as is identified as being required, financial contributions towards public open space, community facilities, suitable alternative green space and primary education such that it should not face additional pressure on existing facilities and thus is sustainable in this regard.

In summary the scheme is acceptable (or can be mitigated to be made so) in every technical respect. The site is on the edge of a Service Centre, which is a second tier and thus sustainable settlement within this Council's settlement hierarchy. The proposals would boost housing supply and the applicant would accept an 18 month permission overall (9 months reserved matters and 9 months implementation).

That said, the proposals is outside of the settlement envelope in a context where we are **now** confident (**bearing in mind the array of appeal decisions handed down in recent months**) that this Council has ~~of~~ a 5 year supply against an OAN of 454 dwellings per annum ~~but cannot yet attach determinative weight, particularly in the absence of an Examiners report on the Amended Core Strategy and/or a decision on the most recent Farnsfield scheme and that it should now carry determinative weight. For the avoidance of any doubt the scheme is very finely balanced at the current time. If the scheme were outside the settlement hierarchy, the OAN target of 454 was confirmed, and the Council has a 5 year land supply against this target I consider my recommendation would be refusal, in attaching significant and ultimately determinative weight to a plan led system. We do not yet have such comfort albeit the direction of travel of Officers and the Council is clear. We have submitted and are defending a Plan based on a housing target that we say is robust and which the Secretary of State and Planning Inspectors alike agree with. ~~As~~ NPPF terms, such a target cannot attract full weight albeit the Plan is one step away from carrying such weight (assuming an Inspectors report some time at the end of Feb/beginning of March). The Examination Inspectors comments will clearly have an impact on decision making, as will a decision on the pending Farnsfield appeal. I also note that the end of March 2018 will represent the trigger for officers again revisiting all completions in order that a new 5 year land supply update can be published. In summary there will remain uncertainly between now and most likely the end of March 2018 in terms of any of the above decisions. That said, there is no evidence~~

~~before me currently to suggest that any of the above factors will rule against the Council's position on OAN and 5 year land supply. The applicant has made clear that they wish this application to be determined at the December Planning Committee meeting and on this basis, having regard to all matters in the overall balance, I conclude, on a fine balance, that planning permission should be refused.~~

**To recommend approval of a site for housing in the countryside which goes directly against the Development Plan would undermine the Plan-led system. As set out there are limited benefits to this development but these in my professional view do not outweigh the harm of undermining our own Plan and I therefore must recommend refusal.**

### **RECOMMENDATION**

**Refuse for the following reason:**

01

The Newark and Sherwood Core Strategy Development Plan Document represents the spatial framework for growth and development in the District up to 2026. The application site is, as a matter of fact, located outside the settlement boundary for Ollerton as defined by Policy DM1 and illustrated on the Policies map adopted alongside the Allocations and Development Management DPD 2013 (at Map 9 of the Allocations & Development Management Development Plan Document, 2013). The Local Planning Authority is of the opinion that it has a 5 year housing land supply against its Objectively Assessed Need (OAN), which has been produced in accordance with the Duty to cooperate in conjunction with Mansfield and Ashfield District Councils. **Appeal decisions handed down to this Council by both Planning Inspectors and the Secretary of State (in respect of the Farnsfield Public Inquiry) this year (which take into account the OAN referred to above) confirm this to be the case and in the Council's view these decisions are significant material planning considerations which carry determinative weight.** ~~Whilst it is accepted that the OAN cannot yet attract full weight, Plan Review is progressing with all of the HMA Authorities. In the case of NSDC the **Publication Amended Core Strategy** has been submitted and will be examined in January 2018. The Council maintains that the OAN represents the most robust and up-to-date evidence on which to base decisions and that the interests of a plan-led system in this regard must prevail in an overall planning balance.~~

Developing this site, which is open countryside, would constitute an unsustainable form of development which would be contrary to adopted Spatial Strategy for the district contrary to policies SP1, SP2 and SP3 of the Newark and Sherwood Core Strategy Development Plan Document (adopted 29th March 2011) and Policies DM8 and DM12 of the Allocations and Development Management Development Plan Document (adopted July 2013) which together form the Development Plan. It would also be contrary to the National Planning Policy Framework ~~(March 2012~~ **July 2018**). There are no other material planning considerations that would outweigh the identified harm.

## **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](http://www.newark-sherwooddc.gov.uk/cil)

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

### **BACKGROUND PAPERS**

Application case file.

For further information, please contact 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](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager – Growth & Regeneration**





## PLANNING COMMITTEE – 7 AUGUST 2018

Application No:	18/00413/FUL	
Proposal:	Demolition of existing garages and development of 1 x 3 bed unit	
Location:	Former Garage Site, Thorpe Close, Coddington, Nottinghamshire	
Applicant:	Newark and Sherwood District Council	
Registered:	06 March 2018	Target Date: 01 May 2018
	Extension of Time Agreed	

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

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

### Update

This application was deferred from the June planning committee to enable the consultation period to conclude. As this report was published on a previous agenda, the report that follows remains as published with items received after the publication of the agenda now included in bold text and updates in bold and ~~striketrough~~ text where necessary. The recommendation remains for approval.

Since the June Planning Committee, Officers have sought clarification (in the form of a double check given the continued concerns raised by both the Parish Council and neighbours) from NCC Highways Authority with regards to the acceptability of the plan, specifically in terms of the maneuverability to the existing/retained right of access to no. 20 Thorpe Close. Their revised comments based on an amended tracking plan (provided since the June committee) are printed in full within the consultation section but in essence they advise that the revised plan (version K) is acceptable but appear to acknowledge that this is not ideal in terms of the number of movements required to enable an average sized car to be able to gain access in and out of no.20 Thorpe Close.

### The Site

The site comprises a garage court located on the western side of Thorpe Close with its access taken between numbers 20 and 22. This garage court is laid with a bound hardstanding and

comprises 10 single storey garages which are sited along the western site boundary.

Two storey residential dwellings surround the site. There are three existing vehicular accesses/rights of way off the garage court serving numbers 20, 22 & 24 Thorpe Close. It was noted at the time of the officer site visit that the garage court is also being used for the parking of cars on an informal basis.

The site lies within an area prone to surface water run-off and is outside of the Coddington Conservation Area which lies to the south-west.

#### Relevant Planning History

None relevant.

#### The Proposal

Full planning permission is sought for the demolition of an existing garage court and the erection of one bungalow. There are currently 10 garages on site which are proposed to be demolished.

The proposed bungalow has a rectangular footprint and would measure c11.6m wide by c7.57m deep to a ridge height of c5.45m. It has a simple ridge roof and its front elevation has two small projecting rendered gables. The dwelling would comprise hall, open plan kitchen/diner and lounge, bathroom and three bedrooms. It should be noted that the application description has been changed to reflect this as it originally referred to a 2 bedroom unit. Proposed materials are cited as Cadeby red multi facing bricks with the render being off white and the use of Russell Grampion roof tiles in slate grey.

The application is accompanied by the following plans and supporting information:

Site Location Plan, Ref 40860/ID43001B (amended and received 18/05/2018)

Proposed Site Layout Op 4, 40860/ID43009F K (amended and received ~~24/05/2018~~ 01/06/2018)

Proposed Plans & Elevations, 40860/ID4306A

Materials Elevations, 40860/ID43006B

Proposed Drainage, 100 P02

Phase 1 Desktop Study Report, by Collinshallgreen, November 2017

Phase 2 Desktop Study Report, by Collinshallgreen, November 2017

Information provided in respect of Garage Usage

Proposed Tracking, E454/150/P03 4 (as amended, received ~~16<sup>th</sup> May 2018~~ 18<sup>th</sup> June 2018)

Amended Application Form (received 11/05/2018) with confirmation of Notice having been served on neighbouring land owner.

**The application has been amended several times during the lifetime of the application.**

**Layout plan version K has been submitted in response to concerns raised via Cllr J Lee, a local resident and the Parish Council. The bin store has been relocated and the strip of planting along the rear boundary with the concerned neighbour has been removed. This now provides 6.34m of reversing space from the back edge of no. 20 Thorpe Close to the path in front of the proposed bungalow to allow vehicles to reverse out. NASH have confirmed they are unable to re-site the bungalow any further back due to an easement.**

## Departure/Public Advertisement Procedure

Occupiers of 14 properties have been individually notified by letter. A site notice has also been displayed near to the site giving an overall expiry date of 30<sup>th</sup> 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 6 - Infrastructure for Growth  
Spatial Policy 7 - Sustainable transport  
Core Policy 1 - Affordable Housing Provision  
Core Policy 3 - Housing Mix, Type and Density  
Core Policy 9 – Sustainable design  
Core Policy 10 - Climate Change  
Core Policy 12 - Biodiversity and Green Infrastructure

#### **Allocations & Development Management DPD**

DM1 – Development within settlements central to delivering the spatial strategy  
DM3 - Developer Contributions  
DM5 – Design  
DM7 - Biodiversity and Green Infrastructure  
DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- ~~National Planning Policy Framework 2012~~
- ~~Planning Practice Guidance 2014~~
- **National Planning Policy Framework July 2018**
- **Planning Practice Guidance 2018**
- Publication Core Strategy 2017

### **Consultations**

Amendments have been sought during the lifetime of the application which have been subject to re-consultation. Comments on the final amendments will be reported to Members are late items where necessary.

#### **Coddington Parish Council –**

**(02/07/2018)**

**Coddington Parish Council objects to this application, for the reasons previously submitted.**

An updated tracking plan for Thorpe Close 2 has recently been published on the planning website. The tracking lines are unchanged, with only the site layout updated:

- This provides No. 24 Thorpe Close with a small amount of additional room, although the bins are now close to the corner of their car movements.
- Moving the footpath back near No. 20 Thorpe Close has zero impact as the pinch points are where the tracking line is tangential to the part of the bungalow garden boundary (which has not been moved at all).
- The garden needs to be reduced along the full length of the tangent points to make the vehicle right of way for No. 20 Thorpe Close usable, and revised tracking plans provided that demonstrate this.

(11/06/2018)

“Thorpe Close 2 planning application 18/00416/FUL revised plans 4 June 2018

In addition to the previous objections, Coddington Parish Council submits the following objections:

**1. SP3 IMPACT**

**Loss of Amenities.**

The owner of no.24 Thorpe Close cannot exit from his garage, or enter his garage without an excessive number of steering manoeuvres.

The owner of no. 20 Thorpe Close cannot reverse into his parking space which has been in use for 30 years. The revised plan shows that the measurement of land available for access has been taken from inside the gate posts of no. 20 and includes a section of the property's own driveway. The plan also shows that the measured available access would encroach beyond the boundary of the proposed development. The plan shows a potential extension of the gateway to ease access, but states that this is not provided for within the scope of the current application. CPC suggests that the provision of a wider gateway access should be a condition of this application.

There has been no formal agreement that residents of 20 and 24 Thorpe Close and of 7a Beckingham Road have rights of access.

The provision of fencing for the boundary is inadequate and should be replaced by a wall.

There is no provision for the area to be lit, thus creating even more difficulties for residents access their garage/parking space.

**2. SCALE.**

This location is inappropriate for a three bedroomed bungalow causing over-development and reliance on land outside of the applicant's ownership. The site would be more appropriate for a smaller two bedroomed bungalow.”

*Previous comments:*

**01/06/2018 - "Coddington Parish Council objects to the above application which does not Address Policy SP3 of the Core Strategy on the following grounds:**

- Loss of amenities
- Need and specification of the proposed dwelling.

The Parish Council also considers that more detailed conditions are required during the demolition and construction works being planned by the applicant in Coddington to control the impacts on the residents and local transport.

A revised plan (version G, following numerous earlier versions) is mentioned in a letter published on 29 May 2018, but as of 31 May 2018 the plan had not been published with a closing date for comments of the following day, so was obtained direct from the consultants! It is of concern that no additional consultation period has been provided following these very late changes in layout, and the latest plan has still not been published on the closing date for comments.

#### **Loss of amenities.**

These garages are well used but have since been given up due to letters issued to tenants of the garages by Newark and Sherwood Homes. These will be the last remaining garages for rent from Newark and Sherwood Homes in Coddington. The complete loss of these garages and additional off-street parking spaces (which have been ignored in the officer's report) represents a significant cumulative impact in the village on:

- Residents, including those with limited mobility, using the garages near their homes.
- Congestion along the only regular bus route around the village.

This will mean that there will be increased street parking with the associated problems of access for local residents, emergency vehicles, utility vehicles and buses. There are no replacement garages or car parking spaces provided for the residents in any of the developments proposed by the applicant, even though nearby land is in the ownership of the applicant.

#### **Need and specification**

The 2014 Housing Market Needs survey assessment for the rural sub area clearly states that the need is for one and two bedroom dwellings. Permission for seven 1 and 2-bedroom social dwellings by the applicant has already been approved within the village. This application for a 3-bedroom bungalow does not fulfil the need criteria, with no justification being offered for proposing a dwelling not meeting the identified market need for smaller properties, and the size and alignment of the building is contributing to the difficulties with demonstrating access to rights of way for vehicles.

Coddington Parish Council objects to the application on the grounds set out above. Residents attended a public meeting with the Parish Council and there were widespread concerns about the impact of the demolition and construction work on neighbouring residents, which are not fully addressed in the proposed conditions.

**If the application is approved, to ensure the safety of residents and workers, a condition should be placed such that no development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:**

- i. the parking of vehicles of site operatives and visitors;**
- ii. loading and unloading of plant and materials;**
- iii. storage of plant and materials used in constructing the development;**
- iv. the erection and maintenance of security hoarding;**
- v. reinstatement of boundaries and gardens;**
- vi. wheel washing facilities;**
- vii. measures to control the emission of dust and dirt during construction;**
- viii. a scheme for recycling/disposing of waste resulting from construction works;**
- ix. delivery, and construction working hours.**

**The approved Construction Method Statement shall be adhered to throughout the construction period for the development. A similar condition was applied by the Planning Inspectorate in a recent appeal decision on another site in Coddington, and the same standards should be applied to this development proposed by the Local Planning Authority.**

**A similar approach should be adopted for the other construction work by the applicant and other developers in Coddington, and there needs to be managed coordination between the applicant's construction sites in Coddington to limit the cumulative impacts on village residents and bus routes."**

04/05/2018 – 'We note from the web site that the closing date for comments on this application is now 15 May. Following concerns raised by the Parish Council on behalf of residents adjacent to the proposed development site, we have not been notified of any changes to the plans to allow unrestricted vehicle access to the neighbouring driveways. There is a new diagram of tracking on the web site, but no explanation of what has changed or any practical proof that this will resolve the problems.

At the site meeting with Newark and Sherwood Homes, questions over encroachment on to privately owned land of a house on Ross Close and the right of rear access to a house on Beckingham Road were also raised. Have these issues been addressed?'

27/03/2018 - 'Coddington Parish Council unanimously objects to the application for a 3-bedroom bungalow to be built on the site of the Thorpe Close garages.

The position of the new dwelling and its car parking spaces would restrict the vehicular access of residents living on either side of the access road, to the extent that they could not get their vehicles in and out of their own driveways. In addition, the newly-built detached house on Beckingham Road which was granted vehicular access at the rear of the property through the Thorpe Close garages' forecourt would be left with no vehicular access.

The Council is in agreement that there is a need for more social housing to be built, but not in this confined space which is particularly unsuitable for what is designed to be a family home. The development would be an over-intensification of the site, resulting in loss of privacy for existing homes and for the new dwelling, being over-looked on three sides by two-storey houses. Furthermore, it would appear from the plans that the site of the proposed bungalow encroaches on the privately-owned land of a property on Ross Close.

Residents have complained of a lack of communication, and there has been conflicting information on the type of property to be built. The plans show that this is an application for a 3 bed bungalow, not a 2 bed bungalow as stated in the consultation letter and on the site notice.'

**NCC Highways Authority –**

**29/06/2018 – (in response to the revised tracking plan submitted 11/06/2018) “Further to previous emails I believe Drwg 40860/ID43/009K is acceptable but the ‘snaking’ manoeuvre shown on the tracking drawings do not demonstrate how a car could be reversed from the car space relating to 20 Thorpe Close and as one might normally reverse a car from a car parking space i.e. reverse straight back and put full right lock on to exit the close.”**

**31/05/2018 - “Further to comments dated 27 March 2018, submissions of car swept path drawings and a revised drawing 40860-ID43-009F have now been received to address earlier concerns about vehicular access to 20 Thorpe Close.**

**Ideally the entrance to the gateway of 20 Thorpe Close should have a small radius instead of a right-angled kerb line, but this is a minor detail that can either be resolved prior to permission or agreed as part of the construction works.**

**No objections are raised.”**

24/05/2018 – Comments on plan Proposed Site Layout Op 4, 40860/ID43009E:

“I have just seen the latest submission and remain concerned (23 & 24.5.18). I don't think that all is as clear as it may first appear. Please can we have a chat?”

**A discussion took place with NCC and it was established that if the access to no. 20 Thorpe Close could not be widened (which this application cannot secure due to ownership issues) then the amount of reversing space rear of the access would need to be increased by 600mm in which case it would remove NCC's concerns. This was relayed to the applicants and an amended plan has been submitted to reflect this overcoming their concern.**

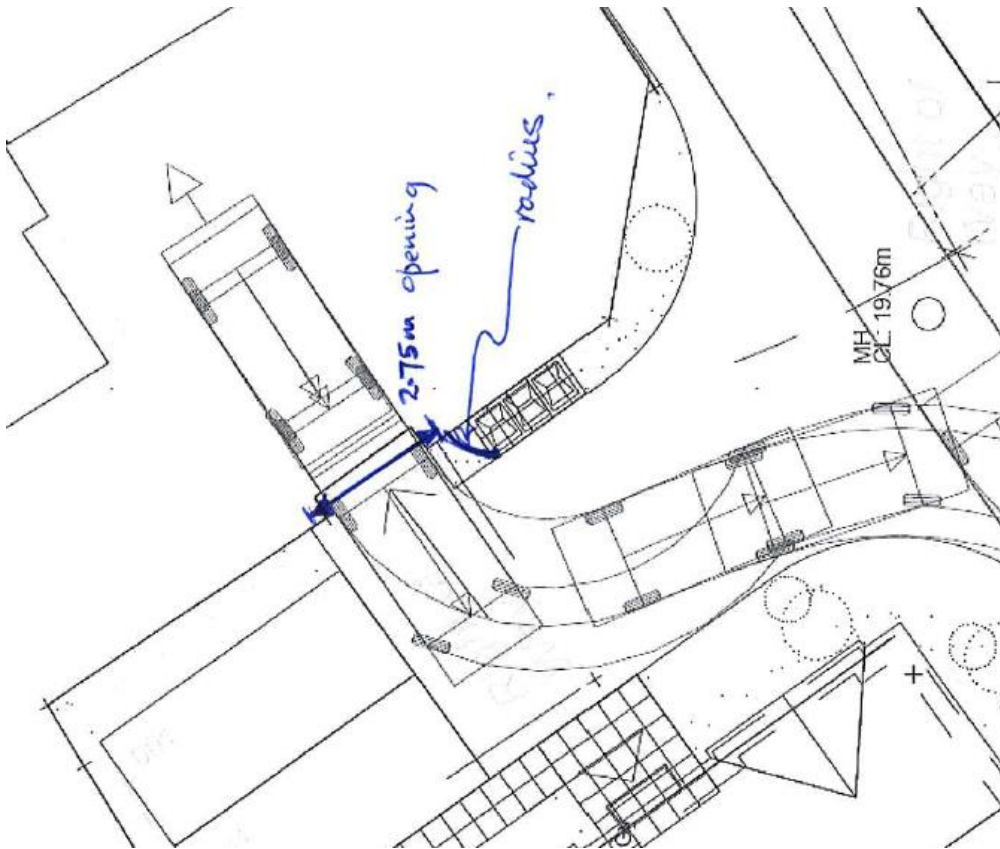
18/05/2018 – Comments on amended tracking plan:

“It is unnecessarily very tight.

I think they should widen the rear access to 2.75m and have radius kerb (I have illustrated this roughly on the sketch below).

If they can meet this, then all should be ok.”





Previous Comments:

27/03/2018 - "The loss of off-street parking provision is regrettable and, ideally, alternative provision should be made for any existing users of the garages. However, consideration has to be given to the proposed use rather than the consequence of the loss of the existing use.

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

Parking provision is acceptable and turning facilities are provided.

Notwithstanding the above, if the right of way to the rear of 20 Thorpe Close is intended for vehicular use, a swept path drawing should be submitted to demonstrate how a car may conveniently manoeuvre in and out of the access. Alternatively, I suspect that minor scheme amendments will need to be made to provide adequate turning space Subject to seeing the above matter resolved, I would offer no objection."

**Trent Valley Internal Drainage Board – Comment as follows:**

"The site is outside of the Trent Valley Internal Board's 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 (Environmental Health) – 07/03/2018**

The EHO has reviewed the submitted Site Investigation and recommends that the outstanding matters are dealt with via a condition (see proposed Condition 2)

**Cadent Gas (14/03/2018)** – ‘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.’

**Two representations have been received from local residents making the following summarized comments:**

- No objection to the bungalow but object to the insufficient space allowed to enable vehicles to manouvre into the gardens of existing properties through the site; making it impossible for residents to access their properties over their existing right of way.
- Concern that cars will now have to be parked on the road because there would be no garage.

*It should be noted that these comments above were made in respect of the first tracking plan which has since been amended. Since the revised tracking plan was consulted upon the following comments have been received **through 4 representations**;*

- Access is required on foot or by vehicle to the rear of 7a Beckingham Road – the proposed tracking plan submitted on the planning application does not consider this nor does it consider the impact it has on the right of access for the residents of 24 Thorpe Close;
- Concerns that right of access to 24 Thorpe Close, 20 Thorpe Close and 7a Beckingham Road will be restricted in the event the occupiers of the proposed development have guests or own more than two cars;
- Assumed the 3 bed bungalow would be occupied by a family which could own least 2 cars and possibly 3 and will most certainly have guests that will require a parking provision which has not been considered;
- Concerns that the revised planning application may infringe on the garden to the rear of 7a Beckingham Road;
- Loss of privacy as the proposed garden backs onto the garden of 7a Beckingham Road. The proposed garden boundary will replace a brick garage wall. If the proposed development is

approved what measures will be taken to maintain our privacy and restore the property boundary on a like for like basis?

- The proposed site is a small area overlooked on all sides by homes that require and have the right to continued access to the site;
- Due to the approved development of the other garage site on Thorpe Close, street parking will be reduced further;
- Concerns about safety and land access during the construction phase.
- Object due to concerns of being able to get in and out of the their rear yard which backs onto the garage court, especially in the dark, but due to concerns that there is insufficient space. There are two brick pillars that need to be positioned and new gates will be required. This should be at the applicant's expense. Even if done it will still be difficult to reverse in. This is causing a lot of worry and stress and it is not fair. The bungalow should be moved.
- **Continue to object to latest tracking plan for the reasons set out in the above bullet points.**

### Comments of the Business Manager

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 Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This was confirmed by the Secretary of State in dismissing the appeals for the housing developments at Farnsfield (heard through a Public Inquiry which sat in November 2017) in April 2018. The policies of the Development Plan are therefore considered up to date for the purposes of decision making.

### Principle of Development

Spatial Policy 1 of the adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-Regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. At the bottom of the hierarchy, within 'Other Villages' in the district, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Coddington is defined as an 'other village.'

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

#### *Location*

The first criterion of SP3 details that 'new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area.' The proposed development site is within the main built up area of the village adjacent to existing residential development on Thorpe Close and Beckingham Road. With regards the provision of services; whilst Coddington is defined as an 'Other Village' in the settlement hierarchy it does contain a Primary School, two public houses, 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. One single storey dwelling is 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 one additional dwelling is highly 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 it. The displacement of parked cars is discussed in detail within the highway section of this report.

### *Impact on Character/Visual Amenities*

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

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

The development proposes one single storey dwelling located centrally within the site and would be constructed of red brick with rendered elements. Its positioning on what would become a private drive would make the dwelling discreet when combined with its height and I am satisfied that the design of the proposed dwellings is acceptable and that in terms of appearance, the proposed development would sit well within the context of the adjoining dwellings and the wider residential setting, meeting the policy requirements of SP3, CP9 and DM5.

### *Need for Development*

With respect to the local need criterion of SP3, it is noted that the bungalow proposed would be a dwelling offered for social rent and thus a type of house that meets with the definition of affordable housing which forms 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. The district wide Housing Market and Needs Assessment (2014) identified that within the rural south sub area (of which Coddington is a part of) there is a housing need for smaller homes (1 bedroom - 234 units and 2 Bedroom - 458), with a clear demand for bungalows in particular. The Council's housing register indicates a demand for

affordable housing for older people's accommodation and for small dwellings. It is therefore considered that a need exists within Coddington for small, single storey affordable units and this proposed development would assist in meeting that need. The proposal is therefore considered to accord with the need element of policy SP3.

#### Impact on Residential Amenity

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 **revised** NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

The site is surrounded by existing residential properties on all boundaries and as such consideration of the perceived impact on neighbouring amenity forms a material consideration.

The proposed dwelling is single storey being approximately 5.45m in height. It is considered that the separation distances of the proposed bungalow to neighbouring properties are sufficient (they range from 12.39m (NE) to 16.78m (N) at their closest points) to ensure that the dwellings would not result in an unacceptable degree of overbearing impact or loss of light for existing neighbours. Given the proposal is single storey in height, it is not considered that the development would result in overlooking of neighbouring properties subject to appropriate boundary treatment which would be secured by way of condition. Given the distances involved there will inevitably be overlooking of the garden of the proposed bungalow from existing dwellings. However I do not consider that this is any worse than many existing relationships in the area and is not so harmful as to warrant a reason for refusal.

#### Highway Impacts

SP7 provides, amongst other things, that development should provide for safe, convenient access, be appropriate for the highway network in terms of the volume and nature of traffic generated, ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected; provide appropriate and effective parking provision and ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems. Policy DM5 reflects this.

NCC Highways Authority has commented that the proposed access to the new dwelling and the level of parking are acceptable such that they do not raise any objections. However there are other factors that require consideration;

#### *Displacement of Parked Cars*

It was noted that several cars were parked on the site during the officer site inspection, which I understand belong to local residents who park there on an informal basis, without any express permission to do so as confirmed by the agents of this application.

It is noted that the NCC Highways Authority have not made comments/raised concerns regarding the loss of car parking spaces. Nevertheless it is a matter that warrants consideration.

The table below provided by the applicants (which has been edited to remove personal information) shows that of the 10 garages, only 4 are rented out to properties within a 10 minutes (approx.) walking distance of the site. Of these, 3 use the garages to park their car one of which

has a driveway as an alternative option. The other 2 do not have a driveway where they could park their cars so arguably the scheme would displace these 2 cars to on-street parking onto both Thorpe Close and Ross Close.

Address of current garage renter	Postcode of garage renter	Garage Address	Tenant has off street parking	Garage Use	Is property in local area
Beckingham Road	NG24	1 Thorpe Close	Property Not local	Storage	Yes 10 mins walk
The Osiers	NG24	2 Thorpe Close	Property Not local	Storage	No 1hr walk
Thorpe Close	NG24	3 Thorpe Close	No Drive	Daily use car	Yes 2 mins walk
Vacant		4 Thorpe Close	Vacant	Vacant	Vacant
Primrose Avenue	NG24	6 Thorpe Close	Property Not local	Storage	No 1hr walk
Butt Lane	LN6	7 Thorpe Close	Property Not local	Storage	No 2hr walk
Vacant		8 Thorpe Close	Vacant	Vacant	Vacant
Thorpe Close	NG24	9 Thorpe Close	Yes Property has drive	Daily use car	Yes 2 mins walk
Ross Close	NG24	10 Thorpe Close	No Drive	Daily use car	Yes 2 mins walk

I have also had regard to the cumulative impact specifically in relation to the scheme (17/02294/FUL) that was approved by Members at the March 2018 Planning Committee relating to the garage court to the north of this, also at Thorpe Close. It was established that of the 19 occupied garages 9 could potentially be used for tenant vehicle parking that are within a 5 minute walk, 3 benefitted from off street parking (driveway or parking bay) which leaves a total of 6 tenants which could potentially be using their garages for vehicle parking. For clarity of these 6 tenants 1 is a NSH resident and 5 are private occupiers. The report goes on to state:

*It is not possible to categorically state that 6 of the total 28 garages (21%) are being used for vehicle parking, however having reviewed street view imagery it would appear that should this be the case that all of the 6 properties which currently do not have off street parking and rent a garage within the development site could, should they so wish, accommodate a driveway to the side/front of their properties to accommodate a vehicle. It is therefore not considered that the removal of the garages on the development site would result in such a significant increase in on-street parking in the area to such a detriment to highway safety to warrant refusal of the application.*

Even taking into account the worst case cumulative situation, I do not consider that the displacement of 8 cars (cumulatively) would amount to such harm that would warrant a reason for refusal that could be successfully defended on appeal.

## *Rights of Access*

Two properties (no.20 & 24 Thorpe Close) currently enjoy rights of access over the land/garage court to get to their properties. No. 20 has an existing gated access that opens onto to the garage court whilst no. 24 has two accesses to their front boundary and to a garage to their west. These accesses are shown to be maintained as part of the planning application.

However residents and the Parish Council have commented that the layout is such that users would find it difficult to maneuver a car over the right of way. A tracking plan was submitted in an attempt to demonstrate that the rights of accesses worked for residents and NCC Highways Authority raised some concerns that this appeared tight and that a small car had been used for the tracking. An amended tracking plan was subsequently provided on 16<sup>th</sup> May 2018. In response NCC commented that the tracking plan in respect of No. 20 was unnecessarily very tight and suggested widening the access to 2.75m and to use a radius kerb and that if this were to be achieved it would be acceptable.

The applicant has indicated that they are able to add the curb radius (**not yet shown on revised plan revision K – see Condition 012**) but that the existing access point to number 20 lies outside of their control and they are unable to widen it. Separately and via the Parish Council, the owners of no. 20 have expressed a wish to widen their access (which does not require planning permission) and the agents have confirmed there would be no objection to this. There is now a separate 'in principle' agreement in place for the agents to undertake these works if the owners give consent albeit this is a matter that lies outside of the planning regime as it would not be possible to require the applicant to widen an access that they do not control.

Members will note that the Highways Authority were still raising concerns in relation to the ~~penultimate~~ plan revision E and it has been established that as the access cannot be widened through this application, a suitable alternative would be to lengthen the amount of turning space behind the access by 600mm to make it easier for the affected resident and avoid the snaking in and out. **The Highways Authority have essentially stated that the proposal is acceptable but acknowledge in the most recent comments that the scheme would involve the snaking in and out of the access for the occupiers of no. 20 Thorpe Close which is not ideal. However access is possible and I consider that this would therefore not sustain a reason for refusal.** ~~This has now been achieved through a slight change to the plan involving a tweak to the path to the front of the bungalow and its marginal re-siting, which in my view is acceptable.~~ This amended plan (revision F K) is therefore acceptable and is ~~expected to satisfy NCC Highways Authority who have already confirmed subject to this revision they would raise no objection~~ **satisfactory to the Highways Authority as confirmed by their latest comments. An additional condition (no. 12) is suggested to achieve the outcome that NCC have advised us upon. Members will need to determine whether they consider this is a matter that should be determinative.**

I am also aware that there is a concern regarding maneuvering in the dark and I consider that it would be reasonable to require the applicants to provide a low level lighting scheme to assist with this and this can be controlled by condition (see Condition 11). The right of access(es) to no. 24 are demonstrated as being acceptable and has been revised to include additional space to allow the residents an extra 1m to enable easier maneuvering of their personal truck. There is no material reason to withhold a planning permission on the basis of inability for existing residents to utilise their existing rights of way. In any event NSH have worked positively with the affected persons in order to resolve these issues and via the Parish Council, I am advised that these residents now 'welcome this development'.

The latest correspondence from Coddington Parish Council has suggested that a number of residents remain concerned with the scheme and this appears to primarily relate to their rights of access and ability to gain access.

I understand that specifically CPC are concerned that;

- ***The measurements shown for vehicle access to the rear of 20 Thorpe Close had been taken from inside the property and also extended on to the property of the proposed development. In response I would refer Members to Revision K which shows that the distance annotated of 6.34m is taken from the outside of the gates to the back edge of the footpath in front of the proposed bungalow.***
- ***The necessary widening of the gateway to no. 20 Thorpe Close was not part of the application and would be at the occupiers own expense. In response, this widening whilst acceptable from a planning perspective does not form part of the application site and we cannot require the applicants to widen this when it is not within their gift to do so. As an aside the applicant has been advised of this request to contribute to the costs of doing this and this may or may not be subject to a separate agreement outside of the planning regime.***
- ***The site allotted for bins for the new property had been moved, but soft landscaping on the corner was still shown.***
- ***The occupier of no. 24 Thorpe Close had asked for another 1m of access to his property, but this was not shown on the plan. He had demonstrated that even with an extra metre, it would take 6 manoeuvres to get his car in and out of the driveway. In response I can confirm that additional reversing space has been shown on the revised drawings. Revision D showed reversing space of 7.2m whereas later plans including version K now show 8.2m of reversing space.***

I believe that the scheme does now allow for existing residents to maintain their rights of access (which is a separate legal matter between the applicants and the residents – and not one that the regulatory planning regime can resolve) in an acceptable way which now conforms with NCC Highway advice and there are no grounds to refuse the scheme on this basis.

#### Drainage

The site lies within Flood Zone 1 albeit it is noted to lie within an area prone to surface water flooding. A surface water management plan has been submitted as part of supporting documentation which details how surface water would be managed on the site. The proposed layout is considered to be acceptable and would not result in any greater surface water flooding issues than that which currently exists from the large areas of hardstanding on the site. Rather, the level of hardstanding on site would be reduced which could improve the existing situation.

#### Other Matters

The comments received from colleagues in Environmental Health regarding potential contaminated land are noted and are capable of being controlled by condition which is necessary and reasonable.



### *Land ownership/Boundary Disputes*

Following the concerns raised by one local resident (verbally) that the site location plan was incorrect because it showed the use of part of their garden, it has been established the original site location and block plans were incorrect insofar as they show the garages protruding into the garden of a dwelling to the west, showing a doglegged shaped garden. In reality the garden of the neighbour runs straight and it was established that the Ordnance Survey layer of the plan is incorrect. Revised plans have been submitted to show that the site would not encroach into the neighbour's garden and the plans have been appropriately annotated. I am satisfied that the correct ownership certificate has been served and that no persons have been prejudiced.

### *Walls of Garages*

The walls of the garages that form the boundary with the application site appear to be of sound construction and appearance. It has been requested that the applicant carefully demolish the garages to allow the walls of the garages (which would need to be suitably reinforced) be retained thus maintaining the common boundaries with neighbours and minimizing disruption to them. ~~The applicant has in principle agreed to this approach and is exploring this further and a condition (see number 5) has been imposed to reflect this.~~ **The applicant had previously agreed in principle to this but it has become apparent upon investigation that this is not possible because they are built on old slabs which will need to be replaced with different boundary treatments. However the applicant has now confirmed that where walls of garages are to be removed these will be replaced with brick walls.**

**I would draw Members attention to suggested conditions no. 5 & 6 which aim to deal with the methodology for demolition and temporary boundary treatment at the construction phase plus the required permanent boundary treatments at operational stage. It is open to Members, if minded to approve, to impose a more rigorous CEMP condition as suggested by the Parish Council if they consider it justified.**

### Conclusion and Planning Balance

Taking the above into account I am of the view that the proposed development would provide for a family home in an area where there is a need for small single storey units and conclude that the site is in a relatively sustainable location. The development would have an acceptable impact on the character of the area, neighbouring amenity, highway safety and drainage. Whilst this scheme would displace some cars from the garages lost, on balance it is considered that the limited harm through consequential on-street parking would be outweighed by the positive of providing a much needed affordable home. There are no further material considerations that would warrant refusal of the application.

### **RECOMMENDATION**

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

### Conditions

01 (Time for Implementation)

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

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

#### 02 (Land Contamination)

No development shall take place until the applicant has verified that clean capping material imported to site for use in garden areas and soft landscaping is suitable for its proposed use, in line with current guidance, to the satisfaction of Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

#### 03 (Plan Condition)

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

Site Location Plan, Ref 40860/ID43001B

Proposed Site Layout Op 4, 40860/ID43009D K

Proposed Plans & Elevations, 40860/ID4306A

Proposed Drainage, 100 P02

Phase 1 Desktop Study Report, by Collinshallgreen, November 2017

Phase 2 Desktop Study Report, by Collinshallgreen, November 2017

Information provided in respect of Garage Useage

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.

#### 04 (External Materials)

The development hereby permitted shall be constructed entirely of the materials details as shown on drawing number Materials Elevations, 40860/ID43006B unless otherwise agreed in writing by the local planning authority through a non-material amendment application.

Reason: In the interests of visual amenity.

#### 05 (Methodology for Demolition and Boundary Treatments at Construction phase)

No development shall be commenced on site, including any demolition, until a methodology for the demolition of the garages **along with details of temporary boundary treatments to be erected during the construction phase** and the retention (and reinforcement where necessary) of the garage walls where they adjoin neighbouring gardens have been submitted to and approved in writing by the Local Planning Authority. **The demolition shall then be in accordance with the approved methodology submission.** ~~Where this is identified as not being possible, details of an alternative boundary treatment (for the construction phase) following the demolition works shall be submitted to and be agreed in writing by the LPA prior to commencement on site. The approved boundary treatment shall be implemented on site as agreed and shall be retained until construction works have been completed unless otherwise agreed in writing with the Local Planning Authority.~~

Reason: In in the interests of amenity and site safety.

#### 06 (Boundary treatments at operational phase)

No part of the development shall be brought into use until precise details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority. **These boundary treatments shall comprise brick walls where they replace the walls of garages that will be lost as part of this permission unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of residential and visual amenity.

#### 07 (Landscaping Scheme)

Prior to first occupation of the dwelling hereby approved, full details of both hard and soft landscape works shall be submitted to and shall be approved in writing by the local planning authority. These details shall include:-

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

hard surfacing materials; and

Reason: In the interests of visual amenity and biodiversity.

#### 08 (Implementation of Landscaping)

The approved soft landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping scheme shall be implemented prior to first occupation of the dwelling hereby approved.

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

#### 09 (Removal of PDR)

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

010 (Provision of car Parking)

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

Reason: In the interests of highway safety.

011 (External lighting scheme)

Prior to first occupation of the dwelling hereby approved, details of an external lighting scheme shall be submitted to and be approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and to help ensure that manovering of vehicles is done so safely in times of darkness.

**012 (Additional condition to require minor amendment to the plan)**

**Notwithstanding the approved layout drawing (Rev K), prior to the development commencing, a revised plan showing a small radius kerb at the entrance to the gateway of no. 20 Thorpe Close shall be submitted to and approved in writing by the LPA. The development thereafter shall be completed in accordance with the amended plan unless otherwise agreed in writing by the LPA.**

**Reasons: In the interests of amenity and highway safety.**

**Notes to Applicant**

01

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

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

02

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

Background Papers

Application Case File

For further information, please contact 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](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager – Growth & Regeneration**



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## PLANNING COMMITTEE – 7 AUGUST 2018

<b>Application No:</b>	<b>18/00394/FUL</b>	
<b>Proposal:</b>	<b>Proposed new bungalow in the grounds of 42 Lower Kirklington Road</b>	
<b>Location:</b>	<b>42 Lower Kirklington Road, Southwell</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs Payne</b>	
<b>Registered:</b>	<b>1 March 2018</b>	<b>Target Date: 26 April 2018</b>
	<b>Extension of Time Agreed Until 10 August 2018</b>	

**The application is being referred to Planning Committee for determination by Councillor Laughton and as the Officer recommendation differs from the views of the Town Council.**

### The Site

The site comprises 0.11 hectares of land to the north of Lower Kirklington Road within the defined built up part of the Southwell. The application site is currently occupied by a detached dormer bungalow with detached garage set back behind the property in its long rear garden. The host dwelling has two single storey conservatory type additions to the rear. The site is currently accessed directly off Lower Kirklington Road and serves a single-width drive along the side of the house leading up to the garage on the south-eastern side of the dwelling. The site has a gentle slope, being at its highest point adjacent to the road and sloping downwards into the rear garden. The existing rear garden contains a number of trees, which are mostly fruit trees but also includes a silver birch adjacent to the north-west boundary and a large conifer and cherry tree close to the south-eastern boundary.

The site is surrounded by residential properties and their gardens which are made up of a variety of size, style and age. The properties either side of the site that front Lower Kirklington Road are two storey, the dwelling to the south-east has a conservatory attached to the side elevation that sits adjacent to the existing driveway of the application site. Properties to the rear either side of the site are predominantly single storey, apart from the property known as Four Winds, which is two-storey and has a single storey garage in close proximity to the application boundary.

Existing rear garden boundaries are currently predominantly defined by 1.6m to 1.8m high solid boarded timber fencing. There is a small timber shed located in close proximity to the rear boundary. The site is prone to surface water flooding according to the EA maps.

### Relevant Planning History

PREAPP/00052/17 - Proposed new dormer bungalow, supportive in principle with some concerns relating to design and size and impact on the host property in terms of noise and disturbance from vehicular and access movements.

## Proposal

Full planning permission is sought for the erection of a detached 2-bed bungalow in the rear garden of No 42. The proposal also includes the provision of a double garage centrally within the site adjacent to the north-west boundary and two additional parking spaces either side of the garage. This provides one garage and two-parking spaces to serve both the host and proposed dwelling. Access is provided through the demolition of the existing detached garage.

During the course of the application, negotiations have resulted in reductions in the size of the proposed bungalow and double garage and alterations to the design to reduce impacts on neighbouring properties.

The proposed bungalow would face the host dwelling and would be located towards the rear of the garden approx. 10.3m off the rear boundary of the site, approx. 2.4m off the south-eastern boundary of the site and 2.1m off the north-western boundary. The building would measure 12.8m wide by 10.4m deep, 3m high to eaves level and 6.4m high to ridge level. As originally submitted the bungalow had two gabled roof ends, however this was revised to a hipped design during the course of the application. There are two roof lights proposed, one in the front (south-west facing) and one in the rear (north-east facing) roofslope. The main openings are in the front and rear elevations apart from door and adjacent full height glazing unit that serves the kitchen/dining room. The accommodation comprises two bedrooms, a study, living room and kitchen/dining room. The front roofslope also indicates the position of a number of solar panels. Materials proposed is a render finish with timber cladding at high level and brick bases to windows with plain roof tiles.

The proposed garage block measures approx. 7.6m wide by 6.8m deep, 2.5m high to eaves level and 5.3m high to ridge level. It is positioned approx. 1m off the common boundary to the north-west. The garage and parking spaces are served by a permeable shared driveway that is served by a 3.2m wide access drive that runs between the host dwelling and the south-eastern boundary. This access widens to 5.25m wide adjacent to the highway.

A new 1.8m high timber fence is proposed to enclose the remaining private amenity space serving the host dwelling. The proposal will result in the loss of a Damson, Plum, Pear, Apple, Conifer and Silver Birch and the retention of a Bramley Apple Tree, Damson and Cherry.

Supporting information submitted include a Design and Access Statement, Flood Risk Assessment and additional information to supplement the Flood Risk Assessment (FRA).

The plans considered by this application are listed below:

- Site Location Plan (Drawing No: 1703 (P) 00);
- Plan: Site Plan Proposed (Drawing No: 1703 (P) 01 Rev B);
- Plan: Trees (Drawing No: 1703 (P) 07 Rev A);
- Plans: Ground and Roof (Drawing No: 1703 (P) 02 Rev A);
- Elevations: House – Sheet 1 South and East (Drawing No: 1703 (P) 03 Rev B)
- Elevations: House – Sheet 2 North and West (Drawing No: 1703 (P) 04 Rev B)
- Elevations: Garage – South, east, north and west (Drawing No: 1703 (P) 05 Rev C)
- Elevations: Context south, east, north and west (Drawing No: 1703 (P) 06 Rev B)



## Departure/Public Advertisement Procedure

Occupiers of 13 properties have been individually notified by letter and a site notice has been displayed at the site expiring on 18<sup>th</sup> April 2018.

## **Planning Policy Framework**

### **The Development Plan**

#### **Southwell Neighbourhood Plan (made 11 October 2016)**

Policy SD1 – Delivering Sustainable Development  
Policy E1 – Flood Risk Assessments and Mitigation  
Policy E2 – Flood Resilient Design  
Policy DH1 – Sense of Place  
Policy HE1 – Housing Type and Density

#### **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 3 : Housing Mix, Type and Density  
Core Policy 9 : Sustainable Design  
Policy So AP1 : Role and Setting of Southwell

#### **Allocations & Development Management DPD (adopted July 2013)**

Policy So/HN/1 – Southwell Housing Need  
Policy So/Pv – Southwell Protected Views  
Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
Policy DM5 – Design  
Policy DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2018
- Planning Practice Guidance (web based resource)
- Publication Amended Core Strategy 2017

## Consultations

### **Southwell Town Council – comments received 05.04.2018 and 07.06.2018:-**

“agreed unanimously to object this proposal and to ask Cllr Bruce Laughton to call it in, for the following reasons:

It contravenes Southwell Neighbourhood Plan policies:

E1 Flood Assessment and Mitigation

E2 Flood Resilience Design – there is no flood risk assessment and has no plans for the treatment of extra surface water.

No penetration tests have been completed and the soakaway system proposed will be ineffective. It is over intensification of the area and a backland development with an overbearing gable end design causing Massing.

The paved parking area on the plans is very large for the size of the property, which could potentially add to the impact on flooding within the area.

The removal of several mature trees is unacceptable, but the felling of these trees will exacerbate the risk of flooding.

The additional vehicle movements will cause problems on the narrow access and noise levels will increase.”

**NCC Highways Authority – Comments received 25.07.2018:-**

“Further to our previous observations, the applicant has submitted an amended drawing. This details suitably dimensioned parking spaces.

**In consideration of the above, we have no objections to the development, subject to the following conditions:**

1. The development hereby approved shall not be commenced until two parking spaces for the existing property have been made available within curtilage.

Reason: to reduce the chances of the development leading to parking on highway, in the interests of general highway safety.

2. The development hereby approved shall not be brought into use until the access has been provided in a bound surface with measures to prevent the discharge of surface water to the public highway. The surfacing and drainage shall then be maintained such for the life of the development.

Reason: To reduce the chance of deleterious material and/or surface water being transferred to highway, in the interests of general highway safety.

3. The development hereby approved shall not be brought into use until the parking and turning areas as shown on drawing number 1703(P)01 Rev B have been provided. The parking and turning areas shall then be kept free for the parking and turning of vehicles for the life of the development.

Reason: to reduce the chances of the development resulting in vehicles parking on highway and to ensure that vehicles can enter and leave highway in a forward gear, in the interests of general highway safety.

Informatives

The development makes it necessary to amend a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>.

### **Comments received 12.06.2018:-**

“Request for Amendments Prior to Determination.

These observations are given in respect to amended plans submitted for the above proposed development.

The amended plans identify the individual parking places, showing 2 parking spaces and a garage for both the existing and proposed dwellings. The garages have internal dimensions of 6m x 3m (min) and the parking spaces measure 2.55m x 5.1m each. However, the spaces for the existing dwelling are bounded on 3 sides and therefore should measure 2.9m x 5.5m. The space for the proposed dwelling adjacent to the garage should be increased to measure 2.9m x 5.5 (to account for the bin store and garage wall).

There is a risk of vehicles parking on highway to the front if the parking spaces are not useable, particularly for the existing dwelling and therefore we would be grateful if these amendments were made prior to determination.”

### **Comments received 21.03.2018:-**

“This proposal is for the construction of a new dwelling at the rear of no. 42, both served by the existing access which will require widening, as shown on plan no. 1703 (P)01.

There are no highway objections to this application subject to the following:

1. No part of the development hereby permitted shall be brought into use until the access to the site has been completed to provide a minimum width of 5.25m for a minimum distance of 5m rear of the highway boundary and surfaced in a bound material in accordance with plan no. 1703 (P) 01. **Reason:** In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles. **Reason:** To ensure adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

#### Note to applicant

The development makes it necessary to extend a vehicular crossing over a footway/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.”

**Environment Agency – Comments received 05.03.2019 and 30.05.2018:-** “This application is situated in Flood Zone 1 and as such the Environment Agency has no comments to make on this application.”

#### **Lead Local Flood Authority – Comments received 21.03.2018 and 01.06.2018:-**

“No objections subject to the following comments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.

2. The development is in an area shown at risk of surface water flooding and the developer should make themselves aware of the issues this may cause. It is recommended that the development utilises flood resilient construction techniques where possible.
3. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
4. SUDS should be considered where feasible.
5. 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.”

**Comments received 20.07.2018 on additional Flood Risk Information submitted:-**

“The responses given by the applicant are sufficient to meet the stated requirements.”

**Trent Valley Internal Drainage Board – Comments received 14.03.2018 and 07.07.2018:-** “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. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board’s prior written consent. The Board’s consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. 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.”

**Southwell Civic Society –** “We object to this application, this is an over intensive back land development.”

**NSDC, Access and Equalities Officer – Comments received 14.03.2018 and 29.05.2018:-**

“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 new 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 clear of parked vehicles is important to and into the dwelling from facilities such as car parking and from the site boundary. 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."

**Four letters of objection have been received from interested parties/neighbours, raising the following summarised concerns:**

- This is a quiet residential area on large plots and allowing this will set a precedent for others doing the same and spoiling the area as it becomes a higher density residential area;
- It is already difficult accessing Lower Kirklington Road from their lane and further vehicle accesses will not improve the situation;
- The development will create an increased demand (from 2 to 6 cars) on access to an increasingly busy road and the entrance is diagonally opposite an intersection, which adds complexity to negotiating an exit from this property;
- Increased risk of flood exposure due to increased areas of hard surfacing. It appears that water comes down The Ropewalk and further up Lower Kirklington Road and because of the gentle slope of the properties along this side of the road, the water comes through on its way to the River Greet; the loss of the garage to a gently sloping driveway will result in increased surface water run-off impacting on the properties at a lower level to the rear of the host dwelling;
- The submitted FRA is incorrect and fails to refer to the flood event in 2013 when all the properties in this area were significantly affected and puts into question the credibility of the conclusions and recommendations of the FRA;
- Soakways do not seem to be effective in our area because of the high water table and the bed of heavy clay below the ground;
- Increase in noise levels from potentially 6 cars running down the side of their property and a few metres from their patio area;
- Reduction in privacy from both a visual and auditory perspective;
- Over-development, highly intensive backland development of the plot with distances to boundaries very small and not in keeping with that of the local area, thereby destroying the character of the area;
- The removal of two large trees will impact the environment and open up the aspect from their gardens and increase risk of flooding;
- Impact on biodiversity (bats and birds) through loss of garage and trees;
- Loss of mature soft landscaping detrimental to the character of area and replaced with brick walls, tiles and solar panels, negatively impacting on the view from at least 7 nearby properties;
- There is surprise that there is no tree preservation order on the conifer tree;
- It will destroy the quiet enjoyment of rear gardens around the plot;
- It will be detrimental to views from their property;
- Colour of the proposed render should be sympathetic, as opposed to the current bright blue colour of the host dwelling; and
- The extremely minor revisions to the size of the development appear tokenism and appear to be an attempt to raise the value of the plot because of several past failed attempts to sell the existing dwelling.

## Comments of the Business Manager

### *Principle of Development (including Housing Need)*

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply which has been confirmed by a number of recent appeal decisions including the dismissal of the Farnsfield appeal (at Public Inquiry) by the Secretary of State in April 2018. I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making and thus carry significant weight in an overall planning balance.

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 11<sup>th</sup> October 2016 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the District and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

Southwell is defined as a Service Centre with a good range of local facilities, good public transport and local employment, as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy. New housing is therefore supported in principle within Service Centres where services are focused to provide for a large local population and a rural hinterland.

CP3 of the adopted Plan seeks to secure new housing that addresses the housing need of the district generally which is identified as family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. I note that CP3 in the Publication Core Strategy deletes reference to the family housing of 3 bedrooms or more, which can be afforded weight given its advanced stage and that there are no unresolved objections to this.

Policy So/HN/1 seeks to secure, subject to local site circumstances and the viability of development, the majority of new housing on allocated or windfall sites as one or two bedroom units in line with identified housing need as evidenced by the district wide HNS from 2014 by DCA. This drive to secure smaller units is a significant material consideration and remains so given that this policy is just one of two policies of its type in our District whereby it was felt necessary to intervene in the market to secure smaller dwellings. In addition Policy HE1 of the Southwell Neighbourhood Plan states that developments which provide bungalow and other types of accommodation for elderly and disabled people will be strongly supported. The National Planning Policy Framework, as revised, seeks to significantly boost the supply of homes and ensure the needs of groups with specific housing requirements are addressed.

I am satisfied that the site is located within the main built up area of a sustainable settlement and as such, there is no objection in principle to the residential development at the site. It is also acknowledged that the proposal represents a two bedroomed bungalow which reflects the need

identified within Southwell and is supported by the Neighbourhood Plan. However, the impact upon the character of the area, residential amenity of neighbouring properties, flood risk, highway matters, impact on ecology and trees will all need to be taken into consideration and are discussed below.

### *Impact on the character of the area*

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

The proposal would lead to the introduction of a new dwelling sited behind the front building line of Lower Kirklington Road directly behind the host property. 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.

The location of the proposed dwelling behind the building line fronting Lower Kirklington Road within the rear garden of No. 42 is considered to be backland development. However the key issue is whether this is harmful which I consider below.

Along Lower Kirklington Road there are a variety of style, age and size of properties. There is also some evidence of backland development, for example immediately to the south-east of the application site, where "Four Winds" is located directly to the rear of Orchard Cottage and No 40 Lower Kirklington Road. In this regard, I consider it would be somewhat difficult to sustain an objection based on the backland form of the development being alien or incongruous to the existing character and appearance of the surrounding area. It is also difficult to see where the opportunity could easily be repeated and result in any harmful erosion to the character of the immediate area through allowing such development on other sites.

It is acknowledged that the proposed development would have a significant footprint and the built form sits relatively close to common boundaries. However, following the reduction in size of the proposed bungalow and garage built form, it is considered that that this need not be fatal to the scheme. The long cross section provided through the site now shows the proposed bungalow and garage would be subservient in size and height and therefore hierarchy, relative to the host dwelling which I consider is acceptable in this context.

The proposed dwelling would not be a prominent feature in the street-scene due to its location. Its form is simple with a strong hipped roof. Although the majority of roofs in the area have gabled ends, this design approach has been sought to seek to reduce massing and bulk. Given its limited appearance and presence from the public realm, this is considered to be acceptable in this case. Although the predominant building material in the area is red brick, both the host dwelling and the dwelling to the north-west have rendered finishes and therefore is not completely alien to the area. This is in contrast to the proposed timber boarding which is considered to be out of keeping within the local area and is proposed to be conditioned out of any approval. The proposed plain

tiled roof would provide a simple suitable roofing material and the additional of solar panels to the roofslope would be acceptable on such a contemporary structure. Subject to the removal of the proposed timber boarding, it is considered that the built form of the proposal accords with the Southwell Design Guide within the Neighbourhood Plan.

Policy So/PV seeks to protect views of and across the principal heritage assets of the Minster, Holy Trinity Church, Archbishop's Palace and Thurgarton Hundred Workhouse with 'view cones' having been defined on the Policies Map of the Allocations and Development Management DPD. The application site is located within a cone view, however, due to the size, location and scale of the proposal it is considered that the proposal would have no adverse impact in this regard.

The proposed layout, scale and massing of the development whilst representing backland development is not considered to result in an unacceptable harmful impact upon the character and appearance of the surrounding area. Subject to condition, the proposal is considered to accord with Core Policy 9 of the Core Strategy and policy DM5 and Policy So/PV of the DPD and Policies DH1 of the SNP.

#### *Impact on Residential Amenities*

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, as revised, seeks to ensure a high standard of amenity for existing and future users of land and buildings.

Views from existing residential properties are not a material consideration in this case, although it is acknowledged that the proposal will alter the outlook from existing residential dwellings surrounding the site compared to the existing situation as the new roof structures would be visible above the existing boundary treatment. This is acknowledged and it given some weight.

There is a distance of approx. 24.6m between the rear elevation of the host dwelling (at its closest point – single storey element) and the front elevation of the proposed bungalow. The first floor windows would be approx. 28.4m from the front elevation of the proposed bungalow. Given that this represents principle elevations directly facing each other, this distance is considered to be acceptable in terms of the relationship between the amenities of occupiers of both dwellings, with particular emphasis on privacy. Given the scale of the proposal and the separation distance, it is not considered that the proposal would result in any over-bearing impacts or loss of light to either occupiers of these dwellings. The relationship between the proposal and the dwellings either side of the host property are somewhat similar however, at an angle and as such are considered to also be acceptable in this case.

Although not directly in line with them, the proposed bungalow is located approx. 11.5m away from the existing bungalow positioned to the north-west and is approx. 14.6m away from the bungalow to the north-east. Although these distances would be considerably shorter than that already referred to, there is no direct relationship with these existing bungalows facing the side elevations of the proposal at a significant angle. As such it is considered that with appropriate boundary treatment that the proposal would not result in any unacceptable impacts in relation to privacy, over-bearing impacts or loss of light to existing or proposed occupiers.

The side elevation of the proposed bungalow is approx. 21.4m away from the closest element of Four Winds to the south-east of the site. This is considered to be an acceptable distance between



the principle rear elevation and the proposed side elevation to prevent an unacceptable degree of over-looking on future occupiers. The single storey nature of the proposal would not create any unacceptable over-bearing impacts. There is likely to be some very limited loss of sunlight in the late afternoon to the extreme rear garden area predominantly where the existing detached garage building is located, however, this is not considered to be so detrimental to warrant refusal of planning permission on this basis.

The other impact on residential amenity to consider is the introduction of parking areas into the centre of the site and impact of the proposed access. It is inevitable that the introduction of vehicles into the site where they currently cannot access will result in some additional noise and disturbance to nearby residents due to engine noise and doors slamming. The proposal provides 6 potential parking spaces within the site. Although there would be an impact in this regard, it is considered that the impact of a max of 6 vehicles using the site at any one time is considered to be relatively small scale in nature and would not result in an unacceptable degree of noise and disturbance to warrant refusal of permission on these grounds. The proposed driveway would be positioned approx. 2m away from a number of windows in the side elevation at ground floor level of the host dwelling, two small secondary windows that serve the living room and one larger window serving the kitchen. It is proposed to erect a new 1.8m high timber fence between the windows and the driveway. In addition on the other side of the proposed driveway is a conservatory attached to the side elevation of Orchard Cottage which sits approx. 3.5m away. I am mindful however, that this area is already a driveway serving the existing garage of the host dwelling. As such I do not consider that the use of the driveway to serve the additional dwelling would result in such additional levels of noise and disturbance from vehicles over and above the existing situation to warrant refusal of permission on these grounds.

In conclusion the introduction of a new dwelling in this location has been carefully assessed and is not considered to unduly impact upon the amenity of existing residents. The proposed layout appears to provide satisfactory private amenity space for any future residents of the unit (approx. 16m by 10m rear garden). The proposal is therefore considered to accord with policy DM5 of the DPD.

### *Flood Risk Impacts*

Core Policy 9 requires development to proactively manage surface water run-off and be adequately drained and Policy DM5 relates to flood risk and water management. Policy E1 of the Neighbourhood Plan states that FRA's should be based on up to date data and the methodology be developed in consultation with the Lead Local Flood Authority and proposals for flood mitigation must be designed to meet the requirements of other policies within the NP. Policy E2 of the Neighbourhood Plan states that development proposals requiring a FRA must be designed to avoid increasing the risk of flooding both on and off the site and any flood mitigation measures to be adopted comply with current Sustainable Drainage Systems best practice.

This site lies within Flood Zone 1 (at lowest risk of flooding from rivers) according to the Environment Agency's maps.

In terms of surface water flooding, the submitted FRA identifies that part of the rear garden is identified as being at low risk (i.e. a 1 in 1000 year event) with a very small area where the proposed rear garden being at medium risk (i.e. a 1 in 100 year event). The low risk surface water depths are shown to be between 0.00m – 0.15m in the location of the proposed dwelling. In mitigation, therefore it is proposed to raise the finished floor levels a minimum of 150mm above

the surrounding ground levels. The Assessment also states that it is important that the existing flow route from the adjacent dwelling to the east is not interrupted and that existing ground levels around the eastern boundary of the proposed dwelling will be profiled to maintain this route. Both these mitigation measures can be secured through conditions.

The FRA also identifies that according to the British Geological Survey maps, the site is located on superficial deposits of sand and gravel, which supports the use of soakaways (i.e. infiltration). This therefore accords with the cascade approach to surface water disposal of infiltration first, then watercourse, and sewer as a last resort. Additional information on flood risk has been submitted which responds to policy requirements set out in the NP. The two mitigation strategies reduce flood risk even further on the site and would not result in increased risk to existing properties. The Soakaways represent a Sustainable Drainage System in accordance with the Neighbourhood Plan. Flood resilient construction techniques are not required in this instance given the low flood risk identified, other than the raising of internal floor levels by 150mm.

I am aware and understand the significant local concern regarding flood risk from surface water in the local area over recent years. However, the Lead Local Flood Authority has raised no objection to the proposal and provided the mitigation strategies are conditioned, I can only conclude that the scheme is acceptable and would not result in unacceptable levels of surface water flooding either to the occupiers of the proposed dwelling or occupiers of existing surrounding dwellings, in compliance with Core Policy 9 of the Core Strategy, Policy DM5 of the DPD and Policies E1 and E2 of the NP.

#### *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.

The site would be accessed using the existing access serving No 42, with the width of the access adjacent to the road increasing in width to 5.25m and the proposed driveway decreasing to 3.2m in width until it opens out into the wider central hard-standing area.

Following receipt of amended plans, the Highway Authority raise no objection, subject to conditions. It should be noted that their first suggested condition has been re-written to ensure it is robust, precise and enforceable.

In conclusion it is not considered that the proposed development would have an unacceptable impact upon highway safety and the proposal is considered to accord with the requirements of SP7 of the Core Strategy and Policy DM5 of the DPD.

#### *Impact on Ecology and Trees*

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity, reflected also in Policy DM7 of the Allocations and Development Management DPD. Policy DM5 of the ADMDPD also states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The proposed development site is part of a lawned garden such that the ecological value of the site is limited. The existing garage is in a good state of repair and completely enclosed with no

obvious holes or other openings. Taking a proportionate approach, I do not consider it necessary to require an ecological survey in this instance.

The new dwelling would involve the loss of some trees. However the majority are fruit trees and whilst the loss of the conifer and silver birch is regrettable, due to their species (certainly the conifer is non-native) and location within the rear garden they have a limited contribution to the public realm and would not be worthy of protection through a tree preservation order given their limited amenity value. As such their loss is judged to be acceptable in this case. There is scope for their replacement with more native species elsewhere within the site. In order to protect any breeding birds, vegetation removal should be outside of bird breeding season and this can be conditioned accordingly.

#### *Other matters*

It is clear from the representations received that there is local opposition to this proposal and all the points raised by the objectors have been carefully considered and taken into account. However, views from adjacent properties and the potential for increased values to the host dwelling are not material planning considerations that can be given any weight in this decision making process.

#### *Conclusion*

The proposal seeks full planning permission for an additional dwelling in Southwell. I have concluded that the scheme represents a sustainable pattern of development on the basis that Southwell is defined as a Service Centre in the settlement hierarchy where 15% of Service Centre housing growth should take place. The proposed dwelling also meets an identified local need being a genuine 2 bedroom bungalow.

Having carefully considered all the site specific impacts, including upon the character and appearance of the area, residential amenity, flood risk, trees and ecology, and impact on highway safety, I consider that the impacts are acceptable subject to mitigating conditions and the proposal would accord with the Development Plan.

#### **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 plans

- Site Location Plan (Drawing No: 1703 (P) 00);
- Plan: Site Plan Proposed (Drawing No: 1703 (P) 01 Rev B);
- Plan: Trees (Drawing No: 1703 (P) 07 Rev A);
- Plans: Ground and Roof (Drawing No: 1703 (P) 02 Rev A);
- Elevations: House – Sheet 1 South and East (Drawing No: 1703 (P) 03 Rev B)
- Elevations: House – Sheet 2 North and West (Drawing No: 1703 (P) 04 Rev B)
- Elevations: Garage – South, east, north and west (Drawing No: 1703 (P) 05 Rev C)
- Elevations: Context south, east, north and west (Drawing No: 1703 (P) 06 Rev B)

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

Reason: So as to define this permission.

03

Notwithstanding the submitted details, the proposed timber boarding is not hereby approved. No development shall be commenced until details of the external facing materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Render texture and colour

Bricks

Roofing tiles.

Reason: In the interests of the visual amenity of the area.

04

No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved buildings 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.

05

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

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

- boundary treatments
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction; and
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

06

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 scheme shall be implemented on site prior to first occupation 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.

07

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

Reason: In the interests of visual and residential amenity.

08

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

09

The internal finished floor level of the proposed dwelling shall be a minimum of 150mm above the existing ground level of the site.

Reason: In order to protect future occupiers of the site from surface water flooding.

010

Prior to the commencement of development on the site, a scheme to demonstrate how the existing surface water flow route from the adjacent dwelling to the east would not be interrupted shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented on the site prior to the occupation of the dwelling hereby approved.

Reason: In order to ensure existing occupiers around the site do not suffer from any potential for increased surface water flooding.

011

The development hereby approved shall not be commenced until the two parking spaces for the existing property as shown on drawing no. 1703 P01 Rev B have been made available within its curtilage. The spaces shall thereafter be retained on site for parking for the lifetime of the development.

Reason: So as not to deprive the host dwelling from parking during the construction period and thereafter in order to reduce the chances of the development leading to parking on highway, in the interests of general highway safety.

012

The development hereby approved shall not be brought into use until the access has been provided in a bound surface with measures to prevent the discharge of surface water to the public highway. The surfacing and drainage shall then be maintained such for the life of the development.

Reason: To reduce the chance of deleterious material and/or surface water being transferred to highway, in the interests of general highway safety.

013

The development hereby approved shall not be brought into use until the parking and turning areas as shown on drawing number 1703(P)01 Rev B have been provided. The parking and turning areas shall then be kept free for the parking and turning of vehicles for the life of the development.

Reason: to reduce the chances of the development resulting in vehicles parking on highway and to ensure that vehicles can enter and leave highway in a forward gear, in the interests of general highway safety.

#### 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](http://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/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://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.

03

The development makes it necessary to amend a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

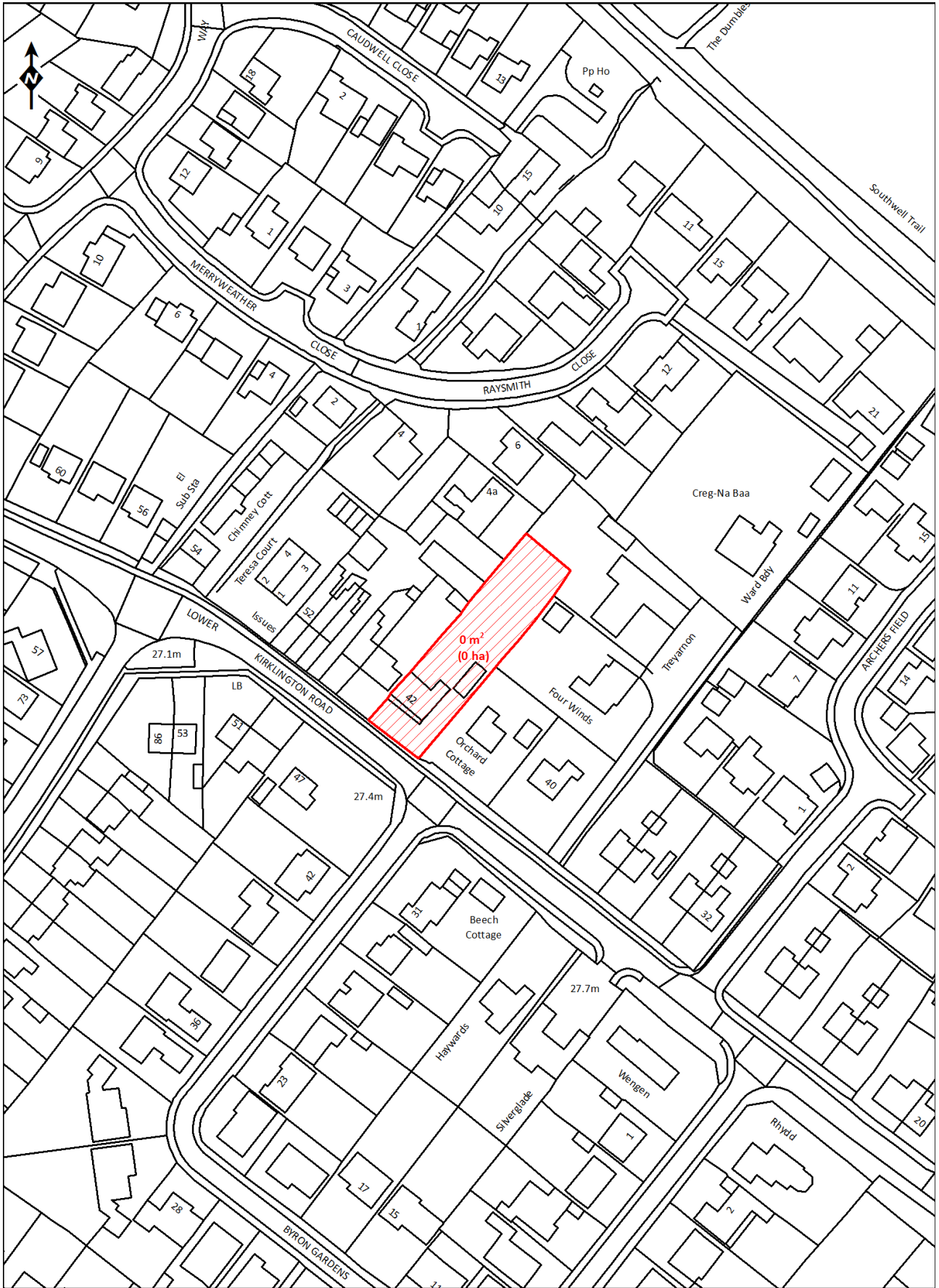
#### BACKGROUND PAPERS

Application case file.

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

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**M Lamb**  
**Business Manager Growth and Regeneration**



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## PLANNING COMMITTEE – 7 AUGUST 2018

<b>Application No:</b>	<b>18/00597/FULM</b>	
<b>Proposal:</b>	<b>Proposed development of 12 affordable homes and 4 market bungalows (Re-submission of 16/01885/FULM)</b>	
<b>Location:</b>	<b>Land at Main Street, North Muskham</b>	
<b>Applicant:</b>	<b>Mrs M Wilson</b>	
<b>Registered:</b>	<b>5 April 2018</b>	<b>Target Date: 5 July 2018</b>
		<b>Extension of time agreed in principle</b>

**The application is being referred to Planning Committee for determination has been referred to Committee by the Business Manager for Growth and Regeneration due to the previous decision of the Planning Committee weighing in the planning balance to be applied in this instance.**

### The Site

The site comprises a rectangular shaped area of land of approximately 1.06 hectares which forms the north-east corner of a larger flat field currently used for arable farming. The site is bounded by Main Street to the east and its junction with Glebelands, to the north by a field access and beyond that The Old Hall and to the south and west by open arable fields. Beyond the arable field to the west is the A1. The Old Hall is Grade II listed building and to the north-east of the site is the Grade I listed parish landmark of St Wilfred's Church. There are various historic buildings along Main Street, particularly close to the church, some of which are identified on the Nottinghamshire Historic Environment Record (HER) as Local Interest buildings.

The majority of the built form of North Muskham is situated on the eastern side of Main Street, south of Nelson Lane. Whilst there is currently no defined village envelope for the village, the former 1999 Local Plan formerly identified this site as being outside the village envelope that was defined at that time, albeit could be considered to be adjacent to the boundary which ran down the eastern side of Main Street.

The site is bound by a low chain link fence supported by timber posts to the north and a mature hedge adjacent to the road. On the other side of the chain link fence to the north is an existing unmade farmer only access track with field gate set back from the road which is separated from The Old Hall by mature vegetation. There are no footpaths currently along this part of Main Street which is essentially a rural lane. The wider landscape comprises largely flat open agricultural fields. The site is c350m from the River Trent to the east and c250m from the A1 to the west.

There are three residential properties opposite the site fronting Main Street – Ye Olde Police Cottage (a modern two storey detached dwelling, Yew Tree Cottage (a traditional cottage two-storey cottage) and Kings Acre (a modern bungalow).

The site is located within Flood Zone 2 and is within an area prone to surface water flooding according to the Environment Agency Maps.

## Relevant Planning History

16/01885/FULM - Proposed development of 16 new affordable homes, refused on 08.09.2017, contrary to Officer recommendation, for the following reasons:

1. There is a statutory presumption against development that would harm the setting of Listed Buildings. The NPPF makes clear 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. The more important the asset, the greater the weight should be. Equally it is clear that decision makers must attach significant weight to the benefits of the provision of affordable housing and any other benefits.

In the opinion of the Local Planning Authority the development, by reason of its built-form nature, siting, proximity, scale, height, density and layout would result in harm to the significance of St Wilfred's Parish Church (Grade I listed) and The Old Hall (Grade II listed), both designated heritage assets, through harm to their setting. For the avoidance of doubt such harm is considered to be less than substantial but nevertheless statutory harm to which special regard should be paid.

In the overall planning balance it is considered that there are no wholly exceptional circumstances or public benefits of a level to outweigh this level of harm. The proposed development would therefore be contrary to the National Planning Policy Framework, the National Planning Practice Guidance, Core Policy 14 of the Core Strategy, and Policy DM9 of the Allocations and Development Management DPD and fails to accord with the objective of preservation as set out within Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The application has failed to adequately demonstrate a local need to justify the quantum of affordable housing proposed. As such, the proposed development is not considered to fall within a rural affordable housing 'exceptions site,' set out within Core Policy 2 of the Core Strategy and would therefore result in additional dwellings within the open countryside, outside the main built-up area of North Muskham. The National Planning Policy Framework (NPPF) states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. This is reflected in local policy by Policy DM8 of the Allocations and Development Management DPD which strictly controls and limits the types of development in the countryside.

This policy is wholly consistent (as tested in adopting the DPD) with the NPPF. The proposed new dwellings would be an inappropriate form of development in the open countryside and the provision of affordable housing, whilst having clear merits, has not been adequately demonstrated as a local need and therefore on this quantum of development, is insufficient to constitute the special circumstances required to outweigh the inappropriateness of the proposal.

It is therefore considered that in this particular instance, the adverse impacts of this number of new dwellings in the absence of adequate justification of a local need, in an unsustainable open countryside location would, on balance, outweigh the benefits of the provision of affordable dwellings in principle in an overall planning balance. The proposal is therefore contrary to the sustainability objectives of the NPPF and Policy DM8 of the Allocations and Development Management DPD.

3. The application site lies wholly within Flood Zone 2 as defined by the Environment Agency Flood Maps, which means it is at medium risk of flooding. Both the policies of the Development Plan and the National Planning Policy Framework state that inappropriate development in areas at risk of flooding should be avoided by directing new development to areas with the lowest probability of flooding through the application of the Sequential Test. As this proposal represents new residential development, the proposal is required to pass the Sequential Test. With local need unproven for the full quantum of development proposed, in the opinion of the Local Planning Authority there are many other sites within the District (including potentially in North Muskham), at lower risk of flooding where development should be located.

It is therefore considered that the proposed development is contrary to Core Policy 9 and 10 of the Core Strategy, Policy DM5 of the Allocations and Development Management DPD and fails the Sequential Test as set out in the NPPF, which is a material planning consideration.

### Proposal

Full planning permission is sought for 12 affordable dwellings and 4 market bungalows to be sited around a new cul-de-sac arrangement with a substantial area extended to the rear of the proposed houses labelled as potential allotment site (measuring approx. 55m x 68m).

The proposal comprises a layout served by a straight central road that leads to a courtyard arrangement. The scheme comprises four x 2 bedroom market bungalows (Plots numbers 1, 2, 14 and 15) positioned along the site frontage, eight x 2 bedroom two storey houses (Plots 4, 6, 7, 8, 10, 11, 13 and 16) and four houses (Plots 3, 5, 9 and 12) would have 3 bedrooms over two stories. The applicant has stated that 5 of the affordable units would be rented products and 7 would be for shared ownership. There are 32 on-site parking spaces to serve the development (2 spaces per dwelling). Cross sections across the site show that the ground levels where the buildings are located are raised by a max of approx. 1.2m above the existing ground level of Main Street, and therefore above the current ground levels on the site. As a result, between the dwellings and the boundaries of the site, the land would slope down with a gradient of approx. 1 in 13 at its steepest points.

The dwellings have a simple rectangular form and are arranged in small blocks around the site, with a traditional cottage like appearance. In terms of dimensions the two storey dwellings have gable widths of approx. 5.7m, eaves level of 5m high and a ridge level of 8m high (from raised ground level) and the bungalows measure approx. 6.6m wide, 2.5m high to eaves and 6.4m high to ridge (from raised ground level).

The layout shows the development pushed back from the Main Street frontage by approx. 22m at

its closest point and an area of land between the built form and the road which is annotated as amenity grass (communal). A new access with rolled stone surface is shown along the northern boundary of the site, just south of the existing farmer's access to provide access to the potential allotments to the rear. Boundary treatments proposed include chain link fence around perimeter of the site whilst new hedging grows, post and rail fencing around the communal grass area at the front of the site, 1.8m high walls within the site around public realm and 1.8m high close boarded timber fencing to delineate rear gardens.

The proposal would result in the existing hedge along the road frontage being removed and replaced by a new one that is positioned further back from the road in order to provide the necessary visibility splays. The proposal also includes the provision of a new footway along the northern half of the site fronting Main Street which extends further to the north along the frontage of The Old Hall and links up with the existing footway further along Main Street.

In response to the concerns raised on the previous application, the scheme has been amended to provide 12 affordable homes and 4 market bungalows. An additional Housing Statement of Need has been submitted by the Strategic Housing Section of NSDC and an additional document entitled Revised Planning Proposal/Rationale. In relation to the objection on the setting of listed buildings, the plans have been amended showing concerns raised Plots 14, 15 and 16 moved approx. 1m further to the south, two feature planting beds sited in front of these units and increased the number of new trees planted along the northern and eastern boundaries of the site. An additional Heritage Supporting Statement has also been submitted. The application has undergone a further consultation exercise and any additional responses received will be reported on the Late Items Schedule.

The application is accompanied by the following documents:

- Design, Access & Planning Statement (Rev G revised 15.05.2018),
- Heritage Supporting Statement (Anthony Aspbury, February 2018),
- Ecological Appraisal (FPCR, September 2016),
- Flood Risk Assessment - Final (Thomas Mackay, August 2017),
- Combined Phase I Desk Study & Phase II Exploratory Investigation (Geo Dyne Ltd, January 2017),
- Archaeological Desk Based Assessment, (Midland Archaeological Services, March 2017),
- Geophysical Survey (Contour Geophysics, February 2017),
- Programme of Archaeological Evaluation Trenching (Contour Geophysics, October 2017),
- Revised Planning Proposal/Rationale (NCHA),
- Statement of Housing Need, Parish of North Muskham (NSDC, March 2018),
- Scheme Delivery Statement (NCHA, May 2017),
- Site Selection History and Flood Zones (NCHA, June 2017),
- Viability Assessment (NCHA, April 2018),
- Viability Assessment (Geda Construction, April 2018).

The submitted S106 Legal Agreement to secure the development as affordable only has been held in abeyance from the previous application.

In addition submitted during the course of the consideration of the application:

- Drainage Strategy (William Saunders, May 2018),

The plans considered by this application are listed below:

- Site Location Plan (Drawing No: 103 Rev E);
- Proposed Site Layout and Visuals (Drawing No: SK201 Rev H);
- Plots 1 and 2 Plans and Elevations (Drawing No: 250 Rev A);
- Plots 3, 4 & 5 Plans and Elevations (Drawing No: 251 Rev A);
- Plots 6, 7 & 8 Plans and Elevations (Drawing No: 252 Rev A);
- Plots 9, 10 & 11 Plans and Elevations (Drawing No: 253 Rev A);
- Plots 12 & 13 Plans and Elevations (Drawing No: 254 Rev A);
- Plots 14, 15 & 16 Plans and Elevations (Drawing No: 255 Rev A);
- Street Elevations (Drawing No: SK202 Rev A);
- Site Sections Sheet 1 (Drawing No: SK203);
- Site Sections Sheet 2 (Drawing No: SK204).

### Departure/Public Advertisement Procedure

Occupiers of 91 properties have been individually notified by letter and a site notice has been displayed at the site that expired on 17 May 2018 and an advert placed in the local press which expired on 10 May 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
Spatial Policy 9	Site Allocations
Core Policy 1	Affordable Housing Provision
Core Policy 2	Rural Affordable Housing
Core Policy 3	Housing Mix, Type, and Density
Core Policy 9	Sustainable Design
Core Policy 10	Climate Change
Core Policy 12	Biodiversity and Green Infrastructure
Core Policy 13	Landscape Character
Core Policy 14	Historic Environment

#### **Allocations & Development Management DPD (adopted July 2013)**

Policy DM1	Development within Settlements Central to Delivering the Spatial Strategy
Policy DM3	Developer Contributions
Policy DM5	Design
Policy DM7	Biodiversity and Green Infrastructure
Policy DM8	Development in the Open Countryside
Policy DM9	Protecting and Enhancing the Historic Environment
Policy DM12	Presumption in Favour of Sustainable Development

## Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance (web based resource)
- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions SPD (December 2013)
- Newark and Sherwood Landscape Character Area SPD (December 2013)
- North Muskham Housing Needs Survey 2015
- Publication Amended Core Strategy July 2017
- Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

## Consultations

**North Muskham Parish Council** – “After discussion, it was proposed by Councillor Morris that the Parish Council continue to raise objections on the following grounds:

- the comments in the previous Decision Notice stated that there was a statutory presumption against development that would harm the setting of Listed Buildings and there were no wholly exceptional circumstances or public benefits of a level to outweigh this level of harm. It was not considered that the new application had overturned this reason for refusal. The District Council had been unable to identify a proven local need.
- the Parish Council had not received, neither was it confident, that proven local need had been identified for this site and type of development, especially given the developments that had taken place in the community since 2015.
- there was still a flood risk issue regarding SUDS and the Parish Council was still of the mind that it still did not meet the sequential test as there were other potential sites in the village at less flood risk.
- the Parish Council were surprised and concerned that the site known as 'Rose Cottage' had never been included in the assessment of affordable housing sites, irrespective of whether the land owner would sell at a reduced rate, although this site had been identified some years ago.

This proposal was seconded by Councillor Mrs Hurry.

The Chair asked whether any other Members wished to make an alternative proposal.

In the absence of any other proposal being made, a vote was taken on the proposal before Council. This was carried by 5 votes for and one abstention.”

**NCC, Highway Authority** – “This application is a resubmission of one previously refused, 16/01885/FULM. Grounds for refusal did not include highway-related objections. The slightly amended submitted drawing SK201-G matches the highway details previously considered to be acceptable.

Therefore, no objections are raised subject to the following conditions:

No dwelling hereby permitted shall be occupied until its associated driveway/parking space is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the (prospective) highway boundary. The surfaced drives/parking space 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 dwelling hereby permitted shall be occupied unless or until a footway has been provided along the west side of Main Street as shown for indicative purposes only on drawing SK201-G to the satisfaction of the Local Planning Authority. For the sake of clarity this may also require works to existing driveways within the public highway.

Reason: In the interests of pedestrian safety and to promote sustainable travel.

No dwelling hereby permitted shall be occupied unless or until a 2 metre wide grass verge frontage, to the south of the new access road, has been provided as shown on drawing SK201-G and arrangements made to dedicate this verge to the Highway Authority for potential future footway provision.

Reason: To safeguard land for future footway provision, in the interests of pedestrian safety and promote sustainable travel.

No dwelling hereby permitted shall be occupied until the visibility splays shown on drawing no. SK201-G are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.25metres in height.

Reason: In the interests of highway safety.

No part of the development hereby permitted shall be occupied until the driveway / parking spaces are constructed with provision to prevent the unregulated discharge of surface water from the driveway /parking space 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.

#### **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. 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. An Agreement under Section 38 of the Highways Act 1980 will be required. Please contact david.albans@nottscc.gov.uk for details.

In order to carry out the off-site footway provision works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottscc.gov.uk for details."

#### **NCC, Strategic Planning – Comments received 27.04.2018 and 25.07.2018:-**

##### **"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.'*

### **County Planning Context**

#### 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.

### Minerals and Waste

#### *Minerals*

In relation to the Minerals Local Plan, the site is within a Minerals Safeguarding and Consultation Area for sand and gravel. Given that the proposed development is on a site adjoining existing residential areas of North Muskham (to the north and east) and does not bring residential land use any closer to potential or existing mineral extraction areas, it is unlikely that this proposed development would sterilise a potential future extraction area and therefore there are no safeguarding concerns in respect to this site. Therefore, the County Council does not wish to raise any objections to the proposal from a minerals perspective.

### *Waste*

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

### Travel and Transport

#### *Bus Service Support*

Transport & Travel Services has conducted an initial assessment of this site in the context of the local public transport network.

Service 335, which is a shared operation between NCC fleet and Travel Wright, provides only a limited service through Kneesall at peak times giving links to both Ollerton and Newark. At other times of the day service 334 operates between Tuxford and Caunton via Ollerton. Connections can be made at Tuxford with buses to and from Retford and Newark.

At this time it is not envisaged that contributions towards local bus service provision will be sought.

#### *Current Infrastructure*

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

NS0227 School Lane – Bus Stop Pole.

NS0238 School Lane – Bus Stop Pole.

Transport & Travel Services would request a contribution via a Section 106 agreement for Bus Stop Improvements to the value of £5,000. This will be used towards improvements to the above bus stops to promote sustainable travel.

#### *Justification*

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. Improvements are necessary to achieve an acceptable standard to promote sustainable travel, and make the development acceptable in planning terms. The above contribution would improve the standard of bus stop infrastructure in the vicinity of the development and could be used for, but not limited to; Real Time Bus Stop Poles & Displays including Associated Electrical Connections, Extended Hardstands/Footways, Polycarbonate or Wooden Bus Shelters, Solar Lighting, Raised Boarding Kerbs, Lowered Access Kerbs and Enforceable Bus Stop Clearways.

The improvements would be at the nearest bus stops which are situated close to the site, so are directly related to the development, and are fairly and reasonably related in scale and kind to the development (11 dwellings).

### 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.

It is anticipated that details of any developer contributions sought by the County Council will be provided as soon as possible. Any developer contributions sought will be necessary in order for the proposed development to be considered acceptable and as such the County Council will wish to raise objections to this application unless these contributions will be secured.

Should any developer contributions be 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, Developer Contributions** – "In terms of the contributions, we are currently awaiting comments on this application from library colleagues. In terms of education; current projections show that there is capacity in the catchment school to accommodate any yield from the above proposed development. As such no contributions would be sought for primary education. In terms of secondary requirements, this would be covered under CIL regulations."

"On the basis that the development is below 50 dwellings I can confirm that no library contributions would be sought."

**The Environment Agency** – "The site falls in Flood Zone 2 and Flood Risk Standing Advice can be applied."

**NCC, Lead Local Flood Authority – Comments received 22 May 2018:-**

**"No objections subject to the following being provided prior to construction start:**

- a. Details showing how the SUDS elements will be maintained to ensure their effectiveness for the lifetime of the development must be provided prior to construction start.
- b. Details on how the properties will be protected from the risk of flooding and whether flood risk construction techniques will be used.
- c. How the developer will deal with the surface water flood risk shown on the EA flood maps and included in the submitted FRA
- d. The design must ensure that the development itself is not at risk of flooding and does not increase the risk of flooding to surrounding areas.
- e. All recommendations provided by the Environment Agency are adhered to as the site is in Flood Zone 2."

## Comments received 30.04.2018:-

### “Object:

2. The applicant has not submitted any details about how they will deal with surface water from the site. A detailed surface water drainage design and strategy must be submitted that shows how the surface water will be managed. This should include but not be limited to the following:
  - a. Drainage from the site should be via a sustainable drainage system. The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to the approval of the statutory utility. If infiltration is not to be used on the site, justification should be provided including the results of infiltration tests.
  - b. For greenfield areas, the maximum discharge should be the greenfield run-off rate (Q<sub>bar</sub>) from the area. For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change effects. Note that it is not acceptable to simply equate impermeable areas with discharge as it is the maximum discharge that could have been achieved by the site through the existing pipe system without flooding that is the benchmark to be used prior to a 30% reduction. An existing drainage survey with impermeable areas marked and calculations to determine the existing flow will be required as part of any justification argument for a discharge into the sewers from the site.
  - c. The site drainage system should cater for all rainfall events up to a 100year + 30% climate change allowance level of severity. The underground drainage system should be designed not to surcharge in a 1 year storm, not to flood in a 30 year storm and for all flooding to remain within the site boundary without flooding new buildings for the 100year + 30% cc event. The drainage system should be modelled for all event durations from 15 minutes to 24 hours to determine where flooding might occur on the site. The site levels should be designed to direct this to the attenuation system and away from the site boundaries.
  - d. Consideration must be given to exceedance flows and flow paths to ensure properties are not put at risk of flooding.
  - e. Any proposals to use SUDS must include details showing how these will be maintained to ensure their effectiveness for the lifetime of the development.
  - f. Details on how the properties will be protected from the risk of flooding and whether flood risk construction techniques will be used.
  - g. How the developer will deal with the surface water flood risk shown on the EA flood maps and included in the submitted FRA
  - h. The design must ensure that the development itself is not at risk of flooding and does not increase the risk of flooding to surrounding areas.
  - i. As the site is in Flood Zone 2, has areas at risk of surface water flooding and is also shown at risk of ground water flooding it is strongly recommended that the developer considers the surface water drainage strategy as a priority to ensure the viability of the development.
  
3. All recommendations provided by the Environment Agency are adhered to as the site is in Flood Zone 2.”

**Trent Valley Internal Drainage Board** – “The site is within the Trent Valley Internal Drainage Board district. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The suitability of soakaways, as a means of surface water disposal, should be

ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be re-consulted. The design, operation and future maintenance of the site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.”

**Historic England** – “ we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.”

**NSDC, Consultant Archaeologist** – “This site has undergone full evaluation in the form of Desk based assessment, geophysical survey and trial excavation. The results of these surveys have shown that the site does have archaeological potential but not of such significance that this would stop development on this site.

The site is close to some significant historic buildings including a 13<sup>th</sup> century church and a 17<sup>th</sup> century House and the site is surrounded by cropmarks which are thought to pre-date the settlement of North Muskham as well as other recorded archaeology of varying date. The trial trenching results show that there is possibly Anglo-Saxon activity on the site and some other features were recorded but unfortunately not dated.

The main focus of activity appears to be along the frontage of the site main street. It is my recommendation that plots 1,2 14, 15 and 16 should be archaeological monitored.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

“[Local planning authorities] require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.” Policy 141. National Planning Policy Framework (2012).

A brief will be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details.”

**NSDC, Conservation** – “We have provided advice previously on this proposal (ref 16/01885/FULM-copies attached). We felt that impact on the Old Hall was at worst less than substantial harm, and no harm was caused to the setting of the Church.

As we understand it, the main differences in the scheme from the previous submitted scheme are:

- Plots 14, 15 and 16 have moved approx. 1m further to the south with two feature planting beds sited in front of these units; and
- there is an increase in the number of new trees planted along the northern and eastern boundaries of the site.

Given that the scheme has not fundamentally changed, our previous advice remains valid. We acknowledge that improving the landscaping between the proposal site and the listed building will help reduce visual impact. However, the facing materials palette could be improved to help ensure that the development better integrates into the historic environment. Natural slate could be used instead of grey slate effect concrete for example, and natural clay pantiles could be non-interlocking (this is more authentic and visually more appealing). Window joinery could be timber or mock timber rather than standard white PVC.

In addition to the above, it should be noted that the NPPF has been revised. Section 16 broadly reflects the previous heritage section (s.12), although there are some subtle changes to order and wording to reflect recent caselaw (notably *Forge Field*). Paragraph 193 states: "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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". In essence, irrespective of the scale of harm, great weight should be given to the conservation of heritage assets in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Harm requires a clear and convincing justification (para.194 of the NPPF). The submitted heritage supporting statement concurs with the previous assessment that any harm is less than substantial, paragraph 196 of the NPPF applies: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". In light of recent caselaw and the changes made in the NPPF, we advise that the decision-maker should be satisfied that the benefits of the proposal decisively outweigh any identified harm to the setting of the Old Hall."

**NSDC, Parks and Amenities** – "As a development of 10 or more properties this scheme should make allowance for the provision of public open space in the form of provision for children and young people. The proposed site layout plan does not appear to show any children's playing space and the requirement may thus be best met through the payment of an off-site commuted sum towards provision/improvement and maintenance of the existing play facilities on the Nelson Lane playing field, which lies less than 400m away from the development.

I note that the application suggests that allotments may be provided as part of the scheme however there is no justification supplied or information on how they would be managed."

**NSDC, Environmental Health (Contaminated Land) – Comments received 12.04.2018 and 20.07.2018:-**

"With reference to the above development, I have received a Combined Phase I Desk Study & Phase II Exploratory Investigation report submitted by the Geodyne acting on behalf of the developer in support of an earlier planning application (16/01885/FULM).

This document 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.

Following intrusive sampling, the report states that there are no exceedances of relevant soil screening criteria and that soils may be considered uncontaminated for the purposes of proposed use.

I generally concur with this assessment and have no further comments."

**NSDC, Environmental Health** – “I have no observations to make.”

### **NSDC’s Independent Viability Consultant- Comments received 10.05.2018**

“The applicant has sought to challenge the level of infrastructure contributions 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.

The detailed methodology to assess the economic viability of development is set out in ‘Vi-ab Viability for Town Planners Guidance Notes’ at 18/00597/FULM.

#### Summary

As an exception site the applicant proposes 100% Affordable Housing in a mix of Shared Ownership, Affordable Rent and Discount for Sale properties. This assessment therefore currently focusses solely on whether infrastructure contributions are economically viable.

#### Assumptions Comments

The adopted open market sales values at £2392 - £2797/sqm are in excess of the values recently adopted by the Council in the viability evidence presented at the Local Plan Examination in February 2018. £1991/sqm. The development proposes 75% Affordable housing and discount are therefore applied to these values relevant to the tenure type – Discount Sale (75% Open Market Value), Shared Ownership (60% OMV) and affordable rent (50% OMV).

The appraisal adopts current BCIS construction rates of £1318 for new build terraced houses and £1418 for new build terraced bungalows.

A residual land value appraisal produced a negative result. As an exception site on agricultural land, a nominal value of £50,000 was placed on the land for the purpose of the appraisal. This is significantly lower than the proposed land value allowance of the applicant at £144,000 which is the reported purchase price.

The standard fee and cost assumptions adopted by NSDC have been used in the appraisal. As Affordable Housing being undertaken primarily by a Registered Social Landlord a zero profit allowance assumption was made in the appraisal.

For the purpose of the appraisal no Sec 106 Infrastructure contributions, whilst it is acknowledged that have been assumed and as 100% Affordable Housing it is assumed the development will be exempt from CIL charges.

#### Viability Results & Conclusions

A copy of the Viability Appraisal is attached to the Report.

The viability assessment indicates a negative margin of -£178,907. The applicant has indicated that £247,000 of recycled Social Housing Grant is available to assist the scheme. This would bring the

viability margin to a positive position of £69,000. However it should be noted that this doesn't bridge the gap between the £50,000 land value allowance in the appraisal and the £144,000 option based purchase price for the land. It should also be recognised that whilst no profit return is included in the appraisal the applicants will incur management costs in undertaking the scheme that are not specifically accounted for in the assessment.

On balance it is considered that the proposed development is not able to viably support any S106 infrastructure contributions."

**Amended viability figures were run on 26.07.2018 on the basis of 75% affordable units and 25% open market units:- As opposed to a negative margin of -£178,907 for the 100% affordable housing scheme, the new viability assessment no indicates a negative margin of -£10,361 and therefore the scheme is notable to viably support any S106 infrastructure contributions.**

**NSDC, Access and Equalities Officer – Comments received 11.04.2018 and 20.07.2018:-**

"As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings, and that consideration be given to incorporating accessible and adaptable dwellings within the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings and on all floors be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposals.

In particular, 'step-free' access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible pedestrian pavement route is essential to and into the dwellings from facilities such as car parking and from the site boundary. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed approach, ramps, level flush thresholds, generous doorways, suitably wide corridors etc. all carefully designed to facilitate easy access and manoeuvre 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."

**38 letters of representation have been received, 26 objections from 20 different addresses, 11 letters of support from 10 different addresses and 1 letter of support with concerns, raising the following concerns:**

**The grounds of objection raised are summarized as:**



### Principle/location of the site

- There are better locations for affordable housing development in the village at the other end of the village that the Parish Council would approve which should be looked at and it should not be determined on cost alone;
- Outside of village envelope on greenfield site and in the wrong place;
- Should be determined in accordance with strategic development policies and this is not a Principle village or sustainable location for this development – there is no shops, no major employers, no post office, no doctor's surgery;
- There is no easy access to buses which run further to the north of the village, which have been cut in recent years;
- Sites within the main village envelope should be developed and good quality, flat, arable land producing food should be protected;
- There is an alternative site in the village at Rose Cottage which was identified in the SCHLAA survey in 2010. 60% of his land is a lower risk of flooding and he has proposed a scheme for affordable housing within his development of 20-30 houses and includes the provision of a shop and local play amenity (not offered by this application);
- Parish Council have already rejected this twice on flooding grounds and access being on a tight bend, this application shows nothing new.

### Scale/need for affordable housing

- The village does not need more houses and more traffic;
- The issue of proven need has not been satisfactorily addressed for this scale of development;
- According to the Core Strategy a Housing Needs Survey is the only measure of housing need and the sole basis for a housing rural exception site. (also reflected in the Affordable Housing SPD which states “..in the absence of a housing needs survey, the district council may choose to use other sources of evidence to demonstrate local housing need.’) The consultation event on 8 Sept 2016 is not a valid measure of need as there is a Housing Needs Survey, neither can the ‘wider housing register’ reflect ‘proven local need’;
- The Housing Need Survey identifies 6 affordable houses and the Housing Need document produced by NSDC submitted with the application uses additional data from the council's housing register, choice based lettings, intermediate housing register, Census date 2011 and district wide assessment. This is misleading and unsound and not a ‘robust’ evidence of need;
- The analysis of the findings of the Housing Need Survey in the NSDC Housing Need document makes errors in relation to the 7<sup>th</sup> unit of need identified in HNS of 2015 and should not be counted;
- Rural exception site have only been expected traditionally to deliver 100% affordable housing, however the Core Strategy para 5.11 states they are an exception to normal planning policy and they are expected always to deliver 100% affordable housing.
- 4 ‘market bungalows’ do not fall within the definition of affordable housing and if they are used by downsizers they do not fulfil the definition of those who are in need and there are other brown field sites within the village capable of fulfilling such a need (eg Rose Cottage). This is an abuse of process and not policy compliant;
- The process to deliver a rural housing scheme is usually with the support from the Parish Council and local councils work together to identify a suitable site, but the Parish Council object;
- Market housing should be on a site identified by the market for them;

- There is no need for this to be built here, hundreds of houses are to be built south of Newark which would be better suited to the needs claimed;
- One Council property in the village was empty for months and the occupied by people from outside the area who didn't know about the lack of facilities;
- This is an SP3 village, scale is not justified by need or consistent with small scale development;
- Keep North Muskham as a village, not a town;
- Residents believe they have been misled by need for affordable housing;
- The Housing Needs Survey identifies a need for 6, why does this provide for so many more?
- The properties will now be available to everyone in Newark and Sherwood, rather than to locals only;
- Properties for rent will result in transient people who will be of no benefit to the local community;

#### Highway Issues

- Site access is on a blind bend;
- Will result in two new access points onto this narrow road in close proximity;
- The road is very narrow here and used by large lorries, tractors from 6am and through-out the day (factory-farms further south along Mains Street), difficult to pass and therefore dangerous – evident by the damage to the church wall on the corner – rebuilt at least 3 times in the last 20 years and the damage to the metal bars at the corner opposite is self-evident and the 20mph sign that has been knocked over in the past);
- Road needs widening and straightening the bend;
- The footpath would narrow the carriageway even more, increasing danger;
- The increase in traffic would be considerable from 32 parking spaces and visitors to the site;
- Would cause a danger to children walking to and from school as there are no footpaths from the site;
- It would increase traffic congestion around the school during drop-off/pick up times;
- Main Street is used as a shortcut if the A1 is shut, which is a weekly occurrence;
- No visitor parking has been provided which would result in overspill parking onto Main Street and block the lane;
- The existing field access was informally broken out onto Main Street and NSDC should impose an order to close the present access;
- Such a high density development should be served by a roundabout and traffic lights to make the junction safe;
- The hedge line of the listed Old Hall leaves no room for a footpath on the west side of Main Street;
- The existing lane has terrible potholes and is in a bad state of repair;
- Transport problems will get worse as Network Rail intend to close the crossing between North and South Muskham with no alternative exit for Main Street;
- The land that the footway is situated on, the owners of Old Hall have a legal right of way, delineated for legal purposes in 1885 for time immemorial. It is not legally capable of acquisition by the Highway Authority;
- The footway needs to be extended from Marsh Lane to Crab Lane to the south of the site;
- On the wider road network, there are constant queues of traffic between North Muskham and Newark already at the cattle market roundabout. This development will exacerbate and make this congestion worse;

#### Character and Heritage Assets

- The application does not address any concerns from previous application on heritage matters;

- Harm to heritage assets;
- The site is currently an open field with unspoilt views which would be lost and the Old Hall would lose its original context and inconsistent with guidance issued by Historic England;
- The loss of these unique aspects are not outweighed by the unproven need of a development of this scale within the village;
- The current application does not address the decision in Battledown Farm from which even harm at the low end of less than substantial harm to a grade II listed asset weighs against the granting of planning permission.
- The “Forge Field” and “Barnwell Manor” decisions make clear that even if harm is “at the lower end of less than substantial harm” (to a Grade II listed building such as the Old Hall) “weighs against granting planning permission.”
- It would change the character and feel of the village;
- Could be the start of a large housing estate that would destroy the character of the village;
- Inappropriate development in this historic environment - the oldest part of the village;
- The properties look like 1950 Council houses but smaller and with less space that will not need the needs of future occupiers;
- The modern design and layout is poor and ugly with rows of terraced houses;
- There are more properties than on the original application;
- Visibility splays would result in loss of ancient hedge line and boundary for which residents have legal redress through the courts;
- This is part of a medieval landscape that has been unique for 800 years;
- There are visible links between 3 ancient churches in a triangle (at North Muskham, South Muskham and Kelham) which the development would blight and financial compensation should be paid if this legal right of view is lost;
- The proposal will impact on the setting of listed buildings and the wider landscape setting;
- There is archaeological interest on this site – known as Chapel Field which needs more investigation;
- The Old Hall dates back to 17<sup>th</sup> century and is of significant interest in terms of its age, construction, and history;
- The Old Hall is built out of beams from a tithe barn that used to be on the same site, that was linked to the church;
- The proposed footway would be detrimental to the setting of the Old Hall;
- Alien to existing grain of village and fails to respect the historic character of the area;

#### Drainage/Flood Risk

- The site is within Flood Zone 2 which means it is at risk from flooding;
- This is on a potential flood plain;
- The development would potentially increase flood risk to nearby properties;
- It fails the Sequential Test;
- The Sequential Test shows alternative sites at lower risk of flooding (Rose Cottage);
- Current application does not address short comings in the FRA or threat from surface water flooding;
- The bungalows at the front have no safe refuges in the event of a flood and likely to be occupied by the most vulnerable members of the community;
- Localised flooding is already a problem and this is likely to be made worst by the use of existing soakaways rather than a SUDs device;

### Other Matters

- The applicants have not appealed their previous decision and therefore the Committee can rely on their findings from the last application that they are sound and to come to a different conclusion there must be new and significant material considerations to weigh in the balance;
- Given the loss of £160K from the local authority subsidy since the previous application, the current scheme appears to be even less financially viable than the first;
- The concluding paragraph of the Heritage Supporting Statement should be disregarded and struck from the record;
- Save for the mix of tenure, the thrust of the application remains as before, nothing has changed and this is a waste of tax payer's money;
- Young people want to live in the town, not in a village where there are no amenities;
- By the time they have children and want to move back to the village, they will not need affordable housing;
- The proposal is ill-conceived and cynically planned, not conducive to lower income people;
- Contrary to the submitted Planning Statement which states there were no statutory consultees objecting the proposals, however, both the Parish Council and adjoining land owners are statutory consultees that they objected;
- Persons identified in need already live in houses and will sell up their existing house and free up their own capital;
- Little change to previous plans which were refused by Parish and District Councils;
- The democratic process has already rejected this use on this land;
- Parish Council don't support this and the number of objections far outweigh those in support, this is a clear mandate from the village;
- Would set a precedent for creeping housing development on other parcels of agricultural land as well as enlargement within this field;
- It has been impossible to get planning permission in the past for stables on land south of this site;
- The village has no gas supply, there are no fireplaces under the false chimneys so they would have to be fuelled by electricity or oil, the most expensive way to heat houses;
- It will de-value existing properties;
- If the development goes ahead the occupier of the Old Hall should be compensated for the loss in the value of their asset from the developers and NSDC;
- The units will not be occupied by people in/from the village;
- Why re-locate young people here, should be in Newark where jobs, transport and amenities are readily available;
- No-one would want allotments next to noisy A1;
- There are no shops/post office and there is quite a walk from this site to Nelson Lane to get a bus into Newark;
- No garages proposed – no secure storage facilities for future occupiers.

### **The representation of support with concerns can be summarised as follows:**

- The previous reasons for refusal need to be addressed;
- Need footpath to south of the application site also;
- Highway safety risks increase due to increased traffic, creation of cross road with no footpaths and adding a junction into the cross roads with restricted views to north on western side of Main Street.

**The grounds for support are summarised as:**

- There is a desperate need for affordable housing provision in rural areas;
- There is a need to support central Government and District Council desire to provide affordable housing;
- The village is short on cheaper, smaller houses for first time buyers, renters and downsizers;
- Severe lack of 2 bed properties as owners continue to extend existing stock, making them bigger and less affordable;
- This development would bring a better balance to the existing housing stock;
- The site is an unremarkable field sandwiched between Main Street and the A1;
- It is a small scale development on a quiet road;
- The amendments to the plan appear to have remedied concerns raised previously;
- The development will enhance the population and housing resources of the village;
- Housing would be an improvement and asset to the village;
- This will help the village be more sustainable in the future and help stop young people having to leave the village to find housing;
- Houses will increase attendance at the school, shop, church, village hall and other amenities and reduce the threat of closure;
- Heritage consultants conclude no heritage harm in their report, as does the Council's conservation officer;
- The development passes the Sequential Test and flooding is not an issue;
- The local primary school has space to accommodate additional children;
- Good to include units to buy and not just to rent to encourage occupiers to become part of the village community;
- Parish Council consider because houses have been built since the survey in 2015 that there is no longer any need, but given high values, market housing is not an 'alternative' property choice;
- Need a range of housing for younger and elderly people, often new builds are too large and expensive, this will benefit the whole community;
- Modern building techniques can take flooding into account;
- Are the objections because it is an affordable housing scheme and not an executive development around a nature reserve? and
- Don't let the NIMBY brigade pressure decision makers into a refusal.

**The following comments have been received from Councillor Saddington (the local ward Member):**

"I am unable to be present at the August Planning meeting and would like my comments to be noted please and read out at Committee.

I have been contacted by residents, it would appear very short notice has been given with regard to the change in the planning application at North Muskham, particularly when consideration is given to the fact that people may be away on holiday and unable to comment.

I have great concerns regarding this application and my concerns are as before.

Firstly, despite what Newark and Sherwood District Council say, the Parish Council are not, I believe, of the opinion there is a requirement for these properties.

Whether or not they are required is not my main concern.

I have lived in this village for over 60 years, we have a farm at the south end of the village and no footpaths.

Heavy traffic passes past this site throughout the day, children and residents have to negotiate the traffic and at the proposed site this is the most narrow part of the village.

It is dangerous as of now and with additional houses at this site, they will only compound the problem.

When the A1 is closed which happens on a regular basis, all traffic comes through the village and one would not dare to walk along this stretch of road.

The people who live in the village and have done so for many years, know how dangerous this part of the village is and I appeal to the Committee to remember the site visit last year where nearly everyone commented on how narrow the road is at this point, also the site is on a blind bend and reject this application please.”

### Comments of the Business Manager

#### *Background*

This is a very similar scheme to that considered by the Planning Committee in September 2017. Whilst the professional officer view and recommendation was for approval, which remains a matter of fact and public record, Members resolved to refuse the scheme for three reasons as set out below:

1. There is a statutory presumption against development that would harm the setting of Listed Buildings. The NPPF makes clear 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. The more important the asset, the greater the weight should be. Equally it is clear that decision makers must attach significant weight to the benefits of the provision of affordable housing and any other benefits.

In the opinion of the Local Planning Authority the development, by reason of its built-form nature, siting, proximity, scale, height, density and layout would result in harm to the significance of St Wilfred's Parish Church (Grade I listed) and The Old Hall (Grade II listed), both designated heritage assets, through harm to their setting. For the avoidance of doubt such harm is considered to be less than substantial but nevertheless statutory harm to which special regard should be paid.

In the overall planning balance it is considered that there are no wholly exceptional circumstances or public benefits of a level to outweigh this level of harm. The proposed development would therefore be contrary to the National Planning Policy Framework, the National Planning Practice Guidance, Core Policy 14 of the Core Strategy, and Policy DM9 of the Allocations and Development Management DPD and fails to accord with the objective of preservation as set out within Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The application has failed to adequately demonstrate a local need to justify the quantum of affordable housing proposed. As such, the proposed development is not considered to fall within a rural affordable housing 'exceptions site,' set out within Core Policy 2 of the Core Strategy and would therefore result in additional dwellings within the open countryside, outside the main built-up area of North Muskham. The National Planning Policy Framework (NPPF) states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. This is reflected in local policy by Policy DM8 of the Allocations and Development Management DPD which strictly controls and limits the types of development in the countryside.

This policy is wholly consistent (as tested in adopting the DPD) with the NPPF. The proposed new dwellings would be an inappropriate form of development in the open countryside and the provision of affordable housing, whilst having clear merits, has not been adequately demonstrated as a local need and therefore on this quantum of development, is insufficient to constitute the special circumstances required to outweigh the inappropriateness of the proposal.

It is therefore considered that in this particular instance, the adverse impacts of this number of new dwellings in the absence of adequate justification of a local need, in an unsustainable open countryside location would, on balance, outweigh the benefits of the provision of affordable dwellings in principle in an overall planning balance. The proposal is therefore contrary to the sustainability objectives of the NPPF and Policy DM8 of the Allocations and Development Management DPD.

3. The application site lies wholly within Flood Zone 2 as defined by the Environment Agency Flood Maps, which means it is at medium risk of flooding. Both the policies of the Development Plan and the National Planning Policy Framework state that inappropriate development in areas at risk of flooding should be avoided by directing new development to areas with the lowest probability of flooding through the application of the Sequential Test. As this proposal represents new residential development, the proposal is required to pass the Sequential Test. With local need unproven for the full quantum of development proposed, in the opinion of the Local Planning Authority there are many other sites within the District (including potentially in North Muskham), at lower risk of flooding where development should be located.

It is therefore considered that the proposed development is contrary to Core Policy 9 and 10 of the Core Strategy, Policy DM5 of the Allocations and Development Management DPD and fails the Sequential Test as set out in the NPPF, which is a material planning consideration.

This application has been submitted in an attempt to address the reasons for refusal.

As Members will be fully aware it is my role as professional officer to provide advice and offer a recommendation of whether to support or resist a scheme, and the reason(s) for this must be

based (S38) on the Development Plan and any other material planning considerations. This case presents a relatively unusual set of circumstances for a local authority planner when it comes to advising elected Members. This Committee, in acting as the Local Planning Authority has been very clear in setting out planning harm for the three refusal reasons above. This decision has not been successfully challenged. Thus, as a matter of fact, the last refusal currently represents the only published and unreversed view that this Council has given. Balanced against this is the fact that my professional judgement has not changed. My previous assessment of the scheme (which could not have had regard to the Council's view) remains a matter of fact as set out in the original officer report for 16/01885/FULM.

As a Local Authority planner I am now charged with offering a recommendation which balanced my previous professional view against the very clear and unchallenged concerns of the Council as Local Planning Authority, which is a new and significant material planning consideration.

As a matter of fact my professional view has not changed. However the resolution of Members to refuse the scheme is now a significant and new material consideration to weigh in the overall planning balance. I consider this in more detail in the 'Need,' 'Flood Risk and Drainage,' 'Character,' and 'Planning Balance and Conclusion' sections of this report. In offering an appraisal I seek to explore the degree to which the reasons for refusal imposed by Members have been addressed.

#### *Principle of Development*

The Council has published that it has a 5 year housing land supply against its promoted Objectively Assessed Need undertaken on behalf of NSDC, Ashfield and Mansfield DC's. This position has also been accepted by a number of appeal decisions that have recently been considered and should therefore carry weight. It is the Council's view that paragraph 14 of the NPPF is not engaged and the Development Plan is up-to-date for the purposes of decision making.

The proposal relates to a residential scheme for 16 dwellings and as opposed to the previously refused application that was for 100% affordable units, this proposal seeks permission for 12 affordable units and 4 market bungalow in an attempt to meet a local need for both types of housing.

Core Policy 2 of the Core Strategy states that the Council will pro-actively seek to secure the provision of affordable housing on exception sites. The acceptability of such schemes will be subject to the sites being located in, or adjacent to, the main built-up area of villages and meet the requirements set out in Spatial Policy 3 relating to Scale, Need, Impact and Character. The supporting text within Para 5.11 of the emerging Amended Core Strategy states that *"the District Council in appropriate circumstances, will allow Affordable Housing schemes on the edge of existing built up areas of settlements. These schemes are the exception to normal planning policy and normally only Affordable Housing Units will be allowed on these sites. This will help to facilitate the provision of local Affordable Housing in rural communities where the level of market housing is restricted to such a level that Affordable Housing cannot be achieved by any other means. In some circumstances the Council may consider allowing a cross-subsidy scheme on an exception site whereby a small number of market houses may be allowed that will contribute towards funding the affordable housing, but only where other funding mechanisms will not support the total development costs."*



Paragraph 5.12 goes on to state *“The identification of Affordable Housing needs on exceptions sites must be quantified by a Housing Needs Survey which meets the requirements of the District Council. Further details are provided in the Affordable Housing SPD.”*

In the new NPPF released this month, at paragraph 77, states that, *‘In rural areas planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.’*

Paragraph 78 goes on to state: *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this would support local services.”*

#### *Location*

The site is outside of the main built up part of the village and is, in policy terms, within the open countryside. In order to comply with the rural exceptions policy, the site has to be located in or adjacent to the built up part of the village. The site lies to the south-western edge of the village on the western side of Main Street.

On the opposite side of the road is residential development. On the same side of the road, immediately to the north, beyond a field access track is The Old Hall and its associated barns. Between the junctions of Nelson Lane to the north and Mill Lane to the south, existing development on the western side of Main Street is limited to the school, Old Hall and three/four houses further south. The majority of the built form being situated on the eastern side of Main Street. For the purposes of the policy, I accept the argument that the site is adjacent to the main built up part of the village and thus meets the primary requirement of Core Policy 2 as a rural affordable exceptions site. It is noted that in accepting this site as being on the edge of the village, this could lead to pressure for further development on surrounding land. However, if this were to be proposed, this would be assessed on its individual merits.

Much emphasis has been given by local residents that the application site is the wrong place in the village for such development and that other locations within the village would be better suited. The Registered Provider (Nottinghamshire Community Housing Association) has submitted a Site Selection Report and Flood Zones, which outlines that the process of finding a site within North Muskham to provide affordable housing commenced in 2006 with a Housing Needs Survey being carried out. In 2008, six different sites were identified as being possibilities by a team comprising the Parish Council, District Council (Strategic Housing), Midlands Rural Housing and NCHA. The sites were:

- Corner of Playing Field adjacent to existing village hall;
- Land opposite the existing village hall;
- Land on Main Street 1 (adjacent to the school);
- Land on Main Street 2 (application site);
- Land on Main Street 3 (opposite Manor Farm); and
- Land at Burridge Farm, Crab Lane;

The report sets out how and why over the next 10 years, each site was either pursued or fell away from the process. By the time the new survey was carried out in 2015, there was only one site that remained deliverable and viable, and that was Site 4. This record of the site selection process shows the length of time involved, the levels of local engagement and how difficult it has been to get to this point. The site selection process identified Site 4 was found to be the best current available affordable site with a willing vendor within the village and has hence cumulated in the submission of both the previous and this current application at this moment in time.

### *Scale*

The scale criterion of SP3 relates to both the amount of development and its physical characteristics, the latter of which is discussed further below in the character section of the appraisal. SP3 provides that new development should be appropriate to the proposed location and small scale in nature.

In 2006 the number of dwellings in North Muskham was circa 385 and taking into account commitments and completions since that time (24 dwellings) and the proposed development of 16 dwellings, together this would increase the number of dwellings by 10%, during the current plan period.

Growth of approximately 10% of new dwellings within a Spatial Policy 3 village, is considered to be an appropriate limited level during the plan period and as such the proposal represents a reasonable scale of new housing growth in this location without undermining strategic objectives set out within the Settlement Hierarchy and Growth set out within Spatial Policy 1 and 2 of the Core Strategy.

In any event, given that the proposal relates to an exception site and is predominantly for affordable housing which weighs in its favour, I consider that this level of increase to be appropriate.

### *Need*

The site is being promoted as a rural exception site for affordable housing alone. SP3 requires that new housing in rural areas should only be allowed where it helps to meet an identified proven local need.

In this case I have noted the reported of the Council's Strategic Housing Officer entitled "Statement of Housing Need, Parish of North Muskham (NSDC, March 2018)" which confirms that a Parish Needs Survey was undertaken in 2015 which confirmed a need for 7 such affordable units within the Parish. From the information submitted, it is clear that this scheme has come about following partnership working between Nottinghamshire Community Housing Association alongside the Parish Council.

The breakdown of the Survey identified the following:

Affordables - 1 x 1 bed bungalow – affordable shared ownership  
(total of 7) 1 x 2 bed house – affordable shared ownership  
2 x 3 bed house – affordable shared ownership  
1 x 2 bed bungalow (adapted) – affordable rent  
1 x 3 bed house – affordable rent

1 (no tenure)

Market            2 bed bungalows and houses  
(total of 10)    3 bed bungalows and houses.

From the objections raised by local residents, it is clear that some objections are based upon the scale of the proposed development of 12 affordable units and 4 open market units, which is 5 units above the 7 affordables identified by the Housing Needs Survey carried out in 2015. It is acknowledged that this survey would record local need as a snap shot in time. The Council's Strategic Housing Service report identified that following the housing needs survey a follow-up consultation event took place in the village in September 2016 which identified a further 5 eligible residents who expressed an interest in the proposed properties.

Strategic Housing go on to state that further to the survey and the consultation event, the Parish Council requested a follow-up (letter-drop) asking residents identified in the survey and consultation event to contact Trent Valley Partnership to ensure there is sufficient level of interest to progress the proposed affordable housing scheme. The results of this activity concluded that 7 households are still interested and eligible, though it has not been possible to obtain a response from all households identified in need of affordable housing.

It is acknowledged therefore that since the Housing Needs Survey was undertaken (which was a snap shot in time), through the passage of time, that other events have taken place which identify further need within the local area for additional dwellings to that identified in the 2015 survey and that some weight therefore needs to be given to this increased number. The Strategic Housing Service considers that housing needs surveys need to be regularly up-dated, to keep them responsive to local need situations, rather than relying on a snap shot in time.

In addition, NCHA has submitted a Scheme Delivery Statement with the application which identifies that 16 units represents the critical mass for delivery on this development, that is to deliver anything less than 16 units on this site would result in no scheme being delivered as the figures would not stack up. This has been verified by the Council's independent viability consultant. So a development to build only the 7 units identified in the Housing Needs Survey could not be built. So in viability terms the only development that can be delivered is 0 units or 16 units (in the mix split proposed). I do note that 16 is the same quantum as previously proposed. That is due to the fact that NSDC has made clear that there will be no grant funding available for the scheme, as may have been the case (subject to a due process) previously.

A similar situation was found at Caunton where the Housing Needs Survey identified a proven local need for 2 affordable dwellings. However, in order to make the scheme viable and able to be delivered, a scheme was granted planning permission for 6 affordable dwellings. This was a rural exceptions site for 100% affordable housing.

The wording of the proposed S106 legal agreement prioritises prospective residents who were born, live and work in North Muskham, have family members who reside in North Muskham or who themselves used to live in North Muskham but were forced to move away because of a lack of affordable housing. Should no such person be eligible to reside in these houses, which the applicants state is highly unlikely, then the local housing need prioritisation cascades out to South Muskham, Bathley, Little Carlton, Kelham and then Cromwell. The agreement then states that should these villages be exhausted then NCHA does have the right to cascade out the housing

need District wide, but in reality NCHA cannot recall where this has ever happened previously on a rural exception site in Newark and Sherwood.

To conclude, whilst the Housing Needs Survey of 2015 identifies a need for 7 units, there is later evidence of further need for up to 12. In any event, it has been demonstrated that the development can only be delivered in viability terms with 16 dwellings. This will be weighed in the balance in the conclusion of this report but a scheme for 12 affordable units and 4 open market units would meet proven local need as required for the purposes of SP3.

### *Character*

SP3 requires that new development should not have a detrimental impact on the character of the location or its landscape setting. 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 mirrors this.

The application site is currently part of an open field. It is acknowledged therefore that the introduction of new built form, by its very nature will have a great impact on the open character of the site. The Old Hall represents the primary and isolated building form on this part of the western side of Main Street, which would change if the proposal were constructed. As originally submitted, the layout of the proposed development was very suburban with numerous detached and semi-detached units of modern proportions centred around a wavy central access road. There was no recognition of its rural landscape setting and was out of context with the surrounding historic environment. The amended scheme now reflects its rural and historic context, with a crew-yard like courtyard surrounded by elongated blocks of built form with linear ridgelines. The blocks of development allow for greater space between buildings and better relate to rural characteristics and the site's context. Single storey properties would front the highway, albeit they would be set back from the roadside behind the replacement hedge and green communal space area. The two storey dwellings are largely located to the rear of the site and this assists with reducing the impact from the public realm and in the streetscene. The design ethos is very much of traditional local vernacular which would form an attractive development that is sensitive to the surroundings. I note that the amendments have taken on board some of the comments from the conservation officer such as positioning the chimneys centrally. I also note that some of the materials pallet proposed includes clay pan tiles and red brick, all of which are typical in North Muskham. However other materials and joinery details need to be conditioned out and controlled by condition. Overall I consider that the revised scheme has a well-conceived layout, reflecting historic rural farmsteads and which is genuinely tenure blind and is sensitive to its rural surroundings. In my view this accords with Policies SP3, CP9 and DM5.

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. The courts have said that this statutory requirement operate as 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals affecting the historic environment are proportion,

height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting. DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). The NPPF states at paragraph 193 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 (and the more important the asset, the greater the weight should be) Paragraph 194 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 8). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. (paragraph 196). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in their setting (paragraph 200).

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

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

My comments on application 16/01885/FULM are set out below in italics:-

*“Given that the site is located adjacent to the Grade II listed Old Hall, the Grade I listed St Wilfred’s Church on the other side of Main Street as well as a number of local interest buildings, the impact of the proposed development on the setting of these heritage assets require special consideration. Although concerns were raised by the Conservation Officer initially, the scheme has been amended to seek to address these matters. It is considered that the Grade I listed church is sufficient distance from the site, for the development not to harm its setting. In relation to the impact of the setting of the Old Hall, which it is acknowledged currently sits in isolation and therefore has some primacy on this side of Main Street, the setting back of the proposed buildings from the site frontage to mirror the positioning of the Old Hall significantly reduces any harmful impact on its setting, as well as reducing impact on the streetscene generally. Views of the application site from within the grounds of the Old Hall would catch glimpses of narrow gables with linear ridgelines with traditional forms and proportions, mimicking the historic barns that currently exist to the rear of the Old Hall. The blocks of development allow greater green spaces between the built form which lessens and mitigates the impact of the new built form. The layout reflects local vernacular farmsteads which also help to mitigate the proposal in its historic environment. The impact of being located within Flood Zone 2 will result in the need to increase both ground levels and finished floor levels on the proposed development by 1.2m AOD and 1.4m AOD (maximum) respectively, compared to the existing ground levels, which will also result in an increased visual impact and this is considered in more detail in the Flood Risk and Drainage section of the report*

*below. Special consideration has been given therefore to the preservation of the settings of surrounding listed buildings and it is considered that very limited harm would result."*

My comments on this revised application are set out below in bold:-

**"The revised application shows the footprint of Plots 14-16 being moved approximately 1m to the south and additional planting of trees along the northern and eastern boundaries of the site. In addition a Heritage Supporting Statement has been submitted by a Conservation professional. They state that "the application site is not a feature that specifically contributes to the setting of the Old Hall; it merely forms part of the agricultural landscape that is a component part of some of the views from and towards the asset." Whilst they consider that "part of the land to the south of the Old Hall has the capacity to accommodate change, there will be some harm to significance, on the basis that the open countryside formed part of the original setting of the heritage asset and will, as a result of the proposal contain built form. This harm however, would be at the lower end of less than substantial. The application site is some distance from St Wilfrid's Church and as the church is set well back from the road, there is no inter-visibility. As the site does not feature in important views from or towards the church. Also modern residential development to the south of the church has significantly altered the wider surroundings in which the church is experienced. Therefore it is their view that the proposed development would cause no harm to the existing setting and hence significance of St Wilfred's Church, on the basis that at no point will the proposed development dominate or compete with any important views of the church, and the surroundings in which the church is experienced will be unaltered." They conclude "I am of the opinion that the proposal as submitted would cause some harm, albeit at the lower end of less than substantial harm on the setting, and hence the significance to only The Old Hall. There would be no harm to the setting and hence significance of St Wilfrid's Church."**

**On the basis of the information submitted on this revised application, I remain of the view as a professional that there is no unacceptable heritage harm. That said, I consider the revisions made (alongside a new Heritage Supporting Statement) do not significantly amend the scheme. Therefore, it is difficult to see how they sufficiently address the Member's concerns on the heritage harm and therefore Reason 1 presented on the previous application decision is still considered to be justified, in attaching weight to the unchallenged LPA view, in this case. The weight to be given to this in the planning balance is set out in the conclusion at the end of this report.**

Further archaeological assessment through trial trenching has been undertaken on the site, following the request from NCC Archaeologist, and it is likely that the wording of a suitable condition will be agreed between the Local Planning Authority and the applicant between now and the Committee meeting, which will be reported and recommended. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special consideration has been given to the impacts on the setting of listed buildings and the wider historic environment. The change from an open field to built form will have some harmful impact, however, it is considered that this harm has been well mitigated by the traditional layout, form and green spaces on the site and therefore that harm is reduced to the lower end of less than substantial harm in this case. This aspect is given due weight in the balance of considerations set out at the end of this report.

## *Impact*

The impact criterion of SP3 states that new development should not generate excessive car-borne traffic from out of the area. It goes on to say that new development 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. Impacts are considered separately below.

### Housing Mix and Density

Core Policy 3 provides that housing should generally achieve densities of 30 dwellings per hectare, or more, and sets out that it should deliver housing need in the district which is family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population.

The proposed scheme comprising four x 2 bedroom bungalows (which are open market units) positioned along the site frontage, eight x 2 bedroom two storey houses and four plots would have 3 bedrooms over two stories and meets a local need by addressing the requirements of the Housing Needs Survey of 2015 but also meets the broad aspirations of CP3 in terms of mix. The density of the scheme falls short of 30 dwellings per hectare. However I consider this to be entirely appropriate given its position at the edge of the settlement adjacent to the countryside and this assists with allowing the development to sit comfortably within its surroundings. The type of dwellings is discussed in the affordable housing section later in this report.

### Impact on Residential Amenity

The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 states that development proposals should ensure there would be no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

Plot 14 on the northern side of the site would be located c31m from The Old Hall and is single storey with a lounge window in its northern gable end. The plots on the site frontage are a minimum of c36m from the existing houses on the opposite side of Main Street. These units are all single storey apart from Plot 16. As such I consider the distances are sufficient to meet the needs of privacy and avoid unacceptable impacts of overlooking and overshadowing.

I conclude that the development would preserve the amenities of neighbouring properties and would have no undue adverse impact that would warrant a refusal of this scheme. It also creates an acceptable level of amenity to the proposed occupiers of the new units themselves. The proposal therefore accords with Policy DM5 of the Allocations and Development Management DPD and the NPPF.

### Impact on Highways/Sustainability

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides that proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 echoes this.

I note that the majority of representation responses received have raised concerns regarding road safety issues such as the narrow width of Main Street in this location, the blind bend in the road, the use of the lane by large lorries and tractors, potential for on-street parking congestion due to lack of visitor parking provision within the scheme and the traffic in the area generally. A full summary of all highway concerns of third parties is set out in the consultation section of this report.

In terms of car parking, the scheme seeks to provide two off-street parking spaces per plot. There is no provision for visitor parking although it would be possible to park on the cul-de-sac itself and this in itself is unlikely to lead to parking along Main Street.

The Highway Authority raise no objection, subject to the inclusion of conditions. In coming to this view it is implicit that they have considered matters raised such as the blind bend, the width of the carriageway and its adequacy to serve the proposed development and how it links with the wider transport network.

NCC have requested that the developers up-grade the existing timber bus stop on Nelson Lane an part of the S106 for this development and the applicant has agreed to this and can be secured through any S106 agreement.

Given the Highway Authority have confirmed no objection in principle and that the development can be made safe in highway terms through conditions, I consider that the proposal is acceptable in this regard in compliance with SP7 of the Core Strategy and Policy DM5 of the DPD.

#### Landscape/Visual Impact

CP13 sets an expectation that development proposals positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that they contribute towards meeting the landscape conservation and enhancement aims for the area. DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. It goes on to say that features of importance within or adjacent to development sites should wherever possible be protected and enhanced.

The site lies within policy zone TW11 within the Trent Washlands character area as designated in the Newark and Sherwood Landscape Character Assessment (2013). The overall Landscape Action for this policy zone is to "conserve and create." Recommended landscape actions include the following: conserve and restore the traditional pattern of hedged fields promote measures for strengthening the existing level of tree cover. New soft landscaping will also be expected (indeed as is indicated on the site layout plan) including three new hedgerows along the northern, western and southern boundaries as well as a replacement hedgerow along the eastern boundary. Trees will be planted to provide amenity value to the public realm within the site frontage and the communal open space, within rear courtyard as well as along the northern and eastern boundaries of the site. Landscaping can be secured through condition and this together with the sensitive design, lead me to conclude that the proposal would be appropriately sited without harming the landscape character of the area in accordance with Core Policy 13 of the Core Strategy and Policy DM5 of the DPD.



## Flood Risk and Drainage

Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The NPPF provides that development should be located in the least sensitive areas to flood risk through the application of the Sequential Test and Exception Test where necessary.

The site is located within Flood Zone 2 according to the Environment Agency's flood risk maps and is therefore at medium probability of flooding from river sources. As such consideration must be given as to whether the application passes the Sequential Test. It is clear that if the District of Newark and Sherwood were considered as a whole, this site would certainly fail the Test as there are other areas within the District that fall within Flood Zone 1 where new housing could be built. However, if the Sequential Test is considered locally, the majority of North Muskham falls within Flood Zones 2 and 3, being located adjacent to the River Trent. As the Site Selection Report stated, all of the possible 6 sites that have been considered over the last 10 years within North Muskham are within Flood Zone 2. Within the Site Selection and Flood Risk Report, the applicants do refer to one site (rear of Rose Cottage) that is partly within Flood Zone 1, which was identified within the SCHLAA and has recently presented itself as a possible deliverable site. As such it must be concluded that this application site fails the Sequential Test. However, what is also clear is that the land area within Flood Zone 1 is only capable of providing a maximum of c6 residential units. As has already been discussed within the scale section in this report, the critical mass to present an achievable viability case for affordable housing is a minimum of a quantum of development of 16 dwellings that must be developed on one single site. It is also acknowledged that the Rose Cottage site has recently raised the possibility of deliverability, but NCHA and the Parish Council have spent years taking one of the 6 sites forward to this point. Therefore, it is recognised that sometimes the timing of the coming forward of new sites can sometimes undermine years and years of work done on other sites, some weight must be given therefore to where the situation is at the present time. So whilst the scheme fails the Sequential Test, in pragmatic terms the story of how this point has been reached, together with the need for the quantum of this number of units for the provision of much needed affordable housing, can weigh in favour of the development.

In terms of making the proposed development safe, the submitted revised Flood Risk Assessment proposes to set the internal floor levels of the dwellings at a safe level, that is 6 dwellings will have minimum of 10.75m AOD and 10 (including all bungalows) will have internal finished floor levels of 10.82m AOD. All floor levels are above the 1 in 1000 year flood event of 10.42m AOD. This will result in ground levels on the site increasing from its current levels of approx. 9.41m AOD to approx. 10.3m AOD and the finished floor levels of the unit 16 being at a level of 10.82m AOD. This will result in an increase in ground levels in the worst case scenario increasing by 900m AOD from the existing situation. The internal finished floor levels of the dwellings would then sit a further 500mm above the proposed ground levels. There was some concern initially that the development would result in having the appearance of an isolated elevated island compared to the surrounding existing levels. However sections across the site to show these relative increases have been submitted. The submitted sections do show the differences in the levels of the proposed site compared to the surrounding land, the most visually significant element of which would be that relative to Main Street. However, given the distance of set back from the road, this relative increase appears able to be relatively easily assimilated into the streetscene without resulting in an odd visual appearance. It is considered that this is less easily assimilated where development is situated closer to the proposed boundaries of the site to the north, south and east. However, the submitted sections show these relationships.

The Flood Risk Assessment confirms no compensatory flood storage is required to be provided and recommends that there is a Flood Warning and Evacuation Plans put in place for all residents as well as a detailed drainage design scheme, both of which can be conditioned.

The LLFA raise no objection to the scheme subject to the inclusion of a condition that prevents development commencing until a detailed surface water design and strategy is approved.

In summary, given the availability of a small piece of land to the extreme north of North Muskham that sits within Flood Zone 1, the proposed site fails the Sequential Test when assessed against both the District wide and local level. However, the development can be made safe for its lifetime when conditions suggested by consultees are imposed. The failing of the Sequential Test needs to be carefully weighed in the balance, as set out in the conclusion of this report below.

### Impact on Ecology

CP12 states that applications should seek to conserve and enhance the biodiversity and geological diversity of the district and sets out a number of expectations. DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network both on and off-site.

An Ecological Appraisal accompanies the application which concludes that subject to conditions, ecology is not a constraint to the site's development.

Five non-statutory designated local wildlife sites are within 500m of the site; none of the five sites are considered to impact upon the proposals given the distances involved and the relatively small scale nature of the development. Other habitats were considered to be of negligible value to wildlife.

The majority of the site comprised intensively planted maize largely devoid of other flora species. The planting of three new hedgerows along three of the site boundaries will ameliorate the loss of the existing hedgerow along the site frontage. However, biodiversity gains will result and this will increase the quality and extent of new hedgerow. The existing hedgerow along the site frontage is reported to be of low conservation value which is largely due to the low diversity of flora species and poor physical structure.

The site was surveyed for evidence of protected species and no evidence of badgers nor bats were found. The site is unable to support reptiles and impacts on Great Crested Newts is also considered to be low, although the hedgerow presents some potential to support foraging bats and commuting reptiles. It was concluded that the site has some limited potential for nesting birds.

In conclusion, I concur that the proposal should not be resisted on ecology grounds and conditions could be imposed to control the recommendations contained within section 4.21 of the Ecology Report, sensitive lighting (4.24), that no removal of vegetation is undertaken during bird breeding season as per section 4.34 and to secure biodiversity enhancements (planting, bird, bat and hedgehog boxes) as per section 4.37. Subject to appropriately worded conditions I conclude the scheme would accord with CP12 of the Core Strategy and Policy DM7 of the DPD.

### Impacts on Local Infrastructure (including Viability)

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. The policies state that 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.

Certainly the Council's 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.

In this case, a scheme of 75% affordable housing provision will be exempt from paying CIL on the basis of the social housing exemption provisions, however, the 4 market units will be CIL liable.

During the consideration of this application, there have been negotiations in relation to S106 developer contributions and viability issues. The applicant's position is to provide 75% affordable housing through a registered provider and to not provide any additional S106 developer contributions.

Based on the SPD I have set out below what the normal expectation for contributions would be (this is also summarise in the table below). The SPD also states that there is no discount for education contributions on developments that are solely or wholly for affordable/social housing, as evidence shows that these can reasonably be expected to generate at least as many children as private housing.

#### *Affordable Housing*

As detailed the emerging Amended Core Policy 1, for schemes of 11 or more dwellings, on-site affordable housing is expected with a tenure mix of 60% social rented/affordable rented and 40% affordable home ownership products.

A regular development of 11 or more houses would be expected to provide 30% on site affordable housing is required as per CP1. For 16 dwellings this would equate to 4 on site dwellings being 2 for social rent and 2 for affordable home ownership products. However the site is being promoted as a rural affordable exception site and is seeking to provide 75% on site affordable housing. The offer would therefore equate to 5 x social rent and 7 x affordable home ownership products. The scheme thus exceeds the affordable housing contribution in this case by 3 social rented dwellings and 5 affordable home ownership dwellings.

#### *Public Open Space*

For applications of 10 dwellings or more, provision of public open space for children and young people is expected at a rate of 18m<sup>2</sup> per dwelling. In this case 16 (dwellings) x 18m<sup>2</sup> would be expected equating to 288m<sup>2</sup>.

Given the shape and size of the site and the relatively low numbers of dwellings proposed, one would not normally expect to see the provision of this on such a small site which was also

acknowledged by the Council's Parks and Amenities Manager who advised that the requirement may thus be best met through the payment of an off-site commuted sum towards provision/improvement and maintenance of the existing play facilities on the Nelson Lane playing field, which lies less than 400m away from the development.

However the revised plan shows the provision of a modest communal area of open space at the frontage of the site. This would provide a level of amenity open space that residents would benefit from and overall I consider that this broadly accords with the policy. Treatment of this area would be a matter that can be controlled through either condition or a S106 Agreement. This would be maintained in the future by the Registered Provider (NCHA).

### *Community Facilities*

For developments of 10 or more dwellings, where schemes would lead to an increased burden on existing community facilities, a contribution may be sought which is based on £1,181.25 per dwelling (indexed at 2016) in line with the Council's SPD.

### *Education*

The County Council have set out that a development of 10 dwellings would generate three primary school places and have set out that the existing primary school (in North Muskham) can accommodate this requirement.

<b>Developer Contribution Requirement</b>	<b>Expected based on SPD for a scheme of 10 dwellings</b>	<b>Offer</b>
<b>Affordable Housing</b> 30% on site	4 affordable housing units on site (2 social rent; 2 intermediate product).	75% affordable housing Represents an <b>additional 3 social rent and 5 intermediate product over and above what would ordinarily be expected.</b>
<b>Primary Education</b> The development would yield 3 primary school places capacity at existing school	None – capacity for 3 spaces at North Muskham primary school	None
<b>Public Open Space (provision and management/maintenance)</b>  Children's and Young People Space of 18m <sup>2</sup> per dwelling or Off-site contribution	Provision of 288m <sup>2</sup> of open space on site;  or  £927.26 per dwelling for provision (£14836.16) and £1031.30 for maintenance (£16,496) totaling £31,332.16	C510m <sup>2</sup> of grassed communal area
<b>Community Facilities</b> £1181.25 per dwelling where justification is made	£1,181.25 per dwelling (which would equate to £18,900)	None

**Total Development Contribution Requirement for Scheme is therefore 4 affordable units plus £50,232.16 towards other infrastructure as set out above.**

## Allotments

Whilst the provision of the land to the rear of the houses could be seen as additional community infrastructure, in planning terms, allotments fall within the same Use Class as agricultural land and therefore as such is not development that requires planning permission. Whilst it might be seen as a community asset, the LPA cannot give weight to it in decision making and has no ability to control it through any condition under this application. NCHA have confirmed out of interest that:-

- NCHA does not want to take ownership of the allotment land
- NCHA's legal purchase agreement will give the Parish Council 3 years to communicate to the landowner if/when the Parish Council wishes to acquire ownership of the allotment land to be gifted at nil value.
- The Parish Council is to give the landowner 6 months notice of its above intention.

## *Viability*

The developers have put forward a case that this 75% affordable housing and 25% open market housing scheme cannot support any other developer contributions. In support of this assertion a viability appraisal has been submitted adopted the HCA Toolkit method.

It is clear from the information submitted that this scheme is relying heavily on HCA Grant monies of £247k. It is clear that the grant money would be ring fenced solely for the provision of affordable housing and would not be available to form a contribution towards any other S106 requirement.

In any event the viability appraisal has been independently assessed and the advice received is that the scheme based on up-to date build cost rates is in negative viability. This is on both the 100% affordable housing scheme where the deficit is -£178,907 as well as on the amended proposal for 75% affordable and 25% open market scheme where the deficit is -£10,361. Whilst I do not seek to challenge the viability conclusions the proposal falls short of the policy requirement to secure the required level of contributions towards children's open space and community facilities. This is a negative of the scheme and needs to be weighed in the planning balance.

## Other Matters

Comments received regarding the limited services within the village and the relocation of young people away from Newark with its readily available employment opportunities, transport and amenities are noted. I am mindful that there is access to the sub regional centre of Newark and as previously commented the provision of much needed affordable housing with a local connection does weigh in favour of the development.

I note the comments received with regards to controlling the occupation of the proposed development. The material planning consideration in this instance would relate to a local connection, which would be controlled by the S106 Legal Agreement through a cascade approach.

## Planning Balance and Conclusion

As detailed above, it is my role as an officer to offer a recommendation one way or the other. My professional view on a very similar scheme was fully set out as part of the Committee report for

16/01885/FULM. Although marginally different from the previously submitted scheme, my professional opinion is that the scheme remains acceptable, which is a matter of fact. That said, as an officer, I am required by statute to also have regard to any new material planning considerations. In this case I must now also balance:

1. The fact that a very similar scheme has been refused on three grounds by the Local Planning Authority and that at the time of writing such grounds have not been successfully challenged;
2. Whether the movement of Plots 14 to 16 further 1m to the south and additional tree planting along the northern and eastern boundaries of the site overcomes the first reason for refusal which identifies the development as harming the setting of the listed buildings;
3. Whether the alteration of the mix from 16 affordable units to 12 affordable units and 4 open market units now complies with the identified local housing need and overcomes the second reason for refusal which identifies the development as being inappropriate development in the open countryside;
4. Whether the alteration of the mix from 16 affordable units to 12 affordable units and 4 open market units now complies with the identified local housing need and overcomes the third reason for refusal which identifies the development as failing the Sequential Test and needing to be located within a lower flood risk area; and
5. Whether the outcome of points 2 to 4 listed above is determinative to such a degree that the overall planning balance changes.

In terms of point 2 above, which relates to the impact of the development on the setting of the two listed buildings, the Old Hall (Grade II) and the Parish Church (Grade I), I consider that the proposed level of changes to this scheme compared to that previously considered is minor. Whilst the submitted Heritage Supporting Statement comes to a conclusion that harm is at the lower end of less than substantial harm on the setting of the Old Hall and no harm at all to the setting of the Church, I accept that Members, who are the Local Planning Authority decision makers, are unlikely to change their position on this ground alone without a material change. One does, however, still need to weight any identified harm in an overall planning balance.

With regards to point 3 above, the amended mix now meets an identified a proven local need for 12 units. The additional 4 no, units are required by reason of cross-subsidy to make the scheme deliverable. Both emerging local plan policies and the recently published national guidance in the NPPF support the concept of allowing some market housing on rural exceptions sites to facilitate the affordable units provision.

With regards to point 4 above, given the acceptance that a proven local need for 12 affordable housing units has been successfully demonstrated, it is clear that in order to meet that local need that the development must be located within or on the edge of the local village where the local need has been identified.

As such, in order to assess this development against the Sequential Test, the level of flood risk on this site would need to be judged against the level of flood risk within the village, rather than on a District wide basis. It is acknowledged, as on the previous application that there is another site on the northern edge of the village that falls within Flood Zone 1 and 2 apparently coming forward to development. As such even on a village wide basis the development fails the Sequential Test. However this has to be considered against this quantum of development being required for its viability and deliverability, and which cannot afford to be split across two different sites in the village. Consideration also has to be given to the passage of time that has passed in order to get to

this stage with just one of the six initial possible sites. Notwithstanding the Sequential Test issue, the development can be made safe for its lifetime subject to raising of internal floor levels and other conditions relating to detailed drainage designs and flood warnings and evacuation plan.

All other material planning considerations in relation to the similar scheme on the previous application were considered to be acceptable by both officers and Members and I do not consider that there have been any other material changes that would alter this opinion in relation to this application.

I am therefore weighing 2 no. planning harms in an overall balance: 1. Heritage harm which the agent in part identifies as less than substantial for a scheme which differs from the scheme Members refused in terms of 1m difference in footprint and additional landscaping; and 2. Failure of a flood risk sequential test. The site is otherwise safe from flooding for its lifetime and has been promoted to get to this point for some considerable time.

In such a balance which is necessarily a very fine one, I can see how Members may be skeptical on the degree to which heritage harm identified has been addressed. There is a degree of heritage harm to offer statutory weight in a planning balance. That said, notable issues of need have been resolved and affordable housing provision meeting an identified need remains a significant material planning consideration. In the overall balance, and balancing specifically my professional view with the unchallenged reasons of members I conclude that a recommendation of approval remains justified. I am sure Members are in no doubt from the way this report is written that I could have equally as justifiably recommend refusal in this case.

## **RECOMMENDATION**

**Approve, subject to conditions to follow**

## **BACKGROUND PAPERS**

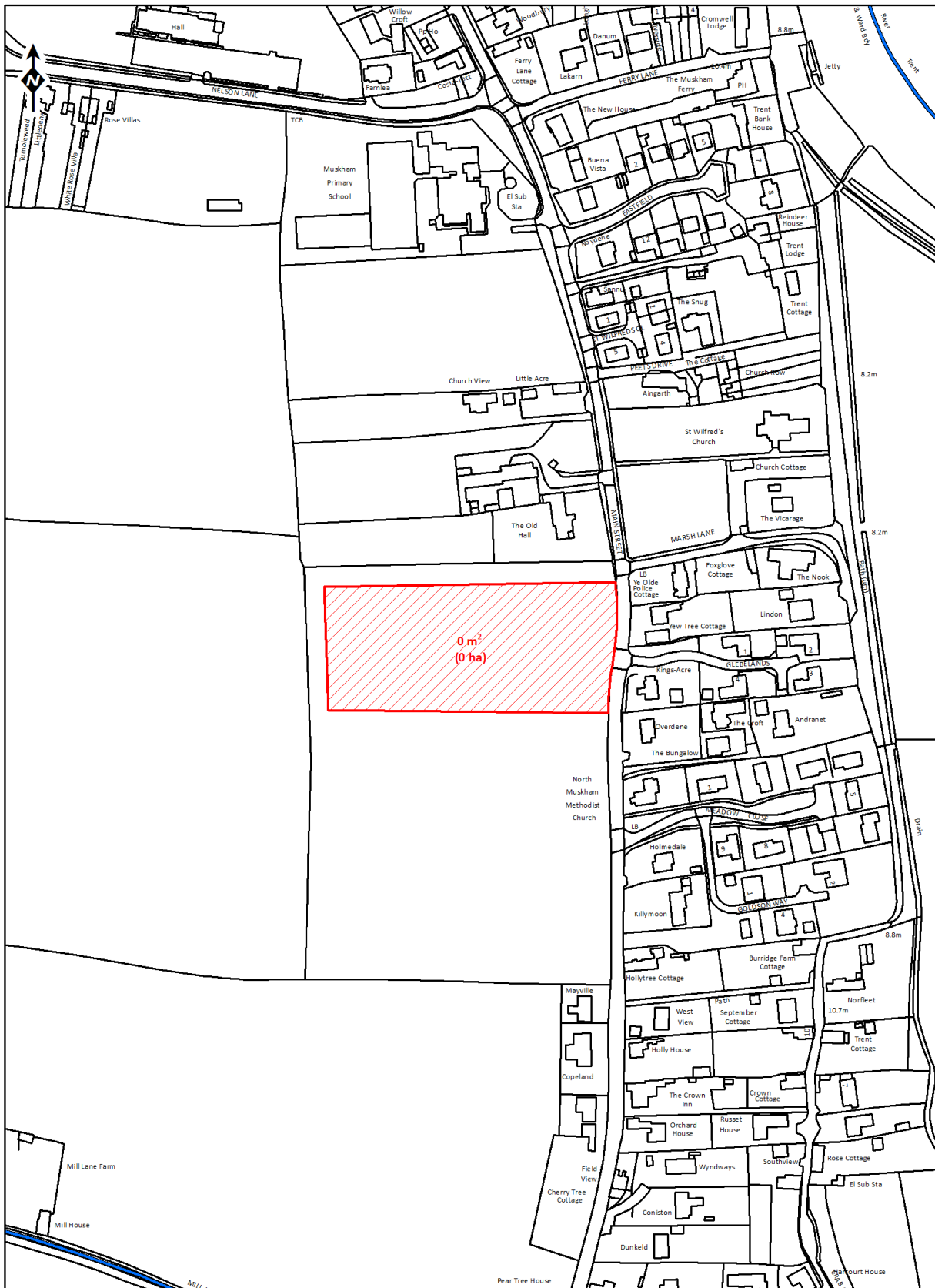
Application case file.

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

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager Growth and Regeneration**

Committee Plan - 18/00597/FULM



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## PLANNING COMMITTEE - 7 AUGUST 2018

Application No:	18/00373/FUL	
Proposal:	Proposed erection of 1no. (2-bedroom) dwelling	
Location:	Land Adjacent To The Manor House, Main Street, Hoveringham, Nottinghamshire	
Applicant:	Mrs A Halfpenny	
Registered:	22 February 2018	Target Date: 19 April 2018 Extension of Time being sought

### Update

*Members may recall that this application was presented to the Planning Committee in May 2018 where Members resolved to approve this application, contrary to Officer recommendation, subject to:*

- The applicant demonstrating that the proposal would not increase flood risk to third parties and to appropriate and proportionate mitigation measures for possible flooding to be secured by conditions as well as other suitable conditions.*

*Following the May committee, comments from the Environment Agency (EA) team were received on the 5 July 2018. For the avoidance of doubt the EA were consulted when the application was validated in February 2018 however as a result of their internal system error the consultation was not received. The application was brought to their attention by a third party which highlighted that they had not responded – as such, this correspondence represents their first comments on the proposal.*

*Whilst I note that the Planning Committee, as the LPA, have already resolved to support the scheme subject to conditions and demonstration that the scheme would not increase the flood risk to third parties, such comments represent new material information that need to be considered in an overall planning balance given that the planning permission has not yet been issued, pending the submission of the additional requested information.*

*The key point for Members is whether this new information changes your overall resolution to grant planning permission. Save for the Flood Risk appraisal, the only other amendment is the application of the revised NPPF which was released 24<sup>th</sup> July 2018. The remainder of this report remains as published but has been updated to include the additional consultee comments submitted. For ease of reference additions to the original report are in bold italicised print.*

**This application was previously referred to the Planning Committee for determination as the officer recommendation was contrary to that of the Parish Council.**

## The Site

The application site comprises part of the residential curtilage of 'The Manor House', Main Street, Hoveringham. The site is surrounded by existing residential development, with the remainder of the residential curtilage of 'The Manor House' to the north and east and the 4no. dwellings granted as a consequence of the redevelopment of 'Manor Farmstead' to the west. The site is naturally/physically divided from the balance of the garden grounds by a mature coniferous hedgerow and large trees, creating a sense of enclosure and providing a clear distinction from the wider residential curtilage beyond.

The application site is situated within a predominantly residential area towards the southern end of Hoveringham. Hoveringham is defined an 'Other Village' within the Core Strategy and does not have a defined village envelope. Hoveringham is also washed over by the Green Belt and the site lies within the defined Conservation Area.

In addition, the Environment Agency's Indicative Flood Map shows the site to be within Flood Zones 2 and 3 and as such it is necessary to consider the flood risk implications of the proposal. The proposed dwelling has been sited within the area of the site within Flood Zone 2 – the lowest area of risk within the site.

## Relevant Planning History

No relevant planning permission on this application site.

## The Proposal

***Following the request of the Committee, the applicant has submitted a revised Flood Risk Assessment received 17th July 2018.***

Full planning permission is sought for the erection of a two storey dwelling that would be sited to the west of the garden area of The Manor House, Hoveringham. The property would have a footprint of approximately 150 m<sup>2</sup> and be 7.7 m high to the ridge of the roof. Internally at ground floor the dwelling comprises a large dining and living area a kitchen and utility, a study/guest room and en-suite and cloakroom. At first floor the dwelling is proposed to have a master bedroom and ensuite.

The dwelling is proposed to be sited 1.9 m from the western boundary, 45 m from the eastern boundary with the highway, 8 m from the southern boundary and 27 m from the hostdwelling to the north.

The dwelling has been designed with the appearance of a dower house within the grounds of 'The Manor House'. Materials proposed include a light render, a grey natural slate roof, gothic style arched windows and a regency style veranda to reflect those of 'The Manor House'.

Access to the site will be taken to the south of the site along the existing private access track.

Amenity space would be provided to the front and sides of the dwelling with the existing mature hedgerow to separate the plot from The Manor House.

2 parking spaces will be provided.

#### Departure/Public Advertisement Procedure

Occupiers of seven neighbouring 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.

#### 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 4B: Green Belt Development

Spatial Policy 6 – Infrastructure for Growth

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 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

Policy DM12 – Presumption in Favour of Sustainable Development

##### **Other Material Planning Considerations**

- ***National Planning Policy Framework 2018 (July)***
- ***Planning Practice Guidance 2018***
- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

#### Consultations

**Hoveringham Parish Council** – “Hoveringham Parish Council have discussed this application and have no objection, however the service road which will be used for access was originally limited to a build of five dwellings, perhaps this could be checked”

**NCC Highways** – “Vehicular access to the proposed dwelling is from an existing private drive serving four dwellings. A desktop analysis has identified that the drive is surfaced with loose material that is gradually being discharged to the public highway. The additional trips generated

by the dwelling will degrade the material further. The drive should therefore be re-surfaced in a bound material to prevent such occurrences.

**RECOMMENDATION:**

There are no highway objections subject to the following condition:

Occupation of the proposed dwelling shall not take place until the private drive access on Main Street has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary. The drive shall then be maintained in the bound material for the lifetime of the development.

Reason: In the interest of highway safety.

**NSDC Access and Equalities Officer** – “As part of the developer’s considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings. The requirements of a dwelling’s occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors’ alike as well as meeting residents’ changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users’ access to, into and around the new 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 clear of parked vehicles 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.”

***Environment Agency – (5/7/18)***

***“Thank you for consulting us on the application above. Please accept our apologies for the delay in getting a response back to you; unfortunately, we have no record of having been consulted back when the application was first validated.***

**Environment Agency position: In the absence of an acceptable Flood Risk Assessment (FRA) we object to the proposal as currently submitted and recommend refusal on this basis for the following reasons:**

**Reason - The FRA submitted with this application does not comply with the requirements set out in the Planning Practice Guidance (PPG) or the National Planning Policy Framework (NPPF). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.**

**In particular, the submitted FRA fails to:**

**1. Adequately consider the impacts of climate change:**

**The development site appears to overlap flood zones 2 and 3, defined as having 'medium' and 'high' probabilities of flooding, respectively. 'More vulnerable' residential developments in Flood Zones 2 and 3 are required to consider the impacts of climate change, as per the most recent Government guidance which can be found at the following link: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.**

**To quickly summarise what this guidance means for this application - the FRA must consider the impacts of the Upper End (50%) and Higher Central (30%) climate change allowances.**

**The most recent flood risk model for this location is the Trent and Tributaries at Newark, SFRM2, carried out by Halcrow in July 2011. Please note, this model only has only calculated flood levels for the 1 in 100 year 20% climate change scenario; it has not considered the most recent allowances of 30% or 50%, as required by national planning guidance. The applicant will therefore need to calculate estimated flood levels for the 1 in 100 year event with 30% and 50% allowances for climate change, themselves. Once this has been done, our advice is that the finished floor levels (FFL) of residential development should be set above the flood depths arising from the 1 in 100 year 30% climate change scenario, plus an appropriate freeboard, or alternatively, set at the 1 in 100 year 50% climate change scenario level without freeboard.**

**Finally, the current FRA does not provide a topographic level for the existing ground levels, or the proposed ground floor levels.**

**2. Consider the effect of a range of flooding events, including extreme events, on the development and future occupants:**

**The FRA does not include detailed data on the flood risks at this location. We hold data which will assist the applicant in producing a revised FRA – the applicant is advised to request as a 'Product 4' from our Customers and Engagement Team at [EMDenquiries@environment-agency.gov.uk](mailto:EMDenquiries@environment-agency.gov.uk). The information available includes hydraulic model data with modelled flood heights. These modelled flood heights will need to be revised to consider the impacts of climate change, and then compared to the topographic levels at the site. This information can then be used to plan flood risk mitigation measures, i.e. FFL.**

**3. Demonstrate how future occupants, and third parties, will be kept safe from flood hazards identified:**

***As the site is in the undefended floodplain of the River Trent, the construction of the building and any raising of ground levels will take up floodplain storage, as well as potentially diverting flood water elsewhere. The FRA should consider existing flood flow routes, and how these may be affected by any development of this site. Furthermore, floodplain compensation must be provided on a level for level, volume for volume basis, up to the 1 in 100 year climate change flood scenario. Please note - this may not be possible on site, as the modelled flood outlines we hold currently show the majority of the site to be affected by a 1 in 100 20% climate change flood. If this is in fact the case (which can only be confirmed once the applicant has compared a site specific topographical survey to the flood levels on site including an allowance for climate change), the FRA should design floodplain compensation for at least the basic 1 in 100 year flood outline.***

***We would like to take this opportunity to highlight that we do not consider the raising of buildings on piles to be a suitable floodplain compensation measure, as the voids are often filled in, or used for storage, over time. The FRA should also consider access and egress from the property during the modelled flood scenarios, including consideration of the safety of road routes. The current access/egress route from the property looks to be through the 1 in 20 year flood outline, which is defined as flood zone 3b (or functional floodplain). We would not consider it appropriate to locate any access road through areas of flood zone 3b. When submitting their Product 4 data request (mentioned above), the applicant should also request flood height (grid map) data for the 1 in 20 year return period, so that they can compare the site topography to these modelled flood levels. Again, we would just like to highlight that ground levels on site should not be raised, without providing adequate floodplain compensation to mitigate this.***

***Overcoming our objection: The applicant can overcome our objection by submitting an amended FRA which covers the deficiencies highlighted above, and demonstrates the safety of the development and future occupants, without increasing flood risk to third parties.***

***We ask to be re-consulted once an amended FRA is submitted. We will then provide you with further comments within 21 days of any reconsultation. Please note, our objection will be maintained until an adequate FRA has been submitted and approved by us.***

**Revised comments received 25.7.18 –**

***“Thank you for re-consulting us on the application above, on 24 July 2018, following receipt of an amended Flood Risk Assessment (FRA).***

***Environment Agency position - The amended FRA has failed to adequately address the issues raised in our previous response, and we therefore maintain our objection to the proposal as submitted and recommend refusal on this basis for the following reasons:***

***Reasons - It is our opinion that the amended FRA fails to comply with the requirements set out in the Planning Practice Guidance (PPG) or the National Planning Policy Framework (NPPF). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:***

- 1. Take the impacts of climate change into account, or consider the effect of a range of flooding events including extreme events on people and property:***

*The amended FRA states that finished floor levels (FFL) will be set at 16.93mAOD, which is the same level as the 1 in 100 year plus 20% climate change flood level - without any additional freeboard. This is contrary to the guidance set out in our previous response which states that the FFL of 'more vulnerable' residential development should be set above the 1 in 100 year plus 30% climate change level, plus additional freeboard, as a minimum. In fact, where possible, FFL would ideally be set above the 1 in 100 year plus 50% climate change level. We have already recognised that the existing flood level data for this site has not considered these new climate change allowances; we agree that it would be unreasonable to re-run the model for the Trent and Tributaries at Newark (dated 2011) to obtain this data. Instead, for small-scale development proposals such as this one, we are content for consultants to use the existing data to estimate the required flood levels, and add an additional freeboard to cater for this uncertainty. For example, the existing 1 in 1000 year flood level data is often used as a 'proxy' for the 1 in 100 year plus 50% climate change level, as it considered the 'worst case' scenario. For this particular application, setting FFL at the 1 in 100 year plus 20% climate change flood level is not appropriate; however, if a 300mm freeboard were to be added, this would give a proposed FFL of 17.22mAOD – this would mean that FFL's are set very close to the 1 in 1000 year flood level of 17.29mAOD, and we would be comfortable with such a proposal. This would be a far more appropriate FFL given the long-term flood risks at this site. We request that the FRA is amended to include this recommendation.*

**2. Consider how people will be kept safe from flood hazards identified:**

*The proposed access to the site goes straight through an area of flood zone 3b, defined as functional floodplain (the 1 in 20 year flood outline). The NPPF and PPG clearly state that no development (including access roads) should be permitted in areas of flood zone 3b, apart from 'water compatible' uses. We do not consider access roads to be water compatible and nor, it would seem, does the PPG. Siting development in areas of Flood Zone 3b is clearly contrary to the NPPF and should not therefore be permitted by the Local Planning Authority (LPA).*

*Furthermore, siting the access road through the 1 in 20 year flood outline will mean access and egress to/from the property is restricted during a flood event due to that area being at very high risk of flooding (5% annual probability). The FRA should acknowledge this when considering access and egress from the property during flood scenarios, and propose alternative mitigation to demonstrate how safe access and egress might be provided.*

*Finally, to provide floodplain compensation for the proposed dwelling, the FRA suggests lowering the level of the access road. This will increase the flood depths along the access road within the functional floodplain, which would further increase the issues highlighted above. To provide effective floodplain compensation up to the 1 in 100 year flood event, the compensation should be located outside of flood zone 3 (also defined as the 1 in 100 year outline). To show the compensation as level for level, volume for volume, the storage required is usually calculated in 20cm 'slices'. The FRA should be amended to take account of this, showing how compensation will be provided in areas of Flood Zone 1 or Flood Zone 2 only.*

*Overcoming our objection - The applicant can overcome our objection by submitting an amended FRA which covers the deficiencies highlighted above, and demonstrates the*

***safety of the development and future occupants without increasing risk to third parties. If this cannot be achieved we are likely to maintain our objection to the application.***

***We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal reconsultation.***

**Trent Valley Internal Drainage Board** – “The site is within the TVIDB district. There are no Board maintained watercourses in close proximity to the site.

The erection or alteration of any mill dam, weir or other obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board’s prior written consent.

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 LLFRA and LPA.”

***Following the release of the revised NPPF on the 24<sup>th</sup> July 2018 the conservation officer has advised “I have now read and understood the new NPPF and can confirm that the revised NPPF does not materially affect my comments on this application.”***

**NSDC Conservation** – “Land adjacent The Manor House, Hoveringham

**18/00373/FUL**

**Proposed new two bedroom house**

The building called The Manor House is an attractive unlisted historic building, which is within and contributes positively to the Conservation Area of Hoveringham.

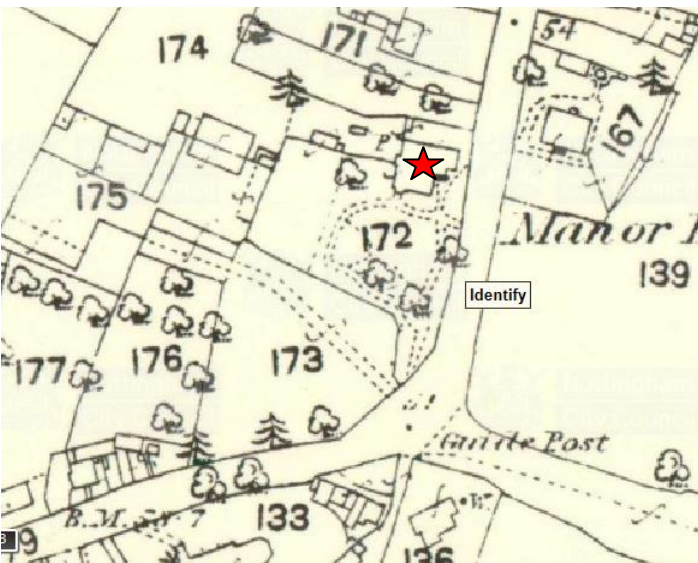
An extract from Sanderson’s Map of 1835 (below) shows a building *approximately* on the same site as the current one (it is hard to be sure as the road has been narrowed at this junction over time, making plots sizes change slightly and therefore making comparison harder) but with other land parcels shown within the current garden area of The Manor House. If there was a manor house here in 1835 it did not have extensive grounds and does not exactly follow the same building form as it does today (though this may be down to more pictorial representations of building on Sanderson’s Map).





Sandersons Map 1835

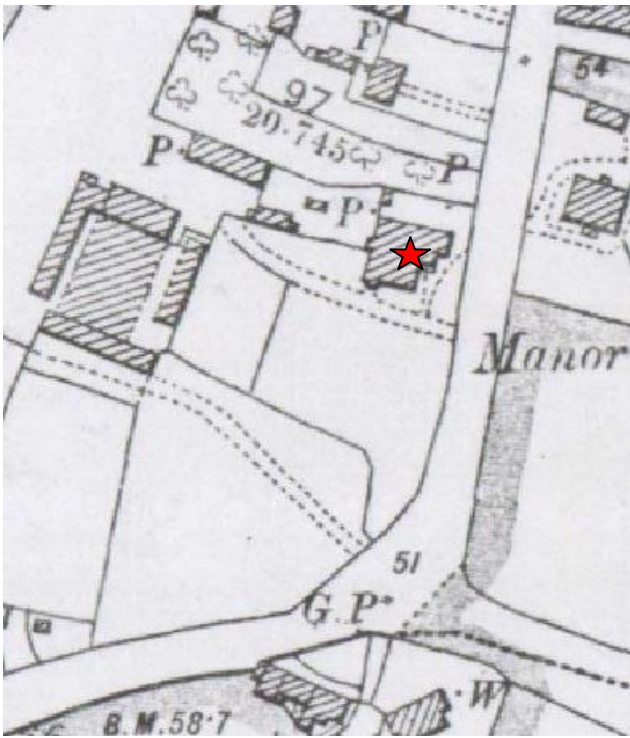
The current building can easily be recognised in the 1875-1885 OS Map below (marked by a red star) and has the appearance of a Victorian building.



1875-85 OS Map



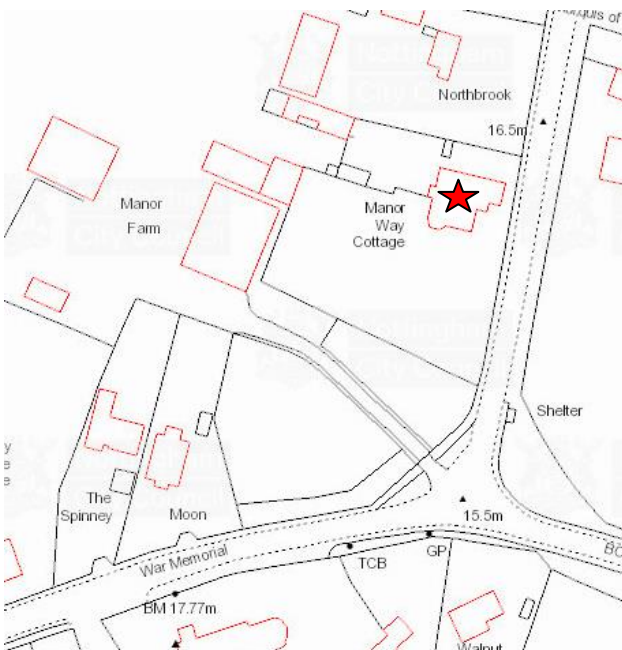
By 1887-89 the plot layout had again changed by the creation of an access track in front of the building and the clear division of the dotted land parcel adjacent (which forms the current application site):



1887-89

The historic maps show that the large garden currently enjoyed by The Manor House is a relatively recent creation, with the southern part of the plot being a separate field with a farm track across it and the area now proposed for development being a separate plot.

The lower farm track survived as late as 1996, see the map below (note at this date the building was not called The Manor House but Manor Way Cottage):



1996

Since 1996 the farm track has been removed and this area of land incorporated into the garden of The Manor House. A new access track has more recently been created to the west of the garden leading up to the conversions and new build of Manor Farm.

While the historic maps show a degree of formal landscaping (trees and paths) immediately in front of The Manor House, the land parcel to the west (which forms the proposed development plot) is shown as divided off in some way, albeit probably still part of the same land ownership. Today this land parcel is part of the modern garden but is delineated by the tall, mature hedge and trees which give it a reasonable degree of visual and physical separation from the Manor House.

Were the proposed development plot historically or currently part of the formal landscaped grounds for The Manor House I would be concerned about creating a building plot here, however this is not the case. In character terms this land seems to have been a separate land parcel, not part of the formal grounds at any time, but perhaps in the same ownership as The Manor and used for some ancillary purpose.

It is, therefore, not necessarily out of character to develop this land, especially as a new structure here could be clustered with other outbuildings (a lean-to outbuilding and the converted Manor Farm complex), would not encroach on the formal garden of The Manor House and is well within the historic and built up core of the village.

In terms of visual impact on The Manor House and its setting from this proposal I think the impact would be quite limited. Views out from The Manor House currently incorporate the formal gardens directly to the front but the proposal site is visually hidden by being off to one side but also by the tall mature hedge around it. A single storey structure could be built here with little visual impact on views out from The Manor House.

In terms of views back towards the Manor House from the road and public realm, views looking west will be mostly screened by the mature hedge, while in views looking north the new build would be set well back into the plot, off to one side of the Manor House, clustered against other outbuildings and largely, although by no means totally, obscured by the roadside hedgerow and tall laurel hedge now lining the access drive to the Manor Farm complex. The sense of greenery and spacing around the Manor House would be largely maintained and the impact from the public realm greatly softened by distance and existing green screening. Obviously there would become building where currently the land is green and open, but this is not necessarily harmful, given the village core location, the fact that the new build would be clustered against existing development and the different function of this land parcel to the more formal garden area.

In terms of the wider impact on the Conservation Area, this is the historic core, so it is an area of the village one would expect to see clusters of development. The overall grain of the village at this point is quite mixed but sees a lot of development set back from the road edge within green grounds, which this would maintain. It is not creating backland development in its plan form, which is generally a plan form I would be keen to avoid. On balance, I do not think a new dwelling here would be harmful to the character or appearance of the Conservation Area.

The relatively recent creation of the new drive to the Manor Farm complex provides the means to access this proposed new house without any encroachment across the formal garden area of The Manor House or the creation of an otherwise unattractive street front visibility splay.

A key point that must be followed if this is to be considered a development plot is the need to maintain the soft green boundary to the north and east and to create a similar hedged or estate fencing enclosure to the south. A close boarded fence or similar would not be appropriate.

In terms of the design of the proposed new house I have the following comments. The height of the proposed dwelling is single storey, allowing the existing green boundaries to largely obscure the proposed structure from view. In terms of its design I note it has been consciously designed to relate the host building as a smaller lodge, bothy or dower house type structure. While I accept the design is somewhat of a pastiche and is creating a more ostentatious design than, say, a red brick and pantile outbuilding, it is not out of character for a Victorian building like this to have had associated structures built in a similar style. From the public realm the glimpses of the structure will show one which relates to, but is clearly ancillary to, the host building, which will not be harmful. Overall, I do not object to the proposed design. On a smaller note I think the south east elevation could be improved by re-designing the large bi-fold doors, which perhaps need a paneled kick plate to look more in keeping.

Overall I think the proposal will not harm the setting of this positive building or the character and appearance of the Conservation Area. The proposal does not bring any specific heritage benefits but would, I believe, meet the statutory test of preservation of the Conservation Area, under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Subject to conditions over materials, finish and especially landscaping I have no objection.

Given the map evidence from 1835 of other structures on this site, if this is likely to be approved I would seek the advice from Archaeology and would probably suggest a pre-determination evaluation of the site to inform any conditions going forwards."

Whilst noting that the conservation officer raises no objections to this proposal, they do suggest the elevation from the South East could be *"improved by re-designing the large bi-fold doors, which perhaps need a panelled kick plate to look more in keeping"*. As such, revised plans were submitted 29.3.18 taking on board these suggestions.

**Neighbour Comments** – 5 comments have been received in objection to the proposed development. The comments can be summarised as follows:

- There is an existing covenant restricting development to the existing footprint of the building.
- A new 2 storey dwelling is not consistent with the ethos of the village.
- Responsibility for maintaining the shared driveway for the proposed property.
- Health and safety risk to children playing in the current shared drive that will be at risk due to increased vehicle volumes.
- Proposal is out of character with the surrounding area.
- Highways concerns over off-street parking and the access lane. Also highways concerns regarding the suitability of the junction to serve an additional dwelling.
- Proximity of the new building to the existing house on the plot.
- The proposal will spoil the tranquillity of the village.
- The proposal will spur more people on within the village to develop on their front garden plots.

- Concerns over replacing the existing gravel drive to tarmac due to rates of erosion, detrimental impact to the character of the area and safety for pedestrians and car users.
- Concerns regarding overlooking from the proposed dwelling.
- Loss of a view.
- Loss of privacy and potential for overshadowing.
- Position of any external lights impacting neighbouring properties.
- Impact the property will have on the density of development within the surrounding area.

### Comments of the Business Manager

#### *Principle of Development*

The Allocations & Development Management DPD was adopted in July 2013 and, together with the Core Strategy DPD (Adopted 2011), forms the Local Plan for Newark & Sherwood. Hoveringham is considered to be an 'Other Village' within the Settlement Hierarchy as set out under Spatial Policy 1 of the Core Strategy. Spatial Policy 1 clearly states that, where development falls within the designated Green Belt, proposals will be assessed against Spatial Policy 4B. This policy in turn directs assessment to the relevant paragraphs of the revised NPPF.

In addition, the Environment Agency's Indicative Flood Map shows the site to be within Flood Zones 2 and 3 and as such it is necessary to consider the flood risk implications of the proposal. Given that the site is located within the Conservation Area, regard must also be given to the distinctive character of the area and seek to preserve and enhance the conservation area in accordance with Policy DM9 of the DPD and Core Policy 14 of the Core Strategy.

I consider the key issues in assessing this application relate to the appropriateness of development and impact on the openness of the green belt, the impact upon heritage assets and visual amenity, the impact on residential amenity, flood risk and highway safety. Each issue is discussed below in turn.

#### *Impact on the Green Belt*

The proposal relates to the erection of a detached dwelling. The site is located within the Green Belt where new development is strictly controlled through both national policy and spatial policies 4A and 4B of the Core Strategy. Spatial Policy 4B requires development within the Green Belt to be assessed against policy guidance set out within the revised NPPF (**chapter 13**). The NPPF identifies the protection of the Green Belt as a core planning principle. It says one of the fundamental aims of the Green Belt is to keep land permanently open, and openness and permanence are its essential characteristics. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Spatial Policy 4B states that *“Within the extent of the area covered by the Green Belt in the District, new housing and employment development will be focused in the Principal Villages of Blidworth and Lowdham, and the part of Bulcote which is attached to Burton Joyce. These locations are excluded from the Green Belt and defined by Village Envelopes.”* In addition the policy goes on to state *“In or adjacent to the main built-up areas of the following villages, consideration will be given to the development of 'Rural Affordable Housing Exceptions Sites' to meet local housing need; Bulcote, Caythorpe, Epperstone, Gonalston, Gunthorpe, Hoveringham and Oxton. Proposals should be in line with Core Policy 2 Rural Affordable Housing. Development should be small scale in nature, should not have a detrimental impact on the character of the village or on the openness of the Green Belt.”*

This site is considered to be located within the main built up part of the village and is included within the Green Belt. As such, national Green Belt policy applies. **Paragraph 143** of the NPPF regards the construction of new buildings within the Green Belt as inappropriate, and by definition harmful to the Green Belt, with the exception of six listed circumstances (**para 145**). The fifth exception point within **para. 145** is the *‘limited infilling in villages’, ~~and limited affordable housing for local community needs under policies set out in the Local Plan~~*, whilst the Framework advises that ‘limited infilling in villages’ is not inappropriate development, it provides no definition of this term.

The wider application site is a curved corner plot comprising of The Manor House, Hoveringham to the northernmost boundary. The site is surrounded by existing residential development, with the remainder of the residential curtilage of ‘The Manor House’ to the north and east and the 4no. dwellings granted as a consequence of the redevelopment of ‘Manor Farmstead’ to the west. The highway lies to the east and one dwelling on the Southfield Lodge site is present across the highway. To the south across the highway a number of residential dwellings are present, the village hall and St Michael’s Church.

The application site comprises the western portion of the garden area of The Manor House, the proposed dwelling would be sited in an area of the site that is already considered to be visually separated and well screened from ‘The Manor House’ and the main part of its residential curtilage given the presence of the existing mature hedgerow separating the proposed plot and large trees surrounding the site, as illustrated on the Site Layout Plan and on site.

Therefore whilst to the south east, towards the boundary of the site, across Gonalston/Boat Lane is open undeveloped countryside, the majority of the site is now enclosed by residential development. I therefore consider that the site constitutes a gap in development that the proposal would infill the currently separated portion of the hostdwelling’s curtilage. Given that the proposed house would occupy the western side of the site, and that open green space in the form of gardens to the existing and proposed house would continue to occupy the eastern side of the site, the extent of infill would be limited. This view echoes the interpretation of the recent appeal decision (APP/B3030/W/16/3157932) for the erection of a new dwelling within the Green Belt within Bulcote and whilst this application has been assessed on its own merits it is clear that the inspectorate has identified that the interpretation of ‘limited infilling’ is different from the typical

interpretation of 'infill' development, neither of which is defined in the current development plan or national planning policy.

Taking all these matters into account, I therefore conclude that the proposal would constitute limited infilling in a village in compliance with paragraph 89 of the Framework. As a result, it would not be inappropriate development in this particular regard and would comply with policy 4B of the Core Strategy. It is therefore unnecessary to consider whether there are considerations in favour of the proposal which would amount to very special circumstances necessary to justify the development.

#### *Impact upon Heritage Assets and Visual Amenity*

The ***NPPF as revised continues to state*** 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 conservation officer has commented on this proposal (*full comments can be read above*) and has offered their comments in support of the proposal for the following summarised reasons:

- Given the historical context and on the ground features in terms of the division of the site from the formal gardens of the Manor House the proposal is not necessarily out of character
- The visual impact on the Manor House and its setting would be limited given existing planting and the scale of the proposal
- The new build would be clustered against existing development and the different function of this land parcel to the more formal garden area.
- The proposal is within the historic core of the village where one would expect to see clusters of development and a new dwelling here would be not be harmful to the character or appearance of the Conservation Area.
- The means of access do not encroach on the formal garden of The Manor House
- The proposed dwelling design has been consciously designed to relate the host building as a smaller lodge, bothy or dower house type structure and is not out of character for a Victorian building like this to have had associated structures built in a similar style.

Whilst noting that the conservation officer raises no objections to this proposal, they do suggest the elevation from the South East could be *"improved by re-designing the large bi-fold doors, which perhaps need a panelled kick plate to look more in keeping"*. As such, revised plans were submitted 29.3.18 taking on board these suggestions, the conservation officer has confirmed that these revised plans are considered to be acceptable.

I concur with the view of the conservation officer, whilst development proposals must be sympathetic to their setting within the conservation I agree that the proposal will represent ancillary development in relation to The Manor House and that the separation of the proposed plot from the parent dwelling will reflect the historic separation of curtilage that can be seen in the historic maps above. I note that the conservation officer stresses the importance of maintaining the soft green boundary treatment to the north and east and the creation of a similar hedged or estate fencing to the south to negate the negative impact a close boarded fence or wall would have on the character and appearance of the conservation area. As such it is considered that this detail can be controlled by a suitably worded condition. I also note the suggestion that if the scheme is likely to be approved advice from Archaeology should be sought to inform any conditions going forwards. Given the considerations relating to Flood Risk later in this report I have not carried out such a consultation at this stage.

The proposed dwelling would have a narrow L plan form and would be orientated so that its front elevation faces Main Street to the east. Its second storey would largely be contained within its roof space with the height of the proposed dwelling proposed to be approx. 7.7m. I am of the view that the scale proposed will ensure that the dwelling is not unduly visually prominent from the host dwelling or its curtilage and remains subordinate to the host dwelling.

The design features employed will reduce the scale and mass of the proposed dwelling allowing it to fit sympathetically into its surroundings. Viewed from the road, with the mature trees and hedges around the perimeter, the proposed dwelling would therefore be largely screened from view. In terms of the site as a whole, the house would be set back from Gonalston Lane to the south and Main Street to the east, well away from the highway boundaries and would occupy a relatively small proportion of the site. With large areas of the site undeveloped in public views therefore the important view across the site would be preserved along with most of its open nature.

The dwelling has been designed with consideration to the use of materials and architectural features found in the vicinity and appropriate and sensitive to the setting, including light render, a grey natural slate roof, gothic style arched windows and a regency style veranda to reflect those of 'The Manor House'.

The proposed dwelling would have a floor area of approx. 130m<sup>2</sup> as such, the proposal is of a size appropriate to its setting and will remain subordinate to the host dwelling, preserve its setting, and successfully assimilate with the existing environment.

The limited size of the dwelling and its siting in this part of the curtilage of 'The Manor House' ensures that the dwelling would have a minimal visual impact on the appearance and setting of the Conservation Area. As discussed above, the application site is set back from the road and well screened from Main Street/Gonalston Lane by the existing mature landscaping within the site and surrounding land, as such; the site is largely invisible from the main road.

In conclusion, it is not considered that the proposed development will unduly impact (i.e. it will preserve) the character and appearance of the Hoveringham Conservation Area. The proposal will



not harm the setting of the positive building within the site or the character and appearance of the Conservation Area. The proposal does not bring any specific heritage benefits but would, I believe, meet the statutory test of preservation of the Conservation Area, under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Subject to conditions over materials, finish and especially landscaping the proposal is considered to be in accordance with Policies DM5, DM9 and Core Policy 14.

#### *Impact upon Amenity*

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

Overall I do not consider that the proposal would significantly impact upon existing neighbouring amenity and would result in an acceptable garden area for any future occupiers.

Concern has been expressed that the dwelling would result in overlooking of houses to the west and result in a feeling of overbearing. However, I note that the western elevation of the proposed house, which would face in this direction, would contain only two windows at ground floor level and three rooflights within the west facing roof slope. In addition these windows would serve a kitchen and ensuite at ground floor rather than the main habitable room. The western boundary is also significantly screened from the neighbouring dwellings. As a result, any views towards dwellings in this direction would be likely to be inconsequential.

I note that the rear elevation of the dwelling is proposed to be sited approx. 10 m from the side elevation of the nearest dwelling directly to the west. Whilst this is considered to be a relatively close arrangement the side elevation of the neighbouring dwelling of which the closest portion is a garage and parking area, as such the new dwelling would be approx. 15 m from the side elevation of the main body of the neighbouring dwelling, in which no windows are present.

For this reason and given the significant distance (approx. 30 m) separating the proposed house from The Manor House, and a separation distances of approx. 15 m (see above) separating it from houses towards the west, privacy would not be harmed.

The principle elevation of the property will be in excess of 45 m from the boundary with the highway to the east and I note that this elevation would be screened significantly by the mature hedgerow and trees. The overall height of the property at 7.7 m would ensure the dwelling would not result in significant overbearing or loss of light to neighbouring residents. In addition the plan demonstrates that the dwelling would be located with a reasonable degree of separation to neighbouring dwellings as detailed above. In terms of overbearing impact and loss of light; given the style of the dwelling and degree of separation, no overbearing impact or loss of light is considered to occur in relation to the properties to the north-east and west.

The property would also have a reasonable amount of garden area commensurate to the size of the dwelling at approximately 200m<sup>2</sup> and significant amount of garden area would remain for the host dwelling (The Manor House). It is acknowledged that there would still be a reasonable amount of front, side and rear garden remaining to serve The Manor House. The private amenity space to serve the new dwelling is considered to be sufficient with plentiful space and privacy afforded to the rear of the dwelling.

I therefore conclude that the proposal would not detrimentally impact upon the amenity of surrounding dwellings to warrant refusal. As such the proposed development is considered to be acceptable in this regard and therefore accords with Policy DM5 of the Allocations and Development Management DPD.

#### *Impact upon Highway Safety*

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I note that a number of neighbour comments have been received making reference to the issue of highways safety and the risk to road uses as a result of the proposed dwelling.

The dwelling is proposed to take access off the private access driveway to the west serving 'Manor Farmstead' as shown on the Proposed Layout Plan. Given the residential nature of this private driveway and the low speed of traffic moving along it, the addition of 1no. dwelling (over and above the 4 dwellings it currently serves) is not considered to be so significant so as to be harmful to the safety of the driveway or its users. Two parking spaces have been provided for the proposed dwelling to the south of the dwelling, constructed using permeable materials.

The NCC highways department commented on the application and advised the drive should be re-surfaced in a bound material to prevent loose material being discharged to the highway and have suggested an appropriate condition.

I note that comments have made reference to the risk to the health and safety of children playing in the area and the off street parking issues that are currently present in the area that could be exacerbated by this proposed development. Whilst these concerns have been duly taken on board I am satisfied that with advice from the highway authority that the access proposed is acceptable for the proposed dwelling subject to condition.

As such, subject to the above condition being imposed I am satisfied that the development accords with Spatial Policy 7 of the Core Strategy which seeks to ensure that vehicular traffic generated does not create parking or traffic problems and Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

### *Flood Risk*

The Environment Agency's Indicative Flood Map shows the site to be within Flood Zones 2 and 3 and as such it is necessary to consider the flood risk implications of the proposal. The proposed dwelling has been sited within the area of the site within Flood Zone 2 – the lowest area of risk within the site (*see below*).



Whilst I acknowledge that the EA's flood mapping is unclear due to the scale provided, the Topographical Survey submitted shows that the part of the site on which the proposed dwelling is to be sited is of a height more akin to the part of the site within Flood Zone 2, than Flood Zone 3.

I note that the flood risk assessment states *“The part of the dwelling on the edge of Flood Zones 2 and 3 is at a height of 16.54m, this is similar to parts of the site shown to be within Flood Zone 2 on the Environment Agency's map (for example along the hedge line to the north of the proposed dwelling) and notably higher than land shown to be within Flood Zone 2 on the Environment Agency's map closer to 'The Manor House'. Having regard to the above and the specific land levels as shown on the Topographical Survey, it is more accurate to consider that all the land on which the proposed dwelling will be sited falls within Flood Zone 2.”*

The National Policy Framework (the NPPF) **as revised in July 2018** provides guidance on dealing with development within Flood Zones 2 and 3. **Chapter 14 of the NPPF** outlines that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and

- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations (**paragraph 157**).

**Paragraph 158** of the NPPF confirms that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The above guidance is reflected in Core Policy 10 of the Newark and Sherwood Core Strategy which states that when determining development proposals, the Council will, informed by national guidance and the District's Strategic Flood Risk Assessment, apply a sequential approach to future development and will work with partners to secure strategic flood mitigation measures as part of new development.

Policy DM5 of the Allocations and Development Management DPD contains similar provisions, confirming that the Council will aim to steer new development away from areas at highest risk of flooding. Policy DM5 confirms that proposals within Flood Zones 2 and 3 will only be considered where they constitute 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. Where development is necessary within areas at risk of flooding, proposals will also need to satisfy the Exception Test by demonstrating they would be safe for the intended users without increasing flood risk elsewhere. In accordance with the aims of Core Policy 9, proposals should wherever possible include measures to pro-actively manage surface water including the use of appropriate surface treatments in highway design and Sustainable Drainage Systems.

As the part of the site on which the proposed dwelling will be sited falls within Flood Zone 2, the proposal is subject to the Sequential Test in accordance with national planning policy and the Newark and Sherwood Development Plan.

The D&A Statement states that the applicant wishes to build a new dwelling for herself within the settlement of Hoveringham because of a family and personal connection to the area and wishes to remain part of the community. As such, the agent states that sites beyond Hoveringham would not provide a reasonable alternative for this purpose, to the application site.

*Paragraph 33 of the Planning Practice Guidance: Flood Risk and Coastal Change* advises that for individual planning applications where there has been no sequential testing of the allocations in the development plan, a pragmatic approach on the availability of alternative sites should be taken and the area to apply the Sequential Test will be defined by local circumstances relating to the catchment area for the type of development proposed. Para. 33 also provides guidance as to the area that should be used in the Sequential Test for the proposal subject to this Flood Risk Assessment. It states that where there are large areas in Flood Zones 2 and 3 and development is needed in those areas to **sustain the existing community**, sites outside them are unlikely to provide reasonable alternatives. It also uses the example of an extension for an existing business

premises to advise that where the proposal needs to be in a certain location, it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.

Whilst I appreciate that the guidance uses an example of where alternative locations are unsuitable for a development that requires a particular location, this example is not considered to be applicable for the application at hand. The guidance states that the development must be needed to 'sustain the existing community' – in this context there has been no evidence put forward to demonstrate that there is a specific and identified local need within Hoveringham, and therefore, whilst I am mindful that the applicant seeks to construct a dwelling for herself to live in in order for her to remain in the village it is clear that this is a demonstration of personal need rather than that of the wider community.

It is clear from the Environment Agency's indicative flood map that the whole of Hoveringham is within Flood Zones 2 and 3. As such, there are no reasonably available alternative sites appropriate for the proposed development in the village in areas with a lower probability of flooding, however, Hoveringham is close to the settlement of Southwell, in which there are potentially other sites available that are at a lower probability of flooding that would offer a suitable alternative to that put forward.

~~I note that the LLFRA and the Environment Agency have been contacted for comments regarding this proposal and none have been forthcoming. For this reason I have based my assessment on the interpretation above and the details provided within the flood risk assessment.~~

***Following the request of the Committee and, as set out within the update to committee, in response to the late objection from the Environment Agency (EA) the applicant has submitted a revised Flood Risk Assessment received 17th July 2018. The EA initially objected to the scheme on the grounds that (1) the FRA did not adequately consider the impacts of climate change, (2) consider the effect of a range of flooding events (including extreme events) on the development and future occupants or (3) demonstrate how future occupants and third parties would be kept safe from flood hazards.***

***The revised FRA stated that the minimum Finished Floor Levels FFL would be 16.92mAOD built in to a level of 17.30mAOD to provide protection for the 1%AEP+CC event and resilience for the 0.1AEP event. Flood compensation was also proposed in the form of a lowered access road and a permeable sub-base drainage system. The development itself would yield an increase in the impermeable footprint on site and would therefore require suitable on-site mitigation to protect both the development site and downstream assets. Infiltration would also need to be provided on the site, the FRA states that this is likely to be viable and for a design rate of  $5.0 \times 10^{-6}$  ms<sup>-1</sup> the site would require 11m<sup>3</sup> of attenuation - for a full infiltration based system discharging the access road sub-base, a depth of 400mm would be required to mitigate the flooding risks.***

***The EA have reviewed the revised FRA and maintain their objection to the scheme on the grounds that the FRA still does not take the impacts of climate change into account, or consider***

*the effect of a range of flooding events including extreme events on people and property on the basis that the FFL should be set above the 1 in 100 year plus 30% climate change level, plus additional freeboard as a minimum whereas the applicant has proposed to set them at the same level as the 1 in 100 year plus 20% climate change flood level - without any additional freeboard.*

*The EA have advised that for this particular application, setting FFL at the 1 in 100 year plus 20% climate change flood level is not appropriate; however, if a 300mm freeboard were to be added, this would give a proposed FFL of 17.22mAOD – this would mean that FFL's would be set very close to the 1 in 1000 year flood level of 17.29mAOD, and then the EA would be comfortable with such a proposal given the long-term flood risks at this site. Having discussed this with the agent they have advised that this element could be amended to suit the requirements of the environment agency and I am satisfied that this would be appropriate to secure via condition.*

*However secondly the EA maintains their objection on the basis that the FRA does not adequately consider how people will be kept safe from flood hazards that have been identified on this site. The revised FRA has demonstrated that the proposed access to the site would go straight through an area of flood zone 3b, defined as functional floodplain (the 1 in 20 year flood outline). The NPPF (as amended) and PPG clearly state that no development (including access roads) should be permitted in areas of flood zone 3b, apart from 'water compatible' uses. Access roads are not considered to be water compatible which is reiterated by the PPG. Siting development in areas of Flood Zone 3b is clearly contrary to the NPPF and should not therefore be permitted by the Local Planning Authority (LPA).*

*Furthermore, siting the access road through the 1 in 20 year flood outline would mean that access and egress to/from the property would be restricted during a flood event due to that area being at very high risk of flooding (5% annual probability). The FRA fails to acknowledge this when considering access and egress from the property during flood scenarios, and does not propose any alternative mitigation to demonstrate how safe access and egress might be provided to this proposed dwelling.*

*Finally, to provide floodplain compensation for the proposed dwelling, the FRA suggests lowering the level of the access road. This EA have stated that this would increase the flood depths along the access road within the functional floodplain, which would further increase the issues highlighted above. To provide effective floodplain compensation up to the 1 in 100 year flood event, the compensation should be located outside of flood zone 3 (also defined as the 1 in 100 year outline). The FRA does not take account of this, now does it show how compensation would be provided in areas of Flood Zone 1 or Flood Zone 2 in accordance with the advice from the EA.*

*In conclusion, the site lies within Flood Zones 2 and 3, the revised FRA has demonstrated that part of the access to this new dwelling would go through FZ3b which is functional floodplain – the FRA does not consider appropriate mitigation to demonstrate how safe access and egress from the property would be achieved within a flood event or propose appropriate floodplain compensation to the satisfaction of the EA. As such it cannot be concluded that the development*

**would not increase the risk of flooding to third parties or indeed, any future occupiers of the dwelling.**

Policy DM5 of the Allocations and Development Management DPD advises that the aim is to steer new development away from areas at highest risk of flooding. Policy DM5 confirms that proposals within Flood Zones 2 and 3 will only be considered where they constitute 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.

Where there are no reasonable available sites in Flood Zone 1, regard should be had to flood risk vulnerability and decision makers should consider sites within Zone 2, applying the Exception Test if necessary. It is considered that whilst not specifically in the village of Hoveringham, but within the wider district and nearby settlements such as Southwell, the district has a supply of housing land that would provide suitable alternative sites at a lower risk of flooding. Given that the applicant has not demonstrated that there is an identified local need for housing within Hoveringham it is considered that the application fails to satisfy the Sequential Test as set out in policy DM5 and **para. 157 of the NPPF. The applicant has also failed to demonstrate how people would be kept safe from flood hazards as a result of the development or consider the effects of a range of flooding events including extreme events on people and the property.** The development is therefore not considered to be in accordance with Core Policy 10, Policy DM5, **Chapter 14** of the **NPPF (2018)**, or Planning Practice Guidance: Flood Risk and Coastal Change.

#### *Ecology*

Upon visiting the site it has been identified that the land subject of this application is garden land associated with the hostdwelling The Manor House in which a number of large mature trees are present. The applicant submitted an Arboricultural Survey concurrently with this application.

The applicant notes in the D&A statement that the dwelling has been sited so as to avoid the Root Protection Areas (RPA) of the trees on the site. The conclusion section of the Tree report states:

*“Six trees have been included in the report, one RPA is to be infringed (T3) while one tree has been recommend for removed (T6). One hedge and one group have also been included, a small section of G1 is to be removed to re-instate a previous access, this will not have a noticeable effect on the locality.*

*Construction of the house and drive within the RPA of T3 is possible but the foundation design must AVOID strip footings. Pile and beam construction is recommended and must be designed to bridge over the existing ground level. The driveway within the RPA must be created using no dig techniques and be permeable. Both of these issues are covered within the Method Statement which forms part of this report.*

*T6 is a relatively young tree with the potential to reach a significant size, it is a Category C tree, its removal and replacement will not be detrimental to the aesthetic appeal of the area.*

*Any access into the RPA for construction must be considered carefully and protective measures must be undertaken first to prevent damage to the ground, including compaction.”*

It is not considered that these conclusions are significant to warrant a refusal for the application and could be controlled via condition. In addition there is not considered to be any significant ecological value to the garden land beyond that where suitable mitigation could be secured through conditions relating to appropriate soft landscaping and provision of bat and bird boxes for example to incorporate biodiversity features in to the design in accordance with the guidance under **Paragraph 175** of the NPPF. As such the proposed development is considered to accord with the aims of policy DM7 of the DPD.

#### *CIL*

The site is located in the ‘Housing Very High Zone’ area which is charged at £100 per sq m. The proposed dwelling is 300m<sup>2</sup> in total internal floor space and as such the charge on the development would be £30,000.

#### *Other Considerations*

Comments have been received from neighbouring occupiers which object to the proposal and they have been duly taken on board. The comments raised relate to the impact the proposal will have on the impact on the character of the area, neighbouring amenity and highways safety which have been considered in the appraisal sections above.

I note that some of the concerns make reference to the ‘loss of a view’ as a result of the proposed development. Whilst I appreciate that the conservation area and Green Belt are aesthetically pleasing outlooks for properties I note that this is not a material planning consideration and that the right to a view is considered to be a legal matter.

The comments also refer to a restricted covenant on development on this site, again, this is a legal concern that the applicant is advised to consider but is inherently a legal concern.

#### *Conclusion*

In conclusion the proposal is not considered to be regarded as inappropriate development in the Green Belt and it would be a well-designed dwellinghouse that would preserve the character and appearance of the Conservation Area. As a result, it would accord with the development plan in this regard. Concern has been expressed that if this application is allowed this would set a precedent for similar development. However, each application is determined on its individual merits. A generalised concern of this nature therefore does not justify withholding permission in this case.

The application is also not considered to result in an unacceptable impact on neighbouring amenity or on the character of the area. The application has also been assessed with regards to



highways safety and it is not considered that this development would result in a negative impact on highways safety. In reaching this decision the views of local residents and the Parish Council have been taken into account. However, important though they are, they do not lead me to a different view on the planning merits of the proposal relating to the points above.

However, notwithstanding this, given that the applicant has not demonstrated that there is an identified local need for housing and development is needed to sustain the existing community within Hoveringham it is considered that the application fails to satisfy the Sequential Test as set out in policy DM5 and **para. 157** of the NPPF. There are other more sustainable locations for development at lesser risk of flooding in the District.

***In addition, the revised FRA has demonstrated that part of the access to this new dwelling would go through FZ3b which is functional floodplain – the FRA does not consider appropriate mitigation to demonstrate how safe access and egress from the property would be achieved within a flood event or propose appropriate floodplain compensation to the satisfaction of the EA. As such it cannot be concluded that the development would not increase the risk of flooding to third parties or indeed, any future occupiers of the dwelling.***

The development is therefore not considered to be in accordance with Core Policy 10, Policy DM5, **Chapter 14** of the NPPF, or Planning Practice Guidance: Flood Risk and Coastal Change. The elements in favour of this proposal are not considered to outweigh the flood risk associated with development within Flood Zones 2 and 3.

For the reasons given above, ***notwithstanding that the Planning Committee, as the LPA, have already resolved to support the scheme, this was subject to caveats which transpire cannot be met. The comments from the EA, whilst late, do represent a strong material planning consideration which in my view significant weight must be attached to and*** having regard to all other matters raised, I must therefore conclude that the application should be refused.

## **RECOMMENDATION**

**That full planning permission is refused for the following reason.**

01

The site lies within Flood Zones 2 and 3**b**. The applicant has not provided evidence to demonstrate that there is an identified local need for housing and that such development is needed to sustain the existing community within Hoveringham. Within the wider district and nearby settlements such as Southwell, the District has a supply of housing land that would provide suitable alternative sites at a lower risk of flooding. ***Furthermore the applicant has failed to demonstrate how people would be kept safe from flood hazards as a result of the development or consider the effects of a range of flooding events including extreme events on people and the property.*** It is considered that the application fails to satisfy the Sequential Test as set out in policy DM5 and **para. 157 of the NPPF**. This together with its associated practice guidance provides that this type of

**development in the functional floodplain (Zone 3b) should not be permitted.** The development is therefore not considered to be in accordance with Core Policy 10, Policy DM5, **Chapter 14** of the NPPF, or Planning Practice Guidance: Flood Risk and Coastal Change.

### **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. However the District Planning Authority has worked positively and proactively with the applicant to make discuss potential revisions to the proposal.

02

The applicant is 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/](http://www.newark-sherwooddc.gov.uk/cil/)

### **BACKGROUND PAPERS**

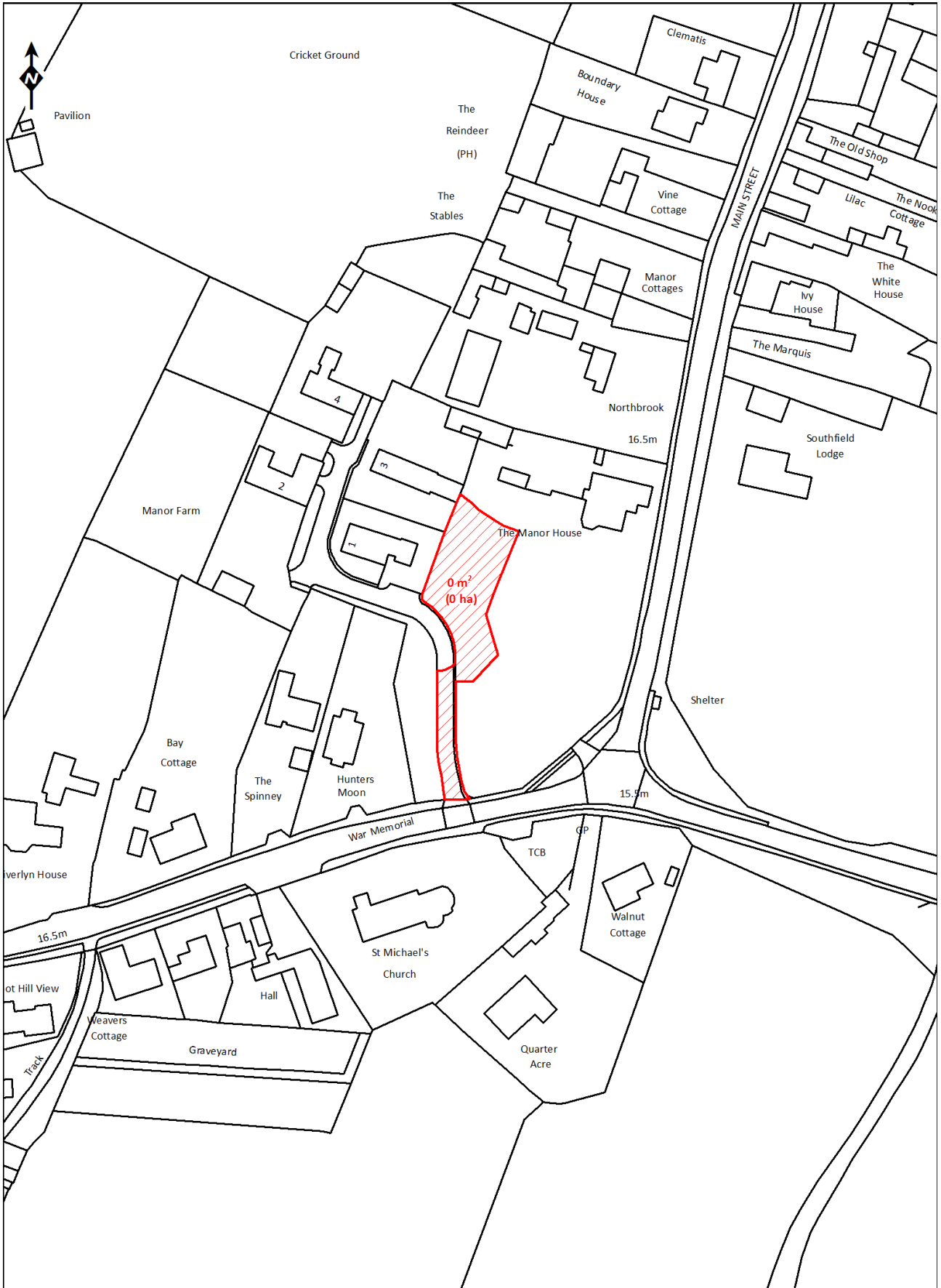
Application case file.

For further information, please contact Honor Whitfield on ext. 5827.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager Growth and Regeneration**

Committee Plan - 18/00373/FUL



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## PLANNING COMMITTEE – 7 AUGUST 2018

<b>Application No:</b>	<b>18/00785/FUL</b>	
<b>Proposal:</b>	<b>Proposed demolition of existing dwelling and replacement with new 2 storey dwelling incorporating ancillary accommodation</b>	
<b>Location:</b>	<b>22 Halloughton Road, Southwell, NG25 0LR</b>	
<b>Applicant:</b>	<b>Mrs Anna Joyce</b>	
<b>Registered:</b>	<b>3 May 2018</b>	<b>Target Date: 28<sup>th</sup> June 2018</b>

**This application is presented to the Planning Committee for determination as it has been referred by Cllr B Loughton due to impact on neighboring amenity and the proposal being out of keeping with surrounding properties.**

### The Site

This application relates to an irregular shaped 1960's single storey dwelling with an attached flat roof garage and hardstanding area to the front which is accessed via a private shared drive from Halloughton Road and is located within a residential area of Southwell. The dwelling is currently vacant. It is sited within a rectangular plot.

The immediately adjoining properties are two storey and detached. To the north no. 20 Halloughton Road sits at an angle within its plot and is set forward of no. 22 Halloughton Road and at a lower level. This shared boundary with the application site comprises circa 3m high mature hedging and shrubbery. This property has a first floor obscure glazed window to the side elevation overlooking the side boundary with the site and first floor bathroom and bedroom windows to the rear elevation. There is a conservatory to the rear elevation.

To the south is no. 26 Halloughton Road. To the rear at first floor level there is a balcony recessed within the side elevation of the property which serves a bedroom. There is an area of garden to the rear of this property which sides onto the application site. Towards the front this dwelling forms part of the side boundary with the application site with no windows to this section. There are windows to the rear elevation. Adjacent to this shared boundary are mature trees and a hedgerow.

To the south-west the rear garden of no. 28A Halloughton Road backs onto the application site. This is a single storey detached dwelling set at lower level and with principle room windows to its rear elevation. Its rear garden contains a large mature tree which provides some screening of the application site. The boundary treatment here comprises mature hedging approximately 1.7m in height.

To the east, no. 24 Halloughton Road is a two storey dwelling which backs onto the hardstanding area to the front of the application site. The shared boundary with the application site comprises mature circa 2.8m-3m high hedging. This dwelling has ground and first floor windows to the rear elevation overlooking the site. The main garden area serving this property is to the side of

building.

### Relevant Planning History

None.

### The Proposal

Full planning permission is sought for the demolition of the existing bungalow and the erection of a single detached two storey dwelling according to the description of development. The proposed building is irregular in footprint with some single storey projections. Revised plans have been received during the lifetime of the application which slightly re-orientate the building, re-site some upper floor windows and introduce additional screening to the proposed roof terrace/herb garden and flower meadow.

The building would have maximum dimensions of circa 17.5m width x 26.5m depth with a curved pitched roof and would have a maximum ridge height of circa 7.6m (maximum eaves height of circa 5m).

The ground floor accommodation comprises, what the agent describes, as 'ancillary' accommodation to the main accommodation above. This ground floor comprises a hallway with lift, 3 bedrooms, bathroom, utility, open plan kitchen/diner/living space, cloakroom, car port, garage accommodation and garden store 'for family members'.

The first floor would provide one bedroom living accommodation with an open plan kitchen/dining room, snug, office, separate w.c, bedroom with dressing room and ensuite which is accessed off a hallway via an external stairwell and is also served via a lift. Over the single storey projection to the south elevation (the garden store) a herb garden is proposed with access from the first floor kitchen door. Revised plans show this to be enclosed by circa 1.3m high brick wall and 1.7m high slatted screening. A roof terrace accessed from the first floor office/dining room area is proposed and shown on the latest revised plans to be enclosed to its southern edge by 1.7m high slatted screening. A proposed flower meadow is also proposed which latest revised plans show can be accessed from the roof terrace, the south western corner of which is also shown to have 1.7m high slatted screening.

The application has been accompanied by a Design and Access Statement which outlines the design ethos of the proposal including its use (the ground floor being for permanent residency and the ground floor for occasional occupancy by relatives) and its sustainability credentials together with an Ecology Survey.

The proposal is assessed against the following revised plans deposited on the 2<sup>nd</sup> July 2018

- Drawing number 01 revision B – Existing Dwelling – Plans and Elevations
- Drawing number 02 revision D – Proposed Replacement Dwelling – Plans
- Drawing number 03 revision E - Proposed Replacement Dwelling – Elevations and Sections
- Drawing number 04 - Proposed Replacement Dwelling – Streetscene

Photographs of an extension to a barn at Hoveringham which is of an identical design and use of materials have also been deposited in support of the proposal.

## Departure/Public Advertisement Procedure

Occupiers of 7 properties have been individually notified by letter. A site notice has also been displayed near to the site.

## **Planning Policy Framework**

### **The Development Plan**

#### **Southwell Neighbourhood Plan (made October 2016)**

Policy SD1 - Delivering Sustainable Development  
Policy E2 – Flood Resilient Design  
Policy E3 - Green Infrastructure and Biodiversity  
Policy E4 - Public Rights of Way and Wildlife Corridors  
Policy E5 – Green Link  
Policy DH1 – Sense of Place  
Policy DH3 – Historic Environment  
Policy TA1 – Cycle and Pedestrian Routes  
Policy TA2 – Public Transport Connectivity  
Policy TA3 – Highways Impact

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 1: Settlement Hierarchy  
Spatial Policy 2: Spatial Distribution of Growth  
Spatial Policy 7: Sustainable Transport  
Core Policy 3: Housing Mix, Type and Density  
Core Policy 9: Sustainable Design  
Core Policy 14: Historic Environment

#### **Allocations & Development Management DPD (adopted July 2013)**

Policy So/HN/1 – Southwell Housing Need  
Policy So/PV – Southwell Protected Views  
Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
Policy DM5 – Design  
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

### **Consultations**

**Southwell Town Council** – Southwell Town Council considered the application and agreed by majority to support to the application but have asked that Cllr Bruce Laughton call in this application for the following reasons: to consider the loss of privacy on neighbouring properties

and also the visual impact of the aluminum roof from the west of this application.

Following submission of revised plans on the 12<sup>th</sup> June and 2<sup>nd</sup> July no additional comments have been received.

**Southwell Civic Society** - We welcome this application for a 21st Century modern building. However the drawings do not indicate if the aluminum roof is to be left natural or anodised. We are concerned that when the building is two storeys high then a bright shiny roof may be seen from the public footpath running across the fields at the rear. This will put the roof in the same field of view as Holy Trinity Church and The Minster's twin towers.

Following submission of revised plans on the 12th June and 2nd July no additional comments have been received.

**NSDC Conservation** – Have advised Southwell Minster is a nationally significant landmark Grade I listed building. The view cones policy seeks to protect acknowledged views and vistas of the Minster, helping to preserve its setting.

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.

Conservation has considered the impact of the proposal on a number of heritage assets within the wider landscape, notably Southwell Minster, but finds that the proposal will have no discernible impact on their significance.

Following submission of revised plans on the 12th June and 2nd July no additional comments have been received.

**Nottinghamshire County Council Highway Authority** - Since this is a like-for-like replacement of one dwelling with another, with no alterations to the access arrangement, no objections are raised.

Following submission of revised plans on the 12<sup>th</sup> June and 2<sup>nd</sup> July no additional comments have been received.

**Nottinghamshire County Council Flood Team** - No objections are raised subject to the following:

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.

Following submission of revised plans on the 12th June and 2nd July no additional comments have been received.

**Trent Valley Drainage Board** – The site is outside of the Trent Valley Internal Drainage Board District but within the Boards 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.

Following submission of revised plans on the 12th June and 2nd July no further comments are made.

**Environment Agency** – No comments received.

Following the submission of revised plans on the 2<sup>nd</sup> July 2018 the Environment Agency previously responded on the 11th May saying we had no comments to make on this planning application. This still remains the case and we have no comments to make.

**Anglian Water Services Ltd** – No comments received.

Following submission of revised plans on the 12th June and 2nd July no additional comments have been received.

**Severn Trent Water** – No comments received.

Following submission of revised plans on the 12th June and 2nd July no additional comments have been received.

**Lincolnshire County Council Archaeology** - No archaeological input required.

Following submission of revised plans on the 12th June and 2nd July no additional comments have been received.

**Ramblers Association** – No comments received.

Following submission of revised plans on the 12th June and 2nd July no additional comments have been received.

**NSDC Access Officer** - As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings.

It is recommended that disabled persons and wheelchair users' access to, into and around dwelling 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 proposal. In particular, step-free access to and into the dwelling is important and a suitably surfaced firm level and smooth 'traffic free' accessible route is essential to and into the dwelling from facilities such as car parking and from the site boundary with reference to the topography of the site. 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 and facilities 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 dwelling together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.

Following submission of revised plans on the 12th June and 2nd July there are no further observations beyond those previously advised.

*Give that the revised plans received on the 17th July 2018 solely relate to the details of the proposed screening to the roof terrace/herb garden and flower meadow consultation has only been undertaken with neighbouring properties and third party interested parties.*

**4 Representations have been received from a local resident/interested party which can be summarised as follows:**

- Loss of privacy and overlooking given the siting of windows and herb garden together with change in land levels – this could be resolved by resiting or obscuring glazing some first floor windows and the removal or screening of first floor outdoor areas;
- Overbearing impact given changes in land levels and increased ridge height to that of the existing bungalow;
- Could the new dwelling be resited further back into the plot;
- The drawings are unclear that there is a change in land levels which unless the dwelling is set down raises overbearing issues;
- Impact on outlook;
- Proposed materials will result in a bleak industrial building in terms of appearance which will appear dominant – is this appropriate at the edge of town site and within the Southwell Protected Views cone;
- The proposed dwelling will be clearly visible from parts of Halloughton Road and from public footpaths given the increased ridge height;
- Support the proposal subject to a condition requiring the 6 southerly aspect windows being fitted with translucent glass to protect privacy;
- Overlooking impacts could also be removed if there were no first floor terraces or the outdoor terrace was more completely screened and windows obscure glazed;
- The proposal could become 2 separate dwellings.

**Following the submission of revised plans on the 12<sup>th</sup> June and 2<sup>nd</sup> July 2018 additional comments have been received which are summarized as follows:-**

- Overlooking and loss of privacy impact - Additional screening has been provided to the northern aspect of the dwelling – it is not high enough and does not resolve overlooking issues from the roof terrace/herb garden and flower meadow nor from light pollution at

night from windows which are orientated towards neighbouring properties. This contradicts comments in the Design and Access Statement that windows do not overlook dwellings;

- Overlooking could be resolved by screening similar to that proposed at the herb garden;
- The first floor apartment has an exceptionally large terrace – there would be total loss of privacy given the lack of screening and the use of the terrace for socializing which would directly overlook neighboring properties windows, gardens and private amenity spaces;
- Given changes in land levels it would be difficult to provide adequate boundary screening;
- Impact of visual glare from roof/solar panels and lights at night;
- Proximity of the building to boundaries.
- The house is for one family with 2 apartments and its adaptability is emphasised. Use of the property with additional cars;
- Setting to precedent for other large apartments/large dwellings with roof terraces – there are no other properties with large terraces used as gardens in the area;
- The site is within an environmentally sensitive area;
- The Design and access Statement is incorrect when it states that there will be no direct comparison of architectural style from any public vantage point. The property will be viewed from public vantage points and neighbouring houses (and the Conservation Area) and its contemporary design and materials will be noticeable;
- The revised orientation of the first floor will bring the proposed building closer to some neighbouring properties increasing the amount of overbearing by virtue of the stark modern design;
- It has been assumed that the proposed dwelling is a replacement for the existing bungalow. This is clearly not the case since it will in effect be two separate self-contained dwellings in one building;
- To avoid overloading access and drainage facilities it is suggested that a condition be attached to prevent permanent occupation of the lower accommodation particularly for potential future occupiers;
- The height of the privacy screens is insufficient to prevent overlooking - it should be a minimum of 1.6 m above finished floor level;
- The proposal would be out of keeping with neighbouring properties and the aluminium roof would look like an industrial building;
- The photographs for the Street Scenes prove that the roof will be seen from Halloughton Road but they have been taken recently when there was full leaf cover on the trees. This will be different when the trees are bare. The roof will be visible from other parts of Halloughton Road when the trees have less leaf cover. It will also be visible from the adjacent public footpaths when there are no leaves on the trees;
- The colour of the roof has not been specified by the applicant other than "aluminum". It is assumed that this could be controlled by condition. Since the roof can be seen from several public vantage points its colour should be sympathetic to its location and context. A bright or reflecting surface is not appropriate;
- One representation of support has been received which comments that the proposal is an innovative scheme is novel and of a very high quality which should be supported. Local planning authorities should encourage development which is designed to be energy efficient. It does acknowledge comments regarding the roof and it being seen in the same views as the Minster;

Following the submission of further revised plans on the 12<sup>th</sup> July the following additional comments have been received:-

- The proposal would still be overbearing and result in overlooking creating unsuitable disturbance to this tranquil area;
- There would be nearly 100m<sup>2</sup> of freely-accessible first floor outdoor areas that overlook the gardens and properties of neighbours to the south;
- Rotating the first floor has now created a free walkway between the roof terrace and the flower meadow. Although access to the flower meadow would be for maintenance there is now open access to this area;
- On the latest plans, the first floor outdoor areas now cover over 113m<sup>2</sup> in total, a size bigger than the average UK home or UK garden this could be smaller and still readily serve the occupiers;
- In other councils, roof terrace size is restricted to one deemed too small to have a party on (10m<sup>2</sup>). This 'prototype' house sets a precedent for Newark and Sherwood for roof terrace area intrusion to neighbours;
- The proposed slatted screening to the perimeter of the roof terrace is not solid and is too low to prevent overlooking and would allow views to neighbouring properties and gardens. The screen should be at least 2m high and be solid;
- It would appear that when permission was granted for development of 4 properties along the western stretch of Halloughton Road this was the most southern property had to be a bungalow to prevent any overlooking or overbearing impact. This situation has not changed;
- Highways have commented that the proposal is like for like. This is not the case it is for 2 separate dwellings and therefore raises issues with the increase in cars, parking and access (a reason that a proposal in the vicinity has been rejected). This raises highway safety issues.

*Four further letters/emails of representation has been received following the submission of revised plans on the 17<sup>th</sup> July 2018 which can be summarized as follows:-*

- The proposed revisions do not resolve concerns raised with regards to overlooking and over bearing impact, given that screening is not solid and given its height can be looked through and over and it would not prevent noise and light transference;
- There is still access from the roof terrace onto the flower meadow which should be blocked which would be an improvement;
- Solid taller screening is required and should also be provided along the west side of the flower garden;
- Given proximity to the adjacent orchard which is laid to grass, without vigorous maintenance the flower garden would be dominated by tall grass;
- Although not objecting to the principle of the proposal concerns are still raised;
- The plans are confusing – the privacy screen is shown to be a different height to the wall on the north and west of the herb garden. It is difficult to accurately measure given that the drawings are annotated do not scale drawings... All screening should be 1.7m high above finished floor level and this should be secured by condition;
- Although not objecting in principle concerns remain with regards to the size of the replacement dwelling. It appears that the original application for a new house on the application site was turned down circa 1970 for reasons of impact on neighbouring amenity and permission was only granted on condition that the new dwelling was a bungalow.
- The current proposal will overlook and overbear 4 adjoining dwellings and should therefore be rejected;

- Reference is made to PPS7 and *'Overlooking of gardens may be unacceptable where it would result in an intrusive, direct and uninterrupted view from a main room, to the most private area of the garden, which is often the main sitting out area adjacent to the property, of your neighbours' house. As a general rule this area is the first 3-4 metres of a rear garden, closest to the property'*. All screening panels should be 2m high;
- The proposed screening is inadequate to prevent overlooking not just dwellings but private amenity areas;
- Slatted screening would not protect neighbouring properties from noise disturbance – particularly given the size of the proposed roof terrace – noise reduction panels Noise Reduction Fencing Panels that meet the requirements of BS EN 1793-2:2012 Category B3 would be appropriate.

*Any additional comments in relation to the further revised plans received on the 17<sup>th</sup> July 2018 will be reported to Planning Committee within late items.*

### **Comments of the Business Manager**

#### **Principle of Development**

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply which has been confirmed by a number of recent appeal decisions including the dismissal of the Farnsfield appeal (at Public Inquiry) by the Secretary of State in April 2018. I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making and thus carry significant weight in an overall planning balance.

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 10th October 2017 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

The adopted Neighbourhood Plan for Southwell outlines an overall support for residential development within the town, through meeting the strategic requirements for growth whilst maximizing the benefits for the community (Objective 6). Spatial Policy 1 of the Core Strategy outlines the settlement hierarchy for the District identifying Southwell as a Service Centre. It is intended that Service Centres will act as a focus for service provision for a large local population and a rural hinterland.

The applicant has described the development as *'Proposed demolition of existing dwelling and replacement with new 2 storey dwelling incorporating ancillary accommodation'*. Notwithstanding this, having assessed the scheme I find that there is no mutual reliance between either the first or

ground floor accommodation, such that they both have their own separate entrances, external private amenity space and all of the necessary accommodation to allow for independent occupation. I have therefore assessed it as such. The applicant has described the ground floor living space (comprising 3 bedrooms and living accommodation) as ancillary to the first floor one-bedroom apartment. Whilst I cannot agree that a 3 bedroom self-contained apartment is ancillary to the first floor 1 bedroom apartment, I do not consider that this makes any discernible difference to my assessment or its outcome.

The principle of residential development in this area is acceptable, being a replacement building within the built up part of Southwell for residential purposes. The provision of what I consider to be essentially two dwellings instead of one, is also acceptable in this Service Centre given its location within a sustainable settlement and as such there is no objection in principle to the residential development at the site. However this does not automatically mean that development should be granted as other material considerations are also taken in to account namely the impact upon the character of the area, impact on the residential amenity of neighbouring properties and highway matters together with drainage and ecology which are discussed below.

### Housing Need & Mix

CP3 of the adopted Plan seeks to secure new housing that addresses the housing need of the district generally which is identified as family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. I note that CP3 in the Publication Core Strategy deletes reference to the family housing of 3 bedrooms or more, which can be afforded weight given its advanced stage and that there are no unresolved objections to this.

Policy So/HN/1 seeks to secure, subject to local site circumstances and the viability of development, the majority of new housing on allocated or windfall sites as one or two bedroom units in line with identified housing need as evidenced by the district wide HNS from 2014 by DCA. This drive to secure smaller units is a significant material consideration and remains so given that this policy is just one of two policies of its type in our District whereby it was felt necessary to intervene in the market to secure smaller dwellings. The newest relevant adopted Policy, HE1 of the Southwell Neighbourhood Plan states that developments which provide bungalow and other types of accommodation for elderly and disabled people will be strongly supported. Furthermore the National Planning Policy Framework, as revised, seeks to significantly boost the supply of homes and ensure the needs of groups with specific housing requirements are addressed.

This is a scheme that would make efficient use of land by introducing accommodation that is capable of supporting two families, even if the applicant has no intention to use it as such. The accommodation on offer could in my view potentially cater for the most needed form of housing in Southwell. The ground floor apartment whilst 3 bedrooms would be suitable for the elderly or less mobile. The first floor apartment whilst large for a 1 bedroom unit, could easily be configured into a 2 bedroom unit either of which would be acceptable in policy terms. Furthermore the first floor apartment has a lift which opens its appeal to the elderly and less mobile also. As such I find that the accommodation being proposed is supported by the Neighbourhood Plan and this does weigh in favour of the development.

### Impact on Character (Including Heritage Assets)

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 SNP also reflects this.

The NPPF, as revised, states that a high standard of design is a key aspect of sustainable development and that new development should be visually attractive as a result of good architecture and appropriate landscaping. It is not the intention that policy or decisions should dictate design and the NPPF as revised states (at para.127) that decisions should ensure that developments *'are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'* This is reflected in the local plan policies noted above.

The issue of its impact upon the character and appearance of the area is, in my view, the key matter in assessing the acceptability of the proposal. This issue is one that has split opinion amongst officers and is very finely balanced. However it has been determined that the scheme would be harmful and the reasons for this are set out below.

It is acknowledged that the existing bungalow is of no strong architectural merit in terms of its design, external materials and appearance such that its loss and replacement is acceptable in principle.

I am mindful that the proposed replacement dwelling is of a contemporary design and proposes the use of a range external material in the form of bricks to the ground floor, wood cladding to the first floor and a sheet aluminum roof with steel chimneys. Whilst contemporary, the design appears 'barn-like' in its form and proportions. Although the proposal is of a more modern and perhaps rural design in comparison to surrounding properties, this in itself need not have been fatal to the proposal taking account of paragraph 127. Indeed the Council is not averse to a modern design approach in principle, and indeed in the right context these are fully appreciated and accepted. However in this instance the design is not considered to be in the right context or plot.

The application site is surrounded by a number of dwellings, these being a traditional twin gable cottage to the east which although not listed nor a non-designated heritage asset, reflects a historic cottage form and layout and is more modern but traditionally red brick, pantile roof dwellings to the south and north. These are reasonably well spaced around the site and given the single storey height of the existing bungalow within this section of Halloughton Road there is a currently visually a sense of openness and spaciousness between these buildings providing relief from the built form. In terms of footprint, the replacement building would not change very much from the irregular form of the existing dwelling.

However what this proposal does is to introduce a large, monolithic expanse of a building at a greater height that is c26.5m in length which by virtue of its bulk, scale and massing (being largely unbroken) would be at odds with the character and appearance of the area in my opinion. It is acknowledged that the application site is tucked behind the cottage which provides some screening from Halloughton Road and that the existing building, being single storey is not visible from any public view point. However this replacement building is two storey in height being 7.6m to the ridge (some 3.8m higher than the existing bungalow it is to replace) and would be at least 0.7m higher than the cottage to the east and 0.5m higher than the adjoining dwelling to the north which will in my submission give this a presence in the public realm, and in my view this would be harmful.

The matter of how much the building would be visible from the public realm is a matter that is not agreed. Members will note that 2 photomontages have been submitted during the lifetime of the application which have been taken from 2 no. viewpoints on Halloughton Road and purport to show that notwithstanding any height differences between the existing and neighbouring dwellings, the proposed development would be glimpsed through the canopies of existing trees within and around the site when they are in full leaf. I am not convinced that these are an accurate reflection of how the building would be perceived from the public realm. No methodology has been provided to show how these montages were prepared and the angle appears to be from a low position, potentially reducing the prominence within the montages. I therefore give these little weight. In any event I am mindful that during winter months the upper part of the dwelling (the clad walls and aluminum roof and steel chimneys) would be more clearly viewed from these positions. Moreover when the trees to the south east are not in leaf then it is considered that there would also likely to be views from the public footpath to the north-west.

The applicant has also deposited photographic views of an extension to a barn conversion development in Hoveringham built in the early 2000s which is of an almost identical scale, design and appearance to the dwelling proposed. The applicant contends that the context, visibility, scale, materials used and style is useful to explain the design precedent of the current proposal. Whilst I acknowledge some the similarities of the between the Hoveringham scheme and the proposed development in terms of scale, design and materials, I am of the view that the context and setting of both sites are very different. Whereas the proposed dwelling before Members falls within the built up and suburban area of Southwell and adjoined in the main by red brick dwellings and a traditional cottage the Hoveringham scheme is within a different context where separation distances are greater and where the site is adjoined by a farmstead and its agricultural buildings in a much more open setting.

Turning now to the proposed use of external materials, as I have noted above the roof would be an aluminum roof and have steel chimneys. These are integral to the design and are not matters that could reasonably be conditioned out. These materials would be prominent architectural products which would weather over time, albeit from aerial views and the example photographs of the similar scheme in Hoveringham I note that such materials remain prominent for years. Even if the roof was treated to dull the finish down, when applied to the Halloughton Road context, the materials would in my opinion result in a visually obtrusive development within this suburban setting which is predominantly brick and tile dwellings.

With regards to any impact on nearby heritage assets, 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. The NPPF and its guidance note provide that a thorough assessment of the impact on setting needs to be undertaken 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.

Although not within Southwell Conservation Area or directly adjacent to any listed buildings, the application site does fall within the Southwell Protected Views boundary (So/Pv) which aims to ensure that development respects in this instance the wider setting and context of the landmark Grade I listed Minster and Grade II listed Church of Holy Trinity. I note that the Conservation Officer has advised that they considers that that the proposal will have no discernible impact on their significance and I agree with this assessment.

Taking the above considerations into account, in the context of this suburban area I have to conclude that the proposed building represents an over development of the site by introducing an overly bulky, monolithic building where the design, siting, use of materials, scale, form and massing would be at odds with the street-scene and character and appearance of the area it its detriment.

### Impact on Residential Amenity

Impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. In addition consideration should be given to the potential for crime and anti-social behaviour. The NPPF seeks to secure a high standard of amenity for all existing and future occupants of land and buildings.

I have taken the opportunity to view the site from within the curtilage of neighbouring properties to gain an understanding of the concerns raised during the consultation process. I acknowledge that the replacement of the existing bungalow with a two storey contemporary building with modern roofing materials and a maximum ridge height of 7.6m together with the first floor amenity open air amenity areas would be a fundamental change to the existing relationship between buildings.

I am firstly mindful that the two storey element of the dwelling runs along the central spine of the proposed building on a NW/SE axis and at an angle to the neighbouring dwellings.

The application site is adjoined to the north, south and east by predominantly two storey residential properties (no. 28a Halloughton Road to the south west is a single storey property with rooms in the roof served by roof lights) and as such consideration of the impact on neighbouring amenity forms an important planning consideration. The proposed replacement dwelling would be some 7.6m in height and would be sited in fairly close proximity to the shared boundaries with some of these adjoining residential plots.

During the lifetime of the application revised plans have been deposited which slightly rotate and reposition the first floor element of the proposed dwelling to increase the separation distance from the first floor principle bedroom windows of the adjoining property to the east (no. 24 Halloughton Road) to some 13m. I am mindful that the originally proposed first floor bedroom window to the side elevation of the proposed dwelling has been repositioned and has been reduced in size and will now afford direct views down the access drive. Views towards the first floor bedroom windows of no. 24 Halloughton Road would in my opinion now be so oblique as to not justify any refusal on these grounds. No other windows are proposed along this side elevation of the proposed dwelling.

It is acknowledged that the separation between the two storey element of the proposed dwelling and no. 24 would be at a minimum distance of 9m. However, the nearest point of the new dwelling would be the corner of its gable end which would then extend away from this neighbouring dwelling. Furthermore the nearest first floor window of no. 24 serves a bathroom and the separation distance from the first floor bedroom windows serving this property would



increase as the two storey element pulls way from this boundary. Although a greater separation would be preferable, given the orientation that would exist between both dwellings I am of the view that, on balance, this relationship is on the very cusp of acceptability in this particular instance in terms of overlooking, overbearing and overshadowing impact.

With regards to impact on the adjoining 2 storey property to the north, no. 20 Halloughton Road, it is noted that following the slight reorientation of the proposal its north western corner of the side elevation of the two storey element would sit some 3m from this shared boundary and c10m from the conservatory to the rear of this property at its closest point. This distance increases to some 14m separation between the two storey elevations of this neighbouring dwelling and the proposed development.

Although it is acknowledged that these separation distances are in places again rather modest, given the relationship between the proposed development and this neighbouring property together with existing boundary treatments (high hedges) it is again considered that this would be on the very cusp of acceptability in terms of overbearing and overshadowing impact.

The latest revised plans also now indicate that the proposed herb garden terrace has been reduced in footprint by some 11.5m and would be enclosed by 1.3m high brick wall to the elevation directly facing no. 20 Halloughton Road as originally proposed together with an additional c1.7m high slatted privacy screen separating it from the remainder of this flat roof area which would be an inaccessible sedum (grass) roof.

I note the comments received with regards to the latest revised plans (Revision E) showing the proposed slatted screening to be 1.7m in height which is considered would still afford views from the open terrace areas given its open nature and height. In my experience, providing the slats are appropriately positioned and angled this would assist in preventing views into neighbouring private amenity areas. With regards to the height of the proposed screening, I have not requested further amendments given the issues noted within the section above of this report and the subsequent recommendation which in my opinion would not be resolved through such amendments.

Notwithstanding this I consider it reasonable (which the applicant has confirmed would be acceptable) that should members be minded to approve the proposed development a condition should be attached to any permission requiring the submission of precise details of the screening together with a condition requiring the height of all of screening to be a minimum of 1.8m from finished floor levels. This would ensure that any screening would reasonably mitigate any overlooking impact.

Turning to the adjoining property immediately to the south, no. 26 Halloughton Road, this property sits along the shared boundary with the application site and would side onto the proposed replacement dwelling and will adjoin the flat roof flower meadow. This property has no first floor windows to its side elevation directly facing the application site. I am mindful that there are ground floor windows and a first floor balcony area with recessed window to the front elevation and also a garden area to the east of the dwelling. Given the relationship and orientation of the proposed development and this neighbouring property together with separation distances and existing boundary treatments I am satisfied that the proposal would not result in undue overbearing or overshadowing impact.

I note that the proposed flower meadow could overlook the garden and drive of this neighbouring dwelling and that following the reorientation of the first floor of the proposed dwelling there would now be direct access from the roof terrace to the flower meadow. Although this is shown to have maintenance access only, which could in my opinion be reasonably secured by condition, I am mindful of this open access and that the level of maintenance could not be controlled. Taking this into account I am of the view that an additional enclosure of the roof terrace could be secured by condition to prevent any direct access from the terrace to the flower meadow should Members be minded to grant planning permission which would discourage any limited direct overlooking of the neighbour private seating area to the frontage. Again the precise details and height of the proposed screening for the flower meadow could reasonably be secured by condition as noted above.

With regards to the impact on the amenity of occupiers of the adjoining dwelling at no. 28A Halloughton Road to the south west of the site, notwithstanding the increase in height of a building to the rear of this property than already exists, given separation distances (circa 24m to the shared boundary with the site, some 35m to the roof terrace and the two storey element of the proposed dwelling) together with the proposed screening (which could be secured by condition) and existing boundary treatments and landscaping I am satisfied that the proposal would not result in any undue overlooking, overbearing or overshadowing impact.

With regards to concerns raised in relation to noise disturbance I am of the view that the use of the proposed roof terrace as outdoor amenity space would not be significantly different to how the garden area would be used in a suburban setting, albeit I accept it is at a first floor level. Even if the building was occupied by two separate families as independent dwellings, I do not consider that the level of its use would alter to such a degree as to have a harmful impact upon the neighbours through comings and goings or general disturbance.

Notwithstanding this the proposed first floor privacy screening to its external areas would in my opinion act as an additional barrier to mitigate any noise. Similarly with regards to light pollution the proposed screening to the roof terrace would predominantly obscure the first floor windows and given distances to boundaries I do not consider that this would unduly impact on amenity. I therefore consider that it would be unreasonable to refuse permission on these grounds.

Taking these considerations into account I am satisfied that on balance the proposed building and its potential to be occupied as two independent dwellings would not have any undue impact upon the amenity of occupiers of neighbouring properties in terms of overlooking, overbearing or overshadowing or other such harmful impact to justify refusal on these grounds.

#### 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 that the Highway Authority have raised no objections to the proposal as noted in the consultation section of this report. This is on the basis of the development being one dwelling and as such NCC Highways Authority have been invited to make comments as to whether their mutual independence from one another changes that view. Should comments be received these will be reported to Members as a late item. However I am minded to conclude that appropriate parking provision has been made for the level of accommodation proposed and that given that the

development would be served by an existing access and that vehicle movements would not significantly increase the proposal would not raise any highway safety issues.

In conclusion it is not considered that the proposed development would significantly detrimentally impact upon highway safety and the proposal is considered to accord with the requirements of policy TA4 of the SNP and policy SP7 of the Core Strategy.

### Flooding and Drainage

Policy E2 of the SNP states that development proposals requiring a flood risk assessment must be designed to avoid increasing the risk of flooding both on and off site. The proposed development is located in Flood Zone 1 in accordance with Environment Agency mapping. In addition the site is not considered to be at high risk of surface water flooding and as such no flood risk assessment is required in support of the proposal. No objections have been raised by either the Environment Agency or NCC Lead Local Flood Authority subject to the suggested informatives/conditions and I have identified no reason why surface water management would create an issue to either the proposed occupiers or neighbouring residents.

### Trees and Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

The application has been supported by an Ecological Survey. This concluded that in relation to bats there is negligible risk of encountering or disturbing bat roosts in demolishing the existing bungalow. It does however recommend some precautionary mitigation measures in that tiles from the verges on the south-west and north-west corner of the bungalow are removed by hand prior to demolition. In the unexpected event of a bat being found during the works a procedure has been provided in Appendix 1 of the Survey which should be issued to contractors prior to the commencement of works. The removal of the tiles will need to be under the supervision of a suitably qualified bat worker.

The building was assessed as having low potential to support breeding birds. It is anticipated that the demolition will be undertaken outside the bird breeding season and therefore there is no risk to disturbance to breeding birds. However, if the demolition is timed to occur within the breeding bird season from mid-March to September then prior to commencement of any works the area should be searched for nesting birds and if any nests found then it should remain undisturbed and a 5m buffer zone around it created which shall remain free of any construction work until the young have fledged and left the nest.

These recommendations can be reasonably secured by condition should Members be minded to approve the development. Further ecological enhancements in the form of bird and bat boxes can also be secured by condition.

### Other matters

I note the comments made by interested parties with regards to the accuracy of the sections. Officers have requested that the applicant check and revised these sections and revised plans have been subsequently been deposited which I have no grounds to doubt.

In terms of the scale of the proposed roof terrace and the setting of a precedent particularly for large roof terraces there are no policy guidelines which restrict the footprint of roof terraces and as noted above any such proposals would have to be considered on their own individual merits.

I note the comments regarding the 1970s planning permission in relation to the existing bungalow to be replaced and its restriction to single storey height. Planning policies and decisions have changed and evolved since that permission was granted and as noted above any application has now to be assessed against current policy and against site circumstances and context.

#### *Ancillary*

There is clearly a level of concern as to whether this would genuinely be ancillary by virtue of the way it has been designed. Complication is added by the fact that the applicant has paid a fee for two dwellings at our request and has refused to change description to reflect that this is capable of being occupied as 2 dwellings without any alteration. Furthermore whilst one objector of the 4 has raised the matter that it could be 2 dwellings any neighbouring residents relying purely on the description of development may not have viewed the plans and will not be aware of this fact. Officers feel in a difficult position in that they cannot unilaterally change a description of proposal and approval could disadvantage these neighbours.

#### *CIL*

On the basis that the units can clearly be physically and functionally separate albeit with a shared lobby area it is no diff in officer opinion to a submission seeking the erection of a 2 unit block of flats. Officers do not consider any self-build CIL relief could be claimed for either unit as you cannot build half a building.

#### **Overall Balance and Conclusion**

Notwithstanding the applicant's description of development, I consider that the accommodation proposed within the building is capable of being occupied as two independent dwellings and I have assessed the application as such. The introduction of two dwellings into this location is considered to be acceptable in principle and the proposal would contribute to meeting the identified housing needs for Southwell which weighs in favour of the development. I have identified no harm in terms of highway safety or ecology and I have concluded that the impact on residential amenity is just about acceptable if it was robustly conditioned.

However it is considered that the proposed building would by virtue its design, siting, scale, form, bulk, massing and use of materials constitute a development that is overly intensive for this plot and inappropriate in setting and context that would appear result in an incongruous addition within the street-scene to the detriment of the character and appearance of the area. This harm in my view outweighs the benefits which could be provided for in a different form without causing such harm. The proposal is therefore recommended for refusal.

#### **RECOMMENDATION**

**Refuse planning permission for the following reason:**

01

In the opinion of the Local Planning Authority the proposal, in the context of this suburban area, represents an over development of the site by introducing an overly bulky, monolithic building where the design, siting, use of materials, scale, form and massing would be at odds with the street-scene and character and appearance of the area it its detriment and thereby contrary to Core Policy 9 (Sustainable Design) of the adopted Core Strategy (2011), Policy DM5 (Design) of the Allocations and Development Management DPD (2013) and Policy DH1 (Sense of Place) of the Southwell Neighbourhood Plan which together form the Development Plan, as well as the NPPF, a material planning consideration. There are no material planning considerations which outweigh the harm identified.

### **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. 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/](http://www.newark-sherwooddc.gov.uk/cil/)

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome some potential reasons for refusal have been negated.

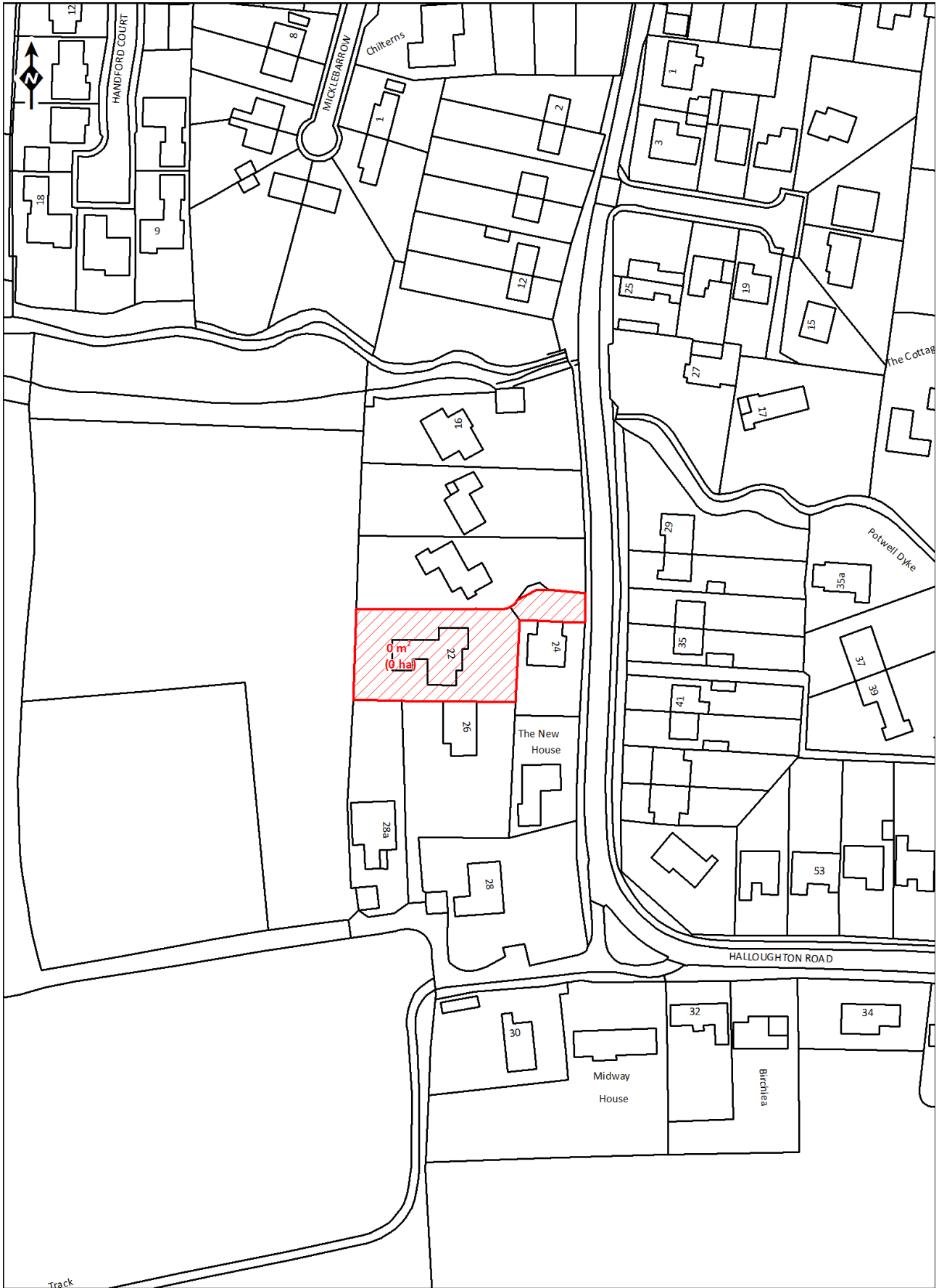
### **BACKGROUND PAPERS**

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](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager Growth & Regeneration**



## PLANNING COMMITTEE – 7 AUGUST 2018

<b>Application No:</b>	<b>18/00832/FUL</b>	
<b>Proposal:</b>	<b>Development of 1 No. 3-bed bungalow and <del>3</del> 2 No. 1-bed bungalows</b>	
<b>Location:</b>	<b>Land Off Westgate Southwell Nottinghamshire</b>	
<b>Applicant:</b>	<b>Newark and Sherwood District Council</b>	
<b>Registered:</b>	<b>03.05.2018</b>	<b>Target Date: 28.06.2018</b>
		<b>Extension of Time Agreed: 06.07.2018</b>

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

This application was previously reported to the Planning Committee on 3rd July 2018. Members considered the proposal at that time for a total of 4 new dwellings was over intensive and deferred the application to allow Officers to negotiate a reduction in the scheme to 3 units and to make amendments to the parking provision to allocate spaces to respective dwellings. A revised scheme for 3 units has been submitted and consulted on. This report is therefore presented as an update to that previously presented to Members. For the purposes of clarity any amendments to the previous report are indicated by a ~~striketrough~~ and new text is presented in bold.

### The Site

The site lies to the south west of the centre of Southwell and within the main built up area. The site is not within the Southwell conservation area but the boundary for the area bounds the southern edge of the site. The site is composed of an access road which serves a handful of properties with grass verges and trees either side. The proposed development site is a mix of grassed verge and part of an existing garden which serves No. 8 Westhorpe. Properties in the vicinity of the site are a mix of private and Newark and Sherwood Homes ownership and predominantly single storey semi- detached red brick red roof tiled dwellings. Further to the north are two storey properties one of which is the vicarage. Footpaths are situated to the east and west of the access road in front of dwellings. The grassed verges either side of the road contain a number of trees with the most prominent in the south eastern corner and beyond the development site. A brick and timber clad bus shelter is situated on the south eastern corner of the site.

The site is designated as being within Flood Zone 1 in accordance with Environment Agency

mapping.

### Relevant Planning History

#### **No relevant site history**

### The Proposal

**A revised plan (40860/ID151/008L) was submitted on 6<sup>th</sup> July 2018 showing 3 dwellings rather than the previously proposed 4 and showing the eastern grass verge not to be developed for a dwelling as had previously been proposed. However this drawing was subsequently superseded.**

**Revised drawings were then submitted on 18<sup>th</sup> July 2018 (40860/ID151/008O) seeking to provide 1 x 3 bed single storey bungalow and 2 x 1 bed single storey bungalows.**

~~The plans (40860/ID151/008J) seeks to provide 1 x 3 bed single storey bungalow and 3 x 1 bed single storey properties. The properties are detailed on the application form to be social rented dwellings.~~

The site layout of the proposal has been ~~marginally~~ altered during the lifetime of the application to improve the parking and access arrangements **and to reduce the number of dwellings proposed from 4 down to 3. The revised plans shown that the grass verge to the western side of the access would not be developed for a dwelling as was previously proposed.**

The approximate measurements of the buildings are:

~~2~~ **1** x type C6 detached ~~properties~~ **property** (dwellings ~~1&2~~): 6.40m deep, 9.66m wide and 4.81m high

1 x type F detached property (dwelling 3): 7.53m deep, 11.53m wide and 5.5m high

1 x type A3 detached property (dwelling ~~2 4~~): 8.32m deep, 7.6m wide and 4.95m high

1 parking space would be provided for ~~each of the units 1 and 2 with the exception of the~~ **and for the 3 bed F type unit where 2 spaces would be provided. Further parking spaces are shown to serve the existing dwellings at 6, 8, 10 and 12 Westhorpe as well as 1 additional visiton space.**

It is proposed that all dwellings be constructed from a mix of Cadeby red multi bricks, Welford buff, off white through colour render and Russell Grampian cottage red & slate grey tiles.

### Public Advertisement Procedure

Occupiers of 13 properties have been individually notified by letter.

Earliest decision date 20.06.2018

### Planning Policy Framework

### The Development Plan

Southwell Neighbourhood Plan 2016



Policy SD1: Delivering Sustainable Development  
Policy E1: Flood Risk Assessments and Mitigation  
Policy E2: Flood Resilient Design  
Policy E3: Green Infrastructure and Biodiversity  
Policy DH1: Sense of Place  
Policy DH2: Public Realm  
Policy TA4: Parking Standards  
Policy HE1: Housing Type and Density

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

Spatial Policy 1 - Settlement hierarchy  
Spatial Policy 2 - Spatial distribution of growth  
Spatial Policy 6 - Infrastructure for Growth  
Spatial Policy 7 - Sustainable transport  
Core Policy 1 - Affordable Housing Provision  
Core Policy 3 - Housing Mix, Type and Density  
Core Policy 9 – Sustainable design  
Core Policy 10 - Climate Change  
Core Policy 12 - Biodiversity and Green Infrastructure

### **Allocations & Development Management DPD**

DM1 – Development within settlements central to delivering the spatial strategy  
DM5 – Design  
DM7 - Biodiversity and Green Infrastructure  
DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework ~~2012~~ 2018
- Planning Practice Guidance 2014

### **Consultations (comments based on plans currently being considered)**

#### **Southwell Town Council – Object**

Southwell Town Council considered application 18/00832/FUL Land Off Westhorpe and agreed unanimously to object to the application and have asked that Cllr Bruce Laughton call in this application for the following reasons:

The layout of the two bungalows C6 are on opposite sides of the road which completely reduces of open space aspect of the area. The committee recommend that both bungalows are built on the west side of the access road to maintain a more open aspect.

#### **Southwell Civic Society – Object**

We welcome the proposal to develop these small bungalows for social housing. This type of dwelling was identified as an urgent need in the Southwell Neighbourhood Plan.

We have, however, concerns with the proposed layout of the two type C4 properties either side of the access road. The carriageway is only some 4.5 metres wide and the proposed distance between the houses only 6 metres. This will create a very narrow tunnel effect in contrast to the existing wide open space.

The current layout has the living area of plot 002 looking straight into the brick wall of plot 001. We would suggest that the road be moved to the west and the houses put side by side. Alternatively the stagger be increased moving the house on plot 001 further north.

We appreciate moving the road will add to the cost of the scheme. Nevertheless, it is important that short term cost cutting does not prejudice a scheme which could easily be there in well over a hundred year's time. It is noted that baths are proposed. Experience shows that with increasing age a bath becomes harder to access and a walk in shower may be more appropriate.

**NCC Highways Authority – No objection subject to condition**

Further to comments dated 1 June 2018 revised drawing 40860/ID151/008J has been submitted to address the issues previously raised.

The scheme involves the stopping up of part of the public highway. It should be noted that in such circumstances the land reverts to the owner of the subsoil or successor in title. It is assumed that this will be pursued through Section 247 of the T&CP act 1990. Suitable arrangements may be required with any service providers within that part of the highway.

Notwithstanding the above, no objections are raised subject to the following conditions:

The development hereby approved must comply with drawing 40860/ID151/008J.

Reason: For the sake of clarity.

No part of the development hereby permitted shall be occupied until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary. The surfaced drives and any parking or turning areas 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 appropriate dropped vehicular 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 drives/parking areas are constructed with provision to prevent the unregulated discharge of surface water from the drives/parking 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: 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 commenced until the required Highway Stopping Up Order under S247 of the Town & Country Planning Act 1990 has been confirmed in writing.

Reason: To protect the interests of highway users and the Highway Authority.

No part of the development hereby permitted shall be commenced until a review of the highway street lighting has taken place and conclusions agreed with the Highway Authority in writing. If such conclusions require additional street lighting to be installed, such lighting will be required to meet the Highway Authority's standards and specification, and; be installed prior to occupation of any part of the permitted development.

Reason: In the interests of highway safety.

**Notes to Applicant:**

The development makes it necessary to construct/alter vehicular crossings on 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 Conservation Officer – No objection**

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).

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

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 off Westgate is located immediately outside the boundary of the Southwell Conservation Area, first designated in 1970, and most recently reappraised in 2005. The area of Westhorpe is described in the CAA as follows: *'Westgate is the road that links Southwell with the former hamlet of Westhorpe and is essentially a ribbon of residential development. The conservation area boundary is drawn relatively tightly along the road, particularly on the north side, to exclude the swathe of C20 suburban housing immediately behind it.'*

The application site relates directly to the adjacent range of late C20 bungalows, as referenced in the above extract of the Southwell CAA, located on either side of the cul-de-sac which serves the properties. The cul-de-sac features wide grass verges that amount to the potential development land that is the subject of this application. The conservation area boundary terminates on the north side of Westgate, although extends in a narrow loop northwards next to the application site to accommodate for the Old Vicarage, which is recognised as a local interest building.

There are further local interest buildings located in close proximity to the application site, on the south side of Westgate within the West Conservation Area boundary. These include The Bumbles (public house) and The Cottage. The Bumbles is a two storey pub with a twin gabled frontage that has been extended in an unsympathetic style and has been rendered with a mock timber framed façade. Further eastwards, The Cottage is a traditional farmhouse in red brick with a pantiled roof with an attached barn range. The application site makes an overall neutral contribution to the setting of these local interest buildings and the wider character of the conservation area.

### *Assessment of proposal*

Conservation does not object to the proposal to build 4 new bungalows in this location. The wide grass verges that form the basis of the layout are suitable for the new built form, and the new dwellings would relate to the surrounding properties. The scale, form and massing of the new bungalows will respect the character of the conservation area, they have a low profile and will not affect the adjacent Old Vicarage or the aforementioned local interest buildings on the south side of Westgate. The access into the site is also considered to preserve the neutral contribution of the cul-de-sac, there are no detached garages proposed and the parking spaces are suitably located. In this context, the proposal is not considered to cause harm to the character of the conservation area. The proposal therefore is in accordance with the objective of preservation set out under sections 72, part II of the 1990 Listed Building and Conservation Areas Act, and complies with heritage policies and advice contained within the Council's LDF DPDs and section 12 of the NPPF.

**NSDC Archaeologist** – No objection

**Trent Valley Internal Drainage Board** – No objection

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

**NSDC Environmental Health Officer** – No objection subject to condition

I have now had the opportunity to review the Phase I Desktop Study and Phase II Site Investigation Reports submitted by Collins Hall Green in support of the above planning application. The desktop includes a brief description of the site, consideration of the site history and includes an Environmental Screening report.

Following this work, three samples were taken as part of the intrusive investigation, the results from which were all below the respective screening criteria.

The phase 2 report concludes by recommending that a minimum of 300mm clean topsoil placed on top of the natural strata. Environmental Health requires that any clean material imported to site complies the current YALPAG Verification Requirements for Cover Systems document.

I would therefore suggest that a planning condition is imposed in order to ensure that this material is effectively verified:

*The applicant is required validate that any imported material is suitable for use in garden areas. This should be done in accordance with the YALPAG guidance document Verification Requirements for Cover Systems (ver 3.3), to the satisfaction of Environmental Health.*

If you wish to discuss my comments above, please contact me on 01636 655430.

#### **NSDC Access Officer - Observations**

##### Representations

Seven letters of correspondence have been received with 2 supporting, 2 neither supporting nor objecting and 3 objecting. The following points have been raised:

##### Objection

- There is confusion as to whether the site is Westhope or Westgate
- No need for a 3 bed bungalow
- 4 properties on the proposed site will be overcrowded and result in a loss of green, pleasant land and ridge & furrow cultivation within the garden area of No. 8
- The 2 cherry trees proposed to be felled enhance the area and should be retained
- Concern regarding parking for residents & lack of visitor parking with visitors likely needing to park on the main road, which could result in visibility issues for dwellings leaving the site
- Concern regarding drainage on the site, particularly given 1 residents experienced recent problems with a tree root blocking pipes
- There is a need to keep the access to the vicarage open; will there be sufficient space for vehicles to turn?
- All residents in the area are elderly and I wonder about the appropriateness of introducing a family home into the area
- The existing plans show only 2 disabled spaces, when there are 4 blue badge holders on the close
- Overspill parking often occurs, particularly when there is an event at the hotel next door, could allocated parking/bollards/resident only signs be considered?
- Concern about access to existing dwellings during construction
- Concern about dwellings blocking views and impacting on value of property

**One further objection was received following the submission of the first revised drawing following the July 2018 Planning Committee raising concerns that the single parking space for Plot 1 and the garden layout serving this property might cause problems between the existing neighbouring occupier. It was suggested that the new dwelling would be better located on the opposite verge.**

Support

- I support the provision of additional bungalows to enable families to continue to support their relatives
- The community on Westgate is wonderful and additional homes and occupants will be warmly welcomed

**One further comment of support was received following the submission of the latest plan showing 3 proposed dwelling stating:**

**'As previously stated we fully appreciate the need for additional social housing, and the amended site layout option 2 dated 18/07/2018 seems to be the best option so far. We are happy to support the proposal providing this is the option that is used.'**

#### Comments of the Business Manager

There seems to be some confusion about the correct address for the site with the land being situated off Westgate but the properties surrounding the site being deemed as being off Westhorpe. For consistency the site shall be referred to as being land off Westgate within the report.

#### *Principle of development*

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 10<sup>th</sup> October 2017 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

Southwell is defined as a Service Centre with a good range of local facilities, good public transport and local employment, as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy. New housing is therefore supported in principle within Service Centres where services are focused to provide for a large local population and a rural hinterland.

Policy So/HN/1 seeks to secure, subject to local site circumstances and the viability of development, the majority of new housing on allocated or windfall sites as one or two bedroom

units in line with identified housing need. This drive to secure smaller units is a significant material consideration and must remain so given that this policy is just one of two policies of its type in our district whereby it was felt necessary to intervene in the market to secure smaller dwellings. This remains the case with the more up to date district wide Housing Needs Survey which confirms the most needed housing type remains as two bedrooms.

Furthermore, the Southwell Neighbourhood Plan (SNP) seeks for sustainable development that has regard for the town's unique character, historic environment and landscape setting.

I am satisfied that the site is located within the main built up area of a sustainable settlement and as such, there is no objection in principle to the residential development at the site. However, the impact upon the character of the area, residential amenity of neighbouring properties and highway matters will all need to be taken into consideration and are discussed below.

### *Impact upon Character of Area*

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The SNP also reflects this. The NPPF states that good design is a key aspect of sustainable development, **creates better places in which to live and work and helps make development acceptable to communities. and Decisions should ensure proposals function well and add to the overall quality of the area, are new development should be visually attractive as a result of good architecture, layout and appropriate landscaping, are sympathetic to local character, maintain a strong sense of place, optimise the potential of a site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible.**

The site rises from Westgate with the properties to the north on slightly elevated land. The site is currently open, grassed, with a number of trees and offers attractive views for passers-by on Westgate. The proposed development would see the introduction of ~~two~~ **one** 1 bed **property** ~~properties either~~ **to the western** side of the access road with the retention of the large tree to the south east but the removal of **one of** the two cherry trees to the west of the access road. A further 1 bed bungalow would be positioned on the north western boundary of the site with the hedge between the close and the vicarage to the north proposed to be ~~replaced with fencing~~ **pruned and cut back** and the existing telegraph post would be relocated. Finally to the east a 3 bed single storey property is proposed within the existing side garden area of No. 8 Westhorpe.

The loss of **one** trees on the site is regrettable ~~and in particular~~ although the cherry tree on the south western corner of the site **previously indicated to be removed is now shown to be retained.** A tree survey has been submitted in support of the application which categorises the trees to be removed as C1. ~~Requests have been made for the south western cherry tree to be retained but the applicant has stated that the tree has only shallow roots and the proposed provision of a parking space within the Root Protection Area (RPA) of the tree would destabilize the tree, even if the parking space was hand dug.~~ The application proposes a replacement tree **for the tree to be removed and this would be located to the eastern grass verge which is now to be retained.** ~~on the frontage of the site, which~~ **The proposed replacement tree** could be controlled by way of condition to ensure it was suitable for the prominent location it would occupy.

The proposed dwellings have been reviewed by conservation colleagues given the proximity of the Southwell Conservation Area and the scale, form and massing of the dwellings considered appropriate for the proximity of the conservation area. ~~Properties~~ **Property 1 & 2** ~~either to the western side of the access road~~ **are** is detailed as being constructed of red brick with red roofing tiles, which would help assimilate them with surrounding built form. The ~~properties are~~ **proposed dwelling is** modestly scaled and would be orientated **hipped** gable end towards Westgate. I note the **previous** objection raised by the Town Council in relation to the previous proposal to site ~~siting of these a dwelling either side of the access road developing both grass verges~~ ~~properties, however there would be insufficient space~~ **and the suggestion** to locate 2 properties on one side of the road as requested. ~~The proposed siting would impact upon the open aspect of the site, however would enable green frontages to be retained which would contribute the existing openness of the area and I consider the proposed stagger of properties to be sufficient to ensure the development would not result in a tunnel effect as feared.~~ **The revised proposal partly follows this suggestion in that it results in only the western grass verge being developed with a new dwelling but is less intensive than the previous Town Council suggestion as only one dwelling would occupy the western verge rather than two.** No details relating to boundary treatment have been provided, however the applicant has confirmed that close boarded fencing or similar would be provided along the southern boundary of the south eastern property between the side gable and the bus shelter. Full details of the boundary treatment and replacement planting shall be controlled by way of condition.

Property 3 in the north eastern corner would be constructed of materials to match ~~properties~~ property ~~1&2~~ with property ~~4~~ 2 in the north western corner to be finished in a buff brick with slate grey tiles. Given the elevated land in the north eastern corner of the site a street scene has been requested showing the property in relation to the neighbouring No. 8. The view shows that the property would be partially cut in to the land to reduce its mass, with the ridge being only marginally higher than that of the neighbouring property. A hipped roofline may help better integrate the dwelling into the close, however given the location in the north eastern corner of the site and that the dwelling would largely be screened from view by properties to the south I don't consider the inclusion of a hipped roof in the this instance to be strictly necessary.

As detailed by the conservation officer; the proposed layout, scale and massing of the development whilst resulting in the loss of green space is not considered to significantly detrimentally impact upon the character of the surrounding area. Subject to condition the proposal is considered to accord with policy DM5 of the DPD and policies DH1 and DH2 of the SNP.

#### *Impact upon Residential Amenity*

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~~ **high** standard of amenity for all existing and future occupants of land and buildings.

Property 3 would be constructed within the side garden area of No. 8 and aligned with this dwelling. Given the location it is not considered to result in overbearing or loss of light to the property, given that windows within No. 8 are situated on the front and rear. Sufficient garden area is considered to remain to serve No. 8 and the proposed garden area for property 3 is considered to be acceptable. The property to the north; No. 1 The Paddocks, which is on slightly elevated land would be partially aligned with property 3 and the garden area for No. 1 The



Paddocks is situated to the front of the dwelling and as such the introduction of property 3 is not considered to result in overbearing or loss of light.

Property ~~2~~ **4** is proposed to be located approximately 12m to the front of Nos. 10 & 12 Westhorpe and would be side elevation to these properties. Given the degree of separation and modest ridge height of this property (5m) it is not considered that this dwelling would significantly overbear on these 2 properties. In relation to loss of light; the front garden area of these properties would experience a modest loss of morning light; however the primary private garden area for these dwellings is to the rear and the dwelling given the separation and intervening built form would not impact upon this area. The property would be sited in close proximity to the shared boundary with the vicarage to the north; again given the degree of separation is not considered to significantly impact upon the amenity of this property.

Properties ~~1 & 2~~ would be located **to the western** either side of the access road and be approximately 9m to the side of 16 Westhorpe ~~to the west and 8.5m to the side of 4 Westhorpe to the east~~. The proposed dwellings **would be set forward of the nearest neighbouring dwelling at no.16 Westhorpe with the proposed rear elevation aligned with the front elevation of the neighbouring dwelling** orientated so that part of their rear elevations would be aligned with the side of the neighbouring dwellings. The remaining parts of the new build units **proposed dwelling therefore** would be aligned with the front garden of 16 Westhorpe to the west and the rear garden of 4 Westhorpe to the east. In relation to No.16 Westhorpe; a modest degree of overbearing and loss of light to the front garden area is likely to occur, however this would not be so significant to warrant refusal. ~~In relation to 4 Westhorpe; again a modest degree of overbearing would occur, however given the separation distance this is not considered to be so significant to warrant refusal. In relation to loss of light; given the proximity of the large tree on the frontage, the introduction of a new dwelling to the west of No. 4 Westhorpe is not considered to result in a significant loss of light.~~

In relation to overlooking; the frontage of No. 16 is currently open, boundary treatment is proposed to the rear of dwelling 1 which can be controlled by way of condition to ensure no significant degree of overlooking occurs. ~~The rear garden area of No. 4 Westhorpe is currently bound by hedging and again screening to the rear of property 2 will be controlled by condition to ensure no significant overlooking occurs. New~~ A garden areas ~~are~~ **is** proposed to the north of **proposed dwelling both properties 1 & 2** which, **whilst very modest**, appears to be appropriately scaled in relation to the proposed dwellings.

In conclusion the introduction of ~~3~~ **4** new dwellings is not considered to significantly impact upon amenity of existing residents. The proposed layout appears, subject to condition to provide satisfactory private amenity space for any future residents of the units. The proposal is therefore considered to accord with policy DM5 of the NSDC DPD.

### *Highway Matters*

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 proposed site layout has been amended a number of times during the lifetime of the application, following discussions between the applicant and colleagues at NCC Highways Authority. The proposed development would provide a parking space ~~each for the new dwellings~~

**at plots 1 and 2** with property 3 (3 bed property) being provided with 2 parking spaces. Nos. 6, 8, 10 & 12 Westhorpe would be provided with a disabled parking space each, reflecting the needs of the current occupiers. ~~The proposed parking layout is somewhat contrived with a space for property 2 provided to the opposite side of the road to the south of property 1. Spaces for existing units 10 & 12 Westhorpe which currently have unallocated parking but space provided to the front of the units would be moved further to the east and be situated to the front of unit 3. Concerns have been raised regarding the layout by NCC Highways; however no formal objection raised subject to the imposition of a number of conditions. The Highway Authority have been consulted on the latest revised drawing and any comments received will be reported as a late item to Committee. The previous conditions and any further suggested conditions from the Highway Authority could be attached should planning permission be granted.~~

I note the concerns raised regarding no provision of visiting parking- ~~however~~ **The latest drawing includes 1 visitor space.** Parking on the close and Westgate to the south is not restricted by any Traffic Regulation Order and as such there is already no control over the number of existing residents, their visitors or other members of the public who are able to park on street. The road providing access to properties to the north would be widened slightly to allow for vehicle parking and a 6m wide access is proposed which would allow for a two way flow of traffic.

Highways have **previously** commented that a stopping up order will be required for the creation the parking area to the front of property 3 which is shown to be a former footpath. From undertaking a site visit, this is currently a grassed bank which does not appear to have been used as a footpath for a number of years. The stopping up of this former section of footpath can be secured by way of a S.247 agreement post decision.

In conclusion it is not considered that the proposed development would significantly detrimentally impact upon highway safety and the proposal is considered to accord with the requirements of policy TA4 of the SNP and policy SP7 of the Core Strategy.

#### *Other Matters*

The comments regarding drainage are noted and details of surface and foul water management shall be controlled by way of condition

In relation to the need for a 3 bed dwelling; as Members will be aware, this proposal forms 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 Southwell. Comments have been sought from the applicant who has stated that at present within the Newark and Sherwood Homes portfolio of properties there are no 3 bed single storey properties within Southwell. Indeed, there are only a handful of properties of this type in the east of the district. The proposal would provide a better platform to meet a wide range of individual needs in this part of the district. Furthermore, having discussed the matter with the NSDC housing officer reference has been made to the DCA Housing Needs Survey 2014; which outlines a requirement for 3 bed single storey units. The report at table 12-22 (disabled households) details that 22% of respondents are seeking a 3 bed units (3<sup>rd</sup> highest after 1 & 2 bed units) with 16% of respondents (3<sup>rd</sup> highest after Newark & Balderton) seeking to reside within Southwell.

Whilst I note the comments received in relation to the suitability of proposing a 3 bed unit within an area predominantly resided in by older residents, the overall District need for the provision of a

larger single storey unit is considered to outweigh concerns in relation to introducing a larger dwelling in the proposed location.

The comment received regarding the development impacting on emergency services is noted, however given the proposal is for 43 dwellings only it is not considered to result in such a change in traffic volumes to prevent emergency vehicles accessing the area.

### *Conclusion*

Taking the above into account I am of the view that the proposed development would provide affordable single storey housing, when there is a shortfall for such accommodation District wide. The development would have an acceptable impact on the character of the area, neighbouring amenity and highway safety. There are no further material considerations that would warrant refusal of the application.

### **RECOMMENDATION**

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

01

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

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

02

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

- Proposed site layout opt 2 Dwg No. 40860/ID151/0080 ↓
- Proposed plans & elevations type F Dwg No. 40860/ID151/004A
- Proposed plans & elevations type A3 Dwg No. 40860/ID151/010A
- Proposed plans & elevations type C6 Dwg No. 40860/ID151/009C

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

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

Reason: In the interests of residential and visual amenity.

05

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

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

hard surfacing materials; and

an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

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

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

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

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

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

08

No part of the development hereby permitted shall be occupied until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the highway boundary. The surfaced drives and any parking or turning areas 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.)

09

No part of the development hereby permitted shall be occupied until appropriate dropped vehicular 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.

10

No part of the development hereby permitted shall be occupied until the drives/parking areas are constructed with provision to prevent the unregulated discharge of surface water from the drives/parking 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: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

11

No part of the development hereby permitted shall be commenced until the required Highway Stopping Up Order under S247 of the Town & Country Planning Act 1990 has been confirmed in writing.

Reason: To protect the interests of highway users and the Highway Authority.

12

No part of the development hereby permitted shall be commenced until a review of the highway street lighting has taken place and conclusions agreed with the Highway Authority in writing. If such conclusions require additional street lighting to be installed, such lighting will be required to meet the Highway Authority's standards and specification, and; be installed prior to occupation of any part of the permitted development.

Reason: In the interests of highway safety.

13

Prior to the first occupation of the dwellings hereby approved details of any imported materials for use in garden areas shall be submitted and agreed in writing. Any soils being brought onto site for use in gardens or soft landscaping areas will require validity testing to be carried out to ensure suitability. Development shall thereafter be undertaken in accordance with the agreed details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised

### **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/](http://www.newark-sherwooddc.gov.uk/cil/)

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

02

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

03

The development makes it necessary to construct/alter vehicular crossings on 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.

### **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](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager Growth and Regeneration**

Committee Plan - 18/00832/FUL



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## PLANNING COMMITTEE – 7 AUGUST 2018

<b>Application No:</b>	<b>18/01006/FUL</b>	
<b>Proposal:</b>	<b>Demolition of existing single storey outbuilding to rear corner and erection of single storey extension at rear corner to house lounge/ diner and Shower Room. Installation of dropped kerb to front.</b>	
<b>Location:</b>	<b>7 Allenby Road, Southwell, Nottinghamshire, NG25 0NL</b>	
<b>Applicant:</b>	<b>Newark And Sherwood District Council - Chief Executive/Newark and Sherwood Homes</b>	
<b>Registered:</b>	<b>24.05.2018</b>	<b>Target Date: 19.07.2018</b>

**This application is being referred to the Planning Committee for determination as NSDC are the owners of the property.**

### The Site

The application site comprises a semi-detached two-storey dwelling situated within a row of dwellings of a similar character and scale. The dwelling has an existing single storey extension to the north-west corner of the dwelling on the rear elevation which faces west.

The site is bounded mostly by a c1.8 m high close boarded palisade fence to the north, west and south boundaries.

Dwellings lie to the north and south of these boundaries; the dwelling directly to the south is the adjoining semi-detached dwelling. The highway is to the east whilst to the north of the side elevation of the dwelling is a small side garden which is fenced by c1.2 m high fencing and a gate which leads to the rear garden.

### Relevant Planning History

No relevant planning history.

### The Proposal

The application seeks permission for the demolition of an existing single storey extension (1.8m wide, 3.1 m deep, 2.8 m ridge, 2.1 m eaves) and the replacement with a dual pitched single storey extension of larger proportions. The extension is proposed on the north-western corner of the rear elevation and would measure approx. 5.17 m wide, 5.96 m deep, would have a ridge height of 3.5 m and an eaves height of 2.5 m. The extension would project approx. 0.7 m further north than the existing side elevation which would be visible from the highway.



With regards to the fenestration, two windows are proposed in the north facing side elevation. One set of patio doors is proposed in the west facing rear elevation and one door is proposed in the south facing side elevation.

The extension is proposed to be constructed in Forterra metric sized Dark Multi Smooth 65mm facing brick and Marley Eternit Thrutone Fibre Cement Slates Blue/ Black roof tiles to match the existing dwelling and uPVC windows and doors.

The proposal also includes the installation of a dropped kerb on to a C classified road. The dropped kerb would serve the existing access point on to the driveway which is currently gravelled. The access point is on the north-easternmost corner of the site. Proposed dropped kerb crossing to the existing footpath is to be constructed comprising 4 no. dropped kerbs and 2 no. taper kerbs and the reshaping of the existing footpath in black tarmac.

#### Departure/Public Advertisement Procedure

Occupiers of six neighbouring properties have been individually notified by letter with an overall consultation expiry date of 19 June 2018.

#### **Planning Policy Framework**

##### **The Development Plan**

*Southwell Neighbourhood Plan (made 11 October 2016)*

Policy SD1 - Delivering Sustainable Development

Policy DH1 – Sense of Place

Southwell Design Guide

*Newark and Sherwood Core Strategy DPD (adopted March 2011)*

Core Policy 9: Sustainable Design

Spatial Policy 7: Sustainable Transport

*Allocations & Development Management DPD(adopted July 2013)*

Policy DM5: Design

Policy DM6: Householder Development

##### **Other Material Planning Considerations**

- National Planning Policy Framework July 2018
- Planning Practice Guidance 2018
- Householder Development SPD 2014

## Consultations

**Southwell Town Council** – ‘Southwell Town Council considered application 18/01006/FUL 7 Allenby Road and agreed unanimously to no objection to this application.’

**NCC Highways** – “This proposal includes the construction of a vehicular crossing onto Allenby Road. There are no highway objections subject to the following:

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the highway authority’s specification. Reason: In the interests of highway safety.

No part of the development hereby permitted shall be brought into use until the driveway/parking area is surfaced in a hard bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary. The surfaced drive/parking area 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.)

### Note to applicant

The proposal makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.”

**NCC Flood Risk** - No objections.

**The Environment Agency** - If this site falls in Flood Zone 3 then the LPA should apply FRSA. If it does not then I have no comments to offer.

**Trent Valley Internal Drainage Board** – The site is outside of the TVIDB 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 LLFRA and LPA.

**No Interested Parties/Neighbours have made comments in respect of this application.**

### Comments of the Business Manager

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the

strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 11 October 2016 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

#### *Principle of development*

Householder developments are accepted in principle subject to an assessment of numerous criteria outlined in Policy DM6. These criteria include the provision that the proposal should respect the character of the surrounding area. The overall shape, size and position of an extension must not dominate the existing house or the character of the surrounding area. It also states that there should be no adverse impact on the amenities of neighbouring users including loss of privacy, light and over-bearing impact.

Policy DM5 accepts development providing that it does not unacceptably reduce amenity in terms of overbearing impacts, loss of light and privacy. It also states that the rich local distinctiveness of the character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems and any improvements should avoid harm upon the character of the area.

Policy DM6 supports access development in which there is no adverse impact on the highway network as a result of the proposal.

#### *Impact upon Character of Area*

Policy DM6 of the DPD states that planning permission will be granted for householder development provided that the proposal reflects the character of the area and the existing dwelling in terms of design and materials. Policy DM5 is also relevant and has similar criteria to DM6. The NPPF as revised maintains the importance of good design.

The proposed extension would be situated on the rear elevation of the dwelling in place of a single storey extension and glazed structure which currently detracts from the appearance of the hostdwelling. The proposal seeks to replace these elements with a dual pitched extension of similar overall proportions in materials to match the hostdwelling and provide additional ground floor space to move some bedroom accommodation to the ground floor which would cater for the occupiers personal circumstances.

The extension would project approx. 0.7 m from the side elevation of the dwelling. As a result, the extension would be partially visible from the highway. The extension is proposed to replace an extension of similar albeit smaller proportions in matching materials and with sympathetic fenestration detailing.

The proposed extension would be c.3.37 m wider than the existing extension, 2.86 m deeper and 0.7 m higher than the existing extension which is proposed to be demolished as part of this application. Given the similar proportions of the extension and the use of matching materials I consider the impact that this extension would have on the character of the area would be limited. In addition to this, given the extension is proposed on the rear elevation, the only part of the extension that would be visible from the public realm would be the c.0.7 m projecting side elevation which is also proposed in matching materials.

Given this design of the extension I am of the view that the addition will appear visually subservient to the host dwelling and I note that other properties in the vicinity have been extended with a similar design. The height of the extension is significantly below the ridge of the hostdwelling and the dual pitched design is considered to compliment the hostdwelling and improve it over the existing arrangement.

In addition I note that the Southwell Design Guide explains that all new development should ensure that there is consistency with existing material colours. Given the extension is proposed in materials that match the hostdwelling I am satisfied that the proposal will assimilate with the building well and be unobtrusive within the local area. As such the proposal is considered to accord with policies SD1 and DH1 of the Southwell Neighbourhood Plan

Two windows are proposed in the north facing side elevation. One set of patio doors is proposed in the west facing rear elevation and one door is proposed in the south facing side elevation. The fenestration detailing is considered to be in keeping with the hostdwelling and does not appear unbalanced when considering the wider elevations elevation.

This application seeks to improve this access arrangement through the provision of a dropped curb. Dwellings located to the north, south and east of the proposal site incorporate multiple access points and similar access arrangements can be seen further down the street scene. At present, the boundary abutting the highway is untreated. The formation of the access point will not be unduly prominent within the street scene given the area is already used as a parking space for the property and this application seeks merely to improve the access point. As such, it is considered that the formation of this access point would have no detrimental impact upon the street scene. The character and appearance of the locality will be largely unharmed.

In addition to this it is not considered that the proposed extension would detract from the character of the surrounding area. The proposed development is therefore considered to accord with the aims of Policies DM5 and DM6 of the NSDC DPD.

### *Impact upon Residential Amenity*

Policy DM6 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development, which continues to be reflected in the revised NPPF.

The single storey extension would be approx. 0.7 m closer to the neighbouring dwelling to the north than the existing, however, given the separation distance of 9.3 m side to side that currently exists, the extension would only be approx. 8.6 m from the side elevation of the neighbouring property. Two windows are proposed on the side elevation that faces northwards, however I note that there is already one window present in this elevation in the current extension, and that the insertion of this additional window would not unduly impact the neighbouring property. In addition to this, the presence of approx. 1.8 m high close boarded fencing will also prevent any neighbour amenity impact.

The south side of the extension will sit approx. 2.5 m from the common boundary with the adjoining property which is also bound by an approx. 1.8 m high fence. Given this arrangement the extension would not result in an impact upon neighbouring amenity in my view. The separation between the boundary and the proposed extension would mitigate any impact of overbearing or overshadowing, particularly given its single storey design.

Given the separation distances between properties and the modest scale the extension it is not considered to impact the neighbouring properties through overlooking, overshadowing or overbearing.

Although windows are proposed on the side and rear elevations, these are replacement for the windows that are already in situ, by virtue of the separation distance, presence of boundary treatment and the existing openings on these elevations I would not expect any privacy issues to be exacerbated. Given the increase in footprint is small scale I feel the proposal is acceptable and on the basis of the above, I am satisfied that the proposal complies with Policy DM6 of the DPD.

In addition to this, the access point would only serve No 7; whilst the dropped kerb will extend towards the boundary with the neighbouring property, both dwellings are set back from the highway and therefore the access point will be located away from habitable rooms which may be affected by additional/altered vehicular movement. Given this, I consider that the proposal complies with Policy DM5 in terms of impact upon amenity.

On the basis of the above, I am satisfied that the proposal complies with Policy DM6 and DM5 of the DPD.

### *Flooding Impact*

The site is located within flood zone 1 as defined by the Environment Agency data, though Southwell in recent years has been the subject of significant flooding and as such it is important to consider the risk of flooding to developments.

I do not consider the proposal, due to the scale and footprint, would cause any detrimental impacts to neighbours or the surrounding area from flooding or surface water run-off from the development. There are also ample areas of porous surfacing within the remainder of the site to allow water to permeate.

I also note that the NCC Flood Risk team and The Environment Agency have raised no objections to the proposal on the grounds of flood risk.

#### *Impact upon the Highway*

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 and appropriate parking provision.

Good visibility is essential to enable drivers emerging from the minor road to see and be seen by drivers proceeding along the priority road. The dropped kerb would serve the existing parking area for the dwelling and would improve the access and egress from the dwelling. The neighbouring properties all appear to have dropped kerb access points and given the relatively straight arrangement of Allenby Road it is not anticipated that the insertion of this dropped kerb would unduly impact the safety of the highway. I consider that the insertion of this dropped kerb would only improve the access arrangement for the property given they currently access the highway over a raised kerb way. No objection has been raised by the Highways Authority subject to conditions.

#### *Conclusion*

In conclusion I consider that the extension would not detrimentally impact on the character of the area or on surrounding neighbouring amenity. The dropped kerb is considered to be acceptable in terms of impact on the character of the area as well as neighbouring amenity and highways safety. I therefore consider the proposal accords with the above policies within the NSDC Core Strategy and the Allocations and Development Management DPD. As such it is considered that there are no material considerations why planning permission should not be granted.

#### **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/submitted documents:

- Site Location Plan
- Block Plan - 2
- Proposed Layout – 6
- Proposed Elevations – 7
- Proposed Section - 8

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the highway authority's specification.

Reason: In the interests of highway safety.

05

No part of the development hereby permitted shall be brought into use until the driveway/parking area is surfaced in a hard bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary. The surfaced drive/parking area 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.)

## Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1<sup>st</sup> 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/](http://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 less than 100m<sup>2</sup> of floorspace is proposed.

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

This proposal 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.

## Background Papers

Application Case File

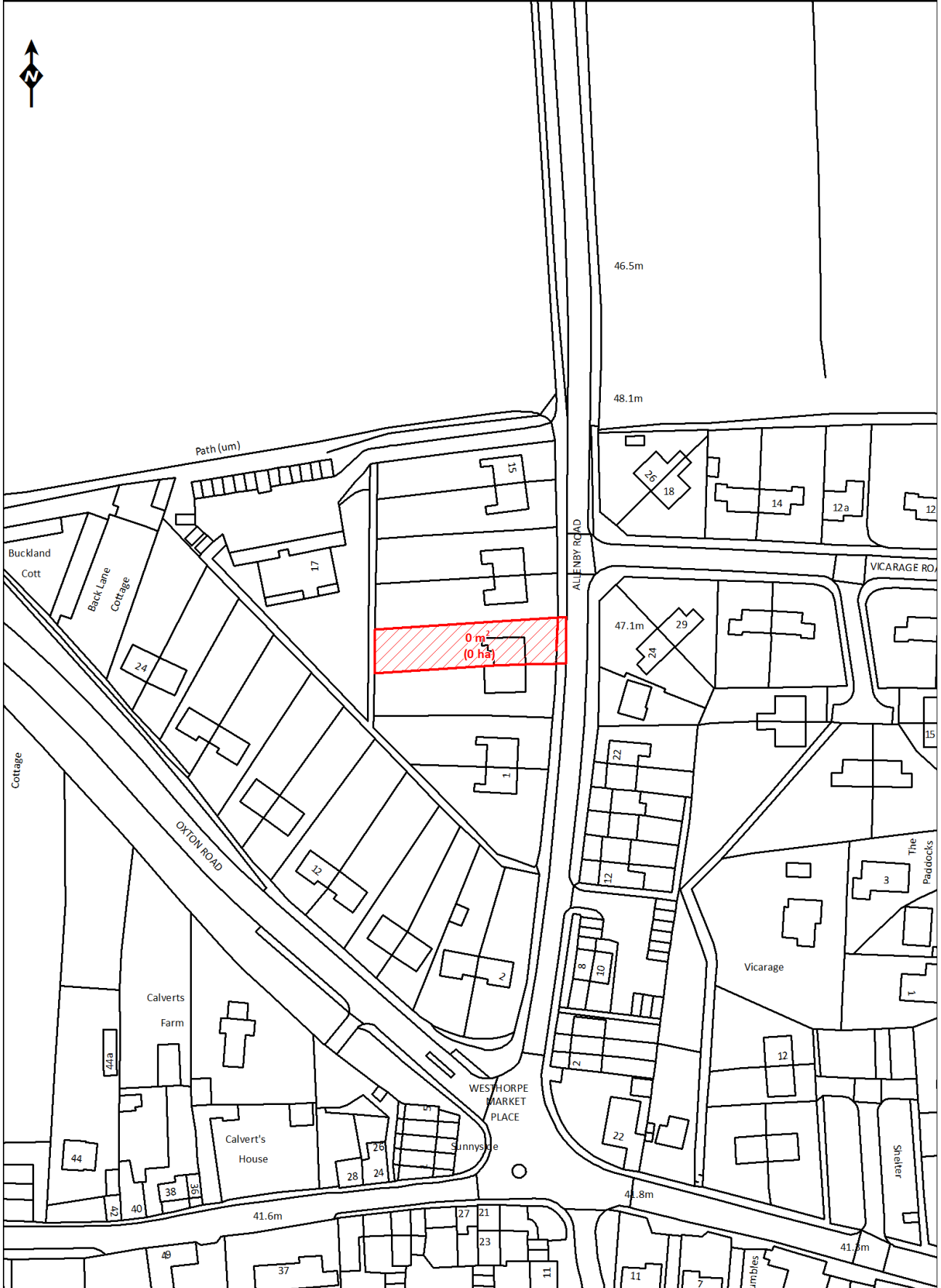
For further information, please contact Honor Whitfield on ext. 5827.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager Growth & Regeneration**



Committee Plan - 18/01006/FUL



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## PLANNING COMMITTEE – 7 AUGUST 2018

<b>Application No:</b>	<b>17/01729/FULM</b>	
<b>Proposal:</b>	<b>Demolition of existing buildings and the erection of 43 retirement living apartments for the elderly including communal facilities, landscaping, car parking and ancillary development.</b>	
<b>Location:</b>	<b>Burton Joyce Car Centre, Old Main Road, Bulcote NG14 5GR</b>	
<b>Applicant:</b>	<b>McCarthy &amp; Stone Retirement Lifestyles Ltd</b>	
<b>Registered:</b>	<b>22.09.2017</b>	<b>Target Date: 22.12.2017</b>

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

### The Site

The application site relates to a triangular parcel of land situated between Old Main Road and Nottingham Road. The site is surrounded by the Nottingham Derby Green Belt but lies with the part of Bulcote attached to Burton Joyce that is excluded from it and defined by a village envelope. The site is currently occupied by a large detached commercial building and large canopy roof currently in use as a hand car wash business. Immediately to the west of the site are 3 blocks of maisonettes with an associated garage block, to the south and north of the site are detached residential properties set back from the highway with landscaped frontages. Kingswood, a detached grade II listed property and associated detached grade II listed coach house is located 20m to the north of the site. A number of large mature trees line the northern boundary of the site and the levels of site gently rise towards north-eastern corner. The vast majority of the site is located within Flood Zone 2 and the boundary of the Bulcote Conservation Area lies 70m to the north-east.

### Relevant Planning History

06/00731/OUTM - Proposed residential development. – Refused 04.08.2006.

09/01142/OUTM - Residential development of 16 No. dwellings (incorporating amenity open space) - approved 20.07.2011.

### The Proposal

The current proposal seeks full planning permission for the erection of a single building comprising a total of 43 apartments for retirement living (the scheme is comprised of 22 one bed apartments and 21 two bed apartments).

Following negotiations with officers, the design of the proposed has been heavily amended in order to react to concerns expressed from the conservation section in relation to the potential

impact on the setting of heritage assets as well as the character and appearance of the wider locality.

The revised design has included recessed link sections, a range of roof lines and heights and 4 no. villa style frontages which are argued to positively address the Nottingham Road highway. The overall height of the proposed building has been reduced to two and a half storey (previously three storey elements were included in the design). The layout has been amended to a T-shape and re-positioned to include a greater set back from Nottingham Road. The external finish now includes a range of materials which include herringbone brickwork detailing, render finishes, timber detailing, exposed rafter ends and slate and pantile roofing. The recessed link sections of the building are set lower than the villa frontages at two storey in height and would have a darker external finish.

The proposed building would also include associated facilities such as a House Manager's Office and communal facilities such as a residents lounge. The scheme is submitted on the basis that occupation will be for over 60s for a single or eldest partner and a minimum age of 55 for a partner living in the same apartment.

The submitted Design and Access Statement (D&AS) confirms that there are 35 car parking spaces associated with the proposal. Vehicular and main pedestrian access comes via Old Main Road along the northern boundary of the site.

The proposal has been accompanied by a detailed landscaping scheme as well as a Design and Access Statement; Biodiversity Survey; Flood Risk Assessment; Heritage Assessment; Planning Statement; Statement of Community Involvement; Transport Statement and Arboricultural Impact Assessment.

#### Public Advertisement Procedure

Occupiers of Nineteen 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 3: Rural Areas

Spatial Policy 6: Infrastructure for Growth

Spatial Policy 7: Sustainable Transport

Core Policy 1: Affordable Housing Provision

Core Policy 3: Housing Mix, Type and Density

Core Policy 6: Shaping our Employment Profile

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change  
Core Policy 12: Biodiversity and Green Infrastructure  
Core Policy 14: Historic Environment

### **Allocations & Development Management DPD**

Policy DM1: Development within Settlements Central to Delivery the Spatial Strategy  
Policy DM3: Developer 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 2018
- Planning Practice Guidance 2014 including updates 2018
- Newark and Sherwood Amended Core Strategy DPD 2017

### **Consultations**

#### **Bulcote Parish Council – Comments received on the 21<sup>st</sup> March 2018**

‘With reference to the planning consultation issued on 8th March 2018, the Bulcote Parish Council objects to the revised application for the same reasons as it gave to the original application.

Specifically to this latest application, the changes in the height of the buildings are too little to overcome the massing effect of the buildings and, hence, they are disproportionate. The building needs to be reduced to 2 storeys only.

The car parking provision is insufficient and, at least, 60 places would be needed. The developer claims that only one space for every two units is required and this is quite clearly nonsense. It may be so in some less affluent areas of the country but the Parish has an affluent population and a car for each resident is not unusual. Age does not preclude people from driving.

If insufficient car parking is permitted, this will lead to vehicles being parked on Old Main Road, which is a bus route with 4 buses per hour passing by, leading to congestion on that road. It should be remembered that, because of parked cars in the main street, the adjacent village of Lowdham was deprived of its through village bus service.’

#### **Original comments received on 17 October 2017**

Bulcote Parish Council is in support of developing this site in principle, but objects to the current proposals.

The massing and scale of the development, given its proximity to the A612 and the Bulcote Conservation Area, is totally out of proportion to its surroundings. This is compounded by the fact

that the ground floor level of the proposed three storey building is set one metre higher than the footpath along the A612.

The car parking provision is considered to be totally inadequate and whilst the developers seek to justify this we do not believe it takes account of the fact that 28 of the 44 apartments are two bedrooms. We consider there is a shortfall of some 15 spaces on the basis of occupancy alone and no provision for visitor parking. It is crucial that adequate parking is provided as the consequence of vehicles having to park on Old Main Road cannot be understated.

To amplify the above, the applicant claims that “typically” such residential retirement residences require only 0.8 parking spaces per unit. No evidence is presented to support this claim and it may well be appropriate for a residential home for frail or immobile people. However, the units proposed, some of which are two bedroomed, would indicate an affluent community well able to afford and drive a vehicle. The Corner Croft retirement complex in Thurgarton is perhaps an example on a smaller scale of what might be expected. Here there are 6 residences and at least 6 cars and the District Council will be aware of the problems which inadequate parking provision has caused there. The evidence is that the older generation do expect to be able to drive and many of them really do need their vehicles to get around. The evidence is that car usage is in excess of 0.8 per residence. The Planning Authority has typically required 1 ½ parking spaces per unit on new developments and, if that policy is applied to the present proposal, 66 spaces would be required.

In the Transport Statement it is implied that there will be a net reduction in traffic movements from the site. This may be so, although doubtful and it fails to address the fact that current access and egress from the site is via two entrances onto Nottingham Road the A612. All future traffic will be via a single entrance/exit onto Old Main Road. This will increase traffic flows through Burton Joyce and along a road that is prone to a significant number of parked vehicles.

Notwithstanding we believe that consideration should be given to an “in and out” facility on Old Main Road.

Surface water discharge from the site has been attenuated in accordance with current practice and limited to 5 l/s for a 1 in 100 year event. It is not clear where the surface water from the site currently drains, but the proposed discharge is to a drainage ditch on the opposite side of the A612 across third party land. The ownership of this ditch is not clear, but Bulcote has particular issues of riparian owners not maintaining drainage ditches. It is feared that a more severe event say 1 in 1000 years could cause flooding problems in parts of Bulcote.

The increased population from this development, given the age of the occupants, will place further pressures on Doctors surgeries in Burton Joyce. Whilst it may be argued that the development will free up housing by local residents downsizing; the net effect could be an influx of younger families that could place an even greater burden on local schools. Moreover this development in Bulcote cannot be considered in isolation, but should be viewed in relation to the proposed redevelopment of Bulcote Farm. The planning pressures on Bulcote are significant at present and given the lack of services and amenities within the village the question of sustainably must be considered.

**NCC Highway Authority – Comments received on the 6<sup>th</sup> April 2018**

‘Amended plan EM-2388-03-01-AC-003 Rev. A

The layout has been altered and the number of apartments reduced to 43 instead of 44, as originally proposed. The parking layout has not been amended.

The application site currently has two vehicular accesses onto the A612 Nottingham Road, which will be closed off and reinstated back to full kerb/verge. The existing access onto Old Main Road is also required to be closed off and reinstated back to verge.

The development is to be served by a new access from Old Main Road, approx. 35m to the west of the existing access. This is required to have a minimum width of 5.5m for a minimum distance of 5m behind the highway boundary, with a 6m radii, in accordance with the current Highway Design Guide (6C's). A new footway is to be provided to the west of the site to link with Shaftesbury Avenue.

There are no highway objections to this proposal subject to the following:

1. No part of the development hereby permitted shall be brought into use until the access to the site has been designed to have a minimum width of 5.5m for the first 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details. Reason: In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the existing 3 accesses that have been made redundant as a consequence of this consent are permanently closed and the accesses 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.'

#### Original comments received 11<sup>th</sup> December 2017

'This proposal is for the construction of 44 retirement living apartments specifically designed for the elderly, including communal facilities, following demolition of the existing building. One member of staff is proposed for the site.

The application site currently has two vehicular accesses onto the A612 Nottingham Road, which will be closed off and reinstated back to full kerb/verge. The existing access onto Old Main Road is also required to be closed off and reinstated back to verge.

The development is to be served by a new access from Old Main Road, approx. 35m to the west of the existing access. This is required to have a minimum width of 5.5m for a minimum distance of 5m behind the highway boundary, with a 6m radii, in accordance with the current Highway Design Guide (6C's). A new footway is to be provided to the east of the site to link with Shaftesbury Avenue.

There are 35 parking spaces proposed for the site. In view of the average age of the expected residents, this may be considered to be acceptable, however, it is recommended that a suitable condition be written to recommend occupation by residents over the age of say 65. Is this possible?

Suitable conditions to be considered:

1. No part of the development hereby permitted shall be brought into use until the access to the site has been designed to have a minimum width of 5.5m for the first 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.
2. No part of the development hereby permitted shall be brought into use until the existing accesses that have been made redundant as a consequence of this consent are permanently closed and the accesses reinstated as verge/footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
3. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan. The parking areas shall not be used for any purpose other than parking of vehicles.
4. No part of the development hereby permitted shall be occupied on any part of the application site unless or until the new footway to the west side of the site frontage to link with Shaftesbury Avenue has been provided as shown for indicative purposes on dwg. EM-2388-03-01-AC-003 to the satisfaction of the LPA.
5. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided. 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.

#### Notes to applicant

In order to carry out the off-site works required (reinstatement of 3 access points, footway provision and construction of new access) 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 (0115) 804 0015 for details.'

#### **Environment Agency –**

#### Comments received on the 15 March 2018

'I refer to the above application and the amended plans received on the 8 March 2018. I have no further comments to offer.'

#### Original Comments received on the 10 October 2017

'Historic contaminants relating to the former site use as a petrol filling station have been identified within groundwater as a potential risk to controlled waters. Groundwater flow was assessed as being to the southeast in the general direction of the public groundwater abstraction. Therefore

supplementary site investigation and risk assessment is proposed to be undertaken at the site in relation to controlled waters. Best practice should be observed during these works to avoid the creation of preferential pathways for contaminants that might impact the public groundwater water supply abstraction or controlled waters.

A site specific piling risk assessment will also be required to be undertaken ensure that no creation of preferential pathways occurs during the piling works.

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

#### Condition 1

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Therefore a piling risk assessment will be required to be submitted in relation to the proposed development.

#### Reason 1

Piling or any other foundation using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

#### Condition 2

No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation scheme, based on the information submitted in the 'Site Investigation Report No. CCL02871.CB73-R1 Dated September 2016' to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.



Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

#### Reason 2

To ensure the protection of controlled waters.

#### Condition 3

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

#### Reason 3

To ensure the protection of controlled waters.

#### Condition 4

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

#### Reason 4

To ensure protection of controlled waters.

#### Advice to the Applicant – Piling

Where deep foundations are proposed we recommend the developer follows the guidance set out within our document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' which is available on our website at the following address:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

#### Informative

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause

pollution

- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for further guidance.
- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.'

**Trent Valley Internal Drainage Board** – No objections. Comments as follows;

'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.

Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority, Nottinghamshire County Council, is required for any proposed works or structures in any watercourse outside those designated main rivers and Board Drainage Districts.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Boards District:

- Existing catchments and sub-catchments to be maintained.
- Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments.

Surface water run-off 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.'

## Tree Officer –

### Comments received on the 9 March 2018

The amended layout plan will result in increased pressure on trees on the north boundary . Proposed tree planting within proposed car parking areas are not ideal choices for hard surfaced areas, more drought tolerant species should be investigated as well as the use of structural cells and porous surfacing.

Recommended 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 ( include pertinent sections)

a. A plan showing details and positions of the ground protection areas.

b. Details and position of protection barriers.

c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.

d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).

e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

g. Details of any scaffolding erection within the root protection areas

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

2. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

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, and structural cells

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 5 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.

Reasons.

To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the site and wider area.'

#### Original comments received 13 October 2017

'The proposals are broadly acceptable.

There are some concerns that proposed units on the south west corner are within close proximity to adjacent trees which may cause future issues as they develop. Recommend any approval has conditions attached that relate to tree protection and landscaping:'

#### **NSDC Planning Policy –**

#### Comments received 4 June 2018

'The additional information is welcomed.

However having reflected on the matter I would return back to my previous comments. The generalised need for accommodation to meet the requirements of an ageing population is acknowledged. Nevertheless the requirements for self-contained housing units, such as those proposed here, fall within our 'Objectively Assessed Housing Need' (OAN) irrespective of whose needs they are intended to meet. The relevance to this proposal being that a range of allocations has been made capable of meeting this OAN, all of which are at lesser flood risk than the application site. From this perspective the Council possesses a five year land supply and strategy which can deliver its wider requirements over the plan period. Whilst these requirements do not represent upper limits and additional development would be supported, where policy compliant, this should not include a windfall site which is subject to flood risk. In my view this represents sufficient basis to resist the proposal.

Whilst I emphasise that I do not consider the site as currently capable of demonstrating its sequential suitability, the following observations on the revised sequential exercise are nevertheless offered. Again I provide no view on the merits of the 'needs assessment' undertaken but this should not be taken to mean that I accept its findings, and depending on how you proceed with the application it may be worth obtaining independent expert review.

In terms of the scheme criteria identified, although I appreciate the new detail I'm still of the opinion that those concerning access the shopping facilities and site area have been set and then applied in far too prescriptive a way. Dealing first with the need to be within 800m-1km of a shopping area with a sufficient range of uses to meet weekly shopping needs. The principle of this characteristic in general terms is not queried, however I would argue against the setting of a rigid threshold (1km). There are significant problems with doing so, for instance does a distance of 1,100m really represent an unacceptable level of access? If the threshold were to be accepted, then how should it be measured? Is it the distance to the defined centre which is being measured, or the actual facility? Should it be taken from the centre of the site, or its closest point to the centre/facilities? As the crow flies, or the most direct route which a pedestrian could take? I would also query whether a number of the sites discounted on this basis do actually fall beyond the 800m-1km threshold in any event. Notwithstanding this I do not consider that the rigid application of a 1km threshold provides an appropriate approximation for judging access to shopping facilities, and would suggest that greater nuance and pragmatism is necessary for the test to be applied in a way which is likely to lead to genuine conclusions being drawn over the availability of sequentially preferable alternatives. It should not be forgotten that the settlements central to the spatial strategy represent the most sustainable locations for growth in the District, with housing allocations having been made in part due to the access to facilities.

The revised test hasn't really articulated why, as per my earlier comments, the possibility of securing a 0.4– 0.6ha parcel from a larger site shouldn't be considered, in particular from one of the numerous site allocations. I have previously identified 3 such examples where such an approach has been adopted for similar uses in the District. No evidence of any approach having been made to landowners has been provided, and I'm firmly of the view that such an expression of potential interest could have the potential to drive the early delivery of a site.

I would also disagree with the discounting of Newark Urban Area, on the basis that there is already an extant consent for a McCarthy and Stone facility. I am aware of other examples where two McCarthy and Stone homes operate in close proximity to one another, one relatively local instance being the two recent developments off Wilford Lane, West Bridgford. Newark Urban Area is the largest concentration of population within the District (including Newark, Balderton and Fernwood) and possesses 3 strategic urban extensions which will drive growth in the area – I am therefore unconvinced over the reasoning for its discounting.'

#### Comments received 4 April 2018:

##### *Burton Joyce Car Centre Proposal (17/01729/FULM) – Sequential Test Note*

Whilst the submission of additional information around the flood risk sequential test is welcomed there are, in my view, fundamental flaws with the exercise undertaken.

##### *Methodology*

The generalised need for accommodation to meet the requirements of an ageing population is acknowledged. Nevertheless the requirements for self-contained housing units, such as those proposed here, fall within our 'Objectively Assessed Housing Need' (OAN) irrespective of whose needs they are intended to meet. The relevance to this proposal being that a range of allocations has been made capable of meeting this OAN, all of which are at lesser flood risk than the application site.

### *Search Area*

The way the search area has been defined (section 4.2) is based on a District-wide assessment which is argued to demonstrate a significant need for this form of accommodation. It is then argued that 'on the basis of this level of need it could be argued that to meet the need for Bulcote and its immediate surroundings the area of search could be focussed within just this settlement'. Nevertheless the applicant has however taken a wider view and extended the areas of search to the south-eastern part of the District.

I do not offer any comment on the needs report aside from pointing out that it is a District-wide assessment, and so the 'need' identified doesn't necessarily translate into reasons why provision ought to specifically occur in Bulcote. The establishing of a level of need and the issue of how that need ought to be met are two distinct matters. It is through the Development Plan where decisions over how needs should be met are made. It doesn't follow that a need arising in any particular given location should necessarily be met there (or indeed in the vicinity). Particularly if doing so would firstly be unacceptable in planning policy terms or secondly there are an absence of suitable sites.

It is important that any sequential exercise has appropriate regard to the relevant objectives and provisions of the Development Plan, in addition to any valid functional requirements of the proposed development. The assessment carried out has had no such regard; there is no mention of the Development Plan at all. As per my earlier comments it would be reasonable to accept that the proposed development would have a functional requirement to be located in a sustainable location where residents would have good access to facilities, services and public transport connectivity. This overlaps neatly with relevant objectives of the Local Plan, which would seek to direct this form of development to locations within the Main Built-up Areas of those 'settlements central to the delivery of the spatial strategy'(i.e. those down to the 'Principal Village' level of the Settlement Hierarchy), in line with Policy DM1. In addition FNP6 of Farnsfield Neighbourhood Plan ('made' on the 28th September 2017) provides support, where there is insufficient land available within the main built up area, for land adjacent to the settlement boundary to be brought forward to meet the need for older persons care (under the C2 use class). Notwithstanding the reference to C2 use it may be that the Parish Council would adopt a pragmatic stance and provide support for a C3 scheme which provided a similar outcome – this is something which could be explored.

On this basis I therefore originally recommended that beyond the part of Bulcote joined to Burton Joyce (which I accepted as a suitable location for this form of development) locations within the main built up area of the Sub-Regional Centre, Service Centres and Principal Villages, in addition to areas adjoining the settlement boundary of Farnsfield represented the appropriate geographic extent for the test. This remains my view, and I am unconvinced why the area of search should be restricted to the south-eastern part of the District.

In addition the part of Bulcote in question is physically connected to Burton Joyce – and that settlement appears sustainable, possessing a range of services and facilities etc. The applicant should therefore also consider potential alternative sites beyond the District's administrative boundary, within Burton Joyce.

### *Scheme Criteria*

The applicant has suggested that a suitable site area would fall within the range 0.4ha – 0.6ha, due to various requirements. I see no reason to dispute this *per se*, but do hold significant concerns

over how this requirement has then been integrated into the site search. The assumption being that the site in its entirety has to fall within this range, with no consideration being given to the possibility of securing a 0.4 – 0.6 ha parcel from a larger site, in particular one of the numerous site allocations made through the Development Plan. There are at least three examples I'm aware of where such an approach has been adopted to similar uses within the District –

1) NUA/MU/4 (Land at Bowbridge Road, Newark) – the site allocation originally anticipated delivery of around 115 dwellings and a new leisure centre. The leisure centre was delivered first and subsequently the Gladstone House extra care scheme incorporating 60 flats (falling within the C3 use class) has been built out on part of the remainder of the site, leaving a residual element for further housing in the future;

2) Co/MU/1 (Land in between Swinderby Road and Station Road, Collingham) – the site allocation anticipated around 80 dwellings and 0.75 ha of employment land. There was also additional 'reserved land' on which the potential for C2 development not able to be incorporated within the allocation would be considered. This site now benefits from extant outline consent for up to 80 dwellings, up to 0.75 ha employment land and 60 C2 class extra care units. With reserved matters now agreed for phases 3a and 3b of the development – this doesn't include the extra care element.

3) So/Ho/2 (Land south of Halloughton Road, Southwell) – site allocated for around 45 dwellings. Site now covered by a resolution to grant outline consent for 38 dwellings and 12 supported living units.

I would not necessarily disagree with the functional requirements identified at para 4.3.2, although some clarification over precisely what 'a defined shopping area' means would be helpful. If this is taken to mean a defined centre within our Hierarchy of Centres (Core Policy 8) then that would appear appropriate.

My issue is therefore with how these 3 limited criteria have been transferred into the assessment of sites in Section 4.4. It appears that the criterion of being 'within 1km of a defined shopping area and close to doctors' has been applied in a way which dismisses settlements which have a both defined centre and a doctors surgery. Even on its own terms the assessment is therefore frequently inaccurate. This has been done on the basis that those locations have an insufficient range of facilities; however at no point does the assessment define exactly what range is necessary. Realistically I struggle to see what this would include beyond those features that the larger discounted locations possess (Farnsfield for example). These locations are also defined as Service Centres and Principal Villages through Spatial Policy 1. Their discounting appears to be a somewhat strange decision, given that they are 'settlements central to the delivery of the spatial strategy' - acting as a focus for housing growth and have had numerous site allocations made within them.

Finally Newark Urban Area (Newark, Balderton and Fernwood), defined as the Sub-Regional Centre, has not been included at all. The size and status of the settlement within the District's settlement hierarchy makes this a notable omission. Again I would need to understand the rationale behind this.

To be considered a robust sequential assessment the above flaws would need to be addressed, or alternatively compelling justification provided in support of the approach followed.

### *Source of Sites*

The final criticism I would wish to raise is over the source of sites from which the assessment has drawn. This is restricted to the Strategic Housing Land Availability Assessment, which in any event is an old assessment. The Strategic Housing and Employment Land Assessment (2017) is the most up-to-date record of potentially available land within the District. Nevertheless I would suggest that housing and mixed-use allocations, which include housing, should also form a source of sites (although clearly there will be some overlap here between allocated sites and the SHELA). These are locations where the principal of a C3 use has been established through the allocation of the site.

### *Conclusion*

Whilst the submission of the additional information is welcomed I have nevertheless identified a range of fundamental issues with how the sequential test has been approached, and sought to be demonstrated as passed. These issues undermine the robustness of the exercise undertaken and do not allow me to reach the conclusion that there are no alternative sites suitable for the proposed development at lesser flood risk. Without remedy this would represent sufficient reason for the proposal to be resisted.

### Original comments received on the 27 October 2018

#### *Principle of development*

Through Spatial Policy 4B 'Green Belt Development' new housing development within the part of Bulcote attached to Burton Joyce is supported. The proposal concerns retirement living apartments which have the features necessary for independent self-contained occupation (i.e. their own kitchen, bathroom etc.). On this basis I'm comfortable that the proposed development can be recognised as 'housing' for the purposes of SP4B. Importantly furthermore given their nature the 44 apartments can also be counted towards the five year housing land supply, and so contribute towards the maintenance of our housing supply position. The proposal would also facilitate the redevelopment of a prominent brownfield site as well as older persons downsizing to smaller properties, creating movement within the existing housing stock (although without some form of local connection applied to the sale of the properties this may not exclusively benefit Newark & Sherwood District). Nevertheless whilst the principle of development is favourable it is still important that the detail is acceptable, and there is the not insignificant matter of passing the flood risk sequential test (see below).

#### *Flood Risk*

The vast majority of the site is located within Flood Zone 2. As per the Planning Practice Guidance (PPG), the aim of the Sequential Test is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, then the flood risk vulnerability of the proposal should be taken into account and reasonably available sites in Flood Zone 2 considered, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required. This approach is reflected in that of Core Policy 10 and Policy DM5.



According to Table 2 'Flood Risk Vulnerability Classification' of the PPG (Paragraph: 066, Reference ID: 7-066-20140306) the proposed development would be defined as 'more vulnerable' in flood risk terms. In terms of its flood zone compatibility Table 3 'Flood risk vulnerability and flood zone 'compatibility' of the PPG (Paragraph: 067, Reference ID: 7-067-20140306) defines the development as suitable for Flood Zones 1 and 2. The Exceptions Test would be required to justify development within Zone 3A, with Zone 3B deemed as inappropriate and a location where this form of development should not be permitted.

Following the stages in the Environment Agency guidance ('Demonstrating the flood risk Sequential Test for Planning Applications') the first stage would allow for the test to be passed where the site has been allocated for the proposed use, and so the sequential test carried out through the Development Plan process, and is appropriate in flood risk vulnerability terms. This is however clearly not the case here.

Stage 2 establishes the geographic area over which to apply the test and it is recommended that this occurs at the District-wide level, unless a lesser area is justified by the functional requirements of the development or relevant objectives in the Local Plan. In my view it would be reasonable to accept that the proposed development would have a functional requirement to be located in a sustainable location where residents would have good access to facilities, services and public transport connectivity. This overlaps neatly with relevant objectives of the Local Plan, which would seek to direct this form of development to locations within the Main Built-up Areas of those 'settlements central to the delivery of the spatial strategy'(i.e. those down to the 'Principal Village' level of the Settlement Hierarchy), in line with Policy DM1. In addition FNP6 of Farnsfield Neighbourhood Plan ('made' on the 28th September 2017) provides support, where there is insufficient land available within the main built up area, for land adjacent to the settlement boundary to be brought forward to meet the need for older persons care (under the C2 use class). I would therefore recommend that locations within the main built up area of the Sub-Regional Centre, Service Centres and Principal Villages, in addition to areas adjoining the settlement boundary of Farnsfield represent the appropriate geographic extent for the test.

The next element of Stage 2 is to identify the source of reasonably available sites. These should be sites which are suitable, developable and deliverable, and in my view this ought to include the following-

- Housing and mixed use allocations which incorporate housing as part of the mix. This is considered reasonable given that the proposed development constitutes independent self-contained apartments, capable of contributing towards our five year housing land supply. The proposal would, in principle, constitute an appropriate use on these kinds of allocations, either as part of a broader mix or indeed in lieu of traditional housing. For example the permission gained on the allocation Co/MU/1 includes an element of C2 development;
- Unidentified windfall opportunity sites consistent with the geographic parameters above; and
- Sites identified within the Strategic Housing and Employment Assessment, which again meet the geographic requirements outlined above.

The third stage is to then apply the test and establish, regardless of the flood risk vulnerability of the proposed development, whether there are any reasonable and available sites in Flood Zone 1. In this respect it is only really necessary to consider the first source of sites (housing and mixed use allocations which incorporate housing as part of the mix) to identify the existence of numerous

reasonably available sites at lesser flood risk than the application site. On this basis the only conclusion which can be reasonably reached is that the proposal is unable to satisfy the sequential test. Following this through to its natural conclusion national policy is very clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Notwithstanding this I will proceed to consider other aspects of the scheme through my remaining comments below.

### *Housing Mix and Type*

Our Strategic Housing Market Assessment (SHMA) establishes that an increase in the number of people over 65 prompts the need for additional levels of care and support, as well as the provision of specialist accommodation. Similar findings are evident through the Housing Needs and Market Study (2014). The desire to meet this need is reflected in the approach of Core Policy 3 (CP3), including in its amended form emerging through the review of the Core Strategy. In this respect the provisions of CP3 recognise that securing housing for the elderly will contribute towards the housing needs of the District being met. Clearly in broad terms the proposal is consistent with this objective; however it is important that we are also content that the mix of unit types and tenure within the scheme is appropriate. The scheme is split between one (x16) and two (x28) bed units, with the balance being towards the larger dwelling type (64% of the scheme).

Given that the majority of older person households consist of either 1 or 2 persons the units would appear appropriate in general terms. With respect to the balance between units no supporting evidence has been provided by the applicant, though I am mindful they have raised viability concerns and so would presumably argue any alternative mix as unviable (I return to the matter of viability later in my comments). There is no localised housing needs information specific to older persons and no such information was recorded at the sub-area level through the Housing Needs and Market Study (2014). The Study does however include information at the District-level, which indicates that the size requirements of existing older person households planning a move are orientated towards 2 bed units (59.7%). The proportion of 2 bed units is broadly consistent with this and so on balance I would be comfortable with the mix as proposed.

### *Planning Obligations*

As a matter of principle I do not see any reason why market sector retirement apartments, capable of independent self-contained accommodation, cannot be subject to the same affordable housing contributions as qualifying traditional market housing schemes. Particularly given the reasonable assumption that there will be a need for social housing and affordable tenancies within the elderly population. I would therefore suggest that the requirements of Core Policy 1 ought to be applicable in this instance. I am however sympathetic to the argument in favour of offsite provision through the collection of a commuted sum, given the form of housing proposed and the model of the applicant. Beyond affordable housing whilst older persons housing may not prompt the range of potentially applicable developer contributions that traditional housing would, those relating to community facilities, health, libraries, open space and transport could represent potentially appropriate areas.

The applicant has submitted a viability assessment, recommending that the residual site value does not exceed the Benchmark Land Value of the property, and so the scheme would be unable to withstand any package of planning obligations. This is largely attributable to the significant hope value from the now lapsed residential consent. However the application site is within Flood Zone 2 and so any future proposal for residential development would need to satisfy the

sequential test. We have allocated a wide range of housing and mixed use allocations sufficient to more than meet our housing requirements. There is therefore a plentiful supply of reasonably available sites at lesser flood risk than the application site. Consequently the prospects of any future residential development application being able to satisfy the sequential test are extremely limited, and so the assumed hope value is simply not realistic.

Policy DM3 highlights the importance of planning applications including appropriate infrastructure provision. Accordingly where a scheme proposes that no planning obligations can be provided it is important that this is supported by a robust viability appraisal, and I question whether this is the case. Given the importance of this matter and its fundamental contribution towards the promotion of sustainable development it may be worthwhile seeking independent advice over the veracity of the applicant's assessment. Should the position of the applicant prove to not be credible or robust then this ought to weigh heavily against the proposal, and in my view is sufficient to tip the balance away from positive determination on this basis alone.

### *Conclusion*

Whilst the principle of development is acceptable and there are aspects which weigh in favour of the proposal it has nevertheless been unable to satisfy the flood risk sequential test, and I have severe concerns with respect to the approach to planning obligations. Consequently significant material considerations would need to be present in order for the application to be determined positively.

### **NSDC Emergency Planner and CCTV –**

'I am not qualified to provide comments providing support or non-support of this application and my comments are for the planning team to take under consideration only.

I have noted the flood risk assessment and maps highlighting the proposed site being in a flood zone 2. As per the FRA the Environment Agency and Severn Trent Water have already been consulted on this matter. As per section 4.1 a number of recommendations have been made to prepare the development for a flooding eventuality. Given the target audience for the development, it would be prudent for those measures to meet the lifespan of the property taking cognisance of persons who may reside there at any time in the future and variables surrounding the RA (e.g. vulnerability/disability/age etc.)

I have not had sight of a specific emergency/evacuation plan for the proposed site. As per the National Planning Policy Framework (NPPF) I would draw attention to Section 3 highlighting emergency/evacuation plans; Developers are advised to have flood emergency plans in place for developments in flood risk areas to ensure that evacuation and flood response procedures for the development are documented and agreed. These plans should include:

- Aims and objectives of the plan
- Maps showing development and flood risk areas, including depth and velocity of flooding
- Evacuation or containment procedures, including evacuation routes
- Flood warnings (EA Flood Warning Service) and identification of local flood warden.
- Safe refuge information
- Identification of vulnerable residents
- Utility services

- Procedures (including details of any stores containing flood defences e.g. sandbags)
- Emergency contact information
- Media information e.g. local radio stations and warning processes for residents.

I would also highlight the following:

New developments in flood risk areas **must not** increase the burden on emergency services.

New developments **must have** access and egress routes that allow residents to safely exit their property during flood conditions. This includes vehicular access to allow the emergency services to safely reach the development during flood conditions. However, I do note that the relevant FRA deems that the proposed site would provide for dry access and egress in a flooding eventuality.'

### **NSDC Strategic Housing –**

'The comments below are to be considered alongside comments provided by the Strategic Housing Business Unit on the 15<sup>th</sup> December, 2017.

#### Housing Need

The comments provided in the response of 15<sup>th</sup> December detailed the evidence available that establishes the need for the provision for specialist accommodation. The evidence base at a district level is provided through the DCA Housing Market and Needs Study (2014) and estimates that the requirements are orientated towards smaller one and two bedroom dwellings. In this location it would be usual to undertake a parish housing needs survey to determine the type, size and tenure of need and demand. No evidence of need at a parish level has been provided and the balance between one and two bedroom provision should be linked to affordability in the local area.

#### Affordable Housing Contribution

Core Policy 1 seeks a 30% provision on all suitable sites. In this instance the on-site requirement is for 13 dwellings. The Council's policy recognises that in some instances on-site affordable housing provision is not appropriate and in this instance I consider there may be a case in this instance. The policy allows for a commuted sum payment in lieu of on-site provision and I can see no valid reason why this should not apply.

The applicant has submitted a viability assessment recommending that the residual site value does not exceed the Benchmark land value of the property, and so the scheme would be unable to provide any of the required planning obligations. This is, in the main, due to the significant hope value from the lapsed planning consent on the site. It is my opinion that this is unacceptable and I question the expertise in providing a defensible assessment.

The Council is able to seek a commuted sum in the region of £1.1m based on 13 units with a market value of £200k per property. The Council's policy also makes reference to the increase of market properties on a site resulting in a calculation that allows for 3 affordable dwellings for every 7 provided on site. This would provide a calculation based on 18 dwellings resulting in a commuted sum of £1,520,00.00.

## Conclusion

In principle the proposed scheme should be subject to the same affordable housing contributions as policy determined qualifying market housing schemes, particularly given the affordable housing need for older people across the district. Support for the scheme is subject to the provision of a commuted sum payment only.'

## Original comments received on the 15<sup>th</sup> December 2017

'The proposed scheme of 44 dwellings would under the Council's current policy provide 13 units of on-site affordable housing. However, these may prove an unsatisfactory option for a Registered Provider and there is the possibility of securing a commuted sum in lieu of on-site provision. This needs to be considered along the issue of viability and it is recommended that the applicant consult with the Council's Strategic Housing Business Unit.

## Housing Policy applicable to the Proposal

The District Council's Core Strategy (2011), Core Policy 1 (CP1), seeks to secure 30% affordable housing provision as defined in national planning policy (National Planning Policy Framework 2012) on all new housing development proposals on qualifying sites. The requirement on the proposed site (Burton Joyce Car Centre) is 13 affordable homes (out of a total of 44 proposed dwellings) providing a 30% contribution. (The threshold for the Bulcote area is 10 units and above and the site size is 0.2 and above). Therefore the proposal meets the threshold for delivering affordable housing.

CP1 further seeks to secure a tenure mix of affordable housing to reflect local housing need and proposes that 60% of the affordable housing contribution should be a social/affordable rented tenure and 40% should be Intermediate housing (usually shared ownership). The proposal is for 44 retirement homes. Discussions with the Council's Strategic Housing Business Unit is recommended to ascertain the likelihood of a Registered Provider seeking the on-site affordable housing on this scheme. If this is not a suitable site for an RP then the Council will seek a commuted sum payment in lieu of on-site delivery. It might also be the case that the sites close proximity to Burton Joyce means dialogue between the Council and Gedling Borough Council needs to be carried out to establish if housing need crosses the district boundaries.

## Housing Need

The application site is located within the village of Bulcote but adjacent to Burton Joyce 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.

The Council undertook a district wide housing market and needs assessment in 2014. The village of Bulcote forms part of the Nottingham Fringe Sub-area and therefore the figures are only indicative and does not demonstrate a local housing need. The results suggest that there may be demand for one and two bedroom homes and I attach a summary at the end of this document. The Council's housing register indicates a demand for affordable housing for older people's accommodation and for small dwellings (2 bedrooms). (see attachment).

## Conclusion

Due to the nature of the application for a retirement home, it is difficult to identify a local preference or demand for this type of housing in this location. The DCA survey indicates a need for older people's accommodation in general but in the absence of a Parish Housing Needs survey I would defer to the planning officer to decide how much weight is to be given to the application based on need.'

**NSDC Parks and Amenities** – 'As it's a retirement scheme I wouldn't be looking for any children's play provision and I assume amenity open space and natural and semi-natural green space can be provided on site. So no financial contributions required.'

**NSDC Community Facilities** – the starting point for a Community Facilities contribution would be £1,384.07 based at 2016 price plus indexation as appropriate so £60,899.08 plus uplift and in theory the figures should be reviewed again to determine whether they need adjusting. Although the proposal includes communal facilities this would appear to be a large lounge/social area for the exclusive use of residents so I would suggest that a contribution is appropriate.

## **NSDC Environmental Health (contamination) –**

### Comments received 9<sup>th</sup> March 2018

It would appear that no further documentation has been submitted since my previous comments (dated 29.09.17) relating to the contaminated land site investigation. I would therefore refer back to my earlier comments in response to this latest consultation (copied below).

### Original comments received 29<sup>th</sup> September 2017

'I have now had the opportunity to review the Site Investigation Report submitted by Crossfield Consulting (dated September 2016) in support of the above planning application. This document provides a detailed account of the sites environmental and historical setting and defines an appropriate conceptual site model. Following intrusive sampling, some elevated contaminants have been identified. The report then goes on to discuss various remedial options as a result.

I concur with the reports recommendation for a scope of additional investigative sampling once the buildings have been demolished and tanks have been lifted. Furthermore I would expect validation of tank voids once removed.

I will await the completion of the further exploratory works discussed above before commenting further on the suitability for the new use and any remediation measures.

In the meantime I would recommend the use of our full phased contamination condition.'

**NSDC Environmental Health** – ‘Demolition of existing buildings and the erection of 44 retirement living apartments for the elderly including communal facilities, landscaping, car parking and ancillary development.

I refer to the above planning application and have had the opportunity to look at the plans and noise impact assessment dated the 31<sup>st</sup> August 2017. I would recommend if approved the development should be constructed in accordance with the recommendations set out at point 6.3 of the assessment. Namely that provision is made for acoustically rated glazing to habitable rooms. “Whole house” mechanical ventilation (MVHR) must also be provided to all habitable rooms.’

**NSDC Access and Equalities Officer** – As part of the considerations to access for all, with particular reference to access and facilities for disabled people, 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 – in addition to Approved Documents M and K of the Building Regulations which contains further useful information in this regard. In particular, inclusive access should be carefully considered where all users, including disabled people, can equally use the proposal and use its facilities.

Access to, into and within the proposal and from the edge of the site and car parking is required to be considered where carefully laid out provision for disabled motorists, whether members the public, visitors or staff, should be incorporated as close as feasible to the principal entrances of the building. Pedestrian approaches should be carefully designed to ensure that they provide a safe, barrier free level approach to the proposal from the edge of the site, as well as car parking, with dropped kerbs, appropriate tactile warnings and carefully designed road crossings etc. as applicable. Routes should be carefully designed so as to be smooth, level, non-slip, and barrier free and of sufficient width. Inclusive access around the site and to any external features and facilities should be carefully considered.

Access into and around the proposal together with provision of suitable accessible facilities and features should be carefully considered to ensure these are equally convenient to access and use. Easy access and manoeuvre for all, including wheelchair users, should be considered throughout.

It is recommended that the developer be mindful of Equality Act 2010 requirements. A separate enquiry should be made regarding Building Regulations matters.’

**NSDC Conservation** –

Most recent comments were provided on 11<sup>th</sup> June 2018 stating as follows:

‘I have reviewed the submitted visibility impact assessment which I consider to be an adequate response to the request for a more detailed heritage impact assessment. This is an essential requirement under the terms of Paragraph 128 of the NPPF, which states that the level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

With this in mind, Conservation has previously raised concerns about the impact of the proposal with regards to form, scale and massing, and the impact this would have on two adjacent Grade II listed heritage assets, as well as the approach to the Bulcote Conservation Area. The applicant has since submitted elevational drawings which have attempted to address the impact of the

proposal, most significantly by altering the massing and scale of the building at the link intervals between the primary three storey elements. These elevational drawings did not provide us with sufficient clarity to form an adequate judgement on the reduced impact by modifying the link buildings.

However the newly submitted visibility impact assessment has satisfied this requirement and Conservation does not object to the proposal in principle, and subject to submitted details Across the front elevation, each of the amended link buildings would amount to a two storey range, with a blank roof plane and dark, neutral cladding, diminishing the singular volume that was present in the previous submission. This would significantly improve the massing and the proposal would relate more harmoniously to the architectural profile of the surrounding C19 and early C20 detached villas, each of which makes a positive contribution to the character of the area, most significantly the Grade II listed, Fothergill designed Kingswood.

The proposed building's varied composition of architectural details, including partly rendered facades, brickwork, mock timbers, and multiple gables asymmetrically arranged, relate well to the surround buildings designed in the arts & crafts style. While the scale of the building will still result in a negative impact on the surrounding designated heritage assets, Conservation no longer considers this harm to be sufficient to outweigh the perceived benefits of redeveloping this partly dilapidated site.

Should NSDC be minded to approve this application, it is considered essential to place strict conditions that require the submission of all materials to the local authority for approval, prior to the commencement of work. The quality of the detailing, particularly of the link elements to the new building, would need to be executed to a very high quality to ensure adequate mitigation to the building's substantial volume.'

Comments received 24<sup>th</sup> April 2018 repeated previous comments relating to the legal and policy considerations and the significance of heritage asset(s) and provided in the following updated assessment:

#### 'Assessment of proposal

Conservation has scrutinised the revised plans submitted following a meeting held at NSDC offices between the applicant's architect and heritage consultant. Conservation provided further advice during the meeting about the concern that the proposal would have on the setting of the Bulcote Conservation Area and Kingswood, a Watson Fothergill designed Grade II listed building, as well as the wider principle of considerate design, in accordance with Paragraph 56 of the NPPF.

Conservation acknowledged the sites capacity for a large scale residential development and stated that it did not object in principle to a new residential care home in this location. Additional advice was provided to the applicant's architect and heritage consultant on ways in which the impact on the designated heritage assets could be mitigated by a revision in the design of the new building to address the issues of its scale, form and massing.

The revision which has been submitted following this discussion has partially acknowledged the suggested revisions that would allow conservation to withdraw its objection to the proposal. This has been achieved by altering sections of the principle façade to break up the massing and achieve an improved architectural rhythm in which the building reads as a series of primary three storey mock Tudor bays combined with flat roofed link blocks faced in timber cladding, separating the primary bays at intervals.



As a result the building, when viewed from the submitted elevational drawings, has an improved sense of character and form. However the scale of the building, which is NSDC Conservation's principle concern, has not been altered beyond the amendment to the 'link' blocks, now to be constructed as flat roofed structures. These areas are critical to the overall appearance of the building and its impact on the setting of the adjacent designated heritage assets.

The submitted drawings are somewhat ambiguous in this area and it is difficult at this stage to interpret the finished building without further details. It is suggested that measured drawings are requested which elaborate in detail the link blocks, the specific materials to be applied to the facade, the relationship of the link blocks to the primary mock-Tudor advanced bays, the window / door types and any further external accretions required as part of their construction.'

#### Original comments received 31<sup>st</sup> October 2017

'Many thanks for consulting Conservation on the above proposal.

Legal and policy considerations

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF).

Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting.

Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

#### **Significance of heritage asset(s)**

The application site is located between Nottingham Road and Old Main Road in Bulcote, outside of the Bulcote Conservation Area.

The garage complex that is presently located on the site are light industry buildings, with the distinctive stepped parapet roofline, a common design feature for inter-war modernist buildings of this typology. A further stepped parapet roofed building is located to the rear of the site, where its strong geometric proportions and white rendered façade reflect the moderne style.

These buildings are a continuation of the modernist industrial infrastructure located along the A614, which terminates at the outer suburbs of Nottingham by Colwick Racecourse. Unfortunately, the original building range has been subjected to a number of unsightly modern accretions in uPVC with further brick adaptations and they are no longer worthy of retention on the grounds of architectural merit. However the complex of buildings are low in density and scale, and set back from the street frontage, thereby doing little to disrupt the green, leafy character of the surrounding environs which lead directly into the Bulcote Conservation Area.

As such the site makes a neutral contribution to the setting of the Conservation Area, as well as to the surrounding designated heritage assets. There are three listed buildings in close proximity to the site: Kingswood and adjacent pump (list entry 1370172), the Coach House at Kingswood (list entry 1286169) and gateway at Kingswood (list entry 1045536). Kingswood is a Grade II listed building, designed by Watson Fothergill, built in 1893. The house, formerly known as Tenterden, was a private house built for Mr. Thomas Walter Marshall who worked at "Snook & Co's." - linen merchants, warehousemen & clothing manufacturers – in Nottingham City. Fothergill Watson (he later changed his name to Watson Fothergill) was one of the leading local architects practicing in the Nottingham area from about 1870 to 1906. During these thirty or so years he designed over a hundred buildings including houses, banks, churches, shops and warehouses; many of which still survive today. He worked in the Gothic revival and Old English vernacular styles; very popular in the Victorian times. These styles were loosely based on medieval churches and castles, and 16th & 17th century Tudor buildings.

To the immediate north of the application site is Bulcote Hill Plantation, running east-west on an elevated plain above the village of Bulcote. This extensive belt of trees, immediately overlooking the application site, forms an important relationship with the Bulcote Conservation Area and surrounding designated heritage assets, and the 1875 OS Map shows an unbroken relationship between the plantation and Bulcote Lodge, within a park and gardens setting. Bulcote Lodge is a Grade II listed building, (list entry 1286165) a late-C17 rendered hunting lodge in the heart of Bulcote Conservation Area. To the south of Bulcote Lodge on the Old Main Road are two Grade II listed buildings formerly associated with the estate; Oaklands (list entry 1045535) and Walnut House (list entry 1193458).

When travelling along Old Main Road west to east, the visitor passes by Oaklands and Walnut House, before exiting the Conservation Area at the most northern point of the application site. At this junction, when looking towards the application site, the character of the area is defined as a leafy, semi-rural setting, in which every property is set back from the street frontage, with the vista dominated by the green infrastructure of Bulcote Hills Plantation and the Bulcote Conservation Area immediately adjacent. The gateway to Kingswood is noticeable to the north at this point, and when crossing Nottingham Road and continuing along Old Main Road, immediately behind the application site, the built form continues to be set back by a considerable distance from the street frontage.

A series of modern C20 dwellings are prominent when turning down Shaftesbury Avenue from Old Main Road, and the western aspect of the application site is considered to be least impacted by the proposal. However when heading south, once again crossing Nottingham Road a continuing along Shaftesbury Avenue, there are two buildings that are identified as non-designated heritage assets; this includes the Nottingham Corporation Waterworks building, a 1928 neo-Georgian single storey building with gauged brick voussoirs and intricate brick quoining. There is also an early C20 Managers House in the domestic revival style which makes a positive contribution to the character

of the area and continues the dominant arts & crafts theme established at the Bulcote Farm workers dwellings, within the Bulcote Conservation Area.

### **Assessment of proposal**

Conservation **objects** to the proposal in its current form. The scale, form, rhythm, massing and palette of materials proposed is considered to be wholly incongruous with the character of the area. The proposal to adopt a continuous line of overbearing terraced apartments, close to the street frontage, with a varied roof line including multiple gables, is suggestive of development in a town centre location. Paragraph 132 of the NPPF states that significance of designated heritage assets can be harmed or lost through alterations or development within their setting.

As detailed above in the outline significance of the heritage assets, the immediate surroundings include the Grade II listed Kingswood and the Bulcote Conservation Area, which are appreciated within the context of the dominant green infrastructure of the area. If the proposal was not amended to better relate to its surroundings, the experience of entering / exiting the Bulcote Conservation Area and the setting of Kingswood will be harmed. It is important to note that impact on setting of heritage assets is not limited to views, and must also consider the wider experience of the setting, as well as the inter-relationship between places.

The immediate setting of Kingswood is identified as the most significant issue that must be considered in the proposal. The scale and mass of the development, which would be overwhelmingly substantial in the context of its surroundings, will result in overbearing impact on the Grade II listed Kingswood.

When standing at the entrance or within the grounds of Kingswood, the experience remains largely unaltered from the period of its construction, at the height of the domestic revival movement in 1893. The property was commissioned to provide a prosperous merchant with a house in the countryside, close to a historic settlement, in a peaceful rural setting. When standing in the grounds of the property today, it is immediately noticeable that there has been little change over the last century to undermine the architects original intentions. If the proposal was granted approval, this experience would be wholly transformed through a negative impact on its setting. As such, when taking into consideration the additional impact to the setting of Bulcote Conservation Area, the overall level of harm identified is considered to be less than substantial, in accordance with Paragraph 134 of the NPPF.

Paragraph 137 states that Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. The present scheme that has been submitted is not considered to better reveal the significance of the Bulcote Conservation Area or the setting of Kingswood; the maximum ridge height of the new buildings would be 12.3 meters with an the unbroken width of 81 meters to the principle elevation along Nottingham Road, amounting to 31 bays, which is entirely disproportionate to its surroundings. The mock timber gable facing the junction towards Bulcote Conservation Area, which is the most prominent aspect, is 12.2 meters to the ridge height. When taking into consideration the above stated dimensions, the proposal fails on every account with regards to the visual language of form, proportion, movement and detail. The alignment of the building, along Nottingham Road, overwhelms the green infrastructure and rural character of the area and would amount to less than substantial harm to the setting of two heritage assets'

**Burton Joyce Parish Council (adjacent Parish) – Supports application.**

**Gedling BC (adjacent LPA)** – ‘Thank you for your consultation of 8th March 2018 with regard to the above planning application. I have reviewed the revised plans and would not wish to make any detailed comments other than to request that full consideration be given to the impact that the proposed development would have on the amenities of the occupiers of the dwellings closest to the site, in particular in terms of massing/overshadowing issues.

I trust that these comments are helpful at the present time however please do not hesitate to contact me should you wish to discuss this matter further.’

**Representations have been received from 21 local residents/interested parties which can be summarised as follows:**

7 representations have been received which raise objections and concerns raised over the proposed development;

- Proposal is too large for the site
- The type of building does not match current village buildings
- The site access onto Old Main Road will be dangerous
- Insufficient parking at the site, the proposed development will lead to further on street parking on Old Main Road
- Removal of mature trees will be detrimental to the area
- No amenities to support this growth
- Highway safety concerns based on Old Main Road being used as the main entrance
- Pressure on existing doctors and pharmacy

14 representations have been received which support on the following grounds

- Excellent development for older people in Burton Joyce and Bulcote
- There is shortage of purpose built residence, the development would benefit the community.
- Good location
- These developments keep older people in their own property for longer as they have physical, emotional and mental support.

### **Comments of the Business Manager**

#### **Principle of Development**

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

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.

Spatial Policy 4B of the Core Strategy advises that within the extent of area covered by the Green Belt, new housing and employment development will be focused in the Principal villages of Blidworth and Lowdham, and the part of Bulcote which is attached to Burton Joyce. These locations are excluded from the Green Belt and defined by village envelopes. For clarity, the application site is within the section of Bulcote attached to Burton Joyce as described within Spatial Policy 4B. Consequently, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy.

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 of Development*

The first criterion of Spatial Policy 3 'Location' 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.' The site is considered to be located in the built up area of the village which adjoins the settlement of Burton Joyce which contains a range of services and facilities and is therefore considered to be a sustainable location for new development.

#### *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. This matter is dealt with in the Housing Type and Density section below.

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 above). This states that new housing will be considered where it helps to support community facilities and local services. The proposal is very likely to support community services and facilities including the local bus services and services in nearby villages.

### *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 relevant sections below.

### *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. Again, these matters are dealt with in the relevant sections below.

There has been a previous grant of planning permission for a residential scheme at the site albeit for a lower scale development of 16 dwellings, although the development was over the same broad area of the site. While this permission has now lapsed, it remains of relevance in considering the principle of the development at the site and with this in mind as well as the policy guidance identified above it is considered that the principle of residential development at the site is acceptable subject to its consideration of the site specific issues set out below.

### Brownfield Status of the Application Site

The National Planning Policy Framework describes previously developed land as:

*'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.'*

Paragraph 84 of the NPPF states:

*'The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'*

Chapter 11 of the NPPF states that Planning policies and decisions should promote an effective use of land in meeting the needs for homes and other uses and at Paragraph 118 states decisions should:

*'Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.'*

The application site represents previously developed land within a settlement boundary identified in the Development Plan as being appropriate for new housing development and would provide an opportunity for contamination from its previous use to be remediated. I therefore consider in line with the guidance within the NPPF that substantial weight should be applied to the development of a brownfield site within any planning balancing exercise.

## Housing Type and Density

Paragraph 59 of the NPPF states:

‘To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.’

Core Policy 3 ‘Housing Mix, Type and Density’ sets out, subject to individual site circumstances, an expectation for a minimum density of 30dph for housing sites. An appropriate mix of housing types reflecting local housing need is also sought, again subject to site circumstances, viability and localised housing need information.

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.

Core Policy 1 requires affordable housing provision in the Newark Urban Area on sites of 10 or more dwellings with the Core Policy setting out that a level of 30% will be sought. In doing so however, consideration will be given to the nature of housing need in the locality, the cost of developing the site and the impact of this on viability. The tenure mix of the affordable housing being sought reflects a 60% social rented and 40% intermediate mix.

The scheme comprises individual self-contained 1 and 2 bedroom residential dwellings, supported by a warden on site with communal lounge and gardens. The dwellings would be offered for sale on long leases and occupiers would need to pay service charges to cover the management company that would manage the shared on-site facilities. There would be no extra care element. As such I consider that the units fall within the Use Class C3.

With regards to the requirement in Core Policy 1 for 30% of new housing on qualifying sites to be affordable units, the requirement in this instance would be for 13 dwellings. As noted by Strategic Housing colleagues, the Council’s policy recognises that in some instances on-site affordable housing provision is not appropriate and they consider this may be the case in this instance. They also note the policy allows for a commuted sum payment in lieu of on-site provision and can see no valid reason why this should not apply. The level of developer contributions attributable in this instance is considered later in this report.

Given the nature of the proposal the scheme would represent an efficient use of land that well exceeds the minimum densities stated in CP3. The proposal would also address part of the housing need specified in CP3 including smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. The comments of the Strategic Housing are also noted in this respect which refers to the district wide housing market and needs assessment carried out in 2014, which indicate that there may be demand for 1 to 2 bedroom dwellings within the Nottingham fringe area, which is the sub-area that the site would fall into. Furthermore the Council’s housing register indicates a demand for affordable housing for older people’s accommodation and for small dwellings (2 bedrooms).

I therefore consider that the housing mix and type is consistent with the aims of the NPPF and the Council's Development Plan Policies.

### Local Distinctiveness and Heritage

The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture and be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Policy DM5 refers to the rich local distinctiveness of the District's character of built form requiring new development proposals to reflect their local surroundings. The site is located adjacent to the boundary with the Bulcote conservation area in a prominent corner plot. Furthermore the grade II listed building of Kingswood and separately listed associated entrance gateway and coach house building are located on the opposite side of Old Main Road from the application site.

With regards to the neighbouring heritage assets, there are both legislative requirements and policy tests to consider in relation to the proposed development:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *"if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') which outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker *"shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72(1) of the Act is also relevant and requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

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 recognise that a finding of harm to a listed building, or harm to the setting of a listed building, or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. The presumption is not irrefutable; 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. This is a matter that has been considered in a number of recent court cases (in particular: Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014); The Forge Field Society v Sevenoaks District Council (2014); and Mordue (2016).

Alongside the statutory tests, the NPPF forms a material consideration to the determination of the applications. Paragraph 11 of the NPPF outlines a presumption in favour of sustainable development.

The importance of considering the impact of new development on the significance of designated heritage assets, is set out in detail in section 16 of the National Planning Policy Framework (NPPF). Paragraph 189 requires LPAs to ensure that in the submission of applications affecting heritage assets applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. For clarity in the context of the current application, the applicant has done this through the submission of a Heritage Statement and the subsequent visibility impact assessment which the Conservation Officer has confirmed is an adequate response to this requirement.

Paragraphs 193 and 194 of the NPPF direct decision makers as to the tests which apply when considering the impact of a proposed development on the significance of a designated heritage asset. For clarity these tests apply to both the designated heritage assets of the listed buildings identified and Bulcote Conservation Area.

Paragraph 193 states:

*‘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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’*

Paragraph 194 states:

*‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.’*

The setting of heritage assets is defined in the Glossary of the NPPF:

*“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*

In addition, significance (for heritage policy) is also defined:

*“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting...”*

At a local level there are a suite of policies which are also of relevance. These include Policies CP14 and DM9 of the Council's LDF DPDs. CP14 acknowledges the rich and distinctive historic environment of the District and seeks to ensure *“the continued preservation and enhancement of the character, appearance and setting of the District’s heritage assets and historic environment.”* The policy goes on to explicitly identify the need for the *“preservation of the special character of Conservation Areas.”* It is noted that CP14 of the Core Strategy (adopted in March 2011) pre-dates the NPPF. Whilst it is acknowledged that some of the wording differs from that used in the NPPF, the general thrust of the policy and the objectives it seeks is consistent with the stance of the NPPF.

Policy DM9 follows the intentions of CP14 in that, *“all development proposals concerning heritage assets will be expected to secure their continued protection of enhancement”*. In respect of development proposals *“affecting heritage assets and their settings, including new operational development and alterations to existing buildings, where they form or affect heritage assets,”* proposals *“should utilise appropriate siting, design, detailing, materials and methods of construction.”*

Achieving an appropriate design to compliment the local distinctiveness of the area and looking to preserve the setting of neighbouring heritage assets are inextricably linked. The impact of the proposals on the adjacent heritage assets has been the subject of detailed discussions between the applicant and officers and these discussions have informed substantial design revisions to the proposed development. I am mindful that the most recent comments from the conservation section follow the submission of a visibility impact assessment. The Conservation officer notes the alterations made during the application process to the massing and scale of the building at the link intervals (taking in to account the link buildings would be two storey, with blank roof plane and dark neutral cladding) between the primary three storey elements. These alterations, with additional illustration through the visibility impact assessment has helped assessment of the design and has overcome the Conservation Officer’s previous concerns. The Conservation officer does not object to the proposal in principle and considers the proposal would now relate more harmoniously with the character of the area, most significantly the Grade II listed, Fothergill designed Kingswood.

I note the Conservation Officer comments that the scale of the building will still result in a negative impact on the surrounding designated heritage assets, but that they no longer consider this harm to be sufficient to outweigh the perceived benefits of redeveloping this partly dilapidated site.

Paragraph 196 of the NPPF states:

*‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.*

Less than substantial harm, as has been identified in this instance is still harm and in line with the relevant sections of the Listed Buildings Act it I must give that harm considerable importance and

weight. Taking in to account the comments of the Conservation Officer, I am satisfied that the revisions to the scheme have broken down the appearance of mass and scale and incorporate an improved architectural rhythm which will have an improved relationship with the character of the area and that the level of harm to nearby heritage assets is at a level which is outweighed in this particular instance by the public benefits namely the provision of housing in a sustainable location, addressing a specific house type identified in the Development Plan and making use of previously developed land.

I note the Conservation Officer's request for strict conditions requiring the submission of all materials to the local authority for approval, prior to the commencement of work and consider it would be reasonable to attach such conditions in this instance to maximize the build quality and to fully execute the design envisaged mitigating the substantial volume of the building so as to appropriately address the relationship with nearby heritage assets.

### Impact on Highways

Spatial Policy 7 encourages and supports development proposals which promote an improved and integrated transport network and an emphasis on non-car modes as a means of access. Development proposals should minimise the need for travel and provide safe, convenient and attractive accesses for all. Proposals should be appropriate for the highway network in terms of volume of traffic generated and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. Appropriate and effective car parking provision should be made.

The application has been accompanied by a *Transport Statement* dated September 2017. This document confirms how the parking spaces intended to serve the development have derived from independent parking surveys which were undertaken in order to understand the specific needs of their residents and inform future developments. The latest independent studies were undertaken in September 2016 by Dr Allan Burns and the key points drawn from the independent research include:

- There is an average car ownership for McCarthy & Stone's 'Retirement Living' sites of 0.45 spaces per unit.
- The vehicle parking demand has been calculated as 0.55 per apartment which also includes an allowance for visitor parking.

These figures would suggest that residents of the proposed development would own 19 cars, with the site as a whole generating parking demand for 23.65 spaces.

The proposed development is to be served by a new access from Old Main Road, approx. 35m to the west of the existing access and the proposal includes provision of 35 spaces, a ratio of 0.8 spaces per apartment. A new footway is to be provided to the west of the site to link with Shaftesbury Avenue. Bus stops are located close to the site some c.50m to the west of the proposed access on Old Main Road and another eastbound stop some 40m to the east of the site on Old Main Road.

While I am mindful of the concerns raised by the Parish Council and local residents over inadequate provision of on-site parking provision and potential increased on street parking along

Old Main Road, on the basis of the above, and indeed the lack of objection from NCC Highways in respect to the access proposals and parking provision, I consider it would be unreasonable to insist on a greater level of parking provision within the site.

Should planning permission be granted, I consider it reasonable to attach the recommended conditions from the Highway Authority in relation to the width of the access drive and the redundant access points being closed off.

For the above reasons I consider the proposal would accord with the aims of Spatial Policy 7.

### Impact on Amenity

Amenity impacts are a long standing consideration in the planning process and require assessment in terms of amenity standards for both existing neighbouring properties and proposed occupiers. Policy DM5 confirms the policy framework which forms the basis of assessment. This refers to numerous potential impacts arising from new developments including overbearing impacts, loss of light and privacy.

Due to the nature of the site within a corner plot and bound by highways to the north, east and south of the site, there is a significant degree of separation between the closest neighbouring properties along Old Main Road and Nottingham Road. However, I am mindful of the relationship with the maisonettes along Shaftesbury Avenue immediately to the west of the site. In considering this relationship I am of the view that the linear nature and T-shape layout of the proposed building would result in the majority of the built form being positioned away from the western boundary of the site with the properties along Shaftesbury Avenue. Furthermore, having considered the separation distance between the closest elevations at 16 to 22 Shaftesbury Avenue (16.1m between the side elevation of the proposed building and the rear elevation of the neighbouring property) as well as the mature trees located within the neighbouring site and close to the boundary with the application site, I am satisfied that the proposal would not result in any material overbearing or overshadowing impact.

The majority of windows are a sufficient distance or at an oblique angle to the nearest windows serving neighbouring properties. I am mindful of the 2 No. small windows on the side elevation at first floor level facing the neighbouring properties on Shaftesbury Avenue, although in light of the previously discussed separation distance and trees close to the boundary I am satisfied that these small windows which serve secondary rooms, would not result in any material overlooking impact on neighbouring amenity.

Shared amenity space is proposed as part of the landscape scheme and I am satisfied that this will provide a suitable level of amenity space for residents in accordance with Policy DM5.

I note the comments from colleagues within Environmental Health who have had regard to the submitted Noise Impact Assessment and recommend that a condition be placed to ensure provision is made for acoustically rated glazing to habitable rooms as per the recommendations within the Noise Impact Assessment submitted as part of the application. I consider such a condition to be both appropriate and proportionate to be attached to any grant of planning permission in order to protect the amenity of future residents.

On the basis of the above I have identified no detrimental amenity impacts which would warrant resistance of the proposal. The scheme is therefore compliant with the amenity criterion of Policy DM5.

#### Impact on Landscape Character and Ecology

Paragraph 127 of the NPPF states that decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. 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 and includes that new development should reflect the local distinctiveness of the District's landscape and character of built form. In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment SPD.

Paragraph 175 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused. This paragraph also states opportunities to incorporate biodiversity improvements in and around developments should be encouraged. Core Policy 12 states that there is an expectation for proposals to take into account the need for the continued protection of the District's ecological, biological and geological assets. Policy DM7 states that new development should protect, promote and enhance green infrastructure. Policy DM5 states that where it is apparent a site may provide a habitat for protected species, development proposals should be supported by an up-to-date ecological assessment.

The Tree Report dated August 2016 has been submitted. The report acknowledges that the north eastern tip of the site is laid mainly to grass whereas the bulk of the site is hard surfaced and contains existing buildings. The report notes that there is a row of trees of 'variable quality' along the Old Main Road frontage. All trees survey were considered as falling within Categories B (trees of moderate quality) or C (trees of low quality). The landscape plan submitted as part of the application indicates the existing vegetation to be retained and protected including the row of trees along Old Main Road and Trees to the boundary with properties on Shaftesbury Avenue. Numerous new trees are indicated to be planted to supplement the existing trees as well as the provision of landscaped gardens to serve the proposed development. The additional soft landscaping at the site is considered to be beneficial both in terms of reflecting the positive characteristics of the surrounding area including the Bulcote plantation as well as creating an attractive communal amenity area for future residents of the development. I note the comments from the tree officer in relation to pressure on trees along the northern boundary of the site from the revised layout and the conditions in relation to protective measures are considered appropriate.

A preliminary ecological appraisal and bat building assessment dated 2016 accompanies the application. The report acknowledges that the existing site is made up of the former Burton Joyce Car Centre building, associated hard standing, metal canopy structure, scattered broad leaf trees and amenity grassland and concludes that overall the habitats on site were assessed as being of

low ecological value. The closest designated site is located 750m south of the site – River Trent Burton Joyce to Lowdham LWS and is separated by areas of residential housing and roads. The report concludes that due to the low ecological value of the site and distance to the nearest designated wildlife site, the proposal is not anticipated to result any significant impact on local wildlife. Having taken into account the overall development proposal for the site including the introduction of formal and informal gardens to serve the residents of the proposed building with new tree planting and native shrub mixes, I am of the view that the proposal would biodiversity improvements to the site in accordance with the NPPF and at the site which would also benefit the wider area in accordance with the aims of Core Policy 12 and Policy DM7.

### Flood Risk

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 and that development proposals will only be considered in Flood Zone 2 where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available site in lower risk Flood Zones. Where development is necessary within areas at risk of flooding, it will also need to satisfy the Exception Test by demonstrating it would be safe for the intended users without increasing flood risk elsewhere.

The vast majority of the application site is classified as siting within Flood Zone 2 (at medium risk of flooding). The Flood Zone 2 designation is a result of the site lying within the extremities of the ultimate catchment area of the River Trent.

Planning Practice Guidance states “the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.

When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere. For nationally or regionally important infrastructure the area of search to which the Sequential Test could be applied will be wider than the local planning authority boundary.”

In terms of applying the Sequential Test, consideration must be given to whether there are other reasonably available sites within the district that are at lower risk flooding, where the proposed new retirement living apartments should be located. The application site is a windfall site and it is

clear from the Allocations and Development Management DPD adopted in 2013 that there are several sites allocated for new housing development for the plan period located within Flood Zone 1, and as such these sites represent preferable sites in flood risk terms. All these sites were sequentially tested under the Strategic Flood Risk Assessment as part of the Allocation adoption procedure and found to be acceptable. The applicant has undertaken a sequential test and considered allocated sites across the district concluding that these are not suitable for the proposed development on grounds including that sites are unavailable, limited nearby facilities / too far from local centres, are either too small or too large, or that the site characteristics not appropriate for this type of development.

I am mindful of the comments from the Policy department which have critiqued the supporting documents and questioned the sequential test approach put forward by the applicant. The applicant has submitted a Needs report which is based on a that it is a District-wide assessment, and whilst a generalized need for age specific accommodation is acknowledged, I concur with Policy colleagues that the 'need' identified doesn't necessarily translate into reasons why provision ought to specifically occur on a site in Flood Zone 2 in Bulcote.

The self-contained units proposed would contribute to addressing the council's objectively assessed housing needs and could be provided on one of the district's allocated sites at lesser flood risk than the application site. Policy colleagues have questioned the scheme criteria applied in assessing the allocated sites including the prescriptive approach to assessing access to shopping facilities, question why the possibility of securing a 0.4– 0.6ha parcel from a larger allocated site shouldn't be considered with no evidence of any approach having been made to landowners having been provided, and disagreement with the discounting of Newark Urban Area on the basis that there is already an extant consent for a McCarthy and Stone facility (Ref. 16/00124/FULM), given knowledge of other examples where two McCarthy and Stone homes operate in close proximity to one another. I note the overall conclusion in that colleagues in the policy department remain unconvinced that the proposal has passed the sequential (and exemption test) and I would concur with their remaining queries.

It therefore remains the case that there are unresolved queries over the application of the sequential test and on that basis it must be concluded that the application fails the Sequential Test at this time and this fact weighs heavily against the proposal.

Under the Flood Risk and Coastal Change section of the PPG Paragraph 067, Table 3, the proposed development is classified as "more vulnerable" within Flood Zone 2 and this is considered as development that is appropriate and there is no requirement to apply the exception test.

However, I am aware of the material considerations discussed above that weigh heavily in favour of the scheme and as such consider that it is worth rehearsing acceptability of the scheme against the Exception Test to help in assessing whether the development can be made resilient in terms of flood risk. Paragraph 34 of the PPG states that '*ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere*'.

Paragraph 160 of the NPPF states that for the Exception Test to be passed, the development must provide wider sustainability benefits to the community that outweigh flood risk and demonstrate that the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere and where possible, reduce flood risk overall. In addition paragraph 163 of the NPPF states that it must be demonstrated that within the site the most vulnerable development is located in areas of lowest flood risk and development is appropriately flood resilient and resistant, incorporates sustainable drainage systems, includes safe access and escape routes where required and any residual risk can be safely managed.

Core Policy 9 requires new development proposals to pro-actively manage surface water. In terms of surface water drainage, it is noted from the submitted FRA and the EA map that the site predominately falls within a zone which is at very low and low risk of surface water flooding with the exception of a small area in the south west corner. The Environment Agency's comments relate to dealing with any potential contamination on the site and do not make any recommendations in terms of measures to ensure the development is flood resilient without increasing flood risk elsewhere. The Environment Agency have been contacted to confirm their position in respect of flood risk and an update will be provided to Members as a Late Item to the Planning Committee. I also note that there is no objection raised by Trent Valley Internal Drainage Board. However, the recommended condition in relation to the details for the provision to prevent excess surface water runoff is considered appropriate to be attached to any grant of planning permission in order to prevent any increase flood risk to neighbouring sites.

It is noted from the submitted FRA that the vehicular and pedestrian access into the site is located outside of flood zone 2 and as such in the event of a flood, dry access/egress can be achieved. I am also mindful of the recommended mitigation measures which include the finish floor levels being set at a minimum 600mm above the level in a 1:1000 year event. I also note the advice of the Emergency Planner and concur that it would be prudent for the developer to have a flood emergency plans in place to ensure that evacuation and flood response procedures for the development are documented and agreed in advance and a suitable condition could be attached to any permission. In light of the above, I am satisfied that with a condition to secure the recommended mitigation measures, damage to buildings at the site and any increased flood risk at the site and neighbouring sites could be kept to a minimum and would perform favourably against the Exception Test.

To conclude, the scheme fails the Sequential Test as there are other sites within the district reasonably capable of accommodating the new residential development proposed that are within Flood Zone 1. However, consideration of the submitted site specific Flood Risk Assessment demonstrates that if other material planning considerations outweigh the sequential approach in this case that the scheme could be acceptable with regards to the Exception Test (which whilst not applicable in this instance, acts as a guide to ensuring the development can be made acceptable in flood risk terms).



## Contamination

Paragraph 178 of the NPPF indicates that planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Development Management Policy DM10, sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include *'necessary mitigation as part of the development or through off site measures where necessary.'*

The former use of the site as a petrol filling station poses a risk for potential contamination to be present at the site. I note the comments from both the Environment Agency and the Environmental Health department in relation to this issue having had regard to the submitted site investigation reports and I am mindful that while no objection has been raised, recommended conditions are put forward in order to prevent risk to human health of future residents.

Therefore, subject to conditions securing the submission and approval of an intrusive site investigation report and risk assessment, verification report, and the approval and subsequent implementation of a scheme of remediation works if unsuspected contamination are found at the site, it is considered that the proposed site would be suitable for the proposed residential development and the guidance contained within the NPPF and Policy DM10 would be met.

## Developer Contributions

### *Affordable Housing*

The Councils SPD on Developer Contributions provides that, for a proposal of 43 residential units, the following contributions should be sought where there is appropriate justification;

The SPD and CP1 require that ordinarily 30% on-site affordable housing should be provided. However it is noted that the nature of the proposal as self-contained housing for older people is not best suited for on-site affordable provision owing to factors such as service charges, management arrangements and the age specific nature of the accommodation.

Based on the values provided by the applicant (200k per dwelling) the strategic housing officer has suggested that an appropriate off site contribution (in lieu of a requirement for 13 affordable on site units) of £1,520,000.00 (see 'Viability Discussion' section below which sets out the contribution proposed by this application).

### *Community Facilities*

The SPD provides that where development makes additional demands on existing community facilities a contribution will be sought which is based on £1,384.07 per dwelling based at 2016 price plus indexation as appropriate. On the basis of the consultee comments listed above, a full SPD would amount to £59,515.01 which has been slightly amended from the consultee response figure to take account the loss of 1 unit from the scheme (see 'Viability Discussion' section below which sets out the contribution proposed by this application).

### *Education*

Whilst education contributions are ordinarily sought for C3 dwellings, given that this scheme would serve only persons over 55 years of age, it is considered unreasonable to seek this. However in order to benefit from this 'exemption' it is recommended that the LPA control occupation to persons over 55 years of age by imposing an appropriate condition.

### *Public Open Space*

The SPD provides that amenity open space is provided at a rate of 6m<sup>2</sup> per person (and assumes average occupation of 2.4 per dwelling to get to 14.4m<sup>2</sup> per dwelling). In line with the SPD an area of (14.4m<sup>2</sup> x 43) 619.2m<sup>2</sup> of public open space would be required. The proposed scheme includes of 990m<sup>2</sup> landscaped gardens on site and as such complies with the SPD in this respect. This aligns with the Council's Parks and Amenities Officer's comments which noted that as a retirement scheme children's play provision would not be sought and amenity open space and natural and semi-natural green space could be provided on site. Therefore no financial contributions would be required.

### *Viability Discussion*

The application submission was accompanied by a viability appraisal dated September 2017. The appraisal identifies that the proposed development cannot provide a contribution towards affordable housing or other planning obligations as it renders the scheme unviable.

The Planning Practice Guidance (published July 2018) comments on viability and planning contributions, and states that 'where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage'. With this in mind, the applicant's Statement has been independently assessed on behalf of the Council.

Having received the independent assessment, Officers have been in detailed discussions with the applicant over the various inputs within the viability appraisal with common ground now struck on what are considered to be appropriate percentage figures. A 20% developer profit has now been agreed and a compromised percentage figure of 4% for marketing costs has been considered appropriate having had regard to the advice received from the independent viability expert.

With these input figures agreed, an off-site contribution for affordable housing of £139,958 has been arrived at and considered reasonable by both the Applicant and the independent viability

assessor. This represents an off-site contribution equivalent of approximately 4.4 dwellings (based on a cost of £32,000 per dwelling). This is clearly below the policy requirement and the minimum 10% requirement set out in the NPPF. However, the latest guidance within the NPPF at Paragraph 64 states:

‘Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

...(b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students)...’

The contribution figure calculated in relation to community facilities (£59,515.01) has also agreed by the applicant. Both the community facilities and the off-site contribution towards affordable housing would be secured by a S106 legal agreement should the grant of planning permission be forthcoming.

#### Conclusion and overall planning balance

The site is located within the part of Bulcote which is attached to Burton Joyce and is therefore considered to be a sustainable location for new housing development. Equally the delivery of housing is a significant material planning consideration and despite being a windfall site, would make a contribution towards the Council’s five year housing supply in accordance with the requirements of the NPPF and the PPG. The housing proposed would also address a specific house type need identified in relation to provision of retirement living and would make efficient use of brownfield land which is not currently considered to make a positive contribution to the character of the area. These factors should be given substantial weight in line with the NPPF and I also note that it provides an opportunity to remediate any contaminants from the site from former uses.

The application is not considered to result in any adverse impacts on highway safety, residential amenity, landscape character or ecology, subject to conditions.

Following the redesign of the scheme, whilst the design does have some positive merits, the scale of the proposal is still deemed to result in some harm to the character and appearance of the Conservation Area and nearby heritage assets. The level of harm is considered to be less than substantial. Whilst this harm is still given considerable importance the level of harm identified is considered to be outweighed by the public benefits of the scheme in this instance.

In addition there is the issue of the failure of the Sequential Test in relation to flood risk. An assessment of the more detailed Exception Test (whilst not essential in this instance) demonstrates the development could be made safe for both proposed occupiers of the site and existing occupiers in the surrounding area.

Careful consideration has also had to be given to the viability of the scheme and an acceptable level of contributions towards community facilities and off-site contribution towards affordable

housing has been proposed (albeit this equates to an affordable housing contribution which is less than the policy requirement).

Full and proper consideration has been given to all material planning considerations and the appropriate weight afforded to each matter. There are a number of both positive and negative impacts identified which does render the proposal very finely balanced. However, in my opinion I consider that the applicant has done enough in each area to persuade me this balance tips towards the cusp of acceptability and that the recommendation should be an approval. Subject to the controls mentioned within the body of this report, the requested conditions from consultees and a S106 Agreement being executed to secure the two items listed below, I consider that the scheme is acceptable in accordance with the Development Plan and all other material considerations.

### **RECOMMENDATION**

**That full planning permission is approved subject to the applicant entering in to a S106 Agreement to secure contributions towards affordable housing and community facilities and 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 plans reference:

EM\_2388\_03\_01\_AC\_001-A REVISED LOCATION PLAN AND CONTEXT PLAN

EM-2388-03-01-AC-002 REVISED PERSPECTIVE VIEW AND STREET SCENE

EM-2388-03-01-AC-003 REV A REVISED SITE LAYOUT PLAN

EM-2388-03-01-AC-004-A REVISED PROPOSED ELEVATIONS SHEET 1

EM-2388-03-01-AC-004.1 REVISED ELEVATIONS SHEET 2

EM-2388-03-01-AC-005-A REVISED GROUND FLOOR PLAN

EM-2388-03-01-AC-006-A REVISED FIRST FLOOR PLAN

EM-2388-03-01-AC-007-A REVISED SECOND FLOOR PLAN

EM-2388-03-01-AC-008-A REVISED ROOF PLAN

NPA 10984 115 MCS 3D Visual plans

EM-2388-03-01-LA-001REVISED LANDSCAPE PLANNING LAYOUT

Revised Flood Risk Assessment 16486/FRA Rev B from BSP Consulting

Revised Drainage Strategy 16486/DS Rev B (March 2018) from BSP Consulting (NB. SUBJECT TO CONFIRMATION FROM THE ENVIRONMENT AGENCY THAT THE STRATEGY IS APPROPRIATE AND COMPLIES WITH CONDITION 10)

NOISE IMPACT ASSESSMENT REF. R7037-1 Rev 1 by 24 Acoustics

TRANSPORT STATEMENT by Paul Basham dated September 2017

TREE SURVEY by Ian Keen Ref JTK/9264/WDC

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

Reason: So as to define this permission.

03

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

- All facing materials including cladding and render
- Roofing tiles

Reason: In order to preserve or enhance the character and appearance of the setting 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 for that phase has been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

Treatment of window and door heads and cills

Verges and eaves

Reason: In order to preserve or enhance the character and appearance of the setting of the conservation area.

05

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.

06

The approved landscaping scheme as shown on plan reference revised landscaping layout plan EM-2388-03-01-LA-001 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 5 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

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

07

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 ( include pertinent sections)

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

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the site and wider area.

08

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme approved under Condition 7 of this permission.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the site and wider area.

09

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the site and wider area.

10

(CONSULTATION UNDERTAKEN WITH THE ENVIRONMENT AGENCY TO CONFIRM WHETHER THE DRAINAGE STRATEGY SUBMITTED IS APPROPRIATE)

No development shall take place until such time as a scheme for surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority.

The surface water drainage scheme must include:

- Existing catchments and sub-catchments to be maintained.
- Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments.
- Surface water run-off rates to receiving watercourses must not be increased as a result of the development.
- The design, operation and future maintenance of site drainage systems

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from

the site.

11

(CONSULTATION UNDERTAKEN WITH THE ENVIRONMENT AGENCY TO CONFIRM WHETHER THE DRAINAGE STRATEGY SUBMITTED IS APPROPRIATE)

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed under '3.5 Flood Risk Management Measures' and '4.0 Recommendations' including:

1. Finished floor levels are set no lower than 20.40 m above Ordnance Datum (AOD).
2. Levels at the site access are 720mm above from the 1:1000 fluvial flooding levels established in section 3.2.11.
3. In order to prevent risk of flooding to property FFL will need to be a minimum of 660mm above the level in a 1:1000 year event
4. Finished site levels should give regard to overland flows.
5. Drainage should outfall to the southern boundary watercourse via an attenuated system at 5l/s.
6. The proposed foul sewer will discharge to the public sewer.
7. Calculations should be prepared at detailed design stage to confirm that the drainage systems are designed can accommodate that additional 30% for fluvial inflow and 40% for pluvial inflow as a result of the anticipated effects of climate change.

The mitigation measures shall be fully implemented prior to occupation.

Reason: Reduce the risk of flooding to the proposed development and any future occupants.

12

Before the development is first occupied a flood emergency plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall include:

- Aims and objectives of the plan
- Maps showing development and flood risk areas, including depth and velocity of flooding
- Evacuation or containment procedures, including evacuation routes
- Flood warnings (EA Flood Warning Service) and identification of local flood warden.
- Safe refuge information
- Identification of vulnerable residents
- Utility services
- Procedures (including details of any stores containing flood defences e.g. sandbags)
- Emergency contact information

Once approved, a copy shall be provided to all residents on first occupation of the properties.

Reason: To ensure that evacuation and flood response procedures for the development are documented and agreed in the interests of reducing flood risk on the site.



13

One or more of the occupants of each of the hereby approved residential units shall be aged 55 years or over and none of the residential units shall be occupied by any person under the age of 16 years.

Reason: In line with the applicant's intentions and in acknowledgement of the contributions sought on this basis.

14

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

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

15

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,
  - groundwaters 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.

16

Prior to commencement of the development a piling risk assessment will be required to be submitted in relation to the proposed development. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. Once approved, the development shall be carried out in accordance with the approved details

Reason: Piling or any other foundation using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

17

No development approved by this planning permission, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation scheme, based on the information submitted in the 'Site Investigation Report No. CCL02871.CB73-R1 Dated September 2016' to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure the protection of controlled waters.

18

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure the protection of controlled waters.

19

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure protection of controlled waters.

20

No part of the development hereby permitted shall be brought into use until the access to the site has been designed to have a minimum width of 5.5m for the first 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.

Reason: In the interests of highway safety.

21

No part of the development hereby permitted shall be brought into use until the existing 3 accesses that have been made redundant as a consequence of this consent are permanently closed and the accesses 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

22

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

Reason: In the interests of highway safety

23

The development shall be constructed in accordance with the recommendations set out at Paragraph 6.3 of the Noise Impact Assessment dated 31<sup>st</sup> August 2017 submitted in support of this planning application.

Reason: In order to ensure a suitable level of amenity for future occupiers.

### **Notes to Applicant**

01

The applicant is advised that all planning permissions granted on or after the 1<sup>st</sup> 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/](http://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 (apartments) proposed is zero rated.

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

An advisory booklet is available – “A guide to Developing Land in Nottinghamshire”. This is available from NSDC website using the following link:

<http://www.newark-sherwooddc.gov.uk/landpollution/>

Prior to undertaking an intrusive site investigation the applicant is advised to consult with:

**Natural England**

Block 6 & 7 Government Buildings  
Chalfont Drive  
Nottingham  
NG8 3SN  
Tel: 0115 929 1191  
Fax: 0115 929 4886  
Email: [eastmidlands@naturalengland.org.uk](mailto:eastmidlands@naturalengland.org.uk)

**English Heritage**

Ancient Monuments Inspector  
44 Derngate  
Northampton,  
NN1 1UH  
Tel: 01604 735400  
Fax 01604 735401  
E-mail: [eastmidlands@english-heritage.org.uk](mailto:eastmidlands@english-heritage.org.uk)

**Heritage Planning Specialists**

Nottinghamshire County Council  
Trent Bridge House  
Fox Road  
West Bridgford  
Nottingham  
NG2 6BJ  
**Tel:** +44 (0)115 977 2162  
**Fax:** +44 (0)115 977 2418  
**E-mail:** [heritage@nottscc.gov.uk](mailto:heritage@nottscc.gov.uk)

04

Advice to the Applicant – Pilling

Where deep foundations are proposed we recommend the developer follows the guidance set out within our document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' which is available on our website at the following address:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

#### Informative

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for further guidance.
- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information

05

In order to carry out the off-site works required (reinstatement of 3 access points, footway provision and construction of new access) 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 (0115) 804 0015 for details.

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](http://www.newark-sherwooddc.gov.uk).

Matt Lamb  
Business Manager Growth & Regeneration

Committee Plan - 17/01729/FULM



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## PLANNING COMMITTEE – 7 AUGUST 2018

<b>Application No:</b>	<b>18/01112/FUL</b>	
<b>Proposal:</b>	<b>Change of use from garages and apartment into a single dwelling house.</b>	
<b>Location:</b>	<b>3 Milner Street, Newark On Trent, Nottinghamshire, NG24 4AA</b>	
<b>Applicant:</b>	<b>Nostalgic Homes - Mr Clarke</b>	
<b>Registered:</b>	<b>13 June 2018</b>	<b>Target Date: 07 August 2018</b>

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Newark Town Council has objected to the application which differs to the professional officer recommendation.**

### The Site

The site lies on the western side of Milner Street, close to the junction with London Road within the suburbs of Newark.

The site comprises a two storey flat roof building which currently has three garages at street level (one of the four garage doors actually accommodates a kitchen internally) with a flat above. The building is set back from the edge of the footway by 3.4m and the frontage is laid with hard standing.

Residential dwellings lie either side to the north (64 London Road), and south (no. 5 Milner Street) and to the rear/west is the garden of No. 62 London Road with No's 6 & 8 Winchilsea Avenue beyond.

The site is within the Newark Urban Area and is just outside of the Newark Conservation Area.

### Relevant Planning History

EXP/00361/11 – Installation of 20 solar panels. planning permission required 30/06/2011. not implemented.

02/01358/EXP – Erect canopy over front door, pp not required 27/06/2002.

98/51284/EXP - Metal railings around flat roof to form roof garden planning permission required, 19.5.98.

EXP/00160/09 - Block pave driveway in front of four garages. Planning permission required 01/04/2009.

### The Proposal

The application seeks full planning permission to change the use from garages with an apartment

above to a single dwelling. The proposal also involves some operational development comprising;

- Introduction of 'floating' canopy on front elevation and timber cladding;
- Change in design/size of glazed panel to front elevation;
- Introduction of one additional first floor window to front elevation;
- Change in design of front entrance door at ground level;
- Blocking up of garage door openings and replacement with 2 ground floor windows;
- Change in design/size of first floor windows at rear elevation;
- Omit rear doorway and replace with window;
- Enlarge 3 small rear windows to larger windows/patio doors;
- New external staircase leading to existing first floor balcony alongside northern boundary with privacy screen.

The following plans and documents have been submitted with the proposal:

- Site Plan as Existing RHA118-0010
- Floor Plans as Existing RHA1818-0011
- Elevations as Existing RHA1818-0012a
- Floor Plans as Proposed RHA1818-0021a
- Elevations as Proposed RHA1818-0022b
- Site Plan as Proposed RHA1818-0020b
- Design and Access Statement

#### Departure/Public Advertisement Procedure

Occupiers of five 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 12 July 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  
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  
NAP1 - Newark Urban Area

#### **Allocations & Development Management DPD**

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy  
Policy DM5 - Design  
Policy DM7 - Biodiversity and Green Infrastructure

### **Other Material Planning Considerations**

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014

### **Consultations**

**Newark Town Council** – Objection was raised to this application as it was felt that the proposed application was not in keeping with the street scene, it was incongruous to adjacent properties and would have a negative impact on the facing Conservation Area.

**NSDC (Conservation)** – “The application site sits outside, but adjacent to, the London Road area of Newark Conservation Area. This part of the Conservation Area is typified as being a residential suburb of Newark, with high status Georgian, Victorian and Edwardian villas.

This particular site is a row of flat roofed C20 garages with rooms over, which are notably out of character in their appearance, though are at least set back from the pavement edge and relatively low in height.

I have no objection to the proposal, which sees the garages converted to residential and the existing building having a ‘facelift’ with a render and cedar cladding façade added. This will still be a new building style for this otherwise quite consistent area, but by presenting a more contemporary and design led approach will in this case perhaps improve the area, especially as its more neutral elements (height and position in relation to the road) are being retained. The removal of the bank of up-and-over garage doors and their replacement with a more residential façade is also more in keeping with the area generally.

If the proposal does increase the impact of the building, it will be one with a more attractive and ‘finished’ design, with a more residential emphasis. As such I think there will be no harm on the setting of the Conservation Area, which while not a statutory duty to consider is still something the decision maker would be mindful to consider.

Given that the overall size and height of the building is little altered, and given the intervening buildings and townscape, I do not think there will be any material impact on the setting of Listed Buildings in the vicinity.”

### **Representations have been received from 1 local resident which can be summarised as follows:**

- The apartment building on Milner Street was built very close to the boundary wall separating 62 London Road. The apartment at present has large, upstairs, rear windows totally overlooking the garden of no. 62 London Road.

Ask that planners look at the plans sympathetically and request that larger windows at the rear of the new house should be placed lower down so that they do not directly overlook neighbours garden and higher windows should be small or frosted.

## Comments of the Business Manager

### The Principle of Development

The site lies within the defined Newark Urban Area according to the policies map forming part of the Development Plan. Spatial Policy 1 of the Core Strategy outlines the settlement hierarchy for the District identifying the Newark Urban Area as the sub-regional centre. It is intended that the Newark Urban Area be the focus for housing and employment growth in the District.

This proposal would result in no net gain in housing as part of the site is already in residential use as a 2 bedroom flat and this would change it to a 3 bedroom house. Therefore the principle of residential use is already established and in any event the location of the site means that its use would be supported by policy, given its relatively sustainable location.

### Housing Mix

CP3 states that the LPA will seek to secure new housing which adequately addresses the local housing need of the district, including the elderly and disabled population. In a Newark context, there is no specific Housing Needs Survey for the town but I have had regard to the district wide Housing Needs Survey from 2014 and particularly the findings for the Newark Sub Area. This suggests that in Newark Sub Area (where this site falls) the overwhelming market housing need is for 3 bedroom dwellings (40.2%), followed by 2 bedrooms (33.7%), followed by 4 bedrooms (14.4%) then 5 bedrooms (8%) followed by 1 bedroom dwellings (at 3.7%). This proposal therefore would meet the most sought after type of dwelling.

### Highway/Parking Matters

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 loss of the three garages is a consideration and in this respect clarification has been sought from the agent as to use of the existing garages. The agent has confirmed that all of the garages at ground level are associated with the existing flat and are not rented out. The existing two bedroom flat has three garages which is in my view excessive and unnecessary. The proposal would result in the loss of all three garages. Whilst this is not ideal, I am mindful that the existing garages may not have been used for the parking of cars even if they remained.

There is land available in front of the building that would allow two cars to be parked parallel to the building, off the highway if required. However many of the existing dwellings along this street rely on on-street parking. Towards this northern end of the street the housing is lower density and therefore there appears to be less pressure for on-street parking in the vicinity of the application site. In my view there would be ample on-street parking provision available for the occupiers of the proposed house without it leading to congestion of the street or becoming a nuisance to neighbours.

NCC Highways Authority have not made comments on this scheme as, given the applications minor nature, it now lies outside of their remit for bespoke advice. I do not consider that the either the loss of garages or the parking situation should lead to an unacceptable impact that would warrant a reason for refusal in this instance.

### Design and Impact on Amenity (including Heritage)

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 mirrors this. In addition CP14 seeks to secure the continued preservation and enhancement of the character and appearances and setting of the district's heritage assets and historic environment, including the setting of Conservation Areas. DM9 requires that proposals take account of the distinctive character and setting of individual conservation areas and reflect this in their design, form, scale, mass and use of materials and detailing.

The site lies within the suburbs and adjacent to the Newark Conservation Area and as such the impact upon the setting on the Conservation Area has been considered.

I am mindful that Newark Town Council has objected on the grounds of an adverse impact to the street-scene and the Conservation Area.

Clearly this is a subjective matter, but in my view the removal of the four garage doors and replacement with new white rendered walls, new anthracite grey windows and the new floating canopy to the front in anthracite grey to match the fenestration is acceptable in terms of its visual appearance.

Members will note from the consultation section above that the Conservation Officer has raised no objection to the proposal on these grounds. I fully concur with the CO's views on this; the existing building does negatively impact upon the setting but I also consider that the alterations as proposed will bring about some minor improvements overall by making the building more contemporary in appearance, cohesive and resulting in the building having a more neutral impact on the surrounding area which would be a betterment. There is also no impact upon any listed building in the vicinity. Overall I consider that the scheme accords with the policies I have identified in this regard.

### Impact on 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 the NPPF states under chapter 12 'Achieving well-designed places' that planning decisions should ensure a 'high standard of amenity for existing and future users'.

There are some changes in fenestration to ground floor openings on the rear, but as these are ground floor and given the distance to the boundary I do not consider these will adversely affect the neighbours in terms of overlooking.

Existing first floor windows on the rear elevation level serve a kitchen and living area with the existing balcony serving the master bedroom. These windows are sited c4.8m from the boundary to the west which forms part of the boundary with a property on London Road. I note a representation from a neighbour has raised concerns on the basis that they are already overlooked from these windows and would like the matter to be considered sensitively.

The proposed plans show that on the rear elevation the windows would serve the living area and kitchen whilst the balcony would serve a study. Whilst the windows would change in design, all but the southern-most living room window would remain the same size, where this is enlarged

from a higher level window to be provided lower. Having inspected this internally, the existing window already overlooks the neighbour and lowering this will make no material difference in planning terms.

I also note that there is an existing first floor opening to the north side elevation of the apartment which is currently blocked up. This is just a few meters from the rear elevation of a residential property on London Road. Re-utilising this opening would in my view cause an unacceptable loss of privacy through direct overlooking. However as this window would serve the study which would also benefit from a window facing onto Milner Street itself and the rear windows to the balcony, I find this side window to be unnecessary in any event. I have therefore suggested that this window either be omitted or obscure glazed and non-opening to be controlled via a condition.

I therefore find that the proposed new fenestration details would have no more of an impact than already exists.

The erection of the external rear staircase would lead up to the existing balcony. There is already a degree of oblique overlooking of the property to the north. However the new external staircase would include the provision of a privacy screen which is shown to project c1.7m from the rear elevation which (subject to its design and being secured via condition) would in my view both mitigate against overlooking from the balcony and actually improve the existing privacy situation. I acknowledge that one could potentially stand halfway up the staircase and peer directly into the neighbours yard, but this is more likely to be fleeting and the privacy screen would provide beneficial screening to the most used part, being the balcony, which in my view balances out the limited harm.

Overall I find that there would be no unacceptable loss of privacy over and above the existing situation that would warrant a reason for refusal.

#### Planning Balance & Conclusion

The building is already in use as residential and therefore the principle of its use is already established. This application would change the unit from a 2 bedroom flat to a 3 bedroom dwelling, which is the most required type of market dwelling needed for Newark according to the most recent Needs Assessment.

In my view the external alterations to the building would have a minor improvement upon the character and appearance of the area, including the adjacent Conservation Area. Overall I have also concluded that there would be no worse an impact upon the residential amenity of neighbours through overlooking than the existing situation. Whilst the loss of 3 car parking spaces (within garages) is a slight negative, I am mindful that occupiers could park off the road in parallel to the building and in any event there is ample on-street parking available to residents which in my view would be unlikely to lead to congestion or nuisance for neighbours.

For the reasons set out above the proposal is considered to be acceptable subject to the conditions set out below.

#### **RECOMMENDATION**

Approve

## **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

Prior to first occupation of the dwelling hereby approved, full details of the privacy screen as shown on drawing no. RHA1818-0022b shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the materials of the screen and demonstrate how this will protect from overlooking (e.g. levels of obscure glazing etc). The approved privacy screen shall be erected on site in accordance with the approved details prior to first occupation and shall thereafter be retained in position for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: Insufficient detail has been provided with the application and this condition is necessary in the interests of protecting residential amenity of neighbours from direct overlooking.

03

Notwithstanding the approved plans, the first floor window to the north elevation serving the study as shown on the plan RHA1818-0022b is not approved. This window shall either be omitted from the scheme and blocked up (with materials to be agreed in writing by the Local Planning Authority) or shall be obscure glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening. 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

04

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

Reason: In the interests of visual amenity.

05

The development hereby permitted shall not be carried out except in accordance with the following approved plans, references Floor Plans as Proposed RHA1818-0021a, Elevations as Proposed RHA1818-0022b and Site Plan as Proposed RHA1818-0020b 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.

## **Informative**

01

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

02

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

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

## **BACKGROUND PAPERS**

Application case file.

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

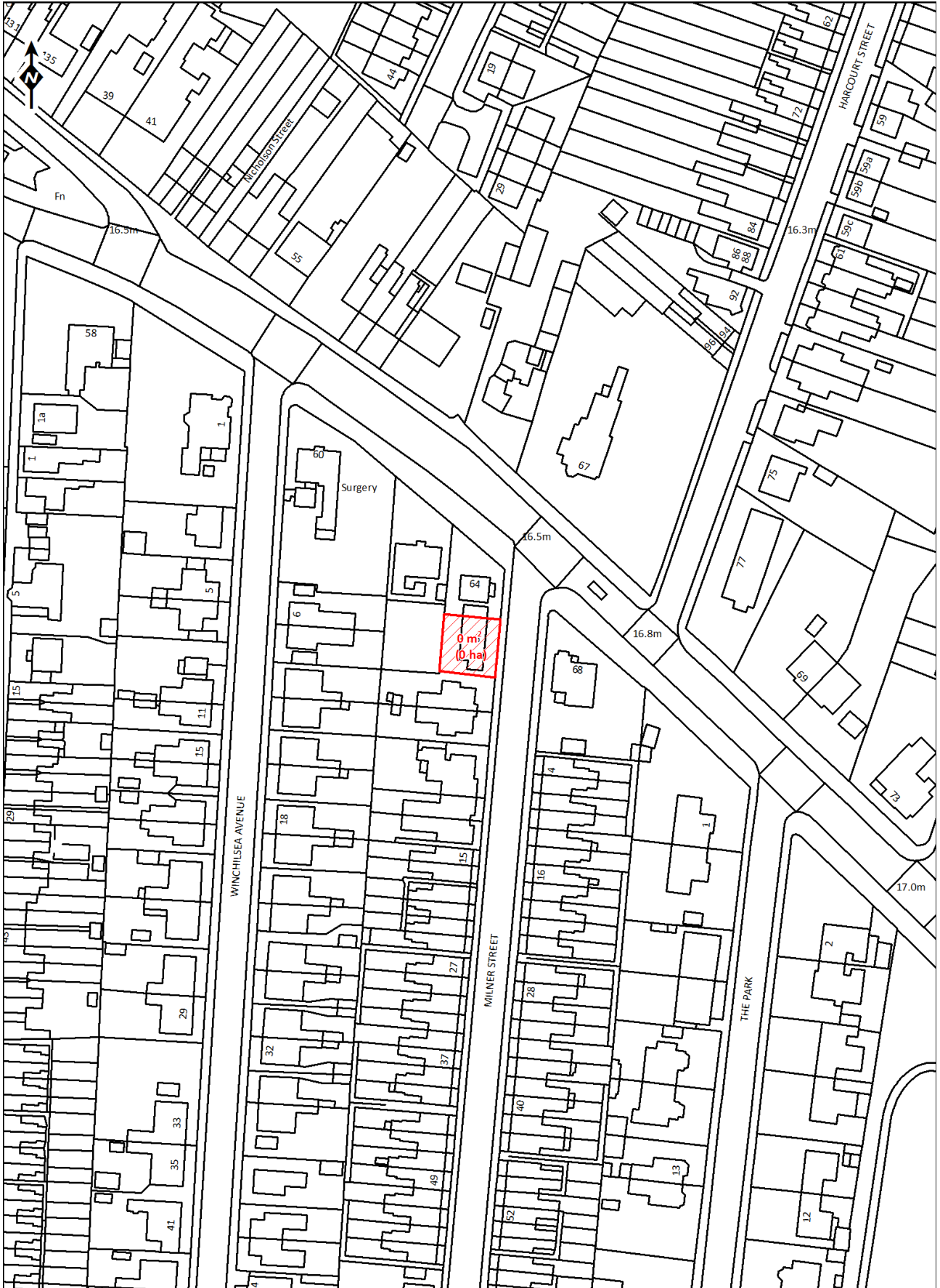
All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager Growth & Regeneration**



Committee Plan - 18/01112/FUL



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## PLANNING COMMITTEE - 7 AUGUST 2018

<b>Application No:</b>	<b>18/00572/FUL</b>	
<b>Proposal:</b>	<b>Change of use of public open space to extend garden area of 31 Darricott Close</b>	
<b>Location:</b>	<b>Land Adjacent To 31 Darricott Close, Rainworth, NG21 0FP</b>	
<b>Applicant:</b>	<b>Mr Darren Morgan</b>	
<b>Registered:</b>	<b>03 April 2018</b>	<b>Target Date: 29 May 2018</b> <b>Extension of Time Agreed: 6 July 2018</b>

This application is being referred to the Planning Committee for determination as NSDC are the current owners of the land.

*This application was deferred from July Committee in order for officers to see if Rainworth Parish Council would wish to take ownership of and to maintain the land.*

*For ease of reference additions to the original report are in bold italicised print.*

### The Site

The application site is the land directly to the south of the dwelling, 31 Darricott Close in Rainworth. The parcel of land is c.28 m by 8 m and triangular in shape, decreasing towards the west. Currently the land provides open space and has open boundaries to the east and south with a small hedgerow and parcel of vegetation on the boundary to the west. The land is mainly laid to lawn with sporadic shrubs planted and a number of trees.

The hostdwelling is a semi-detached two storey dwelling positioned on the end of Darricott Road on the junction with Hall Close to the south. The hostdwelling currently benefits from a rear garden (E) that is c.11 m x 9 m. The dwelling is surrounded by properties of a similar style and size, to the SW is a large area of green open space (c.43 x 41m).

Dwellings across the highway to the south are approx. 15 m from the boundary of this parcel of land, as are the dwellings directly to the east, separated by their rear gardens. The boundaries to the hostdwelling's rear garden are approx. 1.5 m hedgerow to the south, to the north and east is a approx. 1.8 m high close boarded fence.

### Relevant Planning History

94/51447/FUL - TWO STOREY SIDE EXTENSION TO FORM BEDROOM, ENSUITE, DINING ROOM AND GARAGE – Permitted 1994

## The Proposal

Planning permission is sought for the change of use of a parcel of land (directly to the south of the dwelling) from open space to garden land to serve 31 Darricott Close. The parcel of land is c. 28 m by 8 m and triangular in shape, decreasing towards the west.

The proposal also includes the erection of an approx. 1.8 m high close boarded fence to the east and south boundaries of the parcel of land, the western boundary will retain the hedgerow and vegetation which is c. 0.6-1.2 m high in parts towards the front with an approx. 1.8 m high fence following the line of the principal elevation of the dwelling. The fencing is proposed to be set in approx. 1 m from the boundary of the parcel of land, screened by an area of soft planting.

## Departure/Public Advertisement Procedure

Occupiers of 12 properties have been individually notified by letter.

Earliest decision date 25<sup>th</sup> April 2018.

## Planning Policy Framework

### **The Development Plan**

*Newark and Sherwood Core Strategy DPD (adopted March 2011)*

Core Policy 9: Sustainable Design

*Allocations & Development Management DPD*

Policy DM5: Design

### **Other Material Planning Considerations**

- Planning Practice Guidance (2014)
- National Planning Policy Framework Adopted (NPPF) (July 2018)

## Consultations

**Rainworth Parish Council** – Object to the proposal: Loss of public amenity open space, would set a precedent within the area for other property owners to come forward to claim more open space.

**Interested parties** – 2 comments from interested parties have been received, they can be summarised as follows:

**Objection** on the grounds that:-

- a) Allowing this land to be garden land will see the extension of the dwelling into an area that would impact amenity of surrounding neighbours.
- b) Potential for vehicular access to be taken from this land, impact on highways safety and

congestion should this be permitted.

- c) Potential for this land to be used for business use and the congestion this could cause in the future.

**Objection** on the grounds that:-

- a) The proposal will change the character of the area.
- b) Will lead to increased traffic and parking on the cul-de-sac.
- c) Concern that vehicular access will be put into this parcel of land.
- d) Loss of public green area will decrease the value of surrounding properties.
- e) Possibility of unauthorised building work to take place on this land.

***David Best - Deputy Asset Manager Estates – “When it comes to selling land each area is treated on its own merits & PC’s are consulted as part of the Planning Process. The PC as far as I am aware have not expressed any interest in purchasing this area & I think that if we generally start transferring odd parcels of POS to PC’s we could end up with a patchwork quilt which could lead to confusion for the public over who is responsible for which areas & there could potentially be increases in maintenance costs.***

***NSDC did devolve areas of non HRA POS to NTC & offered to do the same for STC but I’m not aware if R PC were offered the opportunity to take & maintain all the non HRA POS in their parish.”***

Comments of the Business Manager

*Principle of Development*

The application site is within the urban boundary of Rainworth which is accepted by the Settlement Hierarchy of the Core Strategy as a Service Centre where additional development could be supported in principle. Core Policy 9 details that all new development should achieve a high standard of design and ensure that it is appropriate to its context and the existing landscape. CP9 also states that proposals should demonstrate an effective and efficient use of land that is suitable to the local character.

Policy DM5 accepts development providing that it reflects the rich local distinctiveness of the District’s landscape and any built form reflects the existing scale, form, design and detailing.

*Impact upon Character of Area*

The proposal seeks the change of use of land to the south of the property 31 Darricott Avenue, the land is currently open and acts as open space within the wider area. The land is mainly laid to lawn with sporadic shrubs and planting and a number of small trees. The land is currently owned by NSDC pending sale. The parcel of land is approx. 160 m<sup>2</sup> and lies directly to the south of the boundary of the hostdwelling.

I note that this proposal will see the loss of a parcel of land that is currently publically accessible open space and that by the very nature of this application, there will be an impact on the

character of the area. However, for the avoidance of doubt, the site is not protected as 'Public Open Space' through Spatial Policy 8 (as confirmed through the Proposals Map for Rainworth).

It is acknowledged that the parcel of land is fairly heavily vegetated and planted at present and as a result it would appear that this land is not available to be used by playing children or for any other formal use by the community. In addition to this, I note that directly to the south west is a larger area of public space that is entirely laid to lawn and provides publically accessible land for the community to enjoy. As such, whilst I appreciate that the loss of this land will impact the character of the area, I am of the view that this loss would not be so substantial to warrant a refusal.

In addition, I acknowledge that this proposal also seeks consent for the erection of an approx. 1.8 m high close boarded fence to the east and south boundaries of the parcel of land, the western boundary will retain the hedgerow and vegetation which is c. 0.6-1.2 m high in parts. The fence is not considered to be out of keeping with the character of the area and can be seen in other properties within the vicinity. In addition, this type and height of fencing is considered to be characteristic of domestic properties and would not unduly impact the character of the surrounding area. Officers have also negotiated throughout the life of the application that the fence be screened by a c. 1 m wide area of soft planting to all elevations which is considered to lessen the impact of the erection of this fencing. Furthermore I note that no additional access points on to the highway to the south are proposed from this parcel of land that would have the potential to impact the character of the area.

In conclusion the proposal is considered to respect the character and appearance of the wider area and is acceptable in context of policies CP9 and DM5.

#### *Impact upon Residential Amenity*

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 states that development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

The main consideration is the impact upon the amenity of the surrounding properties and community. I note that at present this land is open space, however as stated above the land is not protected as being 'Public Open Space' by Spatial Policy 8 within the ADMDPD or as a parcel of land that is intentionally left open for public use. The surrounding dwellings have private garden areas and in addition, the land to the SW of the application site is a larger area of open space that is grassed and accessible for the local community's enjoyment. The parcel of land subject to this application is vegetated and has sporadic trees within it – as such I am of the view that this land is unlikely to be used in favour of the land directly to the SW which provides ample open space for the community to enjoy.

Turning to the proposed fence, given that it is proposed to be approx. 1.8 m in height and typically domestic in character the fence is not considered to unduly impact any neighbouring amenity through overshadowing and overbearing, particularly given that properties to the south are approx. 15 m from the boundary of this piece of land and across the highway.

It is therefore considered that the proposed development complies with Policy DM5 of the ADMDPD in respect to amenity impacts.

#### *Impact upon the Highway*

Having assessed this application, as the proposal comprises the change of use of land and the erection of a fence, without the incorporation of any new access on to the highway, the application is not considered to have a detrimental impact upon highways safety. I note that some comments have been received from interested parties detailing that the cul-de-sac to the south, where this parcel of land forms part of the northern boundary to, is heavily congested and there is a concern that a new access to this parcel of land would impact on highways safety. Whilst I acknowledge these comments and have given them due care and consideration I am satisfied that there is no proposal to utilise this land as a new access point for the property and in addition, no vehicular access is proposed within the plans. The application has to be assessed based on what is before me and as such I conclude that there would be no detrimental impact on the public highway as a result of this application.

#### *Other Matters*

Comments have been received from neighbouring occupiers and the Parish Council which object to the proposal and they have been duly taken on board. The comments raised relate to the impact the proposal will have on the character of the local area, private amenity through the loss of a public space and highways safety. The impact the proposal will have on the character of the area, public amenity and the highway can be read in the appraisal section above.

Comments also make reference to the potential for the hostdwelling to extend into this area if it is permitted to be garden land. Whilst I appreciate the concerns of the local residents I must assess the application before me on its own merits and without the prejudice of future development. In any event, should any future occupant of this property wish to extend into this land it would be subject to its own appraisal through the planning process to ensure any extension would not unduly impact the character of the area or private amenity.

Comments have also been submitted making reference to the impact that this proposal would have on the surrounding properties and the value of houses within the area, whilst I have acknowledged and assessed the impact the application will have on neighbouring amenity through loss of open space and in respect to the proposed fence, depreciation in house value is not a material planning consideration. Similarly, I note that the Parish have raised concern over the precedent that this application would set in the area and how it could cause more people in the area to want to claim open space. Whilst I appreciate these concerns, any subsequent application

for a similar proposal would have to be assessed independently through the planning process and would be evaluated on a case by case basis.

*Following the July committee this application was deferred in order for officers to see if Rainworth Parish Council would wish to take ownership of and to maintain the land. Having discussed this with David Best – NSDC’s Deputy Asset Manager Estates – he has advised that Rainworth Parish Council have not expressed any interest in purchasing this area. Having contacted Rainworth Parish Council regarding this land I am yet to have received any correspondence from them displaying an interest in maintaining this area. In addition to this, David Best has advised that if NSDC were to start transferring odd parcels of public open space to Parish Council’s “we could end up with a patchwork quilt which could lead to confusion for the public over who is responsible for which areas & there could potentially be increases in maintenance costs.” In conclusion it is considered that the Deputy Asset Manager Estates preference would not be to devolve the land to the Parish Council for maintenance given the aforementioned concerns regarding ownership and maintenance. In any event, it is our responsibility to consider the scheme that has been put before us; this decision must be made in accordance with the development plan unless there are material considerations that indicate otherwise. As outlined above, I cannot identify any material planning considerations that would warrant refusing this application.*

#### *Conclusion*

In conclusion it is considered that the proposed change of use of the parcel of land from open space to garden land and the erection of a boundary fence with planted screening would not unduly impact the character of the surrounding area or impact private and public amenity through the loss of open space of through overbearing or overshadowing.

In conclusion I consider the proposal would accord with Core Policy 9 of the CS and policy DM5 of the ADMDPD and the proposal would not detract from the character and distinctiveness of the surrounding area. The development is appropriate and accords with the development plan, taking in to account material planning considerations.

#### **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:

- Site Location Plan
- Revised Proposed Boundary Treatment (received 18.6.18)

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

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.

Reason: In the interests of visual amenity.

05

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.



## **Notes to Applicant**

01

The applicant is advised that all planning permissions granted on or after the 1<sup>st</sup> 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/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres.

02

The application as submitted is acceptable. In granting permission 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).

### Background Papers

Application Case File

For further information, please contact Honor Whitfield on ext. 5827.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager Growth & Regeneration**



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## PLANNING COMMITTEE – 7 AUGUST 2018

<b>Application No:</b>	<b>18/00630/FUL</b>	
<b>Proposal:</b>	<b>Demolition of existing garages and the development of x1 1-bed bungalow</b>	
<b>Location:</b>	<b>Former Garage Site Woodlands Winthorpe Nottinghamshire</b>	
<b>Applicant:</b>	<b>Newark and Sherwood District Council</b>	
<b>Registered:</b>	<b>05.06.2018</b>	<b>Target Date: 31.07.2018</b>
	<b>Extension of Time: 10.08.2018</b>	

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

### The Site

The site lies within the main built up urban area of Winthorpe, an 'Other Village' as defined by the Core Strategy settlement hierarchy. The site is an existing garage court accessed from Woodlands. Woodlands also provides access to the neighbouring community centre and associated sports fields and an electricity substation situated on the northern boundary of the site.

Access to the garage court is from a driveway to the side of No. 24 Woodlands. The site contains an area of hard standing and 6 single flat roofed garages constructed from a mix of red brick and corrugated roof sheeting. The site backs onto the garden area of No. 24 Gainsborough Road. To the west of the site is the rear garden area of No. 24 Woodlands, to the north east an electricity substation and to the south west playing fields associated with the community centre. To the side (north east) of the garages is a footpath that provides access from Woodlands to Gainsborough Road. Properties in the vicinity are a mix of two storey and single storey. The site is bound by post and wire fencing to the rear of No. 24 and the playing fields associated with the community centre, albeit the fields are at a lower land level.

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

The application as amended comprises the following plans and documents:

- Amended Proposed Plans & Elevations 40860 ID92 005D
- Proposed Site Layout opt2, 40860/ID92 004I
- Site Location Plan 40860 ID92 001C
- Proposed Drainage Plans 40860 100 P03 & P02
- Phase 2 Ground Investigation Report by Collins Hall Green Ltd
- Information in respect of Garage Useage

### Relevant Planning History

No relevant site history.

### The Proposal

The plan (layout opt2) seeks to provide 1 x 1 bed 'C6' single storey bungalow. The property is detailed on the application form to be a social rented dwelling.

The design and layout of the proposal has been marginally altered during the lifetime of the application to improve the separation from the rear of No. 24 Gainsborough Road. The existing access from Woodlands would be marginally widened and the rear and side garden area for No.24 Woodlands reduced to provide improved accessibility to the electricity substation. A parking space would be provided to the front of the property and a visitor space to the rear of No. 24.

The approximate measurements of the proposed bungalow are 9.66m wide by 6.40m deep and 5.1m high to ridge.

It is proposed that the dwelling be constructed from a mix of Cadeby red multi bricks, off white through colour render and Russell Grampian slate grey tiles.

### Public Advertisement Procedure

Occupiers of 10 properties have been individually notified by letter. A site notice was displayed close to the site giving an overall consultation expiry date of 26.06.2018.

### Planning Policy Framework

#### The Development Plan

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

Spatial Policy 1 - Settlement hierarchy  
Spatial Policy 2 - Spatial distribution of growth  
Spatial Policy 3 – Rural Areas  
Spatial Policy 6 - Infrastructure for Growth  
Spatial Policy 7 - Sustainable transport  
Core Policy 1 - Affordable Housing Provision  
Core Policy 3 - Housing Mix, Type and Density  
Core Policy 9 – Sustainable design

Core Policy 10 - Climate Change  
Core Policy 12 - Biodiversity and Green Infrastructure

### **Allocations & Development Management DPD**

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 July 2018
- Planning Practice Guidance 2018
- Publication Amended Core Strategy

### **Consultations (comments based on plans currently being considered)**

#### **Winthorpe Parish Council – Object (17/06/2018)**

‘This Parish Council (PC) has discussed the above planning Application and comment as follows:  
The location of the proposed development is where a row of garages are and behind part of the row of houses that once were council houses. These garages are still being used, mainly to house vehicles, and to pull them down would cause considerable inconvenience to the present occupiers of the garages who are Winthorpe inhabitants.

Access to these garages is via Winthorpe’s Woodland Estate where the road is narrow and in a bad state of repair as is the area in front of these garages.

Those visiting an inhabitant in Woodlands too often have to park half on the pavement and half on the road to allow easier access those who live there and those visiting the Winthorpe Community Centre where many functions are held.

The land in front of the garages is also used as a place where vehicles can be parked as is evident by the constant use of it by the occupier of 24 Woodlands.

The present view from the back of Nos. 24, Gainsborough Road, Winthorpe would be spoilt if the proposed bungalow is built; the existing view is over the above mentioned garages which are relatively low.

It is noted that the proposal, as shown in the planning application plans, includes the widening of the existing road beside No. 24, Woodlands for ease of vehicle access -but to where? If this proposal goes ahead there will be no garages to accommodate vehicles and therefore very few vehicles will use this widened road.

There is no garage shown on the plans for the occupant(s) of the proposed bungalow and from the plans submitted with the planning application the open space in front of the proposed bungalow is difficult to define.

With regard to the widening of this road, from the drawing ref: 40860/ID92/004G – Proposed Site Layout opt2, this road will be widened by 0.5 metre each side which will take the road up against the boundary fences on both sides of this road. Apart from the road and the edges of this road, which it is assumed are the responsibility of the County Council and not of the District Council, any vehicle driving along the road is more vulnerable to damage particularly when passing another on the road.

It is difficult to assess the problems in Winthorpe that may be created for the users of the public footpath between Gainsborough Road and the Woodlands, running along- side No. 24, Gainsborough Road. This footpath is very well used and leads on to the road specified in section 'd' above and from there onto the Woodlands, the Winthorpe Community Centre, the Jubilee Footpath, the Winthorpe Cricket Field and ending on the Holme Lane – a very pleasant walk enjoyed by many of Winthorpe's inhabitants.

This PC objects to this planning application because of the loss of garage facilities which are beneficial to the village inhabitants; there are enough vehicles parked on the roads already, as is evident outside the row of houses that were once owned by the District Council. The loss of view for the occupants of one, if not two houses of the former council houses would not be acceptable when one thinks of the view from the front of the house with all the vehicles there.

The possible impediment to the footpath that runs across the area in front of the garages would not be acceptable to the majority of the inhabitants of Winthorpe because the footpath is now an integral part of the life here and as for the widening of the road leading to the garages, that would be a waste of money catering for fewer vehicles using it than is the case now with vehicles occupying the garages. This PC sincerely hopes that you, the District Council, refuse this planning Application.'

**Previous comments made in May** raise similar concerns.

**NCC Highways Authority** – 'This proposal will have little impact on the public highway, although the loss of off street parking/garages could lead to additional on-street parking. No objection is raised although it is recommended that the following 'Note to applicant' be passed on:

The development makes it necessary to alter a vehicle access within 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 Agent, Via East Midlands tel. 0115 977 2275 to arrange for these works to be carried out.'

**NSDC Environmental Health Officer** – No objection subject to condition:

'With reference to the above development, I have received a Phase I Desktop Study Report and a Phase 2 Ground Investigation Report submitted by the consultant (Collins Hall Green) 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.

Following this initial work one sample has been taken, the results from which have all been below the respective screening criteria. However from the report it is unclear whether the samples have

been taken in the correct containers to ensure accreditation and sample stability (all other sites investigated by this consultant were not).

The phase 2 report concludes by recommending that the made ground sub base and surfacing will need removing and a minimum of 150mm clean topsoil placed on top of the natural strata. Environmental Health requires that any clean material imported to site complies with either the following requirements or the current YALPAG Verification Requirements for Cover Systems document.

Any soils being brought onto site for use in gardens or soft landscaping areas will require validity testing to be carried out to ensure suitability. We recommend that an appropriate testing regime of these materials is carried out and should include heavy metals, speciated PAH and other tests dependant on the source of the soil material (such as asbestos screen). The selected testing regime and screening values used for assessing the results shall require approval from this Section. An appropriate frequency of testing should be carried out to give statistical confidence of the validation results. For garden areas we generally accept a topsoil sample frequency of 1 per 50 cubic metres and a subsoil sample frequency of 1 per 200 cubic metres or a minimum of 3 samples per soil type to give statistical confidence, whichever is the greatest. For landscaped areas we generally accept a topsoil sample frequency of 1 per 200 cubic metres and a subsoil sample frequency of 1 per 250 cubic metres or a minimum of 3 samples per soil type to give statistical confidence, whichever is the greatest. The topsoil should also conform to BS3882 Specification for topsoil and the source recorded.

I would request that this is achieved by the use of a clean capping verification planning condition.'

**NSDC Access Officer** – General observations.

**One letter of objection** has been received from a local resident/interested party relating to the submitted plans raising the following summarised concerns:

- The proposed building is higher than the existing garages and will spoil the view & limit sunlight to the rear of No. 24 Gainsborough Rd, it would also result in overlooking;
- It would reduce parking spaces increasing parking on Gainsborough Rd which is already congested;
- The proposal could limit the access to the footpath between Gainsborough Rd & The Woodlands.

#### Comments of the Business Manager

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply which has been confirmed by a number of recent appeal decisions including the dismissal of the Farnsfield appeal (at Public Inquiry) by the Secretary of State in April 2018. I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes 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). The five criteria outlined by SP3 are location, scale, need, impact and character. Winthorpe is classed as an 'Other Village' where development will be considered against the sustainability criteria set out in Spatial Policy 3.

#### *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 built up area of the village adjacent to existing residential development on Woodlands and Gainsborough Road.

With regards the provision of services; whilst Winthorpe is defined as an 'Other Village' in the settlement hierarchy it does contain a church, Primary School, a public house, a village hall and a recreation ground. In addition Winthorpe 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 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 of the appraisal. One additional single storey dwelling is considered relatively small scale in numerical terms in a village which was detailed as having 650 residents in 2016. As such the proposal is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. I also consider that a single additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels.

#### *Impact on Character/Visual Amenities*

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

The application site falls within a residential area which has a mix of single and two storey semi-detached, and terrace dwellings constructed from primarily red brick with dark grey roofing tiles.

The proposed dwelling would be constructed from red brick with a grey roofing tile which would help assimilate it into the surrounding area. I am satisfied that the design of the proposed dwelling



is acceptable and that in terms of appearance, the proposed modestly scaled unit would sit well within the context of the adjoining dwellings and the wider residential setting.

The layout of the site has been marginally adjusted during the lifetime of the development to increase the separation distance from the dwelling to the rear. A portion of the side and rear of the garden for 24 Woodlands would be incorporated into the site to provide a wider and more suitable access to the substation to the north. An adequate level of private amenity space is considered to have been afforded to the proposed dwelling to the side (north) of the property, subject to satisfactory boundary treatment which would be controlled by way of condition.

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

Overall, the dwelling is considered to reflect the character of surrounding built form and due to the sites position set back from Woodlands and the single storey nature, the dwelling is not thought likely to be a prominent addition to the street scene. In this respect the proposal is therefore considered to meet the relevant points in respect to visual and character impacts in accordance with Spatial Policy 3 and Core Policy 9 of the Core Strategy and Policies DM5 and DM9 of the Development Management DPD.

#### *Need for Development*

SP3 provides for new housing where it helps to meet identified proven local need. In this case 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 Winthorpe. The need is not Winthorpe specific in that there is no local housing needs survey for the village. The need covers a slightly wider geographical area, including Newark. The district wide Housing Market and Needs Assessment (2014) identified that within the Newark and rural south sub area (of which Winthorpe is a part of) there is a housing need for smaller homes (1 bedroom - 234 units), with a clear demand for bungalows in particular. The Council's housing register indicates a demand for affordable housing for older people's accommodation and for small dwellings. It is therefore considered that a need exists for small, single storey affordable units and this proposed development would assist in meeting that need.

Whilst I acknowledge that the need isn't identified through a settlement specific survey, I am mindful of the revised SP3 in the Publication Core Strategy which take a slightly less restrictive approach to this need. I am also mindful of the NPPF, as revised, which seeks to significantly boost the supply of homes and ensure the needs of groups with specific housing requirements are addressed. Taking into account the direct of policy travel and the information contained within the Council's housing register I take the view that the proposal is appropriate and in line with the thrust of policy.

#### *Impact on Residential Amenity*

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 continues to seek to ensure a high level of amenity for all existing and future occupants of land and buildings.

The site is bound by residential properties to the front and rear with an electrical substation to the north (side) and playing fields associated with the community centre to the south. The existing garages bound the rear garden for No. 24 Gainsborough Road to the east. Concern was raised that the proposed dwelling would result in a degree of overbearing to residents within No. 24 Gainsborough Road and the position of the dwelling amended accordingly. The dwelling has been moved 1m forward in its plot to provide a separation distance between the properties of approximately 11.4m. The proposed dwelling would have an eaves height of 2.6m with a ridge of 5.1m. The existing garages are approximately 1.8m – 2m high when viewed from the rear of No. 24 Gainsborough Road. The proposed bungalow would be located 1m further to the west compared to the existing garages but be approximately 0.6m higher at the eaves. The increase in mass of built form, given the separation is not considered to so significantly overbear and result in such a significant loss of light to the garden area of No. 24 Gainsborough Road to warrant refusal of this application. Only a bathroom window is proposed on the rear elevation of the property and details relating to boundary treatment to ensure no undue overlooking can be controlled by way of condition 4.

In relation to amenity of future occupiers; the proposed dwelling would offer reasonable private outdoor amenity space to the side of the property, commensurate with the scale of the unit proposed in my opinion.

In conclusion whilst it is accepted that the proposed development would result in a modest loss of amenity for No. 24 Gainsborough Road to the rear of the site by way of loss of some evening light during winter months it is not considered to be so significant to warrant refusal of the application. It is therefore considered that the proposal will accord with Policy DM5 of the DPD.

#### *Impact on Highway Safety*

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

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

Woodlands is not restricted by any Traffic Regulation Order and as such there is already no control over the number of existing residents, their visitors or other members of the public who are able to park on street. Notwithstanding this, I am mindful that the proposal would result in the overall loss of only 6 garages. Information provided by Newark and Sherwood Homes details that of the 6 garages;

Unoccupied	2
Occupied by private tenant	2
Occupied by NSDC tenant	2

This loss of garages is not considered to be significant in terms of its impact upon displacement parking with the worst case scenario resulting in 4 displaced cars assuming of course that the garages are currently used for the parking of cars. Experiences from other garage courts in the District would suggest that there is a trend for small garages to be used for storage rather than parking of vehicles. Reasons including the size of the garages not matching the increasing size of modern vehicles and the desire to naturally overlook ones vehicle have also led to a reduction in garages being used for parking. Given the above context, it is considered likely that the loss of these garages would not have such an undue impact on parking within the immediate locality to warrant a refusal of planning permission.

In terms of parking for the proposed bungalow, one space is proposed for this one bedroom dwelling which is acceptable and will likely cater for the needs of the proposal.

In conclusion NCC Highways are satisfied that the proposed development would not detrimentally impact upon highway safety. In assessing the inconvenience regarding the loss of garages and parking spaces to residents as raised by the Parish Council, I cannot agree that the loss of just 4 garages would constitute such harm that this would constitute a reason for refusal. In my view the proposal is therefore considered to accord with Policy SP7 and DM5.

#### *Impact on Flooding*

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

#### *Other Matters*

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

The loss of the garages and erection of a dwelling is not considered to impact upon the ability for local residents to be able to use the footpath which connects Woodlands with Gainsborough Road which will remain.

#### *Planning Balance and Conclusion*

Taking the above into account I am of the view that the proposed development would provide for a much needed affordable bungalow in an area where there is a need for small single storey units and that is reasonably well served by local services and public transport. The loss of a limited number of garages is regrettable but in my view there would be no significant harm to arise from this by way of unacceptable levels of displacement parking on the highway. The development would have an acceptable impact on the character of the area, neighbouring amenity, highway safety and flooding. There are no further material considerations that would warrant refusal of the application. The minimal level of harm from displacement car parking would in this instance be outweighed by the benefits of providing a needed small bungalow for the social rented sector.

## **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 plans:

- Proposed site layout opt2 Dwg No. 40860/ID92/004 Rev I
- Proposed plans & elevations Dwg No. 40860/ID92/005 Rev D

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

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

Reason: In the interests of residential and visual amenity.

05

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

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

hard surfacing materials; and

an implementation and phasing plan

Reason: In the interests of visual amenity and biodiversity.

06

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

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

07

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

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

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

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

08

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

Reason: In the interests of highway safety.

09

Prior to the first occupation of the dwelling hereby approved details of any imported materials for use in garden areas shall be submitted and agreed in writing. Any soils being brought onto site for use in gardens or soft landscaping areas will require validity testing to be carried out to ensure suitability. Development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised

010

Development shall be undertaken in accordance with the proposed drainage plan Drawing 100 revision P03 received on 28/3/18 unless otherwise agreed in writing.

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

### **Notes to Applicant**

01

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

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

02

The development makes it necessary to alter a vehicle access within 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 Agent, Via East Midlands tel. 0115 977 2275 to arrange for these works to be carried out.

03

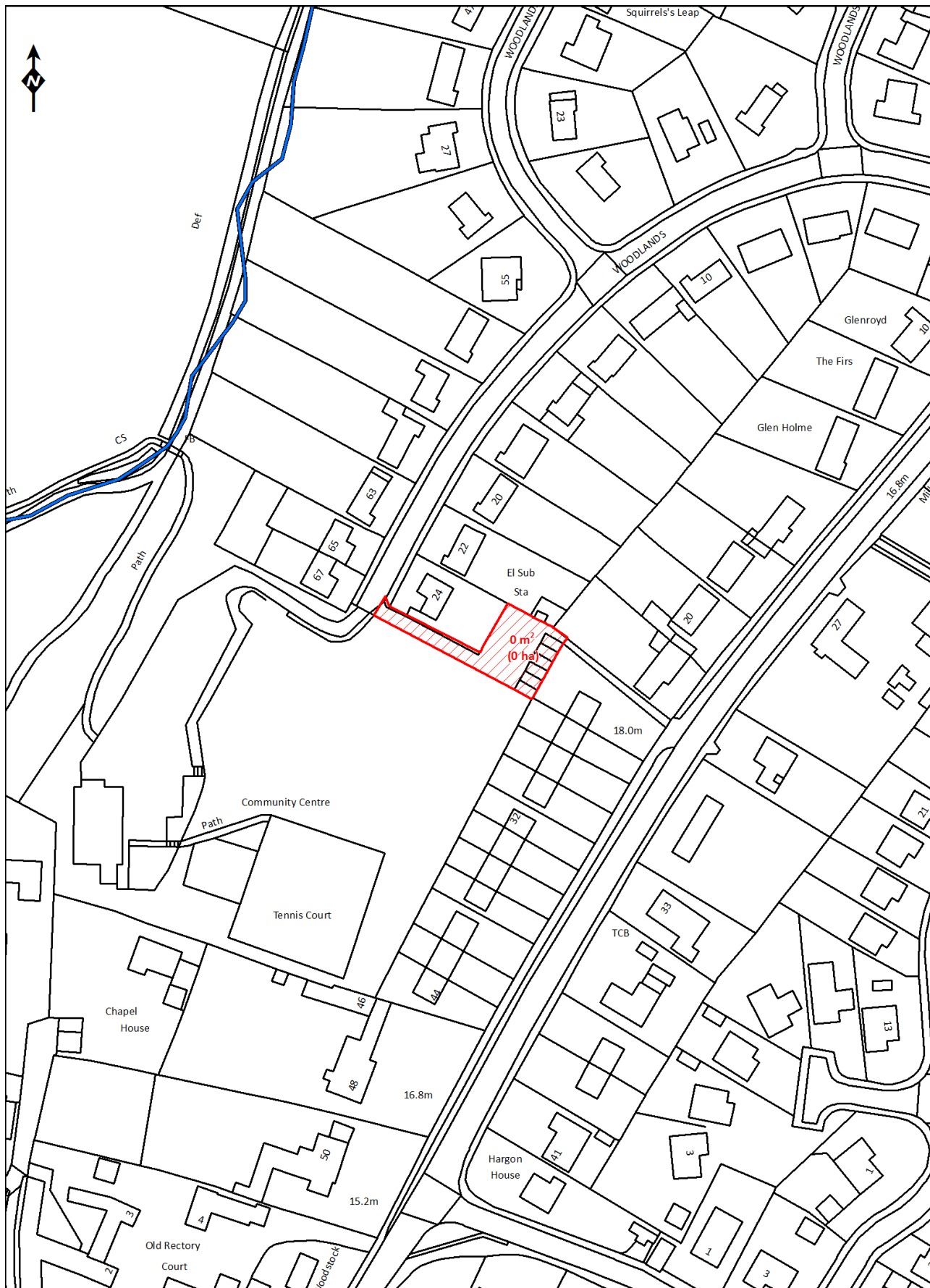
This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance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

### **BACKGROUND PAPERS**

Application case file.

For further information, please contact Tom Swan on Ext 5831.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).



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## PLANNING COMMITTEE - 7 AUGUST 2018

<b>Application No:</b>	<b>18/01097/FUL</b>	
<b>Proposal:</b>	<b>Extension to and reorganisation of car park to provide 56 additional spaces incorporating additional lighting, CCTV, lining works, road signage, drainage and landscaping</b>	
<b>Location:</b>	<b>Active4today Ltd Newark Sports And Fitness Centre, Bowbridge Road Newark On Trent, NG24 4DH</b>	
<b>Applicant:</b>	<b>Mr Matthew Finch</b>	
<b>Registered:</b>	<b>13.06.2018</b>	<b>Target Date: 08.08.2018</b>

**In line with the Scheme of Delegation, this application is before Members because the applicant and land owner is the District Council.**

### The Site

The application site refers to a previously approved leisure centre and associated car park on the allocated site identified by NUA/MU/4 of the Allocations & Development Management DPD. The site is located off Bowbridge Road, towards the south of the urban area of Newark. The leisure centre is accessed through an existing access road off Bowbridge road leading to the car parking area. Land to the north forms a cemetery. The wider surroundings represent a variety of uses including residential development, a Children's centre on the opposite side of Bowbridge Road and industrial uses to the south east.

### Relevant Planning History

14/00402/FULM- Erection of a new leisure centre including; pool hall, sports hall, 2 squash courts, fitness suite, 2 exercise studios, cafe, changing rooms and associated administration rooms, car park and formation of new access road off Bowbridge Road. Approved on 13.05.2014.

16/00190/ADV- Erection of a Hoarding sign (07.04.2016)

### The Proposal

The proposal is to extend and reorganise the existing approved car park on the site to provide 56 additional spaces incorporating additional lighting, CCTV, lining works, road signage, drainage and landscaping.

The proposed additional parking at Newark Sports & Fitness Centre will consist of approximately 1,627m<sup>2</sup> of new tarmac, permeable block paving and landscaping. It is proposed to locate the additional car parking on land next (west) to the existing car park with a link through to the existing car park. The design of the car park will mimic the existing car parking with parking bays



either side of a central access road. Access to the proposed car park will be from the main access road with a one way system through the proposed car park exiting into the existing car park.

The following documents have been provided with the application:

- Site Plan (R21- 01)
- Existing Layout (R21- 02)
- Proposed Layout (R21- 03)
- Drainage Plan (R21- 04)
- Setting Out (R21- 05)
- External Lighting and CCTV (R21- 06)
- Proposed Lining Works (R21- 07)
- Proposed Signage (R21- 08)
- Cross Sections (R21- 09)
- Proposed Reduced Levels (R21- 10)
- Construction Details 1 (R21- 11)
- Construction Details 2 (R21- 12)
- Construction Details 3 (R21- 13)
- Drainage Construction Details (R21- 14)
- Location Plan (R21- A)
- Flood Risk Assessment
- Ecological Appraisal
- Arboricultural Assessment
- Design and Access Statement

The existing car park is currently made up of 176 spaces and 4 disabled parking bays. It is proposed to provide an additional 56 spaces. This is because 52 new spaces plus 2 disabled parking bays are proposed, and also 4 numbers of disabled bays would be relocated from the existing car park to the extended section of the car park. Further to this, it is proposed to reline the existing disabled bays to create 6 parking bays (2 extra bays). Therefore the total number of additional spaces created by the scheme would be 56.

It is proposed to include additional road signage to the extended car park. This would include 6 x 4000mm high 114mm diameter circular anodised aluminium sign posts and 6 x 2000mm high 76mm diameter circular anodised aluminium sign posts. These sign posts would consist of 2 x Aluminium Give Way Signs which would be Triangle in shape and 750 mm in size, 2 x Aluminium Ahead Only Sign, circle in shape and 750mm in diameter. Further to this, there would be 4 x Aluminium Pedestrian Crossing Road Traffic Sign, triangular in shape and 750mm in size, 4 x Aluminium No entry sign, circular in shape and 50mm in diameter and 6 x Aluminium Disabled Parking Only Sign which would be rectangular and 400mm in width and 600 mm in height. The proposed locations of the various road signage can be viewed on the accompanying proposed signage plan (R21- 08).

It is also proposed to include additional lighting and CCTV. The lighting would include a single road lantern mounted at 6m high, two back-to-back road lanterns mounted at 6m high and a single illuminated pedestrian beacon on top of a 3m high column. It is also proposed to erect a CCTV column with 3 cameras fixed at a height of 3 metres. This is in addition to proposed lining works, additional drainage and landscaping to the extended car parking area.

#### Departure/Public Advertisement Procedure

101 neighbouring properties have been individually notified of the proposed development. A site notice has been posted near to the site expiring on 9<sup>th</sup> July 2018.

#### Relevant Planning Policies

##### **The Development Plan**

##### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Policies relevant to this application:

- Spatial Policy 1: Settlement Hierarchy
- 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
- Newark Area Policy 1: Newark Urban Area
- Newark Area Policy 3: Newark Urban Area Sports and Leisure Facilities

##### **Allocations and Development Management Document DPD (adopted July 2013)**

Policies relevant to this application:

- Policy NUA/MU/4: Newark Urban Area – Mixed Use Site 4
- Policy DM1: Development within Settlements Central to Delivery the Spatial Strategy
- Policy DM2: Development on Allocated Sites
- Policy DM5: Design
- Policy DM12: Presumption in Favour of Sustainable Development

Please Note: All policies listed above can be found in full on the Council's website.

##### **Other Material Considerations**

- National Planning Policy Framework (NPPF) July 2018
- Planning Practice Guidance (PPG) 2018

#### Consultations

**Newark Town Council** – Newark Town Council's Planning Committee Meeting - 27.6.18:

*'Members raised No Objection to this application but would like to see a condition that improved landscaping with the Sparrow Lane boundary adjacent to the Cemetery. It was felt that the direct view into the Cemetery from the car park should be looked at sympathetically.'*

**NCC Highways Authority** - *'The proposed works are located some distance from the public highway. We do not wish to raise an objection.'* (10.07.2018)

**Access and Equalities Officer** - *Inclusive access to and around the proposal together with provision of suitable accessible facilities and features, including provision of accessible spaces, should be carefully considered.* (25.06.2018)

**Environmental Health** - *Provided the lighting scheme is properly installed I have no observations to make* (3.07.2018)

**One representation of objection** has been received from a local resident/interested party, raising concerns over the perceived increase in traffic on Bowbridge road as a result of the proposal.

#### Comments of the Business Manager

##### *Principle of Development*

As the proposal seeks to extend and reorganise the existing approved car park on this site, it is considered that the following policies are of particular relevance.

Spatial Policy 8 defines sports and leisure facilities such as this as being considered a community facility. The policy goes on to state that enhanced community and leisure facilities will be encouraged, particularly where they address a deficiency in current provision. In addition the proposal will have to satisfy Spatial Policy 7 which is concerned with the provision of sustainable transport solutions on new developments. Spatial Policy 9 and DM5 require the development to be sustainable in its design, taking into consideration the surrounding environment.

The extension of the car park is justified in the accompanying design and access statement:

*"The existing car park has 176 demarked parking bays including 4 disabled parking bays. On a typical day the car park can be full at times, resulting in double parking and visitors/staff parking on the adjacent access road. Adjacent developments have also increased parking in the car park. The centre is heavily used by local schools for swimming classes; all of the pupils arrive and depart via car or bus under supervised conditions. This all leads to a very congested car park area at least twice a day which can often cause disruption to traffic accessing and exiting the car park. Whilst not resolving all of the parking issues at the site, it is hoped that the proposed additional car parking provision of 55 spaces will help to alleviate congestion related to the existing car park considerably and allow the current disabled parking provision to be increased from 4 to 6 parking bays"*

As the proposal seeks to deliver an extension to the existing car parking area to the existing leisure centre, in response to a current deficiency in parking provision, I am satisfied that the principle of the proposed development in this location is acceptable, subject to consideration of site specific matters outlined below.

#### *Impact upon Highways Network*

Spatial Policy 7 of the Core Strategy seeks to ensure that there is effective parking provision, both on and off-site of new development. Development is to 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. Further to this, it is required that attractive accesses for all are provided, including the elderly and disabled, and others with restricted mobility. This is reflected in Policy DM5 of the DPD which requires the provision of safe access to new development and appropriate parking provision.

The existing leisure centre is a relatively new community facility, and is apparent that the parking provision provided on the original permission is now not sufficient due to the increase in demand for the services of the leisure centre. The current situation means that surrounding highways are being used for parking as stated in the justification statement. Therefore the existing situation would appear not be providing sufficient parking provision for its customers, and could result in the safety and free flow of traffic using the surrounding highways to be jeopardised. I do note the concerns raised by a neighbouring property regarding a perceived increase in traffic due to the proposals. However, no alterations are proposed to the existing access or to the size of the leisure centre and therefore I would not expect the proposal to increase the demand for services to the detriment of the highway, and further to this end there have been no objections from the NCC Highway Authority.

It is considered that the creation of an additional 56 parking spaces would better cater for existing customers and improve the situation in the surrounding the site. The proposal would accord with the aims of SP7 which aims to provide sufficient on-site parking for new developments. The proposal would further satisfy SP8 which aims to improve community facilities where there is a deficiency in the current provision, which in this case there would be an improved car parking facility to the existing leisure centre.

#### *Impact upon Amenity*

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including loss of privacy upon neighbouring development. The NPPF as revised continues to seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

In assessment of an application for an extension to an existing car park, I would expect the one of the main amenity issues to be the potential for noise disturbance from the associated increase in vehicular traffic.

To the north of the proposed extended car park exists a cemetery. It is noted that Newark Town Council raise concerns with possible privacy issues due to the close proximity of the proposed extended car park area and the cemetery area. However, given the relatively modest scale of the proposed extension reconfiguration to the existing car park to provide 56 additional spaces, in comparison to the existing 176 spaces on the site, I am satisfied that the proposal would not result in a significantly greater level of activity than currently exists to unduly impact on the amenity of neighbouring sites. Therefore it is considered that the proposal accords with the aims of policy DM5.

In terms of the external lighting proposed, I am satisfied that the proposed lighting columns are appropriate to ensure that the car park extension can operate in a safe, convenient way and that this would not unduly impact upon the residential amenity of neighbours nearby. This is a view shared by our Environmental Health Officer who raises no concerns.

### *Design*

The proposal details the design of the extension to be an addition to the existing circulation and access routes with the addition of one further circulation route which would link to the existing. Apart from the relatively minor amendments to the car park, the layout of the entire site and the route that allows access to the site from Bowbridge road to the east will remain as existing. The proposed materials for the re-surfacing are to match the existing materials on site. As such the design of the reconfiguration and re-surfacing of the car park is not considered to have an impact on the character and appearance of the wider site. Therefore the proposal would accord with Core Policy 9 and DM5 of the DPD.

### *Flood Risk*

The application site is located entirely within flood zone 1, and therefore no flood risk assessment is required. The proposal would result in the loss of some existing permeable landscaped area, however this would be replaced by a new 'soakaway' and new landscaping proposed. The submitted drainage plans confirm that the levels of the car park would result in water draining at positive drainage points, reducing the risk of localised pooling. Therefore I am satisfied that the proposal would be acceptable in terms of not increasing the flood risk on the site.

### *Ecology*

An ecological appraisal (as produced by FPCR- submitted 8<sup>th</sup> June 2018) was undertaken to ascertain as to whether the area of semi-improved amenity grassland, which would be lost to this proposal had any ecological value to it. It was concluded that the habitats that would be lost would be considered to have negligible conservation value, with the loss of such habitats in these areas not considered to be ecologically significant. Therefore I am satisfied that there is no potential for the loss of significant ecological habitats due to this proposal.

### *Arboricultural Impact and Landscaping*

The Arboricultural report (as produced by FPCR- submitted 8<sup>th</sup> June 2018) describes the site as comprising semi-improved grassland, a small area of hardstanding, an immature treeline and a small area of bare ground. The proposals will include removal of a small number of low-quality trees to accommodate the increased size and layout of the car park. It is detailed as a mitigation method retained trees will be adequately protected during works ensuring that the calculated root protection area for all retained trees can be appropriately protected through the erection of the requisite tree protection barriers.

In the report it is stated that it is intended to mitigate the loss of these trees by including new planting as part of the car park extension on the 'landscaped area'. The mitigation in this instance would appear to be acceptable due to the fact that the treeline as existing is immature, only being implemented as part of the recent permission for the leisure centre (14/00402/FULM).

### Planning Balance and Conclusion

The proposal represents an opportunity to deliver an enhanced leisure facility within the Urban Boundary of Newark; a highly sustainable location for further development. It is evident that current parking provision is not sufficient for the site, and the proposal would represent a solution to this unsustainable situation. The proposed extension to the existing car park would be acceptable in terms of impact upon the highways network, amenity, design, flood risk, ecology and arboriculture and therefore approval is recommended.

### **RECOMMENDATION**

#### **Approve, subject to the following conditions.**

01

The development hereby permitted shall begin within a period of 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 plans:

- Site Plan (R21- 01)
- Proposed Layout (R21- 03)
- Drainage Plan (R21- 04)
- Setting Out (R21- 05)
- External Lighting and CCTV (R21- 06)
- Proposed Lining Works (R21- 07)
- Proposed Signage (R21- 08)
- Cross Sections (R21- 09)
- Proposed Reduced Levels (R21- 10)

- Construction Details 1 (R21- 11)
- Construction Details 2 (R21- 12)
- Construction Details 3 (R21- 13)
- Drainage Construction Details (R21- 14)

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

Reason: So as to define this permission.

03

No development shall be commenced until full details of 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.

Reason: In the interests of visual amenity and biodiversity.

04

The approved soft landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

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

No development shall be commenced until the existing trees shown to be retained on site have been protected by measures as detailed in Section 5 of the Arboricultural Assessment by FPCR dated May 2018 which forms part of this application.

Reason: In the interests of amenity and nature conservation.

### **Informative**

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://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 there is no increase in floorspace.

02

The application as submitted is acceptable. In granting permission 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).

BACKGROUND PAPERS

Application case file.

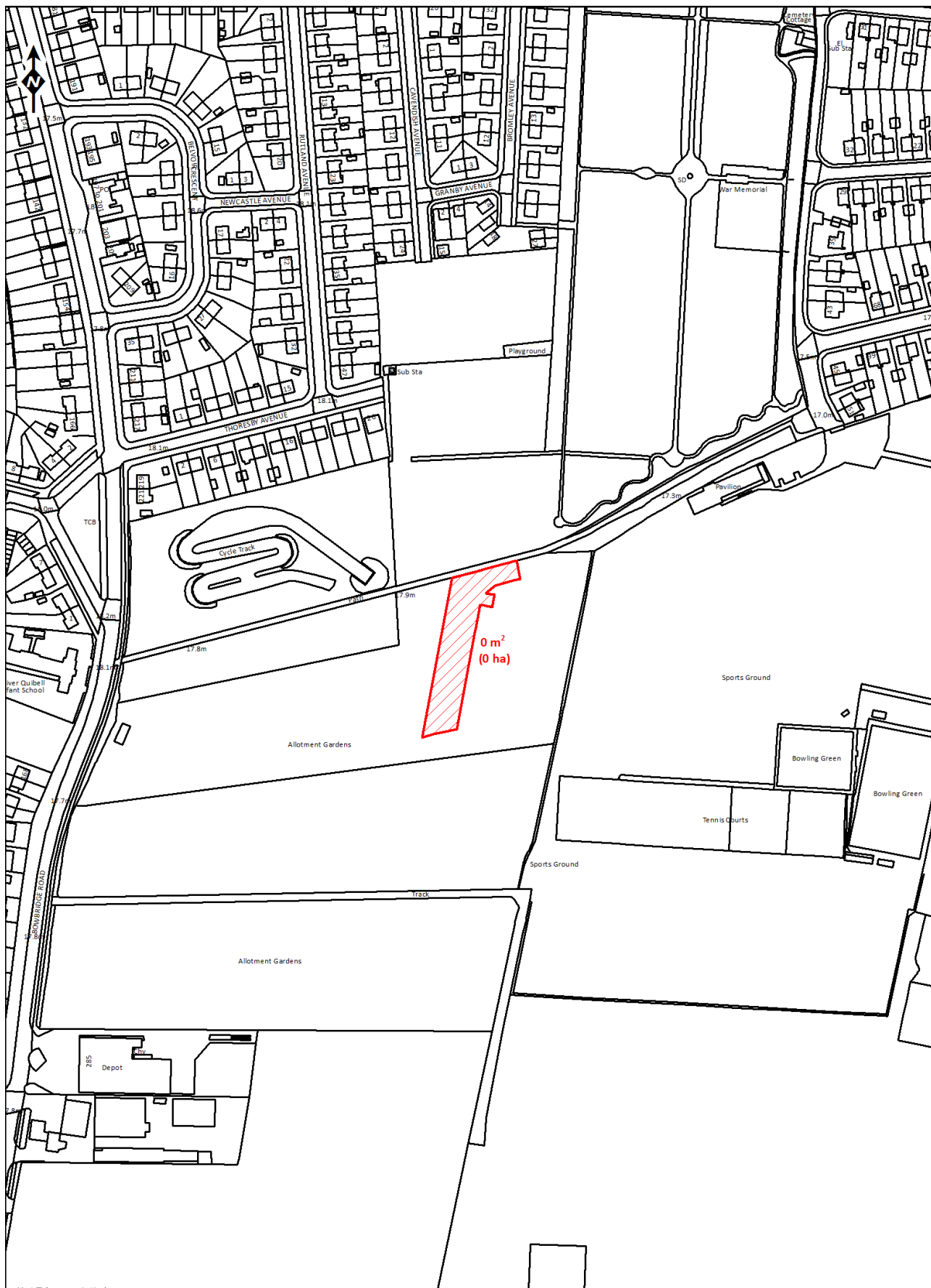
For further information, please contact Tom Swan on 01636 655831

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager Growth & Regeneration**





**PLANNING COMMITTEE – 7 AUGUST 2018**

**APPEALS A**

**APPEALS LODGED (received between 15 June 2018 and 23 July 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](mailto:planning@nsdc.info) quoting the relevant appeal reference.

Matt Lamb  
Business Manager Growth & Regeneration

<b>Appeal reference</b>	<b>Application number</b>	<b>Address</b>	<b>Proposal</b>	<b>Procedure</b>
APP/B3030/W/18/3199931	16/00033/OUTM	Land Adjacent Bleasby Railway Station Station Road Bleasby Nottinghamshire NG14 7FX	Proposed 6 market houses, 6 affordable houses, rail station car park, equipped children's play area, sports pitch, allotments and re-cycling centre.	Written Representation
APP/B3030/D/18/3202392	18/00374/FUL	8 Paddock Close Edwinstowe NG21 9LP	Householder application for proposed front, rear and side extension with internal alterations. New alternative vehicular access with new drop kerb.	Fast Track Appeal
APP/B3030/D/18/3205380	18/00458/FUL	14 Caythorpe Road Caythorpe Nottinghamshire NG14 7EA	Householder application for proposed loft conversion	Fast Track Appeal

**PLANNING COMMITTEE – 7 AUGUST 2018**

**APPENDIX B: APPEALS DETERMINED (15 June 2018 and 23 July 2018)**

<b>App No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision date</b>
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	ALLOW	26.06.2018
17/00643/FUL	Land Off Main Street Balderton Nottinghamshire	Proposed 6 No. New residential units	ALLOW	21.06.2018
17/01137/FUL	Post Office Lane South Scarle NG23 7JH	Erection of two storey house rear of 1 Post Office Lane, new access off Post Office Lane and alterations to existing kerbs on Main Street.	DISMISS	19.06.2018

**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](mailto:planning@nsdc.info) quoting the relevant application number.

Matt Lamb

Business Manager Growth & Regeneration



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## Appeal Decision

Site visit made on 12 June 2018

by **Katie McDonald MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 June 2018

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### **Appeal Ref: APP/B3030/W/17/3184203 Rear of Chapel Farm, Wellow NG22 0EJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Ms Gair Kettles against Newark & Sherwood District Council.
  - The application Ref 16/01638 is dated 3 October 2017.
  - The development proposed is the erection of buildings and change of use of existing buildings to form holiday letting accommodation.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of buildings and change of use of existing buildings to form holiday letting accommodation at Rear of Chapel Farm, Wellow NG22 0EJ in accordance with the terms of the application, Ref 16/01638, dated 3 October 2017, subject to the conditions set out in the attached Schedule.

### **Procedural Matters**

2. Both main parties have referred to an agreed change in the description and provided written confirmation. Accordingly, I have used the amended description in my Decision.
3. The appeal is against the non-determination of the above proposal. The Council has stated that, if it had determined the planning application, it would have refused planning permission due to the increase in vehicles using the access points onto the A616 and its resultant effect upon highway safety.
4. A Unilateral Undertaking (UU), dated 10 May 2018, has been submitted and I have had regard to it in my assessment.

### **Main Issue**

5. Based on the comments received from all parties, the main issue is the effect of the proposal upon the safety of all users of the access and the access points onto the A616.

### **Reasons**

6. The site is to the rear of Chapel Farm and contains a number of partially constructed buildings, and one 2 storey 'L' shaped building. The proposal is for 13 holiday let units, associated communal kitchen and living areas and an office, reception and staff accommodation. There are some new buildings proposed to link up the existing partially constructed buildings. With the

- exception of the 2 storey 'L' shaped building, all of the other buildings would be of single storey appearance, with a first floor contained in the roof space.
7. The site is primarily accessed via a private track from the A616 opposite Rufford Lane. The track is surfaced with gravel and stone, and although it contained some pot holes, it was passable with a vehicle. The access opposite Rufford Lane is used to access a fishing lake, cricket pitch and other residential dwellings. There is also a small car park opposite the fishing lake. A secondary access to the site is available to the east of Eakring Road, used to access other dwellings. I understand that the appellant has a licence to operate 1 large 3 day event (Wellowfest) and 5 other large events close to the site, using the same access points.
  8. The proposal would inevitably result in an increase in traffic using both access points. The exact amount of predicted traffic levels and vehicle movements is disputed by both main parties. Both main parties focus upon the access opposite Rufford Lane (the western junction). The Council state 35 extra trips per day. The appellant states 16 extra trips per day. There is also dispute over the existing number of movements associated with the dwellings only. The Council state 25 and 47 trips per day, the appellant 80 trips per day.
  9. Based upon the evidence before me, I am inclined to agree with the appellant that trips to all existing dwellings on the western junction would be around 80 per day. Therefore, if I take the mid-way point of disputed predicted trips to be around 26 trips per day, it would be reasonable to conclude that the increase in vehicle movements would be moderate at around a third.
  10. Nonetheless, an increase in vehicle movements, even if moderate, does not necessarily result in dangerous conditions. The western junction has another junction to the north. The national speed limit is in force, yet it is close to the 30mph speed limit of Wellow. Whilst there could be a number of vehicle movements undertaken in this immediate location owing to the number of accesses, the accesses for both Rufford Lane and Newark Road are wide. Furthermore, no visibility issues are raised in terms of the proposal's access, or with the other accesses. Moreover, the access is utilised by the cricket pitch, fishing lakes and events, adding additional trips to those above, with the car park being full at the time of my visit.
  11. The Council detail that there is a poor injury accident record associated with the western junction. Evidence presented from both main parties indicates 3 personal injury accidents in the latest 5 year period, with another accident as yet unrecorded. However, the accidents did not occur as a result of entering or exiting this junction and the appellant details that the daily traffic volumes on the A616 are 10,100. I also note that although requests have been made to increase the 30mph speed limit in Wellow to incorporate these junctions, the Highways Authority indicate that there is a lack of common accident features to justify further investigation. In my view, this indicates that increased use on the access point would not be dangerous.
  12. Moreover, conditions for improvements to the western junction are suggested that would result in a bound material surfaced highway for 5m long and widening and improvement of the existing dropped vehicular footway. These improvements to the access could be undertaken to ensure it is more convenient to access or egress for users of the development and existing users.

The conditions would be necessary to improve the existing highway conditions and reasonably related to the development.

13. The secondary access in Wellow village (the eastern junction) is within the 30mph speed limit zone with nearby street lights. There are brick walls to either side of the access point, such that the Council raise some concerns with regard to restricted visibility to the west. However, there is a footpath to either side of the access on the A616 and a verge and footpath either side of the access track, allowing some visibility for pedestrians. Furthermore, as it is give-way junction, it would be reasonable to assume that vehicles would be travelling slowly up to it as they would have to stop to check for traffic and pedestrians. With regard to the western visibility, as vehicles exiting the junction would be on the eastern side, they would be able to see oncoming pedestrians from the west and then edge out onto the pavement in order to look right for oncoming vehicles. Additionally, it is important to note that it is an existing access for other users. Therefore, although I acknowledge that visibility is restricted, little evidence is presented to demonstrate how an increase to the use of this access would result in adverse conditions.
14. The access points are used by a variety of other uses and improvements to the western junction are proposed to improve highway conditions. Having regard to these factors, although there would be an increase in traffic, I have little substantive evidence why the increase would be dangerous to other users of the highway. Furthermore, the A616 has large numbers of daily traffic and the additional traffic generated by this proposal deposited onto the A616 would be insignificant.
15. The Council contend that vehicles associated with the development would be unfamiliar with the area and could cause highway safety issues. However, it would be reasonable to assume that if vehicles accessing the development were unfamiliar with the area, they may be travelling slower in order to ensure that they found the site. Unfamiliarity does not automatically result in dangerous driving.
16. The appellant owns Chapel Farm, Barn 1 and its annexe; identified in blue on the site plan. These buildings are currently occupied as dwellings, but were previously used as 2 group holiday lets. The appellant argues that should planning permission not be granted for this proposal, these buildings would revert back to holiday let accommodation. Should these dwellings revert back to holiday let accommodation, the appellant contends that there would be a similar increase in traffic, comparable with the proposal. The Council argue that the traffic movements for 2 group holiday lets would be different to 13 holiday lets, even though the bedroom numbers are similar.
17. Taking the Council's view into account, the appellant indicates that the proposal would be let only for group bookings, being occupied by no more than 2 groups at any one time. The UU covenants to this. Whilst I acknowledge the UU, I have concerns how this would be realistically enforced and how it actually makes a difference to traffic movements. Thirteen holiday let units, either let as part of one group, 2 groups or individually would still create traffic movements to the site. The same could be said for the fall-back position. People staying in groups would still arrive in a number of cars, and even if some occupants shared a car, it is unlikely that they would all car share, arrive

- or depart at the same time, or carry out similar movements throughout their stay.
18. Therefore, I do not find that restricting the proposal to being occupied by no more than 2 groups at any one time is necessary to make the development acceptable. Thus the UU would not meet the tests set out in paragraph 204 of the National Planning Policy Framework (the Framework) and Regulation 122 of the Community Infrastructure Levy Regulations 2010. I have not accorded the UU any weight and so it is not a reason for granting planning permission.
  19. Furthermore, having regard to this fall-back position, the Council suggest a condition that would restrict the use of Chapel Farm, Barn 1 and its annexe to residential dwellings only. However, the appellant advises that this fall-back position would not be engaged unless planning permission for the proposal is refused. Whilst it may be a realistic fall-back position in comparing the changes to traffic movements, I see no reasons why it would be reasonable, necessary or directly related to the development to restrict the use of Chapel Farm, Barn 1 and its annexe to residential dwellings should planning permission be granted. Thus a condition to such effect would not comply with the tests set out in the Framework.
  20. Accordingly, having considered all matters, the effect of the proposal upon the safety of all users of the access and the access points onto the A616 would be acceptable. I find compliance with Spatial Policy 7 of the Newark and Sherwood Core Strategy (2011) and Policy DM5 of the Allocations and Development Management Development Plan Document (2013). These policies require developments to provide safe and convenient accesses and be appropriate for the highway network in terms of volume and nature of traffic generated to ensure highway safety. I also find compliance with the Framework which states that decisions should take account of whether safe and suitable access to the site can be achieved for all people.

### **Other Matters**

21. I have had specific regard to the representations from interested parties. As the proposal is for tourism accommodation, and develops an existing previously developed site, the Council raise no concerns in relation to the principle of the development. I agree. Previous uses of the site, be those authorised or unauthorised, are not part of the proposal before me and planning permission would not override any legal or private access rights.
22. I agree with the Council that an increase in vehicular traffic on the access road or noise from the proposal is unlikely to result in harm to neighbouring living conditions.
23. I saw the car park on my visit and no changes are proposed to this. As this is an existing development, an increase in parked cars from the proposal would have a very limited effect upon the wider landscape and I find no harm.
24. Although there is some uncertainty regarding the future frequency of use, little evidence has been presented to dispute the predicted employment figures.
25. The email submitted by the Wellow Residents Collective from the Senior Environmental Health Officer dealing with contaminated land and other matters is undated and the some of the contents refuted by the Council. Furthermore, within the Council's evidence, no objections are raised in relation to



contaminated land. I have no reasons to depart from the Council's professional advice.

26. Little evidence that the proposal would overload the existing foul water system is provided and I note no that there are no comments from Severn Trent Water. However, a condition requiring details of the drainage system could be imposed to ensure that the proposal can sufficiently discharge foul and surface water.

### **Conditions**

27. The drawings are listed for certainty. The Council request the use of reclaimed materials in the building works, however, I have imposed a condition requesting the submission of samples to ensure that the external materials area satisfactory. Details of boundary treatments are also required to ensure the external appearance is satisfactory. Detailed and scaled plans and specific details of certain design elements are also required as the plans submitted; whilst acceptable to make a reasoned judgement in terms of the proposal before me, do not provide sufficient detail. Thus a condition is necessary in the interest of ensuring a high quality appearance. The existing car park to the north of the site is required to be retained in order to provide sufficient car parking for the users of the development.
28. To ensure that satisfactory account is taken of the potential archaeological interest of the site, no works shall take place in the 'hollow way'. Notwithstanding the submitted plan, a comprehensive landscaping scheme is required to be implemented in the interest of ameliorating the development. As the proposal is for tourism purposes, it is necessary to restrict it to this use and for a register of occupants to be kept.

### **Conclusion**

29. For the reasons above, I conclude that the appeal should be allowed.

*Katie McDonald*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans Site plan dated 16/11/2016 (with car park); Site Plan dated 16/11/2016 (with red and blue edges); Elevation i; Elevation ii; Elevation iii; Elevation V; Elevation vi; Elevation Vii; Elevation Viii; Elevation xii; Elevation NE (Elevation xiii), Elevation xv Elevation xvi; first floor Plan workshop, Whole Site Plan Version 003, site floor Plan drawing No drawing elevation iv, x, xi; site first floor Plan drawing; and ground floor Plan drawing.
- 3) No development shall commence until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

- 4) No development shall commence until a scheme and details of the improvements and/or widening of the existing dropped vehicular footway crossing opposite Rufford Road have been submitted to and approved by the local planning authority in writing. The agreed scheme shall be carried out before the development hereby permitted is brought into use.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Notwithstanding the submitted details, no development shall commence until a detailed layout plan (scale 1:500), proposed floor plans and elevations (scale 1:100) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details.
- 7) No development shall commence 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.
  - Design and finish of the gates, piers, iron monger and control mechanism
  - Doors
  - Windows
  - ConservatoryDevelopment shall thereafter be undertaken in accordance with the approved details.
- 8) None of the development hereby permitted shall be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 9) 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 development being brought into use and shall retained as such for the lifetime of the development.
- 10) No part of the development shall be brought into use until the access to the site opposite Rufford Road has been surfaced in a bound material for a minimum distance of 5 metres behind the highway (footway) boundary.
- 11) No works or operations shall be undertaken below ground in the area identified as the 'hollow way' as confirmed in writing by the applicant in an email submitted to the local planning authority dated 21 June 2017.
- 12) The parking area as shown on the 'site plan dated 16/11/2016' shall be retained as such for the lifetime of the development.

- 13) The premises shall be used for holiday accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 14) The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the local planning authority at any time upon written request.

**\*\*\*End of Conditions\*\*\***



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## Appeal Decision

Site visit made on 12 June 2018

by **Katie McDonald MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 June 2018

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**Appeal Ref: APP/B3030/W/18/3194923**

**Land off Main Street, Balderton, Nottinghamshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr K Roberts against the decision of Newark & Sherwood District Council.
  - The application Ref 17/00643/FUL, dated 3 April 2017, was refused by notice dated 23 October 2017.
  - The development proposed is 6 No new residential units.
- 

### Decision

1. The appeal is allowed and planning permission is granted for 6 No new residential units at land off Main Street, Balderton, Nottinghamshire in accordance with the terms of the application, Ref 17/00643/FUL, dated 3 April 2017, subject to the conditions set out in the attached Schedule.

### Main Issue

2. This is the effect of the proposal upon the character and appearance of the area.

### Reasons

3. Located on the corner of Main Street and Hollowdyke Lane, the site is an undeveloped meadow that has the railway line to the north and the A1 trunk road to the east. Land levels change over the site, the highest point being adjacent to the railway bridge at the north west corner, dropping down to Hollowdyke Lane. An embankment then rises up to the A1. The area has a suburban residential character, with new housing opposite the site to the west and Balderton to the west and south.
4. The proposal is for 6, one bedroom apartments, provided over 2 floors in one building. The building would have a staggered frontage, dual pitched roof with lower height roof to both stairwells. A car parking and turning area is proposed off Hollowdyke Lane and a pedestrian access point would be provided on the west corner of the site. Owing to the topography, engineering and excavation works would take place to enable the building to be set down from Main Street, and the dwellings would have a similar height to those opposite.
5. Taking account of the site's constraints from the surrounding infrastructure, and in order to balance the needs of providing car parking to serve the future residents and provide a frontage to the building, the layout would be an efficient and effective use of land. The density of dwellings per hectare would

- be high. However, proposals for flatted dwellings will generally create a higher density of dwelling per hectare owing to the fact that they are sited on top of each other. Additionally, Core Policy 3 of the Newark & Sherwood Local Development Framework Core Strategy Development Plan Document (March 2011) (CS) sets out no maximum densities.
6. The scale and massing of the building would occupy a reasonable proportion of the site and it would be prominent from various vantage points. However, it contains architectural detailing that reduce its perceived mass and add visual interest, for example the staggered building line, varying roof heights, and off set kink in the middle giving the illusion of 3 blocks.
  7. Furthermore, the engineering works required to set down the land levels would ensure that the proposal would be of an appropriate height, form and scale commensurate with surrounding built forms. Also, samples of external facing materials and details of boundary treatments could be required by condition that would ensure the appearance reflects the district's character of built form.
  8. The Council contend that the proposal is not legible and would result in a confusing layout. However, the ground floor front doors to the dwellings would face westwards, creating an understandable and coherent frontage addressing Main Street and the housing development opposite. Additionally, a footpath is proposed from the frontage to the corner of the site, where Main Street and Hollowdyke Lane meet. To further increase connectivity and legibility, a condition could be imposed that requires this pedestrian access to be linked to the footpath from the vehicular access, which then links with the footpath on Main Street. Furthermore, a footpath could also be provided around the whole building to enable future occupiers to access their dwelling in the most convenient way, either from the car park or from the pedestrian access point.
  9. Moreover, although the parking and turning area would present a considerable area of hardstanding in comparison to the overall site, it would be located to the rear of the building and the car parking spaces are proposed to be constructed using a method by which grass could grow through. This would ameliorate the visual effect of the hardstanding. Additionally, details of hard and soft landscaping could be required by condition to ensure the proposal provides sufficient planting to successfully integrate with the surrounding area.
  10. As a consequence, the proposal would have an acceptable effect upon the character and appearance of the area. Accordingly, I find compliance with Core Policy 9 of the CS and Policy DM5 of the Newark & Sherwood Local Development Framework Allocations & Development Management Development Plan Document (July 2013). These policies seek to ensure new development demonstrates a high standard of sustainable design, reflecting local distinctiveness and built form character. I also find compliance with the National Planning Policy Framework which always seeks to secure high quality design.

### **Other Matters**

11. I note the comments provided by the local Parish Council objecting on highway safety grounds. However, the proposal would provide sufficient car parking and an acceptable access point along with footpaths to link the proposal to Main Street. Additionally, no harm has been raised by the Council in this regard. Therefore, the proposal would have an acceptable effect upon highway safety.

### **Conditions**

12. The approved plans are listed for certainty. A construction method statement would be necessary to ensure that the construction of the development poses no highway safety issues or inconvenience to surrounding residential properties.
13. Drainage details are necessary to ensure that foul and surface water is adequately and safely disposed of. A method statement of construction in relation to the railway is necessary in the interests of railway safety.
14. An external lighting scheme, ecology mitigation during construction and bat and bird boxes are required in the interests of biodiversity. Clearance of the site outside bird breeding season is necessary to ensure the protection of breeding birds. The car parking shall be laid out to ensure adequate parking provision.
15. Soundproofing details are necessary in the interests of protecting the future occupiers from noise associated with the railway line and A1 trunk road. The access is required to be completed and surfaced in a bound material in the interest of highway safety.
16. Pre-commencement conditions are necessary as it is fundamental to have these details agreed before work on site commences.
17. I have not included a condition regarding unregulated discharge of surface water from the access because this will be detailed in the surface water condition and thus it is unnecessary.

### **Conclusion**

18. For the reasons above, I conclude that the appeal should be allowed.

*Katie McDonald*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 005 HDL A102 Rev H, 005 HDL A100 Rev C, 005 HDL A101 Rev C, 005 HDL A104 Rev C, 005 HDL A105 Rev B and 005 HDL A106 Rev B.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) 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 dust and dirt during construction;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - viii) delivery, demolition and construction working hours.

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

- 4) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 5) No development shall take place until a scheme for the disposal of surface water and foul sewage have been submitted to and approved by the local planning authority. The relevant works shall be carried out in accordance with the approved details.
- 6) No development shall take place until a scheme for the construction of off-site highway improvement works has been submitted to and approved in writing by the local planning authority. This shall include:
  - i) A footpath on each side of Hollowdyke Lane to link with the footpath on Main Street. The northern footpath on Hollowdyke Lane shall provide linked access from both the vehicular access point and the pedestrian access point.

The scheme shall be completed in accordance with the approved details prior to first occupation of any dwelling of the development hereby approved.

- 7) No development shall take place until a method statement has been submitted to and approved in writing by the local planning authority. This should include an outline of the proposed method of construction, risk assessment in relation to the railway, construction traffic management



plan and the use of any vibro-compaction machinery. The construction works shall be implemented in accordance with the approved details.

- 8) Prior to commencement of development, a scheme for all external lighting shall be submitted to and approved by the local planning authority in writing. The scheme shall follow the guidelines set out in Bats and Lighting in the UK (BCT, 2009). The relevant works shall be carried out in accordance with the approved details prior to the occupation of any dwellings.
- 9) Prior to commencement of development, a soundproofing scheme shall be submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved details prior to the occupation of any dwellings and retained thereafter.
- 10) Prior to commencement of development, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall include:
  - i) Provision of pedestrian access around the entire building; and
  - ii) Indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
  - iii) 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, densities, proposed location and approximate date of planting). The scheme shall include all external boundaries of the site, and be designed so as to enhance the nature conservation value, including the use of locally native plant species.
  - iv) Minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.

The relevant works shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 11) Prior to occupation of any dwellings, a scheme for 2 bat boxes and 2 bird boxes, including details and the precise positioning, shall be submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved details prior to the occupation of any dwellings and retained thereafter.
- 12) Prior to occupation of any dwellings, a scheme of all boundary treatments, including types, height, design and materials, shall be submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved details prior to the occupation of any dwellings and retained thereafter.
- 13) No part of the development shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum



distance of 5m behind the highway boundary in accordance with the approved plan 0005-HDL A102 Rev. H.

- 14) No part of the development shall be occupied until the parking/turning areas are provided in accordance with the approved plan 0005-HDL A102 Rev. H. The parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles.
- 15) No removal of, or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
- 16) The precautionary approach to ecology during construction works as outlined in paragraph 6.2.2 c of the Extended Phase I Habitat Survey by BJ Collins dated June 2017 submitted in support of this application shall be adhered to in that:
  - i) Prior to construction a pre-commencement check should be made by an ecologist to confirm that no new badger setts have become established within 30m of the site;
  - ii) During construction open trenches should be closed overnight or if left open include a sloping end or ramp to allow any badgers or other animal that may fall in to escape; and
  - iii) Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

**\*\*\*End of Conditions\*\*\***

## PLANNING COMMITTEE – 7 AUGUST 2018

### QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

This report follows on from the report that was presented to Members on 8<sup>th</sup> May 2018 which highlighted planning enforcement performance during the first quarter of 2018. This report relates to the quarter from 1<sup>st</sup> April until 30<sup>th</sup> June 2018 and provides an update on cases where formal action has been taken. It also includes case studies which show how the breaches of planning control have been resolved through negotiation.

This report presents a snap shot on the general volumes of cases received and dealt with as follows:

- Schedule A outlines the enforcement activity during the quarter which captures the overall split to show of the cases investigated, how many are found to be a breach of planning or otherwise.
- Schedule B (separate attachment) sets this (on a pro-rata basis) against the activity over previous quarters). Please note that cases closed exceed, on occasion, cases received as a case received in an earlier quarter may have been closed.
- Schedule C details a summary of formal action taken since the last report was compiled which in this case is for the quarter.
- Schedule D – provides examples of cases where breaches of planning control have been resolved without formal action having been taken.
- Schedule E – Notices complied with.
- Schedule F - Examples of recent heritage successes as a result of an enforcement investigation.

### SCHEDULE A

**Table 1**

<b>SCHEDULE A: ENFORCEMENT CASES</b>	1 <sup>st</sup> to 30 <sup>th</sup> April 2018	1 <sup>st</sup> to 31 <sup>st</sup> May 2018	1 <sup>st</sup> to 30 <sup>th</sup> June
Cases Received	34	39	28
Case closed*	34	33	34
Notice issued	4	2	1
Notice complied with	0	1	2
Appeal lodged	3*	0	1*
Prosecutions/Injunctions	0	1	0

\* Appeals lodged during Quarter 2, 2018 are:

- 18/00084/ENF - The Scarecrow Patch, Eagle Road, Spalford against the service of an Enforcement Notice served as detailed in Schedule C in this report below.
- 17/00427/ENF - Burgess House, Main Street, Farnsfield against a Breach of Condition Notice served 15<sup>th</sup> March 2018 reported to Members on 16<sup>th</sup> January 2018 in the Quarterly Enforcement Report.

- 17/00070/ENF - Bargain Booze, Unit 3, Edwinstowe against an Enforcement Notice served on 15<sup>th</sup> March 2018 reported to the planning committee reported to Members on 16<sup>th</sup> January 2018 in the Quarterly Enforcement Report.
- 18/00437/ENF - 24 Post Office Row, Coddington against an Enforcement Notice served (see case in Schedule C for June below)

It should be noted that 'case closed' can include a number of outcomes, which are generally breach resolved (through planning application or removal), no breach identified (not development or permitted development), or that a breach exists but it is not expedient to pursue. Please note that 'Notice' for the purposes of these statistics does not include Planning Contravention Notices issued.

Of the cases closed, the reasons for these closures are detailed below in Table 2:

**Table 2**

Month/Year	Total Number of Cases Closed	No Breach (No Further Action required)	Breach Resolved (through negotiation, permission granted etc)	Breach – No Further Action (as not expedient)	Other (such as Duplicate Case)
April 2018	34	12 (35.29%)	19 (55.88%)	0	3 (8.23%)
May 2018	33	15 (45.45%)	12 (36.36%)	5 (15.15%)	1 (3.03%)
June 2018	34	16 (47%)	11 (32.35%)	6 (17.6%)	1 (2.94%)
<b>Totals/Average</b>	<b>101</b>	<b>43 (42.57%)</b>	<b>42 (41.58%)</b>	<b>11 (10.89%)</b>	<b>5 (4.95%)</b>

**SCHEDULE B – SEE SEPARATE SHEET AT END OF THIS REPORT**

**SCHEDULE C. FORMAL ACTION TAKEN (1<sup>ST</sup> APRIL TO 30<sup>TH</sup> JUNE 2018)**

Schedule C provides a more detailed position statement on formal action (such as enforcement notices served) since the report performance report was brought before Members. This table does not detail Planning Contravention Notices served.

**FORMAL ACTION TAKEN APRIL 2018**

<b>Enforcement Ref:</b>	<b>17/00386/ENF</b>
<b>Site Address:</b>	<b>Flat 1 and 2, 1 Balderton House 69 Main Street Balderton</b>
<b>Alleged Breach</b>	<b>Erection of 6ft high fence adjacent to a highway</b>
<b>Date received</b>	<b>31.10.2017</b>
<b>ACTION TO DATE: Enforcement Notice Served 27.04.2018</b>	

## Background

Concern was expressed to the Local Planning Authority that a high close boarded fence had been erected adjacent to a public highway within the Balderton Conservation Area.

Upon inspection it transpired that a fence had been erected and that given its height, it would require planning permission. The fence as erected was judged however to be a harmful addition to the character and appearance of the Conservation Area, including the host dwelling and the setting of a number of nearby listed buildings.



Despite efforts to resolve the matter on an informal basis this was not possible resulting in an Enforcement Notice being served in April 2018. This Notice requires:

- Removal of all fencing erected forward of the front façade of Balderton House and enclose the land with 1.8 metre fencing to be flush with the principal elevation of Balderton House within 2 months of the effective date (by 28<sup>th</sup> July 2018).
- Staining the fencing with olive green paint along all outward-facing elevations of the fencing within 2 months of the effective date (by 28<sup>th</sup> July 2018).
- Plant a continuous Cherry Laurel hedgerow no less than 1.8 metres in height and spaced no more than 60 centimetres apart immediately in front of the fence sited in line with the principal elevation. The hedgerow must be maintained at a height of no less than 1.8 metres within 7 months of the effective date (by 28<sup>th</sup> December 2018).

The Notice takes effect on 28<sup>th</sup> May 2018.

**Enforcement Ref:** 17/00335/ENF

**Site Address:** 3 Freeth Terrace  
North Clifton  
Newark

**Alleged Breach** Garage not erected in accordance with approved plans

**Date received** 22.09.2017

**ACTION TO DATE: Service of Enforcement Notice 29.03.2018.**

Background

It was brought to the attention of the Local Planning Authority that a garage was being erected not in accordance with an approved plan (16/00524/FUL). A site visit confirmed that this was the case and that the applicant had built the garage to the wrong plan; consequently it was too big and of the incorrect design. The enlarged garage as built was judged to be inappropriate and was a size that officers had carefully negotiated during the lifetime of the planning application.

Numerous correspondence took place between the Enforcement Officers and the owners of the property culminating in the service of an Enforcement Notice in March 2018.

The Notice, which took effect on 26<sup>th</sup> April 2018, required the demolition of the unauthorised structure and the removal of the resulting materials and debris from the site within 4 months from the date the Notice took effect (so by 26<sup>th</sup> August 2018).

**The Notice has since been complied with so the breach has now been resolved and the case has been closed.**

**Enforcement Ref:** 18/00084/ENF

**Site Address:** Scarecrow Patch  
Eagle Road  
Spalford

**Alleged Breach** Siting of HGV trailers on agricultural land

**Date received** 20.03.2018

**ACTION TO DATE: Service of Enforcement Notice 4<sup>th</sup> April 2018**

Background

On the 20<sup>th</sup> March 2018, planning enforcement officers were made aware that development was taking place on a parcel of agricultural land known as Scarecrow Patch, Eagle Road, Spalford. A site inspection was undertaken on the 29<sup>th</sup> March 2018, where it was observed that

a number of HGV trailers had been delivered and UPVC windows installed, a low-rise brick structure used for housing electricity connections recently constructed and a number of miscellaneous, domestic storage unit and items were stored on the land. Although the intended use of the land was not known, it was anticipated that the unauthorised development was to be utilised as a leisure plot not appropriately associated with agriculture.



A Planning Enforcement Notice was served on the 4<sup>th</sup> April 2018, requiring the unauthorised development to be removed from the Land, and for the land to only be used for agricultural purposes. The landowner has lodged an appeal to the Planning Inspectorate against the requirements of the Notice, and has advised that the intended use of the land remains agricultural.

A number of further site inspections and meetings have been held, and it is expected that the Land is to be used for a small-scale poultry farm using the equipment stored on the Land, having clad the trailer units in timber panels. The Council maintains the position that the uncharacteristic design and materials used fail to meet the policy objectives of the local development framework, and that the agricultural use of the land has yet to be convincingly evidenced.





## **FORMAL ACTION TAKEN IN MAY 2018**

**Enforcement Ref:** 17/00437/ENF

**Site Address:** 24 Post Office Row  
Main Street  
Coddington

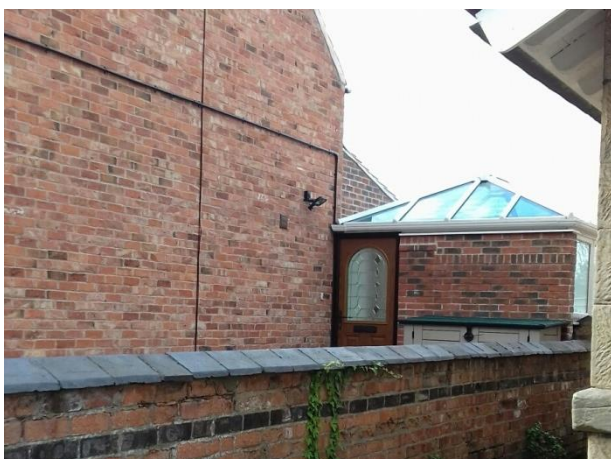
**Alleged Breach** Alleged unauthorised conservatory erected

**Date received** 06.12.2017

**ACTION TO DATE: Service of Breach of Condition 21.05.2018.**

### Background

A complaint was raised with the Council that an unauthorised conservatory had been erected within the Conservation Area. A site visit confirmed this to be the case the conservatory was judged to be inappropriate by reason of its form, detailing and context in relation to the existing built form of the host dwelling. This was considered to result in an awkward and cluttered appearance, at odds with the buildings simple plan form and appearance and is considered to represent an incongruous, alien feature that detracts from the host dwelling and the consistency and charm of the row of cottages as a whole.



An Enforcement Notice, taking effect on 20<sup>th</sup> June 2018, was served requiring the conservatory to be demolished and all resulting materials and debris to be removed from the land within 4 months; so by 20<sup>th</sup> October 2018.

An appeal has been lodged and a start date is awaited.

**Enforcement Ref:** 18/00171/ENF

**Site Address:** Shady Oaks  
Eagle Road  
Spalford

**Alleged Breach** Structures and pond under construction and possible intent to form caravan site

**Date received** 22.05.2018

**ACTION TO DATE:** Injunction obtained from Court in May 2018.

#### Background

In May 2018, the local planning authority's enforcement officers were made aware that large-scale excavation works and the laying of a hard surface had commenced on a parcel of land known as Shady Oaks, Eagle Road, Spalford.

Having attended the site on the 22nd and 24th May 2018 and discussed the development with the site operatives, it was advised that an extant permission for the erection of a stable block and installation of a vehicular entranceway through the site (reference 14/02071/FUL) was being implemented. It was considered that the extent of excavation works taking place, the additional areas of hard-surfacing installed and the erection of a low-rise brick structure in the screened north-east corner of the site was indicative of additional development being scheduled by the landowner. In any event the permission from 2014 had expired without having been implemented.





Having conducted background research into the landowners, it was evident that they are members of the gypsy and traveller community. The Council was also made aware that the land was in the process of being sold to a person suspected of residing on Tolney Lane, Newark. It was therefore suspected that a gypsy and traveller caravan site was due to be established over the following days.

Given the pace at which development was being undertaken prior to the May bank holiday weekend, a temporary injunction was approved on the 25th May 2018 at Nottingham County Court, requiring all persons to cease any further development of the land and forbidding any persons from bringing a caravan onto the site. The full injunction hearing was held on the 31st May 2018, where it was determined that the development of the approved stable block could continue, but the measures restricting the use of the land for the siting of a caravan be maintained. The Injunction will remain in effect on the land for a period of 12 months.

#### **FORMAL ACTION TAKEN IN JUNE 2018**

<b>Enforcement Ref:</b>	<b>16/00356/ENF</b>
<b>Site Address:</b>	<b>Barfield House Greaves Lane Edingley</b>
<b>Alleged Breach</b>	<b>Laying foundations and erection of dog kennel in field and enclosure of land</b>
<b>Date received</b>	<b>02.12.2016</b>

**ACTION TO DATE: Service of Enforcement Notice 28.06.2018.**

## Background

An application for a Certificate of Lawful development (18/00406/LDC) for the existing use of land to the rear of Barfield House for domestic purposes including a timber stable block used for domestic storage associated with the residential occupation was submitted earlier this year on the basis that the use had been ongoing for in excess of 10 years. However insufficient evidence was provided to prove that on the balance of probability that the use had indeed been ongoing for the required amount of time and the application was therefore refused.

A previous planning application (17/00064/FUL) which related to a different parcel of land for retrospective change of use of land the erection of dog kennels was refused on 21<sup>st</sup> March 2017 and an Enforcement Notice was issued. These were both subject to appeals which were dismissed by the Planning Inspectorate.

The change of use of countryside to garden has been ongoing for some time, in respect of both parcels of land. The applicant has now been given every chance to regularise these matters and all applications and appeals have failed. The land remains in an unauthorised use and consequently a further Enforcement Notice was considered expedient and necessary due to the encroachment into the countryside.

The second Enforcement Notice requires the cessation of the use of the land and wooden stable building for residential purposes within 1 day of the notice taking effect and the removal of all residential paraphernalia within 28 days of the notice taking effect. The Notice takes effect on 28<sup>th</sup> July 2018.

The first Enforcement Notice has not been complied with and prosecution proceedings are now being commenced.

## **SCHEDULE D: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION**

Formal enforcement action is usually the last resort and where negotiations have failed to produce a satisfactory resolution of a breach of planning control. In the vast majority of cases negotiation, or the threat of formal action, is enough to secure compliance with planning legislation and the following are just a few examples of how officers have resolved breaches through negotiation during the last quarter.

<b>Enforcement Ref:</b>	<b>17/00297/ENF</b>
<b>Site Address:</b>	<b>Muskham Ferry Ferry Lane North Muskham</b>
<b>Alleged Breach</b>	<b>Parking Motor Homes/Camper Vans parking overnight</b>
<b>Date received</b>	<b>02.09.2017</b>
<b>Status:</b>	<b>Breach Resolved</b>

## Background

This case relates to the re-occurring use of the pub's car park for the siting of mobile homes/caravans overnight. The alleged harm related to the impact on neighbour residents who felt their privacy had been impinged as a result. The investigating enforcement officer established that indeed the car park was being used for overnight stays and that this was not confined to any one particular area of the car park . With reference to case law and legal advice it was judged initially that the car park primarily remained as a car park and that the use would be monitored to establish if a change of use had occurred, dependent upon the level of use, its frequency etc. The enforcement officer had extensive communication with both residents, the Parish Council, Local members and the landlords during this investigation.

Local residents and the Parish Council were asked to monitor the use in an attempt to collate evidence to move matters forward. Based on the submission of the evidence, officers established that the frequency of the use exceeded the permitted allowances of Part 5 Class A of the *Town and Country Planning (General Permitted Development (England) Order 2015)* which permits this taking place for up to 28 days per calendar year, amongst other restrictions on caravans for human habitation.

On that basis officers contacted the landlords advising that we are duty bound to ensure that the car park is operated in an appropriate manner which limits harm to the amenity of the local area and community and therefore requested that the stationing of caravans overnight be reduced to the permitted 28 days per year, or a planning application to regularise matters be submitted to our office for consideration (It should be noted that officers were mindful that the use could be considered appropriate if limited to certain areas within the car park and over caveats such as restricting numbers etc and were not closed to the submission of an application). The landlord was advised that if the overnight siting of caravans were not to be restricted or if an application was not submitted that formal action would be taken.

In response, a sign has now been erected by the pub to deter the use and no further incidents have been reported. The case has now been closed with no further action necessary at this time.

<b>Enforcement Ref:</b>	<b>18/00116/ENF</b>
<b>Site Address:</b>	<b>Rufford Abbey Old Rufford Road Rufford</b>
<b>Alleged Breach</b>	<b>Possible unauthorised Porch</b>
<b>Date received</b>	<b>19.04.2018</b>
<b>Status:</b>	<b>Breach Resolved</b>

## Background

It was noted that a poor quality/ design false porch/ facade had been attached around the door frame of one of the stables buildings.



The building is Grade II listed and as such consent would be required for the modification. In officers opinion it would have been unlikely to be granted given its harmful impact upon the heritage asset.

As the alterations were not acceptable, a letter was sent to the company currently managing Rufford Park requesting that the facade be removed. The management company agreed to remove the porch and subsequently provided evidence of the porch having been removed and the original façade having been revealed once again.



As the breach was removed and resolved the enforcement case was closed with no further action necessary.

**SCHEDULE E – NOTICES COMPLIED WITH DURING QUARTER (01.01.2018 TO 31.03.2018)**

Members will note that two cases reported resulting in the service of formal Notices in April 2018 have been resolved as reported above in Schedule C. In addition the following has been complied with:

**Enforcement Ref:** 17/00143/ENF

**Site Address:** 3-5 Bar Gate  
Newark  
Nottinghamshire  
NG24 1ES

**Alleged Breach** Installation of ATM, shopfront and associated illumination

**Date received** 08.05.2017

**ACTION TO DATE: Service of Enforcement Notice 28.02.2018.**

Background

Members may recall it was previously reported that an Enforcement Notice had been served requiring the removal of an unauthorised ATM and associated integral illuminated screen, signage and halo lighting.

Before:



The development was considered harmful to the character and appearance of the Newark Conservation Area and attempts to negotiate a resolution failed resulting in the service of an Enforcement Notice on 28<sup>th</sup> February 2018 which took effect on 2<sup>nd</sup> April 2018.

The Notice requiring its removal has now been complied with and the building has been restored to an acceptable condition. The breach has been resolved and the case has been closed.



## **SCHEDULE F – HERITAGE SUCCESSES**

Whilst dealing with all Enforcement cases in a timely manner remains a priority within the team, Officers have been making a concerted effort to address enforcement matters which have a potential impact on the integrity of the District’s heritage assets. This includes investigation of reports of unauthorised development and works likely to have an impact on the District’s Listed Buildings and Conservation Areas. In recent months, Officers have been able to address several reported breaches of Planning Control through Enforcement Notices seeking specific remedial works or in some cases negotiations with the landowner. There are too many to report but below are some examples. More can be provided next quarter if Members wish.

**Enforcement Ref:** 13/00408/ENF

**Site Address:** Castle Gate Fish Bar  
47 - 51 Castle Gate  
Newark On Trent  
Nottinghamshire  
NG24 1BE

**Alleged Breach** Unauthorised alterations to shopfront

### Background

The occupier of the premises had installed internally illuminated signage to the fascia and projecting sign which was considered harmful to special interest of the listed building and the surrounding Conservation Area. Following a lengthy period of unsuccessful negotiations with the occupiers, a Listed Building Enforcement Notice was issued in October 2015. That notice was appealed and was subsequently dismissed.

Upon commencement of prosecution proceedings, the occupier has now removed the offending signage and replaced with signage which is considered appropriate to the listed building and the CA setting, being externally illuminated. The enforcement case has now been closed with no further action deemed necessary.

Before:

After:



**Enforcement Ref:** 14/00205/ENF

**Site Address:** 7 High Street  
Edwinstowe  
Nottinghamshire  
NG21 9QP

**Alleged Breach** Unauthorised illuminated signage.

Background

Advert in Edwinstowe Conservation Area being illuminated in an inappropriate manor.

Following negotiation the unauthorised illumination has now been removed.



**Enforcement Ref:** 14/00400/ENF

**Site Address:** 29 Wilson Street  
Newark On Trent  
Nottinghamshire  
NG24 1EN

**Alleged Breach** Unauthorised display of advertisements

Background

Display of numerous, poor quality, unauthorised adverts on Listed Building.

Listed Building enforcement notice issued in November 2015 requiring the removal of the adverts.

The adverts have now been removed, the damage to the building repaired and new, more appropriate signage displayed.

**Before**



**After**



**Enforcement Ref:** 14/00214/ENF

**Site Address:** Lord Nelson Inn Public House  
Gainsborough Road  
Winthorpe  
Newark On Trent  
Nottinghamshire  
NG24 2NN

**Alleged Breach** Unauthorized replacement of timber windows with inappropriate new windows in a listed building

Background

It was noted that a large number of the windows to the front of the building had been replaced. Although the windows were timber sash, as originally and recorded in the Listing, the replacements were of a very plain style not in keeping with the originals, of which some still remain within the building.

In response to the breach a Listed Building enforcement notice was issued in November 2015. against the owners of the property who had undertaken the works, Enterprise Inns PLC.

The Notice required the removal of 8 top opening mock-sash windows within the building and the replacement with timber sash windows to match the older sash windows on the building.

The windows have been replaced as required and the enforcement case has therefore been closed.

Before



After



**Enforcement Ref:** 17/00365/ENF

**Site Address:** Wellow Lodge  
Rufford Lane  
Rufford  
Nottinghamshire  
NG22 9DJ

**Alleged Breach** Unauthorized boundary abounding a listed building



**Date received**

**16.10.2018**

**Background**

Members might recall the above case which was reported to the Planning Committee earlier this year.

It was recorded that a means of enclosure consisting of gabion cages and a timber fence had been erected around the front elevation of Wellow Lodge which is grade II Listed. The development was considered to be unacceptable in terms of the overly modern appearance created by the use of inappropriate materials, it was requested that the enclosure be removed. No response was received to the initial letter and therefore a planning enforcement notice was issued on 23.01.2018.

The property owner subsequently made contact and explained that they had not received the initial letter and explained that the gabion wall had been erected as defence for the property due to its location on a corner and a number of road traffic accidents that had occurred, where the listed building had been damaged.

It was subsequently agreed that the matter could be resolved by retaining the gabion wall element but the impact being offset by removing the fence panels and undertaking further planting of foliage plants. The planning enforcement notice that was subsequently withdrawn subject to the modifications proposed being undertaken.

A site inspected has subsequently been undertaken and it has been noted that the fence above the gabion wall has been removed and a double depth beech hedge has been planted in front of the wall. Officers are now satisfied that the breach has been resolved in a satisfactory manner and the case has been closed with no further action being considered necessary.



Enclosure including gabion wall with fence above – October 2017



Enclosure including gabion wall with fence panels removed and beech hedge – May 2018

**RECOMMENDATION**

**That Planning Committee considers the contents of the report and identifies any issues it wishes.**

BACKGROUND PAPERS

Enforcement case files.

For further information please contact Clare Walker on Extension 5834 or [planning@nsdc.info](mailto:planning@nsdc.info)

**M Lamb**  
**Business Manager - Growth and Regeneration**

**ENFORCEMENT PERFORMANCE REPORT SCHEDULE B – PERFORMANCE BY QUARTER**

	Q 1 2016/17 1 <sup>st</sup> April to 30 <sup>th</sup> June	Quarter 2 2016/17 1 <sup>st</sup> July to 30 <sup>th</sup> September	Quarter 3 2016/17 1 <sup>st</sup> October to 31 <sup>st</sup> December	Quarter 4 2016/17 1 <sup>st</sup> January – 31 <sup>st</sup> March	Quarter 1 - 2017/18 1 <sup>st</sup> April to 30 <sup>th</sup> June	Quarter 2 2017/18 1 <sup>st</sup> July to 30 <sup>th</sup> September	Quarter 3 2017/18 1 <sup>st</sup> October to 31 <sup>st</sup> December	Quarter 4 2017/18 1 <sup>st</sup> January – 31 <sup>st</sup> March	Quarter 1 2018/2019 1 <sup>st</sup> April – 30 <sup>th</sup> June
Cases Received	108	94	65	80	140	119	106	106	101
Cases Closed	74	64	59	55	106	127	80	80	101

